

10th March 2016

By email to: mpaconsultation@mfe.govt.nz

Submission on the proposed new Marine Protected Areas Act from the Guardians of the Sounds

To the Ministers and advisors responsible for the Marine Protected Area discussion document:

As the lead conservation group in the Marlborough Sounds and environs, with a substantial number of supporters and members, Guardians of the Sounds (GOS) support the need to reform the Marine Reserves Act 1971, as the current legislation is too restrictive in only allowing marine reserves for scientific purposes.

The primary objective of the Marine Protected Areas Act should be to create marine reserves/MPA's for the purpose of protecting and restoring biodiversity within the whole of New Zealand's marine environment (as recommended and promoted by the IUCN). We support legislation that can deliver a comprehensive, adequate and representative network of Marine Reserves (fully protected areas) and other Marine Protected Areas. These areas should contain representative examples of the full range of marine communities and ecosystems and also outstanding, rare, distinctive or important marine habitats. We particularly need more, and larger, no-take reserves in our coastal waters close to population and recreation centres, where pollution, sedimentation in particular and fishing pressure have seriously degraded many marine ecosystems and their biodiversity. In addition, these no-take Marine Reserves can provide significant opportunities for ecologically sustainable business ventures, education and scientific research.

The Minister for the Environment, Dr Nick Smith, recently stated that New Zealand should aspire to be world leader in ocean management, but we are currently woefully behind what is happening in other countries. GOS believe we have to look beyond our borders to find a robust and achievable solution for the Marlborough Sounds and other areas under threat in our Exclusive Economic Zone (EEZ), one of the largest in the world.

For example, at the recent World Parks Congress in Australia in late 2014, a recommendation was made to urgently increase the area that is managed in systems of Marine Protected Areas to at least 30% of each marine habitat, which has no extractive activities. This is a further increase in the Convention on Biological Diversity's Target for 10% of marine areas to be conserved in MPAs by 2020, which New Zealand is still well short of achieving.

GOS are of the firm belief that a potential and realistic solution for this revised act to ensure protection and restoration of marine biodiversity exists and has been proven to work for decades. Namely; large scale, comprehensive and adequate systems of marine management in the shape of Marine Protected Areas (MPA's), incorporating spatial planning and sanctuary zones (NZ marine reserves). These are already in place around the world, the most famous probably being the Great Barrier Reef Marine Park (GBRMP).

GOS also believe that for maximum efficiency and ease of public involvement and support, all existing and proposed MPA's designated under this new MPA act, should be managed and overseen by a specific, adequately resourced Marine section within the DOC, rather than across a number of agencies and Ministerial Departments as proposed.

GOS believe it is also crucial that this legislation is applied to the whole of New Zealand's marine environment including the Exclusive Economic Zone (EEZ) and the Extended Continental Shelf and not restrict it to only the Territorial Sea. We need robust legislation that delivers protection within New Zealand's whole Marine Environment, and certainty for its flora, fauna and users. A resilient economy requires a vigorous, healthy environment. This long term protection of the marine environment should not now or ever be constrained or compromised by oil, gas, mineral mining, or other extractive interests.

Marine Protected Areas must have the primary purpose of protecting biodiversity, and so we support the inclusion of Marine Reserves, species-specific sanctuaries, and Seabed Reserves as tools in this legislation. However, in order to ensure 'New Zealand's international obligations in relation to the marine environment are met', they must be available throughout the whole of New Zealand's Exclusive Economic Zone (EEZ) and Extended Continental Shelf and not restricted to the Territorial Sea, as currently advocated.

While we support the creation of the Kermadec Ocean Sanctuary, the proposed MPA legislation must also include a formal and straightforward mechanism for creating other Marine Protected Areas in the EEZ.

GOS do not support including Recreational Fishing Parks in this legislation as they have no known conservation value and do not protect or enhance biodiversity. The IUCN also state that recreational fishing parks are not marine protected areas per se. In particular, GOS do not believe that the proposed Marlborough Sounds Recreational Fishing Park, first announced by Dr Nick Smith and Nathan Guy, prior to the last election, will achieve any significant improvement for the overall biodiversity, benthic, pelagic and coastal habitats. Also of concern, given that less than less than 20% of the population of New Zealand fish recreationally (MPI figures 2010), this proposal could be seen by the remaining 80% as being irrelevant, inappropriate and far too exclusive, catering only to one user group and even an offensive name by those who would wish to see the habitats, flora and fauna of the Sounds managed and protected for the benefit of all.

Tools for the sustainable management of fisheries are already available in the Fisheries Act 1996 and if, due to election promises, a decision is taken to pursue this approach, Recreational Fishing Parks should remain there. If fishing parks

are to be included in the existing Fisheries Act legislation, they must allow for a representative network of no-take Marine Reserves within them to give them conservation value and to enhance the educational, scientific and recreational opportunities for non-extractive users; snorkellers, divers, eco-tourism etc.

Blue cod have been heavily depleted everywhere by commercial and recreational fishers over the years and have understandably showed signs of recovery (increase in size and abundance) when their habitat is protected ie. Taputeranga Marine Reserve. This is one of the few reserves worldwide that had a baseline study performed before the establishment of the reserve in 2008, allowing a more adequate approach for the detection of changes due to reservation status. Results to date suggest that there is a positive reserve effect on the abundance and size of blue cod. GOS believe that habitat protection for Blue Cod in particular from all fishing impacts in the Marlborough Sounds, should include all the enclosed bays and 463m off all islands (as at Long Island MR) i.e. fishing of any type only permitted in open channels.

GOS fully support MPAs being recognised in Regional Coastal Plans. We also support applications for land based activities subject to the RMA being required to take into account their effect on MPAs, as pollution from land based activities such as excessive nutrients and sediment are a major source of degradation of our coastal environment.

GOS fully support all existing no-take marine reserves being transitioned, with all their current protections, to the new legislation. There should also be a provision for restoration of existing marine reserves and potential new ones, given the level of degradation from human activities in particular, as well as environmental impacts

Given that the Marlborough Sounds has almost 20% of New Zealand's coastline, GOS believe that it should be the first marine and coastal area to be afforded the same level of protection and management as the multi zoned, spatially managed GBRMP and that planning for this designation should proceed ASAP. To that end, GOS would also hope to be involved in further developments and amendments to this proposal to develop a new MPA Act, in order that it meets current and future international commitments.

Regards,

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