

Minutes – Inaugural meeting

Date: 30 June – 1 July 2014

Venue: Ōtākou Marae

Chair: Maree Baker-Galloway

Attendees:

- Forum members
 - Fergus Sutherland
 - Edward Ellison
 - Sue Maturin
 - Philippa Agnew
 - Chris Hepburn
 - Stephanie Blair
 - Gail Thompson
 - Ate Heineman
 - Simon Gilmour
 - Nelson Cross
 - Neville Peat
 - Pauline Reid
 - Tim Ritchie
 - John Henry
- DOC
 - Greig Funnell
 - Sarah Bagnall
 - Sean Cooper
 - Dave Taylor
 - Pene Williams (Powhiri only)
 - Barry Hanson (Powhiri only)
 - David Agnew (Powhiri only)
 - Mike Morrison (Powhiri only)
- MPI
 - Dave Scranney
 - Rose Grindley
 - Tania Cameron
- Te Rūnanga o Ngāi Tahu (TRONT)
 - Nigel Scott

Apologies:

- Forum members
 - Carol Scott
 - Khyla Russell
 - Tim Ritchie (for Tuesday)
 - Gail Thompson (for Tuesday)
- DOC
 - Marie Long
- MPI
 - Dave Turner

1. Welcome and Introductions:

The meeting opened at 9.30am with a powhiri from Te Rūnanga o Ōtākou supported by other members of Te Rūnanga o Ngāi Tahu. Edward Ellison gave the Forum a brief history of the Ōtākou Marae and the surrounding area.

There was a round of introductions and Forum members each gave a mihi.

Sean Cooper then addressed the Forum on behalf of Hon Dr Nick Smith, Minister of Conservation. The Minister has made it clear marine conservation is important. He sees the Otago coastline as having a significant gap in marine protection, so Otago and marine protected areas (MPAs) are priorities. The Minister wants Forum members to work collaboratively, listen to one another, engage with communities and sector groups, and form

an enduring plan. His challenge to the Forum is to achieve a consensus. He wishes the Forum luck and will be taking a huge amount of interest in its work.

Maree then gave an overview of the agenda for the two days. She noted there were three main tasks for the next two days:

1. Starting to get to know each other.
2. Getting information about the process and the background to the Forum's work; and
3. Starting to frame up and shape what the Forum is going to do and how.

2. Ngāi Tahu's Questions

The Ngāi Tahu representatives asked that questions they had be answered by the Department of Conservation (DOC) and the Ministry for Primary Industries (MPI).

1. *How rigid is the protection standard and identification of management measures that meet that standard? This question related to whether or not tāiapure or mātaihai reserves would meet the standard. Nigel suggested that it seemed only marine reserves and strict fisheries regulations would meet the standard.*

Dave Scranney noted that meeting the protection standard depends upon what you are trying to protect. Each case needs to be looked at individually. Sean noted that there is a range of tools available to meet the protection standard.

Whether mātaihai reserves and tāiapure meet the protection standard depends on the degree of protection they offer (e.g. through regulations). Dave Scranney noted that international practices have moved on and indigenous customary fisheries practices are recognised as one level of protection. Sean noted that the Forum needs to consider and implement MPA Policy but be consistent with international best practice.

Sean noted that the Te Whaka a Te Wera Mataihai Reserves (Patersons Inlet, Stewart Island) qualifies as an MPA (Type 2) because of the suite of bylaws in place.

2. *What priority will MPI give to existing mātaihai and special customary regulations ahead of processing any new marine reserve applications in Otago/Southland?*

Dave Scranney replied. He stated that Treaty obligations continue and applications are being progressed as a priority and in accordance with statutory requirements.

Ngāi Tahu requested that the Ōtākou (Otago Harbour) mataihai reserve application be processed quickly as it is impacted on by the MPA process.

ACTION POINT: Dave/Tania to provide an update on progress with mataihai applications to the next meeting.

3. *Ngāi Tahu understood that, in 2005, Dave Taylor from DOC requested that the Ministry of Fisheries put customary applications on hold pending the establishment and conclusion of an Otago/Southland MPA Forum. Will DOC withdraw any such request?*

Sean sought clarification on this matter and reported back later in the meeting. DOC formally withdrew the letter and apologised.

ACTION POINT: Sean to write to Ngai Tahu withdrawing the earlier letter.

3. General Discussion Items

Research

Sarah noted that the MPA Policy provides for planning for marine protection using the best available information. No new research will be undertaken for the project. Sean noted that SeaSketch does provide for information gathering.

Review of the Marine Reserves Act 1971

Sean noted that the government is looking at drawing up new legislation with a more graduated approach to marine protection. The Marine Reserves Act is old and does not necessarily fit what the government is trying to achieve in the area of marine protection.

Impact of Change of Government

Dave Scranney noted that international obligations continue in the event there is a change of government. The experience of Kaikoura shows that there is broad support for a community based approach. Tania noted that both National and Labour have been involved in various stages in MPA Policy and both support collaborative approaches.

Aquaculture

The Forum can invite someone from the regional councils talk to them about aquaculture. Noted on future agenda items register.

4. Policy Framework and Terms of Reference

Sarah gave a presentation and led a discussion on the MPA Policy framework and Forum Terms of Reference, based on the Q and A factsheet.

Questions that arose included:

1. *Who decides what a healthy functioning state is and what the protection standard means?*

Agencies will provide advice on a case-by-case assessment. We need to consider what is there to be protected and what the threats are. The science is always developing.

2. *Lack of resourcing for fisheries officers a matter of concern.*

ACTION POINT: Dave Scranney to report back on status of resourcing fisheries officers in the Forum's area.

3. *What about when development on land impacts recovery?*

Sean noted there is scope for an integrated package and for the Forum to work with regional councils to address some of those land impacts.

4. *Define "ecosystem"?*

Sean gave an explanation in relation to habitat – exposure, depth, substrate, and trophic linkages between series of organisms.

5. *What about the implications of the WAI 262 claim?*

ACTION POINT: DOC to follow up on this question.

6. *What mitigation is available to commercial fishers for closing commercial areas?*

Sean noted compensation is not an option. But, the Forum can look for areas where the same habitat can be protected without adverse impacts on existing users.

7. *What about co-management of marine reserve with tangata whenua?*

Sean noted co-management of MPAs could be considered in future. Such an arrangement could include intergenerational review rather than an in perpetuity arrangement, to ensure intergenerational role for kaitiaki.

Noted this possibility on the "potential tools" register

8. *MPA policy is not just a threat based policy*

Need to look at representativeness, and distinctive or significant features, as well as threatened habitats.

9. *Couldn't the agencies develop a plan and the Forum just consult?*

Greig noted the process works better when the community is involved in developing a plan and has ownership of it. Sean noted that collaborative processes are more efficient and better and getting information from the community. Communities have a right to have a say about how their back yard is managed. Science will not have all the answers.

10. *How do we know we don't already have 10% protected? Is the 10% meaningful for this Forum's work?*

Sean noted that just over 1% of the EEZ and 10% of the territorial sea meets the protection standard. Under the IUCN categories used to assess levels of protection internationally, benthic protected areas mean that 30% of the EEZ is considered protected.

Dave noted that we do not have a comprehensive network nationally and that there are a lot of ad hoc marine reserves, for example.

For this Forum however, the 10% target is not particularly relevant, as it is a national and international target, with ambiguous application, and it is more useful for the Forum to focus on the objective of creating a representative network of marine protected areas.

ACTION POINT: DOC and MPI to assess existing mātaihai reserves and tāiapure in the Forum's region against the MPA protection standard.

It was suggested that the Forum's recommendations should be consistent with DOC Conservation Strategies and Iwi Management Plans. Sarah noted Conservation Strategies are generic so there is no real issue of consistency.

ACTION POINT: Edward and Gail to supply copies of the relevant Iwi Management Plans to the Chair, for distribution to the Forum.

5. Forum Discussion

Maree led the Forum in a discussion about the process and what success will look like for each member. Maree recorded responses so the Forum could use them to start developing a vision and objectives for their work.

6. Management Boundaries

Sarah led a discussion about the management boundaries that apply in the Forum region, based on the fact sheet.

Stephanie noted that there were SILNA¹ lands (in the Catlins) meaning that there was no coastal Queen's chain in some areas. Gail noted there is whanau land that goes down to the low tide mark (Otago Peninsula/Harbour, for example).

Questions asked included:

1. *Why were the boundaries made as they are?*

The northern boundary is the Southern Coastal Biogeographic Region boundary. The southern boundary is based on ecological reasons and the fact that the community of interest on Stewart Island is quite different to the remainder of the Southern Coastal Biogeographic Region.

2. *Can voluntary fishing restrictions and customary boundaries be mapped in SeaSketch?*

ACTION POINT: DOC to follow up with the Rūnanga representatives in regard to papatipu runanga boundaries.

See SeaSketch discussion (below) re SILNA and whanau lands and voluntary fishing restrictions.

7. Forum Name

Forum members felt the name (Otago Marine Protection Planning Forum) did not accurately reflect their region.

DECISION: The Forum's new name is "South-East Marine Protection Forum"².

8. Fisheries Factsheet

The "Fisheries" fact sheet was discussed briefly. Tania noted it was intended to be high level and that further details could be provided as needed by the Forum. She also noted the broad scale that much fisheries data is recorded at meant that the Forum also need to engage with the sector to get finer scale information to help them narrow down their choices of sites, for example.

¹ SILNA refers to the South Island Landless Natives Act 1906.

² A Māori version was supplied following the meeting and is "Roopu Manaaki ki te Toka".

A 'Fisheries 101' talk and presentation about the Quota Management System will be included in a future meeting.

9. Customary Fishing Areas

Nigel explained about Ngāi Tahu's customary fishing areas. These are based on Ngāi Tahu's own customary protected areas planning. The applications are "must haves" from a tribal perspective. Nigel noted that when Ngāi Tahu engages with the community on area planning, it is supported by the tribe (Fiordland and Kaikoura are examples). He noted that marine reserves can fit in with customary areas.

<p>ACTION POINT: Nigel to check the percentage of the coast that is in mātaihai reserves or tāiapure and which ones have regulations/bylaws.</p>

10. Project Structure and Roles

Sarah gave a presentation about the project structure and roles. This included MPI and DOC staff and three roles dedicated to the Forum: a GIS person, communications and engagement advisor, and project co-ordinator.

Questions:

1. *Can the communications person help with wordsmithing?*

Yes.

2. *Can the communications person help with dealing with the media?*

Yes. Maree noted that the Communications Plan also includes a section on how to deal with the media.

Day one closed at 5pm.

Day two opened at 8.30am.

Edward opened day two of the meeting and acknowledged the passing of Riki (Henare Rakihia) Tau, a respected Ngāi Tahu kaumatua.

11. SeaSketch

Greig gave the Forum a presentation of SeaSketch. He explained that SeaSketch is online and requires an internet connection. He also explained the main components of SeaSketch and gave examples where it has been used (eg Hauraki Gulf). Two SeaSketch training sessions are to be held over the next couple of Forum meetings.

Greig also explained about the security of data in SeaSketch (such as the ability to password protect sensitive information). He noted the Forum would need to consider how much the public should be able to see and how much they should be allowed to get involved, by sketching, for example.

Questions included:

1. *How do you capture what is being taken by recreational fishers when there is no reporting?*

Dave noted that it depends on the region. In some areas, like Hauraki Gulf, there may be aerial and boat ramp surveys. For the South-East region, there is likely to be less information and it is likely to be indicative only. He noted that there is also some charter boat operator data. SeaSketch may help in getting information for the Forum, using its survey function, for example.

2. *Is the commercial paua restriction west of Waipapa Point included in SeaSketch?*

No. Only restrictions within the Forum region boundaries have been mapped so far.

ACTION POINT: Include information about fisheries restrictions just outside the region boundaries in SeaSketch.

Tania to provide GIS data to Greig to include with fisheries restrictions layer in SeaSketch.

3. *Can we give access to our stakeholder group?*

This is a discussion for the Forum to have; what access do they want the public to have for engagement? Greig noted there is moderation built in (to manage offensive comments, for example).

4. *How are surveys designed and analysed?*

DOC has social scientists who may be able to help, but the Forum has to identify what the need is first. Sean noted independent advice may be able to be provided if required, for example to help formulate questions.

5. *Why is the Forum boundary so far north?*

Sean responded that it was done on the basis of biodiversity. DOC and MPI can explain and provide evidence from the experts who determined the boundary.

ACTION POINT: Sean to provide written explanation of rationale for boundary position.

ACTION POINT: Forum members to advise Greig if they do not have internet connection.

ACTION POINT: Grieg to email all Forum members with logon prior to next meeting so they can start getting familiar with seasketch.

Forum Boundaries

There was further discussion of the northern and southern boundaries. The Forum may look at identifying more 'logical' points. The northern boundary currently appears to be opposite the Timaru Railway Station; the southern boundary is close to but west of the boundary between two fisheries management areas.

Sean noted that the boundaries could not be moved significantly as that would not work for biological reasons. However, a small shift to make boundaries more sensible would be open to the Forum.

Sarah noted that a significant change to a boundary would require Ministerial approval given the Minister had decided on the existing boundary.

Stakeholder Engagement

There was discussion about the need to talk to stakeholders to get information, historic fishing information for example, in addition to using SeaSketch. Forum members will have to talk to their stakeholder groups.

Sarah noted that the SeaSketch tool can be used in the engagement process. Support can be provided to help the general public use the tool. Sean noted that SeaSketch is an alternative to the traditional “hall” style public meeting. It is much more collaborative.

Simon suggested the Forum could get schools engaged with helping to collect information.

Messaging

The Forum noted that it is important that the community understands what the MPA planning process is and what it means for the future. How the Forum communicates the process (including how it differs from the marine reserve processes of the past and the options available) will be crucial. Consistent messaging will also be important.

SeaSketch Data Layers

The Forum discussed what data layers might be needed in SeaSketch. Requests included:

- Paper roads
- SILNA lands
- Voluntary trawl areas
- Set net bans and trawl bans
- Fishing restrictions outside the area (including commercial paua)
- Proposed mātaihai reserves
- Sewage outfalls and industrial (eg freezing works)
- Dredging and spoil dumps
- Queen’s chain
- Maori land and Maori Reserve Land
- Bycatch data (protected species)
- Species' GPS tracks
- Whale strandings
- Seabird colonies
- Water quality (estuarine, river)
- Marae locations
- Plankton maps
- Currents
- Water temperature
- Fisheries management boundaries
- Bird surveys (Forest and Bird)
- Navy survey data

ACTION POINT: Tania will find commercial paua restriction and voluntary trawl restriction information.

ACTION POINT: Officials – confirm data layers first with Ngāi Tahu Forum members before approaching TRONT.

Greig noted that not all information is available electronically and not all data is geospatially referenced. Therefore some information may not be able to be mapped, though it can still be noted.

Data quality can vary and the Forum should consider the meta data (the data about the data) including how it was collected and any caveats.

ACTION POINT: For the next meeting, Greig to provide a list about what has been mapped and what has not of the layers requested by the Forum.

12. Forum Protocols

Maree led a discussion about Forum protocols. This is summarised below.

Ngāi Tahu Representatives

Discussion with Ngāi Tahu by Forum members or officials is to be through the representatives on the Forum not directly to Nigel (or TRONT). It is the representatives who have the mandate and are answerable to the people.

Quorum

- The operational quorum will be 9
- For major decisions, the quorum will be 12

Proxy Votes/Observers

Only members of the Forum can act as proxies. Where decision is required, an option will be to participate by conference call.

Observers attending on behalf of other Forum members may sit in the public section and can only speak during public sessions. If an observer has a particular view he or she wishes expressed, that can be done through the Chair. The Forum can ask observers questions.

Absence of the Chair

A deputy chair is to be elected at the next meeting.

Conflict of Interest

Maree noted that everyone has a clear bias because he or she is representing a point-of-view. But there is a continuum of conflicts of interests from being a sector representative to have a direct financial benefit (or loss).

If there is a direct financial implication for a member, he or she should declare it, but can still take part in discussions and the decision. However, the Forum may decide its relevant and a conflict in relation to that decision.

Agenda

The agenda is primarily the responsibility of the Chair. It is to be finalised two weeks prior to the meeting and any items need to be with the Chair prior to that date. Matters arising closer to the meeting are an exception. A best endeavours/no surprises approach will be taken to

planning meetings. If there are urgent matters that miss the two week deadline, the paperwork is to be provided by the person who wants the matter discussed.

Minutes

Draft minutes are to prepared quickly and put on line.

Speaking to the Public/Media

If the matter is specific to Ngāi Tahu, the spokesperson will be the representative that the Ngāi Tahu representatives nominate. Otherwise, as long as the Forum agrees to the message, the Chair will speak on behalf of the Forum.

Public/Closed Meetings

As confidential information may be being discussed, the Forum would have a Forum-only (in-committee) session first. Closed sessions will also be important to ensure free and frank exchange of views. There would then be an open or public session for approximately the last third of the meeting. There was discussion about the approach taken on marae in terms of who could and could not be excluded when a Forum meeting was held there.

Representation at Conferences and Events

Attendance at conferences and other events will be on a case-by-case basis. The event should be raised at the Forum and discussed to ensure the Forum is comfortable that attendance is in an official capacity. Agencies should direct queries to the Chair.

Upcoming conferences/meetings are:

- Penguin Conference (Oamaru) – the Chair will attend and speak (plus Philippa)
- Science Festival (Dunedin) – Chris is attending
- Yellow-eyed Penguin – one-day meeting
- New Zealand Marine Sciences Society (mid-August, Nelson) – ecosystem-based management theme
- Mahinga Kai Forum – Stephanie
- Southland Heritage Forum (August, Invercargill)

ACTION POINT: DOC to provide a schedule of upcoming conferences and other events (eg boat shows).
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Ngāi Tahu Alternates

There are only three Ngāi Tahu voting positions, and fees/expenses are only available for the three voting positions at each meeting. But, alternates may attend all meetings, speak and otherwise take part.

General

- Members will make best endeavours to attend all meetings.
- Members will read all meeting materials.
- Hard copies of reading material will be sent to all members, as well as electronic, at least one week before a meeting.

Sector Communication

Members are expected to report back and consult with their sector groups regularly.

Decisions

The objective is to make decisions by consensus, ie everyone agrees. Where the Forum cannot reach agreement, options may agreed on instead (noting numbers in support of each option).

Computer Use

Forum members will have to sign protocols for computer use for any computers provided by DOC for their use.

ACTION POINT: DOC to develop first draft of computer use protocols for Forum to consider.

13. Future Meeting Dates and Venues

There was discussion about the duration, time of week, locations and format for future meetings. The preference is for one-day meetings, on a trial basis, with an optional dinner the night before. It was noted that internet access would be required for training. This will need to be considered when booking venues. The format and duration of meetings can be reviewed.

The next four meeting dates are:

- Friday 1 August at Puketeraki, Karitane(or Otago University)
- Wednesday 10 September at Otago University (TBC)
- Saturday 18 October at Bluff (TBC)
- Wednesday 19 November at Waikawa (TBC)

The Forum may meet in Oamaru or Moeraki early in 2015.

ACTION POINT: Chris to confirm the venues for the next two meetings (Puketeraki and Otago University).

Claim Forms

ACTION POINT: DOC is to change the Forum name on the claim forms and add an address that they can be sent to.

14. Vision/Mission Statement

A guiding vision and some objectives are to be drafted for discussion at the next meeting.

ACTION POINT: Neville Peat to prepare first draft of Vision and Objectives. Forum members welcome to provide suggestions for Neville to take into account.

15. Name

There was further discussion confirming the new name.

ACTION POINT: Edward was to report back on a Maori version. (Complete)

16. Communication – Channels and Topics

The Forum discussed the purpose of communication and engagement, and what information was important. The possibilities of flyers and media interviews were discussed. The Forum agreed a press release would be issued to local papers, radio and television. It would be helpful to have a set of images available for Forum use.

At the next meeting, a plan will be considered for communication over the next 2 years.

Information

The Forum thought historical information was particularly important as it illustrated what the community used to have.

ACTION POINT: Tania to look into getting a copy of a report about interviews with recreational fishers.

ACTION POINT: Sean to source NIWA social survey report.

Going out and talking to people to get the information would be an important part of the process. Engagement should be tailored to suit the sector and each sector may have a view about how they would like to be engaged with.

ACTION POINT: Forum members to report back to the next meeting with ideas about how their sectors wish to be engaged with.

The Forum discussed how to get schools involved, for example through the Marine Studies Centre which already has links to schools.

At the next meeting, the Forum will consider what questions they want to ask and a standardised method of collecting and recording information.

Messages

The Forum considered it was important that members knew what to say if approached by the media or an individual. Key messages included:

- The Forum is at the beginning of its work
- The Forum will be consulting/listening
- A formal schedule of when the Forum would be in an area
- What the Forum hopes to achieve and how
- There are different tools that can be used for MPAs

ACTION POINT: Maree to arrange for media release reporting on first meeting. (Complete)

17. Logo

The Forum considered two options for a Forum logo. It agreed to the 'wave logo'. Further work will be need in regard to the name change and colours.

ACTION POINT: Neville Cox to work with designers to produce new logo.

18. Website Design

Website design will be part of the media strategy discussion at the next meeting.

ACTION POINT: Maree will resend her question regarding feedback on the website design

19. Agenda for Next Meeting

Potential items for the next meeting include:

- Meet the new staff
- Elect deputy chair
- Vision Statement and Objectives
- 2015 meeting dates
- Media strategy, timeline – regular progress updates/programme of media releases
- Web site design
- Consultation
- SeaSketch data layers
- Boundary clarification
- Information needed
- Confirm protocol
- Training – SeaSketch; Customary tools; laptops
- Report back session (stakeholder feedback)

The night before the meeting, there may be a field trip and a talk on shared fishery. The field trip and talk could be a public session. The Forum considered this could be a useful structure for future meetings.

20. Closing

Agencies thanked the Forum and Te Rūnānga o Otakou. Neville spoke on behalf of the Forum and Edward closed the meeting.

Day two closed at 2.45pm.