

# SUBMISSION OF THE MARINE FARMING ASSOCIATION INCORPORATED ON THE MARINE PROTECTED AREAS ACT CONSULTATION DOCUMENT

25 FEBRUARY 2016

## SUMMARY

1. The Marine Farming Association (**MFA**) is a subscription based organisation, representing marine farmers at the top of the South Island of New Zealand. The Association has 129 ordinary members who own, lease or sublease farms in the upper South Island. Marine farmers in the MFA's area grow approximately 62% of the marine products farmed in New Zealand. Sales from those farms exceed \$270 million per year.
2. The MFA is generally in support of the proposed Marine Protected Areas Act (**MPA Act**) and the principles of enabling a strategic, integrated and collaborative approach to the preservation and protection of New Zealand's marine environment, while allowing sustainable use of marine resources. The MFA's members rely on the exceptional quality of our marine environment to grow and market their products.
3. However, the MFA is concerned that the proposal may negatively impact existing and future aquaculture use in or adjacent to areas which are singled out for protection. Based on current information, there appears to be an absence of clear policies supporting the ability of aquaculture to co-exist alongside and (where appropriate) within protected areas. This will add to existing uncertainties around security of tenure and consenting costs, which are already having significant consequences for marine farmers in Marlborough.<sup>1</sup>

## PURPOSE OF THE NEW ACT

4. An objective of the new MPA Act is to consider economic growth alongside environmental protection, and allow for consideration of all existing and future uses and values. The potential impact on the commercial fishing and oil, gas and mineral mining industries is specifically recognised in the Consultation Document. By contrast, there is little recognition of the potential for the proposed changes to impact the aquaculture sector.<sup>2</sup> Dr Nick Smith

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<sup>1</sup> Details are set out in a recent report: Clough, P. and Corong, E. *The economic contribution of marine farming in the Marlborough region: A Computable General Equilibrium (CGE) analysis* (2015, New Zealand Institute of Economic Research, Wellington). A copy is available here:

[http://nzier.org.nz/static/media/filer\\_public/b3/a4/b3a4a784-fadf-4e79-adc4-d1b8ceb949f0/economic\\_contribution\\_of\\_marlborough\\_aquaculture.pdf](http://nzier.org.nz/static/media/filer_public/b3/a4/b3a4a784-fadf-4e79-adc4-d1b8ceb949f0/economic_contribution_of_marlborough_aquaculture.pdf).

<sup>2</sup> The only references to marine farming are at pages 17 and 27 of the Consultation Document, noting that "marine farming will not be affected by the creation of recreational fishing parks."

did indicate in a media statement, however, that the proposed Marlborough recreational fishing park and aquaculture were compatible.<sup>3</sup>

5. Stronger policy wording is needed to ensure existing and future aquaculture in the Marlborough Sounds is safeguarded. In the absence of clearly supportive policies, there is a risk that these promises may be forgotten in the future.
6. The marine farming industry already faces consent renewal costs for existing space conservatively estimated at \$23 million between now and 2024. Should almost all of the Marlborough aquaculture industry be overlaid with some form of marine protected area (MPA) status, those costs might increase as an unintended consequence of this proposed legislation.
7. The MFA seeks that a new MPA Act:
  - (a) Include, as part of its broader purpose, a statement to the effect that “the life-supporting capacity of the marine environment includes the capacity to use the resources of the marine environment by the people and communities of New Zealand for economic activities”;
  - (b) Expressly recognises that existing marine farming (including re-consenting existing farms) will be unaffected by any marine protected status;
  - (c) Include existing aquaculture as an activity that is allowed under the purpose of each of the four categories of protection; and
  - (d) Include a provision that positively states that “existing and new aquaculture will not be affected by the creation of a recreational fishing park” in the part of the legislation dealing with the creation of a recreational fishing park in the Marlborough Sounds.
  - (e) The MFA also questions the inclusion of recreational fishing parks within marine protected area legislation. They see recreational fishing parks as being a matter which ought to be more appropriately dealt with within the fisheries legislation.

#### **SPECIES-SPECIFIC SANCTUARIES**

8. The habitat of a species can be extensive in geographic terms. Examples include the feeding grounds of the King Shag in the Pelorus Sound or the migration route of marine mammals

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<sup>3</sup> See the media release from 12 January 2016: <http://www.stuff.co.nz/business/industries/75785897/government-proposes-recreational-fishing-park-for-marlborough-sounds>.



through Tory Channel. The creation of a species-specific sanctuary in either case could have significant impacts on the aquaculture industry in the Marlborough Sounds, which is heavily concentrated in these two areas. It is unclear how a sanctuary would affect the ability to renew an existing marine farming permit or to apply for new aquaculture space. The ability to impose varied restrictions according to the ecology of the particular species will add to this uncertainty.

9. The MFA is seeking guidance on how existing marine farms might be accommodated in the event that they become a part of a species-specific sanctuary.

#### **SEABED RESERVES**

10. It is unlikely that a seabed reserve will be established in an area containing existing marine farms, as planning instruments and a rigorous resource consenting process ensure that marine farm permits are not granted in areas of outstanding ecological value. However, when making a decision on proposed activities, decision-makers will be required to consider how an activity will affect any adjacent MPA.
11. The MFA is particularly concerned about the implications of this for marine farms located adjacent to a seabed reserve. An analogous current problem is presented by marine farms adjacent to Reserve Land administered by the Department of Conservation (the **Department**). Disagreement over the appropriateness of marine farms in these locations, coupled with an ad hoc approach by the Department to opposing these farms, has resulted in significant uncertainty for the aquaculture industry. This uncertainty stifles investment incentives and increases re-consenting costs.
12. The MFA is seeking clear policy guidance for decision-makers and applicants in these circumstances, to facilitate transparent and consistent decision-making.

#### **PREDATOR CONTROL**

13. Some members of the MFA have commercial fishing licences to enable them to fish for predator control purposes on their marine farms. The MFA seeks that new legislation specifically allows the continuation of licences granted for this purpose in circumstances where commercial fishing is prohibited in an MPA.

#### **TRANSITION OF EXISTING MPAS**

14. The Government proposes to transition existing protection tools, including the 44 existing marine reserves, into the new MPA Act. The MFA is seeking confirmation that existing

marine farms within these marine reserves will continue to be protected. There are no such farms in Marlborough. There is a farm surrounded by the Te Makatu Marine Reserve, Waiheke Island.

#### **RECREATIONAL FISHING PARKS ARE FISHERIES ALLOCATION NOT MARINE PROTECTION**

15. The MFA is of the view that recreational fishing parks sit more naturally within fisheries legislation. A recreational fishing park is an allocation of fisheries resources to recreational fishers. The choice of who catches fish has nothing to do with marine protection.
16. The inclusion of a recreational fishing park as a marine protection tool is inconsistent with IUCN Guidelines. In the publication *Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas*,<sup>4</sup> marine protected areas must first meet the definition of a protected area and thus be primarily managed for nature conservation. Neither the Marlborough Sounds nor the Hauraki Gulf is an area primarily managed for nature conservation. Both contain a range of extractive and non-extractive uses. They are a patchwork of farming, forestry, residential activity, aquaculture, conservation activity and recreation. Neither the Hauraki Gulf nor the Marlborough Sounds fits within the definition of a marine protected area as defined by the IUCN.
17. It is correct that in category IV, V, and VI marine protected areas some form of recreational fishing may occur. However, in that case that recreational fishing needs to contribute to ecological sustainability.
18. The MFA is concerned that the importation of marine protected area concepts into the Marlborough Sounds will have unintended consequences for people and communities who rely on the Marlborough Sounds for their employment.
19. That difficulty is avoided by acknowledging that a recreational fishing park is merely a form of fisheries allocation.

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<sup>4</sup> Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.

## CONCLUSION

20. The MFA generally supports the proposal to introduce a new MPA Act. However, the MFA seeks that new legislation address the potential impact on existing and future aquaculture activities generally, and in relation to the specific issues outlined in this submission.



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On behalf of the Marine Farming Association