Submission by
Te Korowai o Te Tai o Marokura
on
Proposals for a
New Marine Protected Areas Act

Tuesday, March 15, 2016

Contents

Purpose

1. This is the submission of Te Korowai o te Tai o Marokura, the Kaikoura Coastal Marine Guardians Inc on proposals for new legislation for marine protected areas in New Zealand.
2. Te Korowai is an incorporated Society with a successful track record of establishing marine protected areas around Kaikoura in the context of community led integrated coastal management.
3. Our vision is that by perpetuating the mauri and wairua of Te Tai ō Marokura, our community, as kaitiaki of Tangaroa's tāonga, are sustaining a flourishing, rich and healthy environment, where opportunities abound to sustain the needs of present and future generations.

Overall

4. We applaud Government for opening up this discussion and bringing the need for legislative reform for marine protected areas into the public arena.
5. We support Government proposing that New Zealand should be a world leader in marine protected areas formation and management.
6. Reform of the marine protected areas legislation is long overdue. We welcome the goal of Government, as presented in the consultation document, of achieving a network of representative marine protected areas within the Territorial Sea and recommend extending this to the EEZ. Law reform is necessary to achieve this goal.
7. The proposals as presented are, however, fundamentally flawed. If enacted, they would set New Zealand back rather than representing a positive advance. The proposals are not well thought through as a package, and are rife with unintended consequences. They fall far short of good practice in New Zealand or around the world.
8. The primary purpose of every marine protected area should be nature conservation (as recommended by the IUCN). The consultation document proposals breach this principle by including recreational fishing park, with a purpose of improving fishing experiences for one sector of the community.
9. In summary, our concerns with the proposals are:
    a) The aspirations to be world leading are not reflected in the policy proposals.
    b) Economic development is inappropriately included as a core goal in MPA reform.
    c) The role of the tangata whenua, which should be integrated, respected and embedded in the overall approach, is relegated to inferences of engagement.
    d) *Ad hoc* approaches proposed in the consultation document are outdated and inappropriate.
    e) The ideas in the document about community consensus are under-developed and flawed.
    f) The issue of compensation has been cast in ways that will distort and disable marine protection initiatives in the future.

g) Recreational Fishing Parks as defined in the document are not *marine protected areas* within current usage of the term in New Zealand, or by the IUCN, and should be placed outside the proposal, or integrated into a wider concept of marine parks.

h) Applying the terrestrial concessions regime to MPAs will not work.

i) Further dividing MPA management amongst three agencies of Government is bound to lead to more confusion, less integration and sub-optimal solutions.

j) The community consensus achieved in Kaikoura could be destabilised in transition to a new legal regime.

10. We propose that elements of a solution include:

a) Give the Act a truly aspirational purpose that creates the context for its administration and interpretation.

b) Only include in the new Act instruments that have conservation as their primary purpose.

c) Carefully provide for the full range of interests of the tangata whenua.

d) Preserve and enhance opportunities for community initiation and collaboration in the formation and management of MPAs.

Objectives and purpose of the Act

11. The Act must have an overarching conservation purpose. This is not suggested in the consultation document. To achieve this, we suggest the purpose of the legislation should be aspirational, for example: ***"preserving in perpetuity as marine protected areas, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of the Territorial Sea of New Zealand that contain biodiversity of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest."***

12. While the objectives suggested in the consultation document are laudable, they are too limited, and appear to be slanted toward economic development over social, cultural and environmental objectives.

13. The objectives could be better framed, and we offer suggestions for better objectives below:

1) A network of MPAs that:

- ***is representative of the full range of New Zealand ecosystems, biological communities and environments; and***
- ***includes special places of importance as habitat, for their beauty and for cultural associations; and***
- ***provides for connectivity and replication that sustains the network.***

2) Decisions about the formation and management of marine protected areas are made at a regional level in a planned and integrated way, based on

sound evidence, to maximise the benefits of conservation to New Zealand and New Zealanders.[1]

3) ***Customary rights and values are recognised, giving effect to the principles of the Treaty of Waitangi and delivering the Crown's Treaty obligations.***

4) ***Collaboration and local leadership is supported through meaningful engagement with iwi/Māori, communities, stakeholders and the wider public.***

5) ***Within the overall objectives of the Act, uses are provided for to the degree compatible with the purpose of each marine protected area.***

Role of Tangata Whenua

14. The tangata whenua have a broad range of rights and interests that need to be well integrated into the formation of marine protected areas and protected in these processes.

15. With regard to any marine protected area planning conducted by Government departments, tangata whenua must be given the opportunity for input and participation into such planning before the measures are made public, or are assessed by a Board of Inquiry. Any such Board should include sufficient tangata whenua representation.

16. Statutory safeguards are needed including:

    a) A Treaty clause ("to give effect to…"). In terms of tangata whenua interests the formation and management of marine protected areas should at least match those for terrestrial areas. Therefore, the Treaty recognition should match that in the Conservation Act section 4 - *This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.*

    b) A requirement for those exercising functions, duties or powers to act in a manner consistent with the provision of the 1992 fisheries settlement.

    c) An undue adverse effects test for customary, commercial and non-commercial rights and interests (including but not limited to fishing).

    d) Provision that Recreational Fishing Parks not derogate from the capacity of tangata whenua to form mataitai, taiapure and rahui, even when those would conflict with the Park and its management

Collaboration and integration

[1] Hard decisions can be required as good marine protected areas will not only include the special and representative, but will be placed like the Leigh Marine Reserve where people can readily experience them and understand experientially the true richness of the undisturbed marine environment. The active formation of the network should occur at a regional level. By this we mean integrating bioregional consideration with social dynamics and patterns. In practice the region considered needs to be large enough to include closely linked biophysical processes and allow issues of representativeness, replication and connections between areas to be considered. At the same time boundaries need to encompass workable communities of interest. In the Top of the South Island, for example, the bioregion fairly can fairly neatly be divided into two for planning purposes in a way that accommodates both the social and biophysical considerations.

17. The capacity for effective community led initiation of marine protected areas formation and provision for enacting and realising the results of community consensus must be retained and enhanced.

18. Suitable planned, collaborative approaches include:

    a) The 'bottom-up', collaborative, consensus-building and tangata whenua-led approach championed by Te Korowai o Te Tai o Marokura. Te Korowai planning was integrated, focussing on protecting the full range of rights, interests and values of an area not just marine protection or biodiversity conservation alone. We focused on actual or likely risks/threats to these rights, interests and values.

    b) The 'top-down', Government-facilitated approaches, such as the South East marine protected area Forum. All such entities should include sufficient tangata whenua representation as determined by the tangata whenua (this may include both commercial and non-commercial representation).

    c) Integrated planning initiatives from communities and councils, such as the Marlborough Marine Futures Project and the Sea Change project for the Hauraki Gulf.

19. In this context, we support the proposal to prevent Ministers from making amendments to recommended marine protected area resulting from collaborative processes or Boards of Inquiry. Each proposal will have delicately balanced trade-offs and thus applications should be referred back to the relevant entity for further work if Ministers are not willing to approve/decline in their current state.

20. The consultative document, however, reveals a very limited understanding of how community consensus can emerge and what that means. Consensus decision making can only succeed when participants agree to forgo the right of veto. Dale Hunter writes "*Individuals take on a commitment to reach agreement by consensus and give up the right of veto*."[2]

21. This means that a provision that provides for a Board on Inquiry should not be allowed to be used for one disaffected party to hold this over the heads of less well-resourced participants to get their way in a collaborative process.

22. Community consensus needs to include all affected interests, and be able to meet their core needs. A process that is only about the formation of marine protected areas cannot do this. The needs of tangata whenua, commercial fishers, tourism operators and local communities need to be accommodated in a comprehensive set of solutions in which the formation of marine protected areas forms a vital, but not an isolated, component.

23. The community consensus will never be absolute. It has been recognised in such processes around New Zealand that there are vocal individuals whose role means that they can never agree. For example, in the process for the Port of Auckland politicians were expressly excluded from the Stakeholder Working Group. Similarly, participants in the Hauraki Gulf Sea Change process recognised that professional lobbyists could not effectively participate in a process that required every sector to give something up to reach agreement.

[2] The art of facilitation – Dale Hunter with Stephen Thorpe, Hamish Brown and Anne Bailey 2007

24. Conversely, the Te Korowai process adopted a model where the people with generational commitment to the place made the core trade-offs, supported by wise advisors from the public agencies, science community and officers of the tribal authority TRONT. The nature of the consensus required for Ministers to implement the results of a collaborative process needs to be clearly articulated in the legislation and in the parameters for each process.

25. As proposed in the consultation document, a range of Ministers need to be convinced that a proposal should proceed. The text in Appendix C refers to the role of officials in this. In our experience this has the potential to stymie most good proposals. In the process for Kaikoura some officials acted in a highly partisan manner, defending the putative interests of industries well beyond the point the industry representatives themselves advocated.

26. In practice this means Cabinet agreement will be required for any proposal to advance past the first hurdle. Kaikoura achieved this but only after the expenditure of more than $250,000 of public funds and a thousand hours or more from each of the members of Te Korowai. Therefore, there needs to be a front end where processes can get enough momentum to have any chance of making it to completion.

27. We do not support the proposal for economic assessments of effects as proposed in the consultation document. We recommend a requirement for more comprehensive assessment that include economic, environmental, social and cultural effects both positive and negative.

28. The new Act must provide for the implementation of integrated marine management packages, even when these packages are dominated by non-marine protected area tools (such as Customary Protection Areas and general fisheries management measures), as was the case with the strategy developed by Te Korowai.

29. Generational reviews, including an opportunity to dis-establish marine protected area if appropriate, are already the case in Kaikoura and this approach is supported for wider application.

‘Rebalancing’

30. It is wrong to equate, as the consultation document does, marine reserves and marine protected areas with sustainability measures under the Fisheries Act in an attempt to avoid compensation. ‘Protecting and preserving’ are not equivalent to ‘sustainable use’.

31. The displacement of fishing effort with the establishment of a marine reserve or marine protected area can:

    a) Seriously undermine the sustainability of the remaining fishery in a QMA (especially for sedentary species such as pāua); and

    b) Can thus seriously undermine the ‘currency’ of the 1992 fisheries settlement.

32. ‘Rebalancing’ (e.g. retirement of quota with negotiated compensation and/or recreational bag limit cuts) will therefore be needed with the establishment of any type of marine protected area in the future. We see this as a fair proposition considering oil and gas permit holders are proposed to receive absolute protection. Currently, fisheries rights holders receive no protection at all.

33. Removing fishing displacement with marine protected area establishment would remove the need for monitoring of such effects (proper monitoring of such effects could prove to be expensive).

Concessions, tourism and research

34. The idea of applying the conservation estate concessions regime to all classes of marine protected areas is foolish, unconstitutional and inequitable.

35. The proposals, as set out in the consultation document to require concessions like those for the conservation estate, capture a wide range of activities under a concessions regime.

36. In Kaikoura this would include tourism activities including charter fishers, diving, marine transport, commercial filming, recreation events and research to name a few. There may be conflict with international conventions regarding the free passage of vessels.

37. Under current DOC processes each of these would need a license, and would pay concession fees which might equate to 7% of gross revenue under current practice.

38. The terrestrial conservation estate is, in law, the property of the Crown. The seabed and foreshore have been declared to be unowned. Concessions on conservation estate extract resource rentals that draw their validity from that ownership status. In effect the owner exercises their rights of ownership.

39. The Crown has not claimed ownership of the bed of the sea, of the water, of the fish, nor of the whales, dolphins and seals. In managing marine protected areas, the law must, therefore, proceed in fundamentally different ways than by importing terrestrial legal forms.

40. Policy formation needs to understand current law, its application and potential.

41. The Marine Mammals Protection Act has been effectively applied to the management of marine mammal tourism in Kaikoura. New Zealand is recognised as a world leader in protecting marine mammals while enabling a thriving tourism industry. The regulatory regimes it has created have been tested in the courts. Their application has been linked to the Crown's obligations under the Treaty of Waitangi. This regime should only be changed with great care and analysis of consequences.

42. The Wildlife Act has wide ranging provisions for the protection of native species in the sea and preservation of their habitat. It has been applied to creating marine protected areas important to wildlife, as at Westhaven. It has been applied to many species other than birds. Again the implications of disturbing this body of law, and importing its creations such as wildlife sanctuaries, into law that provides for a concessions regime needs to be well thought through.

43. In Kaikoura this could have a positive effect in enabling a cap to be set on activities such as charter fishing, but may have a negative effect on marine mammal tourism as the Crown moved to extract a resource rental from what is already a well regulated industry.

44. Other questions to consider are - should tangata whenua receive discounted rates or be exempt from concession for some activities? Should tangata whenua have to pay for access permits for research and monitoring in their own rohe moana?

45. Transitional provisions would be required to ensure that current operators would be deemed to hold concessions until due process was completed and others prevented from using the new laws to displace them.

Economic development

46. The consultation document gives great prominence to economic development, and proposes "balancing" this with environmental protection. Such an approach distorts policy making around the formation and management of protected areas. Protected areas are a tool for sustaining our heritage, the family, jewels as it were, that we should not sell off to aid the household budget.
47. The economic effects of MPAs, positive and negative, should be a secondary consideration. If we mine, dredge, pollute, depopulate, or develop these areas, their values can be lost forever. By definition they should be the most important places for preservation and protection our nation has in the sea. Even the purpose of the Resource Management Act is more appropriate than what is proposed, let alone the fine sentiments expressed by previous legislatures in the National Parks Act, Reserves Act, and the Kaikoura (Te Tai o Marokura) Marine Management Act 2014.
48. Areas for consideration as MPAs should not be constrained by the likes of potential oil, gas or mineral prospects. They should not be precluded in recreational fishing parks. They should not be blocked by the presence of marine farms. All areas should be open to consideration and investigation.

EEZ

49. Under the proposals in the consultation document, the EEZ is stated to be out of scope for the new marine protected area Act. This is a complex issue and should be fully addressed in the policy process.
50. Already, one of the marine protected areas at Kaikoura, the whale sanctuary, extends into the EEZ. Limiting this instrument to the Territorial Sea would have greatly increased the risks to whales associated with seismic survey.
51. Te Korowai sees benefits from allowing all MPA instruments to be applied in the EEZ as well as the Territorial Sea.

Types of MPAs

52. Continuing provision for no-take marine reserve is supported.
53. Species specific sanctuaries are supported, and we suggest extending them to unique communities such as biogenic habitats.
54. We support the idea of seabed reserves, and suggest extending to idea of stratum protection so a pelagic area could also be protected.
55. Recreational Fishing Parks are not marine protected areas. They are not supported for inclusion in a new MPA Act in their proposed form. They should remain under the Fisheries Act. They are a tool which can distort biodiversity conservation rather than enhancing it.
56. The IUCN says that recreational fishing parks are not marine protected areas *per se* although marine protected areas may use fishing closures as a management tool.

Temporary or permanent fishing closures that are established primarily to help build up and maintain reserve stocks for fishing in the future, and have no wider conservation aims or achievements are not considered to be marine protected areas. For example, Norway, Iceland and the Faroe Islands close areas to fishing at short notice if the percentage of juveniles or by-catch goes above a certain number. These areas do not qualify as marine protected areas.

IUCN's advice is that areas set aside purely to maintain fishing stocks, particularly on a temporary basis, should not be considered to be protected areas even though they may well reflect good fishery management. For such sites to meet IUCN's definition of a protected area, managers would need to address the overall health and diversity of the ecosystem and have a stated primary aim to this effect.[3]

57. The primary characteristic of a marine protected area for the IUCN is that *as stated throughout this document marine protected areas must first meet the definition of a protected area and thus be primarily managed for nature conservation*[4].

58. The proposal to establish such a mechanism should be referred to the fisheries review process that is currently underway.

59. However, should this tool remain in the new Marine Protected Areas Act, fisheries management safeguards need to implemented for each park that effectively manages the recreational take to provide abundance rather than depletion.

60. The existence of a recreation fishing park should not preclude the formation of other types of marine reserves in the same area.

Administration and funding

61. Dividing MPA management amongst three agencies of Government is bound to lead to more confusion, less integration, and sub-optimal solutions.

62. The Ministry for Primary Industries has marine management capability, but no experience in MPA management, and a sustainability culture at variance with the conservation focus of MPAs.

63. The Department of Conservation has limited marine capability, a good history of managing MPAs, but struggles to give this priority when it is so busy managing a third of the land area of NZ.

64. The Ministry for the Environment has little or no operational capability, little experience in marine management, and no experience of managing MPAs.

65. What is needed is more unified and integrated management, not less. All marine protected areas should be managed by the Department of Conservation. It should be properly resourced and mandated to carry out its marine functions including the proactive formation of a network of marine protected areas in both the Territorial Sea and EEZ.

66. We support proposals for agencies with marine responsibilities to support one another in compliance and enforcement.

[3] http://cmsdata.iucn.org/downloads/uicn_categoriesamp_eng.pdf
[4] Ibid

The special case of Kaikoura

67. Te Tai o Marokura, the seas around Kaikoura are recognised as a special place and have their own legislation and statutory Guardians.

68. The legal framework and specific provisions created by the Kaikoura Marine Management Act must be preserved. The new Act should include a non-derogation clause, and prevent the application of new instruments to the area except through the review process required by the Kaikoura Marine Management Act. For example, the new Act should not allow anyone to make application for a recreational fishing park over these areas.

69. The new Act must also protect the full range of initiatives covered under the special legislation for these areas, not just the marine protected area components.

70. Any new Act must protect the statutory roles of the Kaikōura Marine Guardians and the Fiordland Marine Guardians in their respective marine areas.

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Appendix one – answering the questions

In the interests of providing a complete response to the consultation document we provide brief answers to the questions it poses.

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

Yes. The current system is neither well integrated with other aspects nor likely to achieve the objective of a representative network.

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

Yes, there are many. Most relate to the lack of integration in management and decision making. These includes the unintended effects of a concessions regime and the need to safeguard the special case of Kaikoura.

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

Yes. New Zealand has led the world in the formation of no-take marine reserves while in many places attempted multiple use approaches have conferred little real in the way of gains. The capacity for community led initiation and collaboration for the formation of MPAs should be retained and enhanced.

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

No. While the objectives suggested are laudable they are too limited and contaminated with economic development sentiments. The Act should have an overarching conservation purpose. This is not suggested in the consultation document. The objectives can be framed better as for example the first objective could better be: A network of MP that:

- is representative of the full range of New Zealand ecosystems, biological communities and environments; and
- includes special places of importance as habitat, for their beauty and for cultural associations; and
- provides for connectivity and replication that sustains the network.

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

Yes. As above.

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

No. There is no process described in the document for the formation of a network. The categories do not cover the range of circumstances that need to be considered (e.g. pelagic protection zones, special biological communities etc.). *Ad hoc* use of these categories could not lead to integrated and effective management.

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

Thwart them. As above, our purpose of integrated management for the marine environment of Kaikoura could be blocked by these proposals.

8. *Does the approach take account of the way the fishing sector operates? Why/why not?*

No. There is no understanding reflected of the way recreational, customary and commercial fishing interact with one another. or with other activities that draw on the same primary production of the sea

9. *Does the approach take account of the way the oil, gas and minerals sector operates? Why/why not?*

No. As described the large areas provided for exploration for minerals block the formation of marine protected areas even though the impacts of mineral, oil and gas exploitation apply only to very limited areas. This approach is therefore inappropriate and needs rethinking.

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

Yes, there are many. Economic analysis of values including environmental, social, micro economy, macro economy, tax implications, funds leakage, and many others are often ignored within the supposed 'economic appraisal' activity. It is common for distorted positives to be the only 'financial' factor to be considered under the camouflage of economic analysis. The document suggests that concessions in MPAs are only about activities such as tourism, while making comparisons with concession in terrestrial protected areas. Concession in terrestrial protected areas cover all commercial activities on those lands from tourism to telecoms. If this approach were adopted a very wide range of commercial maritime interests would be affected.

11. *Is the new MPA Act likely to have the intended effect that decisions about environmental protection and economic growth are made in an integrated way (objective 2)? Why/why not?*

No, because the documentation completely fails to describe how this might occur. There is nothing here to respond to.

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

Community led stakeholder collaboration funded by central Government.

13. *Are the proposed MPA decision-making processes (collaborative process and board of inquiry process) the best way of achieving our objectives (2, 3, 4 and 5)? Why/why not?*

No. They try to create central Government control over community initiated collaborative processes. This is inappropriate and could sabotage such processes.

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)?*

The idea of encouraging communities to sort out their issues and having a pathway to implement their conclusions and agreements is strongly supported. If collaboration is the selected pathway the participants should forgo from the outset their option of switching to a Board of Inquiry to create the appropriate culture for consensus decision making.

15. Do you agree with the proposed review arrangements? Why/why not? Are there any additional approaches that should be considered for reviewing MPAs?

No. Yes. MPAs should be reviewed within the context of the area and environment in which they exist in an integrated way with complementary regimes such as Resource Management and Fisheries planning.

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)? If not, what are your concerns?

No, not at all. Customary interests are complex, as are Treaty rights. There are also matters of culture that can only be appreciated in an appropriate context. Ideally this leads to increased understanding and harmony within communities. The proposed processes cannot achieve that in the way that Te Korowai did in Kaikoura. It is important that policy makers understand this in proposing legislative frameworks.

The following responses apply to the Marlborough Sounds and Hauraki Gulf.

17. Do you support the proposal for a recreational fishing parks in the Marlborough Sounds and Hauraki Gulf?

No. These are outside our area, but, from our experience, bringing a tool like this over the top of a collaborative process that is underway will be felt by many participants to be grossly unfair and will damage working relationships as people polarize around a political initiative.

18. What do you think should be the boundary lines for the recreational fishing parks?

More *ad hoc* proposals like these cannot replace collaborative processes without creating inequities, anomalies and inconsistency.

19. Do you think commercial fishing should be allowed to continue for some species within recreational fishing parks? If so, what species would you allow and why?

No. We do not support recreational fishing parks per se, only as part of more integrated solutions.

20. What do you think about the proposed compensation scheme for commercial fishing affected by the creation of recreational fishing parks?

They should be extended to fishers affected by all MPA formation.

21. What do you think about who should manage the recreational fishing parks? How could the park management work together with existing groups?

Each MPA complex, such as a Marlborough Sounds Marine Park or Hauraki Gulf Marine Park, should be managed by an authority resembling the Great Barrier Marine Park Authority.

22. How should benefits and changes created through the proposed parks be monitored? How could this work?

Benefits and changes should be monitored in an integral programme that relates all aspects of management. Such a Park makes no sense on its own.

The following comments relate to the proposed new Act as a whole.

23. Do you agree with the proposed arrangements for transitioning existing MPAs? If not, what are your concerns?

There is no specific consideration of the unique case of Kaikoura and the transitional arrangements required.

24. Do you agree that customary management areas should be able to be used alongside the proposed MPA Act to create integrated management packages? If not, what are your concerns?

No. To make real sense of things customary management needs to be considered as an integral part of marine protection, not *alongside* it. A bicultural care of the sea comes from bringing strands together. The fundamental expression of what is needed for marine protected areas might come better from concepts and practices such as kaitiakitanga for the mauri of Tangaroa, for example. This has been the experience in Kaikoura.

25. 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)?

This is a big question and the answer will be quite different in different places. In Kaikoura there is already an integrated solution. For this to retain its integrity it now needs to be matched by similar processes throughout the wider biogeographic region.

26. 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?

No. The division of MPA management into 4 parts relating to the 4 types of reserves will militate against effective community involvement. Fiordland and Kaikoura will give you better models to work with where the community representatives are working with stakeholders to deal with the issues relating to a defined geographic area with all its different zones.

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

Iwi and other Maori entities can play roles from being sole managers, to being co-managers, to being citizen advisors. All of these need to be provided for.

28. Do you agree with managing commercial tourism activities in MPAs in a similar way to how they are managed on public conservation land? Why/why not?

No. The underlying ownership regime is entirely different and the management current permitting arrangements under the Marine Mammals Protection Act and Wildlife Act have not been analysed.