

# A New Marine Protected Areas Act

## SUBMISSION FORM

Submissions close at 5.00pm on Friday 11 March 2016.

### Contact information

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

### Please select an overall stance\*

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

An asterisk (\*) indicates a mandatory field.

## Formal Submission of Te Ātiawa o Te Waka-a-Māui Trust

Te Ātiawa o Te Waka-a-Maui Trust (Te Ātiawa) is the mandated iwi organisation that represents the Te Ātiawa people who whakapapa to Te Tau Ihu (the top of the South Island). Te Ātiawa hold manawhenua manamoana across Te Tau Ihu and specifically the Marlborough Sounds.

The impact of the proposed MPA legislation are well defined and addressed in submissions by Te Ohu Kaimoana and the Iwi Leaders Group (ILG). Te Ātiawa had input into these submissions and is supportive of them. It is not Te Ātiawa intention to restate the key components of those submissions. Rather, Te Ātiawa hopes to demonstrate at a regional tangata whenua level the true impacts of the proposals.

It is Te Ātiawa assessment that the overall premise of the MPA is flawed and the lack of detail in the consultation document, worrisome. On this basis, the MPA review appears ill conceived, lacks detail, and at a stage insufficient for consultation.

### Good Points

Te Ātiawa accepts that the existing legislation is inadequate, inflexible and falls considerably short of the country's protection needs. A review is well overdue and differing levels/purposes of protection are required.

Te Ātiawa also accepts that a balanced approach needs to be taken when considering protection proposals. However, Te Ātiawa does not agree that environment, economic, cultural and recreational concerns should be equally weighted as perverse and counter intuitive outcomes could result. As a primary objective for the legislation, such equal balancing would only result in an overall failure of protection initiatives. The primary objective should be the maintenance and enhancement of New Zealand's marine biodiversity, significant habitats and important species.

### Justification

The consultation document justifies the review based on the economic importance of the nation's fisheries. Export earnings, jobs, economics are quantified to show how important the New Zealand marine environment is to our economy and its important contribution to the nation. However, in considering those parties that may be affected by protection, the government has regard only to those that hold quota (i.e. the compensation model). Te Ātiawa is of the opinion that whilst the intention and purpose of the review is grand, the mechanisms and parameters are significantly inadequate.

Te Ātiawa is also concerned how the MPA provisions will give effect to settlement legislation. Te Ātiawa has only recently received its settlement and is working through the implications of the Deed of Settlement. It will be at least 12 months before Te Ātiawa can adequately assess what the implications (for Te Ātiawa) will be from the proposed MPA provisions.

Te Ātiawa does not consider consultation has occurred. The hui that have been held so far have been little more than information sharing by the Crown. As a result, our concerns regarding how the MPA provisions will work with other legislation remain. The risk of '*unintended consequences*' is high especially in terms of the: Fisheries Act; Crown Minerals Act; Marine Pollution Act; Resource Management Act; and the Marine and Coastal Act.

### Approach

The approached proposed is to repeal existing marine protection legislation (albeit not wholly) and introduce a tiered protection regime.

It is not clear, from the document or the hui, as to whether existing Marine Reserves will be reviewed. If they are, then this could lead to perverse outcomes if the balancing of environment, economic, cultural, or recreational issues were to be applied.

The two maximum levels of protection appear (at least on the information provided) similar to the degrees of protection provided through the current Marine Reserves Act and the Marine Mammal Sanctuary Act. Although the justification and extent of protection is greater, the degree of protection appears the same.

The review seeks to establish recreational fishing parks to enhance the enjoyment and value of recreational fishing above all others. Fundamentally, Te Ātiawa has difficulty in supporting such an aim within a protection paradigm. The impacts of recreational fishing are unknown, unquantified and unexplored. Research, information and detail is lacking and assumptions made about the benefits are done in a vacuum. It is apparent to Te Ātiawa that the only tangible benefit of a recreational park being established would be that if the fishery continues to fail, one could solely attribute the failure to recreational fishers.

Recreational fishing boats and fishers are not licensed/registered leading to ill-informed, unskilled and unqualified users deriving benefit from a space. Commercial (and to some extent cultural) activities are vilified as the cause of fisheries issues. However, these are the only parties that are required to record catches, are required to be trained in specific practices and/or audited on a regular basis. Recreational fishers are not and are free to do what they like. Issues around takes/impacts on fisheries are unknown simply due to a lack of information.

Te Ātiawa is opposed to the recreational fishing park protection (being the wider policy issue rather than the specific Marlborough Sounds application) on the basis of failing to account for the Treaty of Waitangi obligations of the Crown, failing to account for the recent settlements with Te Tau Ihu, an incomplete approach, a lack of information, a lack of requirements to report catch information and a lack of enforcement.

A notable exclusion for the ladder of protection is cultural protection. To keep cultural protections within the Fisheries Act defeats the purpose of the review and is counter-intuitive to the explicit outcomes sought by the review. Cultural protection should be provided in the ladder with its own scope, lead agency, and purpose. Only then could the review be considered as a comprehensive and representative approach to marine protection.

Further, why is there no provision for a commercial protection area? Such would seek the prohibition of recreational fishing and other activities that might adversely impact on the commercial fishing activity. By way of example, we consider paua areas where recreation takes would be prohibited ensuring the sustainability and long-term success of the commercial activities within this area.

It is also unclear whether multiple layers of protection can be imposed and managed within one area. For example, the Marlborough Sounds already contains a Marine Reserve. If a Fishing Park was overlaid over the entire Sounds area, would the Marine Reserve status remain? If so, why would there be different agencies involved in managing each area within one location?

If the stated purpose of the review is to provide a comprehensive approach to marine protection and remove a lot of the duplication, bureaucracy and inflexibility within the system, then the approach stated falls short. The notable omissions from protection are a major shortcoming and will fail to integrate all levels of protection and purposes of protection into one process. Therefore, the outcomes sought will not be achieved as duplication, inflexibility and unnecessary bureaucracy will remain. The opportunity that the review presents is for an all-encompassing and consistent approach to marine protection. This should be realised.

## **Process**

Te Ātiawa agrees that the proposed process is an improvement over that which currently exists, but there are a few identifiable shortcomings. There is a heavy emphasis on requiring every application to contain every piece of information necessary and address every impact. Some of this information may be held by government and not be readily forthcoming. Alternatively, an impact may be so uncertain that assessment of it is not possible. Further, the application must be accepted by the lead ministry (i.e. There is no directive that an application must be processed if it contains the necessary information). In essence, it may be a more difficult process than that which currently exists and rely on political will rather than protection need. It is important to gain more information in this part of the review.

The proposed input from iwi is inadequate. It is unclear whether iwi will be consulted specifically (either on a national or rohe level) or part of the general community consultation process. It is also unclear whether iwi consultation will be at an iwi or hapu level (i.e. Site specific).

## **Implementation**

From the hui provided and the consultation document provided, it appears to Te Ātiawa that the implementation framework of an MPA is the weakest part of the proposal with the greatest potential for *'unintended consequences'*.

The proposal considers a staged approach at employing a new (and existing) marine protection. This staged approach is touted as allowing gradual/incremental controls to be put in place to protect the site. This may have the opposite effect where fishing effort (cultural, commercial, or recreational) may exponentially increase in the face of impending restriction, undermining the reasons for protection and irreparably damaging the site.

Also, with the implementation of an MPA, it is stated that regional coastal Plans must be modified to account for the protection. This may have the unintended consequence of preventing the establishment, modification, or renewal of coastal activities such as aquaculture, structures, or activities. Whilst the government representatives at the hui were adamant that aquaculture would not be restricted, such a view is unsupported. When an MPA has been established for recreational fishing or specific protection, it would be extremely difficult for an activity to be established/renewed/modified when the effects on the purpose of the MPA cannot be proved (i.e. the precautionary approach prevails under the RMA).

## **Management**

Management of an MPA after establishment is not fully considered or discussed in the discussion document. It would appear that the intention would be to have different government departments manage different types of protection (as laid out in section 4.1 of the document). Te Ātiawa is of the view that such duplication is unnecessary and problematic. Management committees are considered for the fishing parks but the composition of these committees appears to be problematic. Te Ātiawa is aware of the management provisions under Part 9 of the Fisheries Act 1996 (Taiapure – local fisheries and customary fishing provisions). Sections 184 to 186B of that Act provide an appropriate management framework that could be applied to any MPA. Te Ātiawa is of the view that iwi should be the group mandated to manage these protected areas as they are the only group that have the appropriate spiritual, historical and ethical grounding.

## **Monitor**

The consultation document makes much of the interest groups and iwi managing MPAs by way of advisory boards. However, such does not meet the threshold of monitoring. The monitoring of MPAs can only be achieved through temporal scientific enquiry, surveys and studies. These are expensive,

as they require qualified personnel and complex equipment. No mention of a funding model is provided, no minimum requirements discussed. Further, without a corresponding requirement for the licensing and registering of recreational fishers/vessels, there is no onus to provide/collect information.

It is obvious to Te Ātiawa that the licensing and registering of recreational vessels/fishers would provide sufficient revenues to manage, monitor and research all of the existing MPAs nationally and any new protection areas. Without funding, monitoring cannot occur and any management (even by advisory boards) will be in ignorance of the actual effects of or on the MPA.

## **Review**

Not much is made of the importance of a review phase in the consultation document. It would seem that any review requirement would form part of the specific MPA document. Again, this section of the proposal is incomplete. It is unclear to Te Ātiawa whether a specific site of protection could move up or down the protection ladder. It is also unclear as to whether a protected site could have its protection status completely removed if a review found that the MPA purpose was no longer relevant. Hence, once a site is protected (for any purpose) it may never be unprotected (emphasis on participation during the establishment phase) even though the original reason for protection may no longer exist.

## **Timing**

The timing of the MPA review is not good with the existing expectations on Te Ātiawa. There are currently many reviews underway within our rohe that Te Ātiawa is having to consider and respond to with limited resources. Examples include the RMA reviews, NPS and NES reviews, RM Plan reviews, LTP reviews, RCA processes, Post-settlement issues, capacity concerns, etc. In addition, the government should be aware that customary title applications are required by March 2017. More time should be set aside to consult and consider this review (than is currently proposed) so that it is done properly, equitably and fairly.

## **Summary of Policy**

The proposal to review existing protection has merit and Te Ātiawa (in principle) support the reasons for the review, however the current process and consultation document raise many issues and concerns. The crown has inadequately formulated this review and further consultation should be undertaken rather than progress towards a bill. If progressed in its current form, Te Ātiawa will oppose the review.

It should be emphasised that an opportunity exists to address all forms of protection and all purposes. An Act could be created that will be truly ground breaking, effective and fair. The potential benefits of a thorough, all-encompassing and robust approach are significant in the cultural, commercial, ecological and recreational areas.

Provisions should be made for cultural and commercial protections. They have as much, if not more, importance in the greater New Zealand marine environment.

In summary, it is the view of Te Ātiawa that the MPA review:

- Is needed to provide differing levels of protection;
- Is necessary to provide flexibility in the creation of areas;
- Is broadly justifiable but lacking in appropriate impact considerations;
- Is somewhat incoherent and problematic in its approach;
- Contains a more restricted and muddled process;
- Lacks sufficient/adequate consideration for site monitoring and reporting;

- Is silent on any review implications;
- Does not provide adequate time for iwi to consider the proposal; and
- Seeks to promise much to iwi but will deliver little.

## COMMENTS ON THE MARLBOROUGH SOUNDS RECREATION FISHING PARK (MSRFP)

*Ka pu te ruha; ka hao te rangatahi*

The old net is cast aside; the new net goes fishing

Te Ātiawa holds manawhenua manamoana over areas of the Marlborough Sounds including Totaranui and its associated environs. It has a historical understanding of the workings, sensitivities and issues of this area and contributes to its management (as best as the authorities allow) in its role as kaitiaki. Kaitiakitanga is not wholly protection and not wholly development but is the sustainable management of protection and development issues to ensure the long-term integrity of the resources and environs. Sadly, Te Ātiawa advice has historically been ignored and the resource and environs degraded. Te Ātiawa sees the review as a valuable opportunity to give back the ability to tangata whenua to improve and sustainably management the resource.

Te Ātiawa also has commercial and customary interests throughout the entire Marlborough Marine area, and Tasman and Golden Bays. Iwi fishing interests are well defined in Maori Fisheries Act. As an iwi with embedded links to the marine environment Te Ātiawa holds strongly to the values associated with marine use, particularly fishing. The ability to utilise the marine area for travel, economic benefit and the maintenance of traditional practices remains a high priority for the iwi.

Te Ātiawa also has interests in the aquaculture industry across Marlborough and Tasman Districts. These interests are currently represented in physical sense in a number of marine farm consents allowing for the marine farming of various species, including mussels, oysters and salmon. The aquaculture industry provides a significant opportunity for Te Ātiawa economic development over time. Whereas some iwi have large land holdings on which to base economic development Te Ātiawa does not. Te Ātiawa has traditionally relied upon the marine environment for sustenance, and commerce. Fishing, and now modern aquaculture provide the foundation for a significant part of the Te Ātiawa future economic development plan.

The Maori Commercial Aquaculture Claims Settlement Act 2004, clearly defines Maori rights to aquaculture opportunities. The recent signing of Regional Agreements with the Crown around aquaculture assets provided the catalyst for further iwi involvement within the industry. Te Ātiawa is on the cusp of committing further to the industry, however significant impediments and risks threaten to undermine that aspiration. Regulatory constraints imposed by local government (Marlborough District Council) due to selective interpretation of various RMA matters pose the greatest threat to Te Ātiawa economic development post settlement. The creation of the Marlborough Recreational Fishing Park within that framework creates further risk which is assessed as becoming greater over time, as the imperative for recreational use outweighs cultural and economic factors. In one sense, aquaculture is the 'new net' that will complement and empower Te Ātiawa economic development.

Te Ātiawa has been assured that our customary gathering rights would not be effected by a recreational fishing park. Te Ātiawa finds little comfort in this assurance. If the Marlborough Sounds is the place to come to for recreational fishers then it follows the pressure on the marine resources (kaimoana) will naturally increase.

It would then follow that this pressure would ultimately result in a decrease of the amount of available kaimoana. So, even though our customary fishing rights are still in place there is a real possibility there will be little or no kaimoana to customarily gather. Accordingly, the retention of our

customary fishing rights will be seriously comprised. This potential situation to Te Ātiawa is even more important than the decrease in revenue from customary commercial fishing. It cuts at the very heart of who Te Ātiawa is. Customary harvest rights is inter-twined with kaitiakitanga, and the manawhenua status that Te Ātiawa hold in Te Tau Ihu.

Despite the MSRFP proposal document espousing a considerable amount of iwi input in to the creation of an MPA, none has occurred in the Marlborough Sounds and the notification of the MSRFP came as a surprise to all.

How can the statements of collaboration and consultation made in the proposal document be given validity if the approach from the government is to identify an area of protection without consultation, adequate justification, and information.

The justification for imposing the MSRFP is to enhance recreational fishing. The implied justification is that commercial and the cultural fishing activities of Te Ātiawa is having a negative impact on the fish stocks of the Marlborough Sounds. No data has been provided nor any surveys or research to support the need for an MPA nor the government adequately considered the relevant impacts of recreational fishing on the fish stocks of the Marlborough Sounds. It is important that the review provide the data currently held on this matter before a bill is formulated.

A significant concern of Te Ātiawa is that the establishment of the MSRFP could prevent Te Ātiawa from establishing or modifying aquaculture activities in its rohe. The purpose of the MPA is to enhance recreational fishing experiences. Advice to Te Ātiawa is that a new marine farm or a modification to an existing marine farm would not be complimentary to this purpose and likely refused through the Resource Management Act process.

The Marlborough Sounds, Queen Charlotte Sound, including Tory Channel are all areas where Te Ātiawa hold manawhenua manamoana. Te Ātiawa, is cognisant of the decline in local fishing stocks and associated habitats but has been hamstrung by bureaucracy and process to seek appropriate restoration and recovery of these habitats. Te Ātiawa is of the view that the decline in recreational fishing success in the Marlborough Sounds is due to combination of terrestrial and marine issues such as:

- Increased sedimentation from terrestrial activities and development;
- Habitat destruction by commercial and recreational fishers and fishing practices (i.e. dredging);
- Complex recreation fishing regulations leading to high fish mortalities;
- Increase pressure from recreation fishers;
- Increased coastal development; and
- Uncontrolled residential discharges to the CMA (old, malfunctioning septic systems in poor locations).

It is the assessment of Te Ātiawa that the protection proposal for the Marlborough Sounds will not improve or enhance recreation fishing. The causative matters will still remain and the fishery will continue its decline.

Fishing, both customary commercial and customary non-commercial, has been and still is an integral part of the Te Ātiawa whakapapa. The matauranga associated with customary commercial fishing that has been built up by Te Ātiawa members over the years, goes some way in defining who we are as a people. Although Te Ātiawa is concerned about the effects of a recreational fishing park decreasing the revenue Te Ātiawa receives from customary commercial fishing, it is the disruption of the cultural practises of Te Ātiawa that are of utmost importance. That is, the passing of that inter-generational knowledge. Accordingly, a recreational fishing park in the Marlborough Sounds has the potential to disrupt the passage of knowledge over time, from one generation to another in this area.

Many of our people do not own quota but they lease quota in through an Annual Catch Entitlement (ACE), so any compensation would go to the quota owner and not the fisher. To believe any compensation would filter down to the fisher is naïve in the extreme. These fishers supply small businesses, again some run by our Te Ātiawa people, with product sourced from the Marlborough Sounds. If the recreational park was to be put in place, these small business would find it difficult, if not impossible, to continue to trade. It is the network of whanau run businesses that underpin life in a small seaside town, adding a sense of community and of belonging to the manawhenua iwi and the community as a whole.

### **Summary on MSRFP**

Some form of protection in the Marlborough Sounds is warranted and needed. However, the current proposal and process is seriously deficient and reactionary.

The notification has come as a surprise to all and the lofty promises of consultation and collaboration have not been delivered.

The Crown is advancing the proposal on a false, uninformed and ill-advised premise. Te Ātiawa is aware and have continually raised concerns regarding the decline of the fishery in the Marlborough Sounds but the overall causes of this decline will not be solved by making the Marlborough Sounds a Recreational Fishing Park.

More research and information is required to justify such the protection mechanism proposed.

On the face of the information currently to hand, the crowns Marlborough Sounds proposal is nothing more than a legislated 'race to the bottom' providing primacy for recreational fishers to deal the final blow.

It is the view of Te Ātiawa that:

- The MSRFP consultation has not lived up to the lofty objectives of the MPA proposal and is deficient;
- The proposal is based on anecdotal information and political purposes rather than robust scientific data and healthy community debate;
- Unintended barriers to coastal development, cultural practices, and cultural commercial aspirations are likely;
- The proposal does not address the causes of fishing issues or fish stock decline; and
- A different MPA mechanism is more appropriate than that proposed.

## **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

Te Ātiawa agrees that the current framework is inflexible and fails to provide a coherent framework for protecting the country's significant marine resources.

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

The proposal has only gone part of the way to providing a coherent and complete protection framework.

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

No. A new framework is required that reflects the responsibilities of the government in terms of international agreements, protection best practices, Treaty of Waitangi obligations, and the diversity of the country's unique coastal environment.

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

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

Yes

No

The stated objectives cross all the major issues that are of concern to Te Ātiawa.

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

No.

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 are deficient and do not provide a coherent or complete approach to marine protection.

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 Marlborough Sounds are of significant cultural, spiritual, economic, and recreational value to the members of Te Ātiawa. All levels of protection proposed would have a significant effect on the ability of our members to live, work and recreate within this area.

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

Yes

No

Why/why not?

The approach considers the entire fishing industry but the compensation model is wholly based on quota holders. This ignores the fact that quota holders are a small part of the industry and it is the fishers (not always the quota holders) and the associated service industries (which support a considerably greater number of people) that will be severely impacted. Many of our members have established business in our rohe which rely on the fishing industry for their livelihood.

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 potentially have a significant risk factor to the marine environment yet the approach seeks to give these industries an equal footing with significant marine habitat and ecology. This is not a sound approach.

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

Cultural fishing has not been included. It is also the Te Ātiawa view that the economic value of commercial fishing has not been appropriately represented.

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 provides equal weight to environmental and economic protections which is not a sound approach. Cultural protections are also ignored.

## 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?

The information on the potential processes are limited but Te Ātiawa is of the opinion that the two processes would provide options to provide for marine protection.

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)?

Yes

No

Why/why not?

The information is lacking and a lot more work and information needs to be provided before this question can be satisfactorily answered.

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)?

Unclear. Further information and consultation is required before any answer can be provided.

15. Do you agree with the proposed review arrangements?

- Yes  
 No

Why/why not?

There is insufficient information available to inform this section.

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

There is a multitude of national and international approaches to reviewing protection initiatives. What is missing is what will be the minimum information required to inform such processes.

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?

Te Ātiawa is of the view that the proposal lacks sufficient information on process and requirements 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 Treaty settlement obligations, specifically the most recent settlement Act with Te Ātiawa.

## Section 5: Recreational fishing parks

Please be clear as to whether your responses apply to the Hauraki Gulf, Marlborough Sounds or both proposed areas.

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

- Yes  
x  No

18. What do you think should be the boundary lines for the recreational fishing parks? In the Hauraki Gulf, could we use the Statistical Area 7 of Fishing Management Area 1 (see map 1 in the consultation document)? In the Marlborough Sounds, could we use the Blue Cod Management Area (see map 2 in the consultation document)? Are these boundary lines easily recognisable, that is, would prominent landmarks help with identifying the boundaries of the park when you are on a boat?

Insufficient justification, research, information and consultation has been provided to show that the Marlborough's Sounds Recreational Fishing Park is necessary and/or appropriate.

19. Do you think commercial fishing should be allowed to continue for some species within recreational fishing parks?

- Yes

No

If so, what species would you allow and why?

No inventory work has been provided to show what species are in decline or under threat. This question cannot therefore be answered.

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

It is insufficient as it does not compensate all those that will be severely affected by the establishment of a recreational fishing park.

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

Iwi are the only group that are part of and represented in all sectors of the commercial, cultural, conservation, ecological and recreational groups. They are also the only group that have a sustainable ethic at the base of all their activities. Logically, iwi are the group that should manage the fishing park with appropriate resourcing provided by the Crown.

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

Scientific studies, surveys and inventories should be taken annually to record the health, benefits and changes to the proposed parks. This is not discussed in the document. No mention of resourcing is provided.

## Section 6: Implementation

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

Yes

No

If not, what are your concerns?

They are open to abuse.

24. 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?

Customary management areas should be part of the review. Iwi protection is an important part of the marine protection framework and should not be isolated in separate legislation.

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)?

Explicit protection in the legislation through transitional protection provisions.

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. There is much uncertainty in the discussion document and such must be clarified before the proposal is progressed.

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

The proposal is unclear regarding the role iwi can play. It would be expected that manawhenua iwi would have a significant role to play in the ongoing management of MPA's.

28. 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 activities are not adequately managed on public conservation land.

## 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.**