

A New Marine Protected Areas Act

SUBMISSION FORM

Contact information

NAME: Bob Dickinson (Chairperson)

ORGANISATION: Nelson Marlborough Conservation Board

ADDRESS: Department of Conservation, Private Bag 5, Nelson 7042

COUNTRY: New Zealand

TELEPHONE: 03 546 3151

EMAIL: kainwood@doc.govt.nz

Introduction

The Nelson Marlborough Conservation Board is an independent body established by statute to represent the public interest in the work of the Department of Conservation and conservation in general.

Our 11 members were nominated by the community and include four iwi representatives. This submission is part of our role to be the “voice of the community” and is a consensus of the Nelson Marlborough Conservation Board, informed by members’ views and feedback from public meetings in Blenheim and Picton. ⁱ

Summary of our submission

- Support reform of the Marine Reserves Act 1991 and the objectives of the new Marine Protected Areas Act. The primary purpose of Marine Protected Areas should be conservation.
- Support and strongly encourage a collaborative decision-making process in establishing MPAs.
- A Recreational Fishing Park is not a marine protection tool. Suggest it is dealt with after the MPA reform process to avoid confusion and possible conflict of purpose.
- The time-frame from consultation to legislation (2017) is too tight.

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

The Board agrees with the need to reform the Marine Reserves Act 1991 and to come up with a more integrated approach to marine protection and managing multiple uses in the coastal area.

The Consultation Document provides a greater range of tools (different categories of MPAs) to enable this to happen. We support this more flexible approach and the objective to increase the amount of coastal area that will be under protection.

First and foremost, the purpose of marine protected areas should be nature conservation.

It is important to ensure that tangata whenua values and customary rights are recognised and protected throughout the MPA process.

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

The Board supports the objectives of the new MPA Act (Page 15):

1. A representative and adaptable network of MPAs is created over time to enhance, protect and restore marine biodiversity in New Zealand's territorial sea.
2. Decisions about environmental protection and economic growth are made in a planned and integrated way, based on sound evidence, to maximise the benefits to New Zealand.
3. Customary rights and values are recognised, ensuring the principles of the Treaty of Waitangi are met and the Crown's Treaty obligations are delivered.
4. Collaboration is supported through meaningful engagement with iwi/Māori, local communities, business and the wider public.
5. Varying levels of protection and use are provided for, including consideration of all existing and future uses and values.
6. New Zealand's international obligations in relation to the marine environment are met.

Recreational Fishing Park

However the Board is concerned about categorising Recreational Fishing Parks as part of the Marine Protected Area reform. A recreational fishing park is not a tool to enhance, protect and restore marine biodiversity; it is a tool to promote and manage the recreational catch of fish.

The Recreational Fishing Park is a separate proposal that is distracting and perhaps even conflicting with the Marine Protected Areas reform. It would be clearer and easier to approach it as a proposal under the umbrella of a new type of MPA. One way to do this would be to remove Recreational Fishing Park as a category of MPA (Page 17, Table 1). Instead, create a new category of Marine Park, under which a Recreational Fishing Park could sit.

Marine Park proposal

The Great Barrier Reef Marine Park is an example of how to manage the care and protection of the coastal environment alongside a wide range of users including recreational and commercial fishing, customary use, tourism, shipping, recreation and scientific research.

The Great Barrier Reef Marine Park Authority (GBRMPA) is funded from a number of sources including the Australian Government, state government, local government, research institutions, industry, concessionaires and visitors.

Its role is to: "Provide for the long-term protection, ecologically sustainable use, understanding and enjoyment of the Great Barrier Reef for all Australian communities through the care and development of the Marine Park." ⁱⁱ

The Authority takes an integrated approach using a range of tools to manage the Marine Park including Reserve Acts and Regulations, zoning, management plans, traditional owner agreements, partnerships, stewardship, monitoring and reporting.

Under a similar model in the Marlborough Sounds a Recreational Fishing Park could sit within a Marine Park – even cover all of it – but these decisions would be made as the result of a community collaborative approach.

All stakeholders – including recreational fishers – would work together to agree on areas of use within that Marine Park including Marine reserves, Species-specific sanctuaries and Seabed reserves as well as customary fishing, recreational fishing, commercial fishing, taiapure, mataitai, no-take areas and no-dredging zones.

The science needed to inform this process would include the impacts of land use, aquaculture, nutrient flow and the carrying capacity of the Sounds ecosystem.

This would provide an integrated management approach to the Marlborough Sounds where everyone is committed to the sustainable use and future of this special area.

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

The board supports the improved and integrated decision-making framework (Page 21):

“The proposed MPA Act will have an improved decision-making framework and will support collaboration and meaningful engagement with iwi/Maori, fishers, local communities, business and the wider public.”

However we are concerned that this collaborative approach is not being applied to the Recreational Fishing Park proposal for the Marlborough Sounds.

Clarity is needed in the legislation that a Recreational Fishing Park is not an exclusive use – ie, there may still be Marine Reserves, Species-specific sanctuaries and Seabed reserves in the same area as a Recreational Fishing Park. For example, Admiralty Bay may be in a Recreational Fishing Park as well as a Species-specific sanctuary for dusky dolphins.

Clarity is also needed on how Te Korowai o Te Tai o Marokura marine areas would sit under the proposed Act. Are they safe-guarded?

An integrated management approach to marine protection should include tangata whenua customary interests from the start, rather than allowing separate customary management areas alongside the MPA process. The role of tangata whenua in Te Korowai allowed for a bicultural approach and increased understanding for all involved in the collaborative process.

Kaitiakitanga is an important part of tikanga Maori and the Board looks forward to seeing more detail in how the Act will integrate tangata whenua values, interests and rights in the overall process to create marine protected areas.

Section 5: Recreational Fishing Park (Marlborough Sounds)

The Board recognises the importance of fishing as a recreational activity, the enjoyment it brings, and its ability to connect people to our nature. There is support for the underlying goal of a Recreational Fishing Park (RFP) to provide for recreational enjoyment.

However a Recreational Fishing Park being imposed by the Government is counter to the meaningful engagement and community collaboration expressed in the consultation document (Page 23):

“Collaborative processes are a proven approach to making decisions where multiple stakeholder views are involved... The process is designed to ensure that the interests of, and impacts on, all parties are considered. Successful collaboration results in outcomes that are driven and widely supported by the community.”

A Recreational Fishing Park in the Marlborough Sounds is an important proposal for our region with implications for all users and the coastal environment. It requires a collaborative approach.

The success in establishing Te Korowai o Te Tai o Marokura in Kaikoura shows the importance of balancing the needs of all sectors and the capacity of the marine environment rather than allowing just one group to dominate.

The Board strongly supports this “Community up” rather than “Government down” process. The collaborative approach might take longer but achieving buy-in from all parties provides a greater commitment to the decisions reached.

Data on recreational fishing

If a Recreational Fishing Park is established in the Sounds it will be promoted as a tourist attraction and will bring more fishers in. Planning for the impact of this will require more information, including:

- What is the definition of a recreational fisher?
- Does recreational fishing include charter fishing?
- What is the current annual take by recreational fishers, including charters?
- How will future take be monitored and managed to ensure sustainability of the resource for fishers and the marine environment?
- How will environmental effects of recreational fishing (eg impact on benthic environment of anchoring and dredging) be monitored and managed?
- How to enact the principle of “fish for a feed, not for the freezer”

Safeguard customary fishing

The kaupapa to be actively sustainable means iwi have not been taking the full amount allowed under customary take. There is concern that this allocation could be regarded as under-used and reallocated to recreational fishing.

Section 6: Implementation

The Board agrees that successful implementation of Marine Protected Areas will require strong community and government support. This includes adequate funding and staff resources for monitoring and managing the MPAs.

We welcome the introduction of a concession system to manage commercial recreation and tourism activities in the MPAs and envisage these would include water transport, charter fishing, diving operations, commercial filming and recreation events.

We seek reassurance that there would be additional staffing and funding for DOC to be able to administer and monitor the concessionaires. There could be provision for a percentage of the money raised from concessions to be used to monitor and manage the MPAs in that location.

Comments

Species Specific Sanctuaries

Suggest extending Species Specific Sanctuaries to include biogenic habitat species such as tubeworm mounds and bryozoan coral, which enhance biodiversity and provide habitat for juvenile fish. Threats to these habitats include dredging and sedimentation.

Tight timeframe for submissions and the legislation

The timeframe from consultation to legislation feels rushed – Minister Smith said at the Blenheim public meeting that the intention is to have legislation in place in 2017.

This time pressure would be eased by adopting a Marine Park category (as outlined above in Section 3) which would enable the concept of a Recreational Fishing Park to be legislated in 2017, with development of each Park worked out by community/stakeholders after that.

The MPA Act is an important piece of law reform that needs to take an integrated approach to marine management, be clear on its objectives and how they will be met, and involve the community, stakeholders and regional councils at the front end of preparing the legislation. To do this well will take more time.

Sent to: mpaconsultation@mfe.govt.nz

Date submission sent: 10 March 2016

ⁱ <http://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/nelson-marlborough/>

ⁱⁱ <http://www.gbrmpa.gov.au/about-the-reef>