

# A New Marine Protected Areas Act

## SUBMISSION FORM

### Submission form

#### Background to Position

Kaikoura District is the smallest local authority in Mainland New Zealand. The Kaikoura District spans from the Haumuri Bluffs in the south to the Kekerengu valley in the north, covering 2,048 square kilometres of diverse landscape. Kaikoura District is located between the Pacific Ocean and the Inland Kaikoura Range. The Kaikoura District has wonderful environmental diversity and which ranges from sea level to snow capped mountain of 2,885 metres. The spectacular coastline provides excellent fishing, sporting and recreation for Kaikoura's residents and visitors. The Kaikoura Canyon, at around 1,300 metres deep, provides the natural habitat for the sperm whale, and is also host to over 200 species of marine life. The Kaikoura coastline also experiences a large number of migratory and visiting whale and dolphin species close to shore. The regular visitors include Southern Right Whale, Orca, Humpback, Sperm Whale and Dusky and Hector Dolphin Species.

Historically the District has thrived in the fishing, farming and forestry industries. Today Kaikoura is a world-class tourism destination, yet still maintains its fishing and farming heritage. The District boasts award-winning restaurants, cafés and accommodation facilities, wineries and modern small boat facilities.

Kaikoura's vision is to display responsible custodianship of its unique natural, social, cultural and built environmental resources, by ensuring the sustainable utilisation and management of these resources.

To strategically progress toward sustainability, members of the Community need a shared understanding of what sustainability is, and a compass to frame and guide decision-making and planning. In 2000, the Kaikoura District Council adopted the principles of Agenda 21, to guide its progress toward sustainability. This meant gaining an awareness of sustainability, and gaining a deeper understanding to plan toward a sustainable society. The commitment covers all aspects of sustainability, where the ultimate goals are social and environmental sustainability, and a vibrant economy is the means to ensure that we achieve these goals. As we strive toward social and environmental sustainability and a healthy economy in the long-term, we recognize that there will be short-term tradeoffs along the way. These tradeoffs must also be managed to ensure that critical aspects are not compromised.

Kaikoura District Council works closely with the Te Runanga o Kaikoura on a shared governance model. The Kaikoura Community formed a group to address issues in the Kaikoura coastal marine environment, this group is called Te Korowai o Te Tai o Marokura/Kaikoura Marine Guardians. In August 2014, Kaikōura (Te Tai o Marokura) Marine Management Act 2014 received royal assent. This legislation gave effect to the Kaikoura Marine Strategy.

### Contact information

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Submitter type*	Individual <input type="checkbox"/> NGO <input type="checkbox"/> Business / Industry <input type="checkbox"/> Local government <input checked="" type="checkbox"/> Central government <input type="checkbox"/> Iwi <input type="checkbox"/> Other <input type="checkbox"/>

**Please select an overall stance\***

Support	<input type="checkbox"/>
Support in part	<input checked="" type="checkbox"/>
Oppose	<input type="checkbox"/>
Oppose in part	<input type="checkbox"/>
Unclear / not stated	<input type="checkbox"/>

An asterisk (\*) indicates a mandatory field.

## Section 2: The need for a new approach to marine protection

1. Do you agree there is a need for reform of New Zealand's approach to marine protection?

Yes

No

Given that Kaikoura had a need for special legislation to recognise the range of mechanisms that would meet the needs of the Kaikoura Community, there may be a need for reform of New Zealand's approach to marine protection. Kaikoura's approach to marine management has been one of collaboration. The collaboration was to achieve a balance across all sectors of marine environment users. This balance was reached after many years of discussions, education and research.

No information is given in the discussion document about the measures used to consider an appropriate balance between the competing aspects in the marine environment across the whole of New Zealand. There is simply not enough background information in the document to ascertain if a reform is necessary. The scope for protecting an area certainly should be extended from the single purpose of scientific study, however not enough is known around the other mechanisms proposed including how a balance with economic activity will be reached.

The document states that the Government wants New Zealand's marine management system to achieve an appropriate balance. Also, that the Government believes this balance is achieved when important representative ecosystems are identified and protected, and the sustainable management of our resources for recreational, cultural or economic benefits is facilitated and optimised. However, a footnote states that New Zealand has committed to establishing a representative network of marine protected areas. There is a difference in quantifying establishment of a representative network of marine protected areas and protecting our marine environment. If the premise for the reform is simply providing for a representative network of marine protected areas, it is not considered that additional background information is required to fully inform a reform.

2. Are there any significant issues that haven't been identified?

The internationally significant marine ecosystems around New Zealand, and the whales and other wildlife that depend on this habitat and resources, are of crucial importance to the Kaikōura community, as is reflected in the Kaikōura Marine Strategy. These ecosystems are particularly vulnerable to impacts from activities in adjacent areas. Sound and vibration are impacts that require consideration, and are an effect of economic activities, including shipping and ecotourism. Activities in areas adjacent to protected areas should be recognised and addressed in the legislation.

The environmental impact of realising any economic opportunities should be researched and identified. This should include the environmental impact on the existing protected areas and wider ocean environment. Impacts on coastal communities should also be considered, and the ability of those communities to provide for their wellbeing. Some of the impacts from economic opportunities may have long term or irreversible effects on the social, environmental and economic wellbeing of New Zealand. These impacts need to be considered across notional ocean boundaries, as well as in existing protected areas. The effect of development of some areas may have wide reaching effects which cannot be managed through boundaries. The cross boundary effects and risks of certain activities should be considered.

New Zealand has a large range of migratory species; spatial allocation does not always consider the effects on migratory marine species. Effects on migratory species should also be considered.

3. Are there any parts of the existing approach to marine protection that should be retained? Why?

Preservation of marine reserve areas is set out in Section 3 of the current Marine Reserves Act 1971 (the Act). The intention of Section 3 of the Act should be retained in any new legislation to allow for the full protection of appropriate areas of the marine environment.

A suggested amendment to Section 3 of the Act for retention in the new Bill is outlined below:

(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the purposes of:

- a. scientific study of marine life, or
- b. to recognise the local, national, and international importance of the coast and sea, or
- c. to assist in the preservation, protection, and sustainable and integrated management of the coastal and marine environment and biological diversity, or
- d. ongoing education of future generations, or
- e. protection of unique fishery, habitat, physical or biological system or ecosystem, or
- f. the preservation of migratory paths, habitats or ecosystems,

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

### Section 3: The proposal: a new approach to marine protection

4. Do you support the outlined objectives of the new MPA Act?

- Yes
- No

Support in part is given for the objectives.

The first objective does not embrace a holistic approach to sustainable management of the marine environment. A representative and adaptable network of marine protected areas will not ultimately protect or define what makes New Zealand unique, nor will it create a holistic sustainable approach to managing our oceans.

Objective 4 is supported as collaboration, research and education is the key to making informed decisions about the environment.

It is unclear from the documentation how these objectives will be incorporated into the Act. No legislative background or impact document has been provided and this makes it difficult to make meaningful comment. Objectives are not usually incorporated into legislation once enacted.

5. Are there additional objectives that should be included in marine protection reform?

Recognition of the internationally significant marine ecosystems around New Zealand, and the contribution these ecosystems make to whales and other wildlife that depend on this habitat and resources. These ecosystems are of crucial importance internationally and nationally to our society.

The unique solutions developed for Fiordland and Kaikoura should be supported to recognise the input and contribution of the local community. The solutions should be protected and enhanced rather than undermined by the new legislation.

A new objective is suggested:

To ensure decisions on the marine environment are based on sound research, education and meaningful collaboration from all stakeholders to allow people and communities to provide for their wellbeing.

Existing collaborative solutions on management of the marine environment that have been developed should be supported and protected.

6. Are the four categories proposed for marine protection an appropriate way to achieve a representative and adaptable network of marine protected areas (objectives 1, 2, 5 and 6)?

Yes

No

The four categories could be an appropriate way to achieve protection. However, representative is not a holistic approach to managing our marine environment. A representative and adaptable network of marine protected areas will not ultimately protect or define what makes New Zealand unique, nor will it create a sustainable approach to managing our oceans. If you consider a parallel to New Zealand's national park network on land, the marine environment needs holistic, proper and real protection of unique species and ecosystem and interactions between areas. Not just identification of tracts of particular species, but representation of what is uniquely New Zealand.

The options outlined in the act to not allow for customary management, local management or temporary closures. The Act does not anticipate local management, nor does it anticipate the impact from future economic interests in an area.

7. If the options outlined in table 1 in the consultation document were applied in an area of interest to you, what impact would that have on your existing or future activities?

The options should include sound research, background and collaboration. Different solutions may exist for different areas. All decisions should take account of local communities and how they interact with their marine environment.

8. Does the approach take account of the way the fishing sector operates?

Yes

No

Why/why not?

The fishing sector operates in different ways throughout the New Zealand marine environment. The different operation reflects the different environments and ecosystems throughout New Zealand. Assessing each site, research and gathering background information about the area, and the Community that use the area, is the only way to make supported, sustainable and meaningful decisions.

9. Does the approach take account of the way the oil, gas and minerals sector operates?

Yes

No

Why/why not?

The oil, gas and minerals sector is like any other interest. There are different environments throughout New Zealand and how these impact local communities and current users should be

identified. No new activities in the marine environment should prevent people and Communities from providing for their needs. The only way to assess meaningful interaction of different sectors is to research and gather information on the particular marine environment. The presence of resources does not necessarily make it appropriate to use an area. All aspects of the use should be considered and weighted against negative impacts.

10. Are there other economic interests that haven't been covered?

The economic interests that haven't been covered are the impact that the proposed changes have on local communities. Marine management at a national level can impact local fisherman and the contribution this has to local communities. All aspects of marine management look to have been assessed on a larger scale. The Te Korowai process for Kaikoura has illustrated the importance of local management, and the negative impact large scale corporations can have on local communities. For example, factory fishing and trawling have impacts on the sea bed, fish migration, recruitment and breeding. This in turn impacts the local fishery, which can impact small local operators. In addition, the activity can have negative impacts on the local recreational fishery, which may contribute to the local economic climate.

11. Is the new MPA Act likely to have the intended effect that decisions about environmental protection and economic growth are made in a planned and integrated way (objective 2)?

Yes

No

Why/why not?

It is very difficult to assess the effect of the MPA Act without seeing the content of the bill. From initial reading, the proposal does promote best practice in marine management. However, it is important that implementation considers that local collaboration works best when:

- it is driven by runanga and the local community,
- adequate time is afforded to the process,
- there is no overriding economic agenda,
- it provides for the ability of the local community to provide for their needs,
- national economic goals are considered secondary to the needs of the local community and the natural environment,
- interaction of different marine environments are considered.

## **Section 4: How it will work: a new process for establishing marine protected areas**

12. What do you think would be the best process for initiating MPA proposals in areas where multiple categories of protection may be needed?

Involvement of the local community in collaborative processes is the best method for initiating proposals. This will involve a long term approach to gathering background information, research and uses prior to making any decisions on management approaches in certain areas. These processes cannot be rushed and should not be undermined by other sectors that seek a rapid outcome.

13. Are the proposed marine protected areas decision-making processes (collaborative process and board of inquiry process) the best way of achieving our objectives (2, 3, 4 and 5)?

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Yes

No

Why/why not?

Collaborative planning should be in an informed, non-confrontational environment. All stakeholders should be involved and comfortable with the process.

14. What are the advantages and disadvantages of having two different decision-making processes? Is one of the processes preferable to the other, or are there alternative decision-making processes that would better achieve the desired outcomes (objectives 2, 4 and 5)?

See above.

15. Do you agree with the proposed review arrangements?

Yes

No

Why/why not?

Agree in part. Planning and review should link closely to sound collaborative process, which includes the following:

-it is driven by runanga and the local community,

-adequate time is afforded to the process,

-there is no overriding economic agenda,

-it provides for the ability of the local community to provide for the needs,

-national economic goals are considered secondary to the needs of the local community and the natural environment,

-interaction of different marine environments are considered.

If new information or interests arise, time should be taken to explore the background and effects of that use and to inform existing stakeholders. The needs of the local communities and existing users should be considered.

Are there any additional approaches that should be considered for reviewing MPAs?

See above.

16. Are the proposed decision-making processes sufficient to ensure customary interests, rights and values are appropriately taken into account, Treaty of Waitangi principles are met, and decisions are consistent with the Crown's historical Treaty settlement obligations (objectives 3 and 4)?

Yes

No

If not, what are your concerns?

It is unclear from the document how these will be implemented within the Bill.

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- Yes  
 No

## Section 6: Implementation

17. Do you agree with the proposed arrangements for transitioning existing MPAs?

- Yes  
 No

If not, what are your concerns?

Concern is held for the integrity of the process that occurred in Kaikoura. Kaikōura (Te Tai o Marokura) Marine Management Act 2014 was implementation of years of work, collaboration and understanding for the Kaikoura Community.

18. Do you agree that customary management areas should be able to be used alongside the proposed MPA Act to create integrated management packages?

- Yes  
 No

If not, what are your concerns?

19. What would be required to ensure the integrity of current protected areas is maintained while achieving the objectives of the new MPA Act (section 3.1)?

Support for real and meaningful collaborative processes, including allow adequate time for research and understanding.

20. Are the proposed approaches sufficient to ensure communities are involved in managing MPAs? Are there alternative approaches that would better ensure community involvement in managing MPAs?

It is unclear from the document how involvement of Communities will occur in reality.

21. What role can iwi/Māori play in managing MPAs? Are the proposed approaches sufficient to ensure iwi/Māori are involved in managing MPAs?

22. Do you agree with managing commercial tourism activities in MPAs in a similar way to how they are managed on public conservation land?

- Yes  
 No

Why/why not?

Commercial tourism has an effect on species and environments. The activities need to be assessed holistically.

## Other comments

23. Do you have any further comments you wish to make about the Government's proposal?

## Releasing submissions

Your submission may be released under the Official Information Act 1982 and may be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to website posting of both your submission and your name.

**Please check this box** if you would like your name, address, and any personal details withheld.

Note that the name, country, email, submitter type, and stance fields are mandatory for you to make your submission.

## When your submission is complete

If you are emailing your submission, send it to [mpaconsultation@mfe.govt.nz](mailto:mpaconsultation@mfe.govt.nz) as a:

- PDF
- Microsoft Word document (2003 or later version).

If you are posting your submission, send it to New MPA Act, Ministry for the Environment, PO Box 10362, Wellington 6143.

**Submissions close at 5.00pm on Friday 11 March 2016.**