

Marine Reserves Application

for five sites in the

West Coast *Tai Poutini* Conservancy

in the localities of Kahurangi, Punakaiki,
Ōkārito, Ship Creek and Gorge

An application by the Director-General of Conservation

June 2012



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Published by
Department of Conservation *Te Papa Atawhai*
West Coast *Tai Poutini* Conservancy
Private Bag 701
Hokitika 7842, New Zealand

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Department of Conservation (2012): Marine Reserves Application for five sites in the West Coast *Tai Poutini* Conservancy, in the localities of Kahurangi, Punakaiki, Ōkārito, Ship Creek and Gorge. Department of Conservation *Te Papa Atawhai*, Hokitika, New Zealand. 56p.

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ACKNOWLEDGEMENTS:

The Department of Conservation *Te Papa Atawhai* acknowledges all those who have been involved in the development of this application. In particular, the participation of the West Coast Marine Protection Forum (www.westmarine.org.nz) from 2005 to 2010 and the Ministry for Primary Industries¹ (www.mpi.govt.nz) has been invaluable in the development of the proposals and progression of this application.

¹ The title “Ministry (or Minister) for Primary Industries” is used in this document to refer to the agency responsible for the Fisheries Act 1996, along with the titles of its predecessors as appropriate; the Ministry of Fisheries (up to 2011), Ministry of Fisheries and Aquaculture (2011) and MAF (2011/12).

1 INTRODUCTION

1.1 Application for Marine Reserves at Five Sites in the West Coast *Tai Poutini* Conservancy

This is an application by the Director-General of Conservation for an Order-in-Council pursuant to section 4(1) of the Marine Reserves Act 1971 ('the Act') to declare as marine reserves, five areas of sea and foreshore in the localities of Kahurangi (8466 ha), Punakaiki (3558 ha), Ōkārito (4641 ha), Ship Creek (16 ha) and Gorge (847 ha). All sites lie within the West Coast *Tai Poutini* Conservancy.

This application includes a description of the location and extent of the proposed marine reserves, the background to the application and an assessment of the effects that marine reserve status may have on existing users of the areas.

The Director-General's formal notice of intention to apply for the reserves is included in **Appendix 1** of this application document.

1.2 Purpose of Marine Reserves

Section 3 of the Marine Reserves Act 1971 ('the Act') states that marine reserves shall be preserved and maintained in a natural state for the scientific study of marine life and that the public shall have freedom of access. The Act also defines the purpose of marine reserves to preserve areas and marine life and it defines ways that reserves shall be administered and maintained. Marine reserves also have a role in advancing public understanding and appreciation of the marine environment.

Section 3 of the Act states:

"3. Marine reserves to be maintained in natural state, and public to have right of entry

(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.

(2) It is hereby further declared that, having regard to the general purpose specified in subsection (1) of this section, marine reserves shall be so administered and maintained under the provisions of this Act that—

(a) They shall be preserved as far as possible in their natural state:

(b) The marine life of the reserves shall as far as possible be protected and preserved:

(c) The value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:

(d) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.

- (3) For the purposes of this section but subject to any authorisation given under section 11(b) of this Act, no person shall fish in a marine reserve except—*
- (a) Persons (not being persons holding a permit issued under Part 4 of the Fisheries Act 1983) authorised by notice in the Gazette given by the Minister after having regard to the purpose specified in subsection (1) of this section; and*
 - (b) In accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and*
 - (c) Where not inconsistent with any conditions imposed under paragraph (b) of this subsection, in compliance with restrictions imposed on fishing by the Fisheries Act 1996 and any regulations made under it.*
- (4) Nothing in this section shall apply to prohibit any person from fishing in the reserve in accordance with any conditions imposed by any Order in Council made under section 5 of this Act”*

1.3 Process for Establishing Marine Reserves

Marine reserves are established by an Order-in-Council made by the Governor-General following the process set out in Section 5 of the Marine Reserves Act 1971. This process, which begins with the lodging of this formal application with the Director-General of Conservation is summarised in **Appendix 2**.

This application document satisfies part of the statutory requirements outlined in Section 5 of the Act. It was preceded by an extensive period of consultation. A summary of the consultation undertaken since 2005 is contained within **Appendix 3**.

1.4 The Role of the Department of Conservation

This application is made by the Director-General of Conservation, as provided for under section 5(1)(a)(v) of the Marine Reserves Act 1971. Under s 5(6) of the Act, the Minister of Conservation may obtain a report from an independent source on any objections, before making a decision on whether to approve or decline the application (refer to Appendix 2).

Regardless of who the applicant is, all marine reserves are administered by the Department of Conservation whose management responsibilities include marking the boundaries (where necessary), informing the public of permitted and prohibited activities, biological monitoring, issue of scientific permits, and overseeing the enforcement provisions of the Act in relation to offences.

1.5 Responses Invited

Anyone wishing to object, or make a submission in support of this application should do so in writing no later than 22 August 2012. Objections and submissions should be addressed to:

The Director-General of Conservation
“West Coast Marine Reserves”
Department of Conservation
West Coast Tai Poutini Conservancy
Private Bag 701
Hokitika 7842

Or email to: westcoastmarinereserves@doc.govt.nz

Under s 5 of the Act, the Director-General must refer any objections to the application to the Minister of Conservation, who, pursuant to s 5(6) of the Act, will decide whether any objections received should be upheld. The Director-General has the right as applicant to answer any objections received. Any answers provided by the Director-General are to be considered by the Minister of Conservation alongside any objections. It is noted that where the applicant is the Director-General, as is the case here, the Minister may obtain an independent report on the objections and application from an independent source. The Minister may also consider any submissions in support of the application which have been included in the applicants’ answer to objections. Such submissions in support may be relevant to the public interest to which the Minister is required to have regard (Section 5 (6)(e) of the Marine Reserves Act 1971).



FIGURE 1: LOCATIONS OF THE PROPOSED MARINE RESERVES

West Coast Tai Poutini Marine Reserves Application

2 THE APPLICATION

2.1 The Applicant

This is an application by the Director-General of Conservation. It is largely guided by the recommendations of the West Coast Marine Protection Forum ('the Forum') that was established in 2005 and tasked with recommending marine protected areas for the West Coast South Island Coastal Biogeographic Region, in accordance with the Marine Protected Areas Policy and Implementation Plan ('the MPA Policy')².

Minutes and documents produced by the Forum serve to document the planning and implementation of the processes undertaken to progress the establishment of marine reserves. These are held on the Forum's website, www.westmarine.org.nz. The website is intended to remain in place at least until March 2013.

2.2 Proposed Marine Reserve Locations, Names and Boundaries

The locations and boundaries of the five proposed marine reserves are shown in **Figures 1 and 2** and described below. The names that are used in this application for the proposed reserves are as used by the Forum. These names may be subject to change following consultation with Te Rūnanga o Ngāi Tahu and interested parties, before being approved by the New Zealand Geographic Board. The five proposed marine reserves cover a total area of 17528 hectares (175km²).

No land areas above the level of mean high water spring tides (including land on offshore rock stacks) are included in the marine reserve proposals. The proposals lie entirely within the foreshore and seabed of the Marine and Coastal Area, as defined in Marine and Coastal Area (Takutai Moana) Act 2011, and no private land is included.

Kahurangi

The proposed Kahurangi Marine Reserve has an area of 8466 hectares. It extends approximately 15.8 kilometres from Wekakura Point southwards to near Crayfish Point, and approximately 2.7 nautical miles (5000 metres) offshore from the line of mean high water spring tides (MHWS). The proposed site does not include the coastal marine area of the Heaphy River.

Punakaiki

The proposed Punakaiki Marine Reserve has an area of 3558 hectares. It extends approximately 10.8 kilometres from Perpendicular Point southwards to the vicinity of Maher Swamp, and approximately two nautical miles (3704 metres) offshore from MHWS. The proposed site includes part of the coastal marine areas of adjoining waterways such as Hibernia and Lawson Creeks, but does not include two inshore areas in the vicinity of the Pororari River beach and Punakaiki River beach / Razorback Point.

² DOC & MFish 2006

Ōkārito

The proposed Ōkārito Marine Reserve has an area of 4641 hectares. It extends approximately 10.7 kilometres from the vicinity of Kohuamarua Bluff southwards to the northern side of Omoeroa Bluff, and approximately 2 to 2.3 nautical miles (3704 to 4200 metres) offshore from MHWS. The proposed site includes the coastal marine area of the Waiho River, but does not include the Three Mile and Five Mile Lagoons, which are both already protected within the Westland *Tai Poutini* National Park.

Ship Creek

The proposed Ship Creek Marine Reserve has an area of 16 hectares. It extends approximately 630 metres from Tauperikaka Point southwards to near the southern lookout on the Ship Creek Beach walk, and approximately 0.1 nautical miles (200 metres) offshore from MHWS. The proposed site includes the coastal marine area of Ship Creek / Tauperikaka.

Gorge

The proposed Gorge Marine Reserve has an area of 847 hectares. It extends approximately 5.8 kilometres from near Longridge Point southwards to Hackett River, and approximately 0.5 to 0.7 nautical miles (1000 to 1300 metres) offshore from MHWS.

2.3 Objective

The objective of the application is to give effect to the purpose of the Marine Reserves Act 1971, namely to provide for the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study.

This application has derived from the recommendations of the West Coast Marine Protection Forum, which was guided by the New Zealand Biodiversity Strategy and the MPA Policy. These two documents aim to establish a viable network of marine protected areas (including marine reserves) that is representative of New Zealand's marine ecosystems and habitat types, while minimising impacts on existing users.

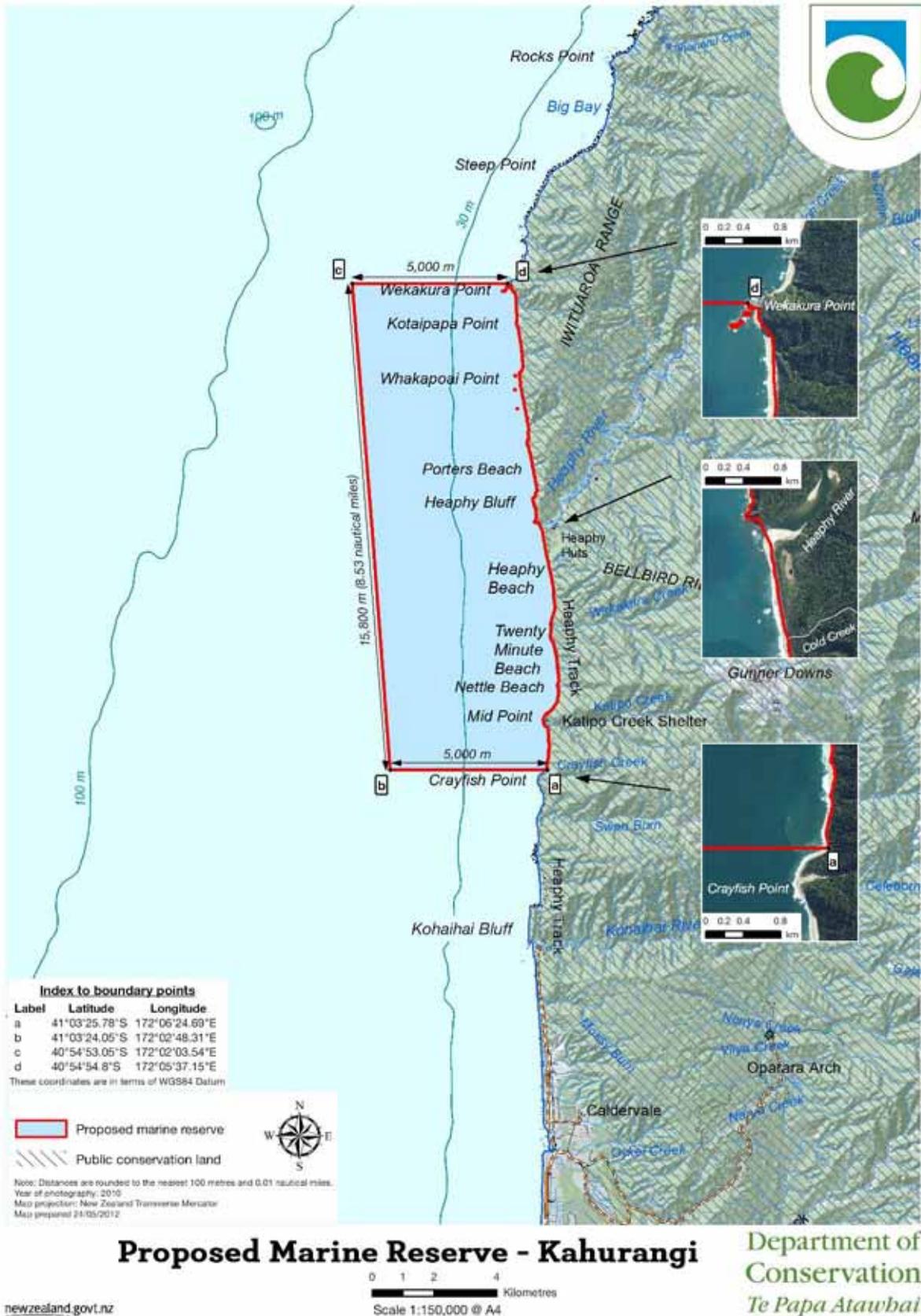


FIGURE 2a: PROPOSED MARINE RESERVES (a) KAHURANGI

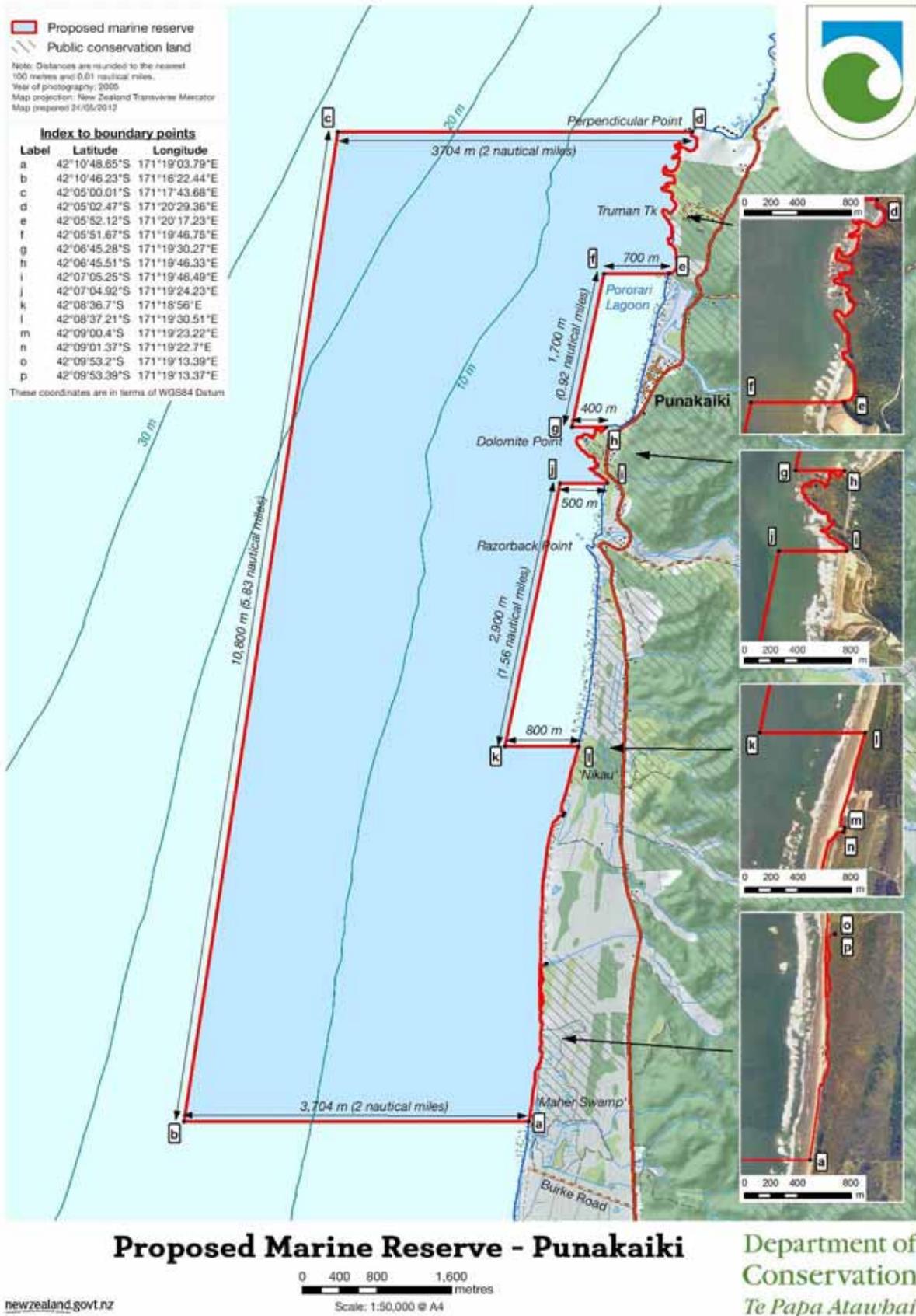


FIGURE 2b: PROPOSED MARINE RESERVES (b) PUNAKAIKI

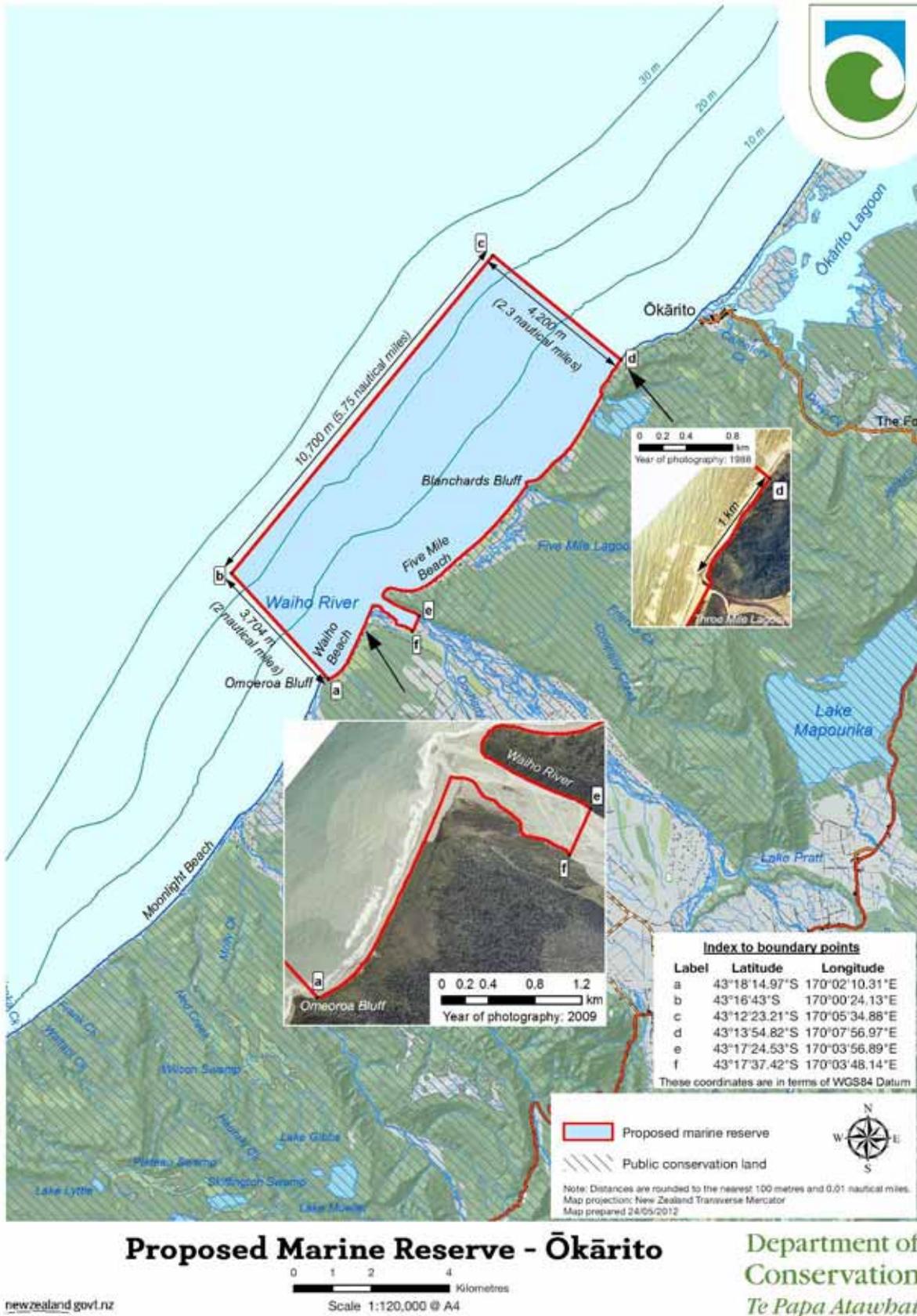


FIGURE 2c: PROPOSED MARINE RESERVES (c) ŌKĀRĪTO



FIGURE 2d: PROPOSED MARINE RESERVES (d) SHIP CREEK

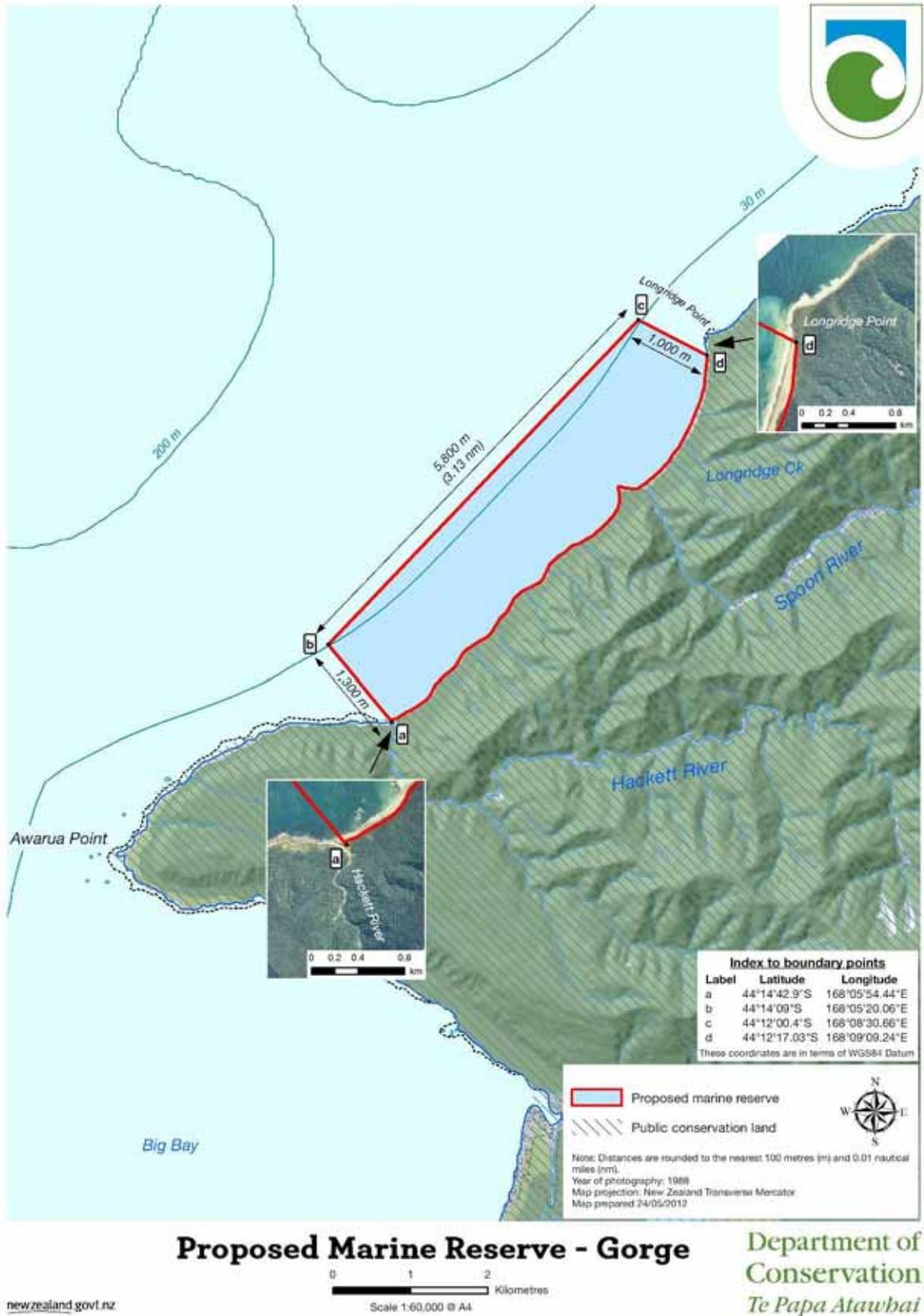


FIGURE 2e: PROPOSED MARINE RESERVES (e) GORGE

3 BACKGROUND TO THE APPLICATION

3.1 Origins of the Proposal

On 26 August 2011, the Minister of Fisheries and Aquaculture and the Minister of Conservation jointly announced their agreement to proceed with the implementation of a number of marine protected areas (MPAs) on the West Coast of the South Island, based on the recommendations from the Forum.

The Forum was a multi-stakeholder group set up in 2005 with representatives from Ngāi Tahu, commercial and recreational fishing interests, conservation advocates, tourism interests, local government and local communities all with an interest in the West Coast marine environment. It was tasked with developing recommendations for marine protected areas along the West Coast of the South Island within Territorial waters out to the lesser of 12 nautical miles offshore or 200 metres depth. The Forum was assisted and advised by the Department of Conservation and Ministry of Fisheries.

The Forum was guided by the MPA Policy which was jointly published in 2006³ by the Department of Conservation and Ministry of Fisheries, and by Implementation Guidelines published in 2008⁴. The purpose of the policy is to establish a network of MPAs that protect New Zealand's marine biodiversity in a comprehensive and representative range of marine habitats and ecosystems, while minimising effects on existing users and Treaty settlement obligations.

In July 2010, after considerable consultation and planning, the Forum⁵ presented Ministers with a total of nine marine protection options at four 'primary' sites spread along the West Coast which provided an opportunity to protect, to varying extents, a range of habitats and ecosystems within the region. Five additional smaller sites were recommended for protection as 'educational showcase' sites. The Forum recommended several types of marine protection, to be implemented under the Marine Reserves Act 1971 (at seven of the sites), Fisheries Act 1996 (at four of the sites) and Conservation Act 1987 (at two of the sites). The options and recommendations reflected the diversity of values and views held by those on the Forum and in the wider community.

The five marine reserves proposed in this application were selected for progression by the Ministers on advice from their respective agencies⁶, and are mainly based on some of the options recommended by the Forum (referred to by the Forum as Kahurangi 'B', Punakaiki 'A', Ōkārito 'A', Ship Creek and Gorge 'A'). The Ministers agreed to proceed with an 80 metre adjustment to the northern boundary of the Ship Creek site in accordance with the Forum's recommendations, to avoid overlap with the Tauperikaka Mātaitai Reserve established in 2011. Following discussions with commercial fishing representatives and other interests, changes were made to proposed fisheries controls in

³ DOC & MFish 2006

⁴ MFish & DOC 2008

⁵ WCMPF 2010

⁶ DOC & MFish joint advice paper to Ministers, dated 2 June 2011

the Kahurangi ‘B’, Ōkārito ‘A’ and Gorge ‘A’ options⁷, but no changes were made to the marine reserve boundaries of those options, which are the subject of this application. No change was made by the Ministers to the Punakaiki ‘A’ option.

The Ministers also agreed to proceed with some “Type 2 MPAs”⁸ (which are within the scope of the MPA Policy but are not part of this marine reserves application) adjoining the proposed Punakaiki and Gorge marine reserves. Those were guided by the Forum’s recommendations, but included adjustments to the Gorge site that simplified its boundaries. A Type 2 MPA adjoining the Ōkārito marine reserve was included in the Forum’s recommendation report, but was not included in the Ministers’ agreement to proceed, in order to minimise adverse effects on existing users. The Ministry for Primary Industries intends to proceed with the Punakaiki and Gorge “Type 2 MPA” proposals during 2012/13, using legislative tools under the Fisheries Act 1996 and regulations.

Applications for eleven mātaihai reserves on the West Coast Te Tai o Poutini were lodged in 2009, four of which have now been established under fisheries regulations, while the other seven remain in place as applications only. Those mātaihai reserve applications influenced the formation of the proposals in this marine reserves application, but they do not meet the definition of a Type 1 or 2 MPA⁹.

In combination with other recommendations that are intended to be progressed under other legislation, the five proposed marine reserves aim to meet the requirements of the MPA Policy and give effect to both domestic policy and international commitments to protect marine biodiversity. It is considered that the proposed marine reserves are large enough to protect a wide range of marine habitats and ecosystems, but also minimise impacts on existing users of the marine environment and Treaty settlement obligations.

There are currently no marine reserves along the West Coast and the only marine protected areas are four estuarine areas in National Parks or Scenic Reserves¹⁰. The locations proposed will add to existing statutory protection, and they will also provide links with protected areas on the land including three national parks and Te Wāhi Pounamu *South West New Zealand* World Heritage Area.

3.2 Scientific Investigations and Rationale for the Marine Reserves Proposal

The rationale for the five marine reserves included in this application is founded in the information used by the Forum to formulate their recommendations. This includes a

⁷ These changes to proposed fisheries controls were the removal of controls in the Heaphy River (Kahurangi site) and to the north of the Ōkārito site, and a simplification of offshore boundaries in the Gorge site.

⁸ Type 2 MPAs are Fisheries Act prohibitions on dredging, bottom trawling, Danish seining; Bottom gillnetting and potting when used on sensitive biogenic habitats; Purse seining, midwater trawling, midwater gillnetting and bottom gillnetting. May also include cable protection zones, marine mammal sanctuaries, Resource Management Act in common with other tools contained in provisions of the Crown Minerals Act, Maritime Transport Act & Biosecurity Act.

⁹ Type 1 MPAs are Marine reserves established under the Marine Reserves Act 1971.

¹⁰ WCMPF 2010, p164. Note that a ‘gaps analysis’ to identify all existing MPAs throughout New Zealand is also being prepared.

report by Neale et al (2008)¹¹ that summarises relevant information about the region's marine and coastal environment.

Some of the scientific and other reasons for establishing marine reserves are expressed in the MPA Policy's "Implementing Principles" and the associated Implementation Guidelines¹². The Forum took these into account when developing its recommendations.

In particular, the marine reserves proposed in this application:

- *Protect examples of the full range of marine habitats and ecosystems (MPA Policy Network design principle #1).*
 Together with existing MPAs, the proposed marine reserves include 15 of the 17 habitat types found in the West Coast South Island Coastal Biogeographic Region (refer to **Appendix 5**). The locations of the proposed reserves were selected to protect sequences of habitat and substrate types within the region's estuarine, intertidal, shallow subtidal and deep subtidal domains.
- *Are based on a consistent approach to classification of habitats and ecosystems (MPA Policy Network design principle #2).*
 The habitat classification used for the West Coast region was based on the national classification standard included in the Implementation Guidelines, with some alterations to allow for information limitations.
- *Are viable (MPA Policy Network design principle #3).*
 The viability of the selected sites is enhanced by their relatively large size and their areas being adjacent to protected coastlines and river catchments.
- *Protect whole habitats and ecosystems (Implementation, Site Identification and Protected Area Design Guideline).*
 To the extent possible, whole habitats have been included in each of the proposed reserves.
- *Consider the size of the protected area (Implementation, Site Identification and Protected Area Design Guideline).*
 Three of the proposed reserves (Kahurangi, Punakaiki and Ōkārito) are among the largest marine reserves in mainland New Zealand, and so can be expected to be of sufficient size to maintain plant and animal populations. The proposed Gorge marine reserve is of a size comparable to other marine reserves (e.g. Goat Island) where beneficial effects of protection have been demonstrated. Overall, the proposed reserves cover 17528 hectares (1.3%) of the region's territorial waters and approximately 40.1 kilometres (6.7%) of the region's coastline.
- *Maximise connectivity (Implementation, Site Identification and Protected Area Design Guideline).*
 All five proposed sites are closely connected to large areas of protected land and catchments that help to extend their protection across the land-sea boundary. The connectivity between the proposed marine reserves is difficult to judge from current information and scientific understanding of marine reserve network design, but the large size and regular spacing of the proposed reserves should contribute to their overall connectivity.

¹¹ Neale et al 2008

¹² DOC & MFish 2005, MFish & DOC 2008

- *Represent latitudinal and longitudinal variation (Implementation, Site Identification and Protected Area Design Guideline).*
The proposed reserves cover a wide latitudinal range of habitats within the region, including the three main ‘subregions’ identified by Neale et al (2008: p26). Longitudinal (cross shelf) variation is expressed in particular by the Kahurangi site that extends five kilometres offshore and the Gorge site that extends into the deep subtidal areas near the head of a submarine canyon. Options recommended by the Forum for reserves extending out to 12 nautical miles were not included in this application because they were considered to have too great an adverse impact on existing users and Treaty settlement obligations.
- *Consider sea and adjacent land uses (Implementation, Site Identification and Protected Area Design Guideline).*
The sites are considered to minimise adverse impacts on existing uses of the sea and adjacent land. The sites are mostly in less accessible areas and have been designed to take existing offshore activities (e.g. commercial fishing & minerals industries) and iwi interests into account.
- *Keep boundaries simple and aim for low boundary to area ratio (Implementation, Site Identification and Protected Area Design Guideline).*
Each of the proposed reserves follows the line of mean high water spring (MHWS) along the coastline, and has straight-line offshore boundaries marked by latitude and longitude references. An exception is two coastal areas enclosed by the proposed Punakaiki Marine Reserve, which were not included in the proposal so as to avoid adverse impacts on existing users.
- *Minimise adverse impacts on existing users of the marine environment in establishing MPAs (MPA Policy Planning principle #5).* .
The locations of each of the proposed reserves have been selected with an aim of minimising the adverse effects on existing users, while also fulfilling other provisions of the MPA Policy. While some of the proposed marine reserves will affect existing users, provision has been made to minimise those effects by careful positioning of boundaries and by proposing provisions within the Order in Council notice to establish the reserves.

Some areas of the West Coast marine environment were included in the Forum’s recommendation report using tools other than fully protected marine reserves (referred to in the MPA Policy as “Type 2 MPAs”), to minimise adverse effects on existing users while ensuring representative coverage of habitat types within marine protected areas. The Ministers agreed to progress with such proposals in areas adjoining the proposed Punakaiki and Gorge marine reserves, but they will be implemented separately under the Fisheries Act 1996 and are not part of this marine reserves application.

3.3 Consultation

This application represents a significant part of the statutory consultation for establishing marine reserves in the West Coast region.

Prior to this, extensive non-statutory consultation was undertaken through the work of the Forum. This is summarised in **Appendix 3**. Forum members came from a wide range of interests, and encouraging input from iwi, associates and communities was an important focus of the Forum's work.

Both of the Poutini Ngāi Tahu (West Coast) Papatipu Rūnanga had representatives on the Forum and Te Rūnanga o Ngāi Tahu have indicated that they are “optimistic that support can be given” to the areas included in this application¹³. The Maori-based commercial fishing organisation Te Ohu Kai Moana also engaged in the process.

Te Tau Ihu (representing eight iwi based in the northern South Island) were invited to contribute to the development of recommendations by the Forum and have expressed particular interests in the proposed Kahurangi site. There is some sensitivity relating to the overlapping areas of interest in the northern West Coast between Ngāi Tahu and some members of Te Tau Ihu. It is hoped that any matters will be resolved by the parties concerned, allowing widespread consultation and input to continue.

The minerals and petroleum industries were also consulted and most indicated general acceptance of the options that comprise this application. Correspondence from representatives of these sectors is included in the Forum's recommendation report¹⁴.

Additional consultation since the Forum put forward its recommendations has been undertaken by the Department of Conservation and Ministry for Primary Industries with a variety of stakeholders and interested parties. This includes: Deepwater Group Ltd, Challenger Finfisheries Management Co Ltd, Minerals West Coast, Ironsands Offshore Mining Ltd, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Mawhera Incorporation, various adjacent landowners, and the West Coast Whitebaiters' Association.

As the application process continues further consultation is planned involving Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga, inshore commercial fishing groups, Te Ohu Kai Moana, local landowners, local communities and environmental organisations.

3.4 Boundary Selection

The boundaries of the proposed reserves were selected to protect sequences of habitats from the edge of the land to deep subtidal areas.

The Department concurs with the Forum's approach that it is most appropriate to have coastline boundaries following the line of MHWS, with straight line boundaries offshore. Other boundary options such as following depth contours or constant distances from shore would make the boundaries non-linear and so would present compliance and enforcement difficulties. Wherever possible, boundaries are kept as simple shapes that encourage understanding and compliance.

¹³ WCMPF 2010

¹⁴ WCMPF 2010

4 VALUES AND SIGNIFICANCE OF THE PROPOSED MARINE RESERVES

4.1 Natural values

The natural values of the five proposed marine reserves are summarised below. Further information about these sites can be found in the Forum's reports¹⁵.

Overall, the five proposed areas are representative of marine environments of the West Coast South Island Coastal Biogeographic Region. They include a variety of habitat types based on depth and substrate characteristics. They share the features which, in combination, distinguish the West Coast marine environment from other New Zealand coasts: exposure to prevailing westerly winds and high wave energy action; pronounced effects of sedimentation (including glacial sediments and sand scour); and dynamic shelf and river hydrology. They are all associated with coastal landscapes that are visually spectacular and include significant areas of protected conservation lands. Together, they represent the range of variation found among the three main 'subregions' of the West Coast South Island Coastal Biogeographic Region¹⁶.

Kahurangi

This site was chosen because it includes natural examples of eight habitat types. It is a good example of the northern West Coast marine ecosystems, and adjoins natural coastlines and catchments within Kahurangi National Park. It includes rocky and sandy coast habitats reaching out to the inner continental shelf areas to depths of about 50 metres.

Punakaiki

This site was chosen because it includes natural examples of six habitat types. It is a good example of the northern West Coast marine ecosystems, and adjoins natural coastlines and catchments within Paparoa National Park. It includes rocky, gravel and cobble shore habitats reaching out to sandy seabed areas to depths of about 20 metres.

Ōkārito

This site was chosen because it includes natural examples of five habitat types. It is a good example of the central West Coast marine ecosystems, and adjoins natural coastlines and catchments within Westland Tai Poutini National Park and Te Wāhi Pounamu *Southwest New Zealand* World Heritage Area. It includes moraine boulder and gravel shore habitats reaching out to sandy and muddy seabed areas to depths of about 25 metres, and the gravel-bed river mouth of the Waiho River.

¹⁵ Neale et al 2008, WCMPF 2009, WCMPF 2010

¹⁶ Neale et al 2008: p26

Ship Creek

This site was chosen because it includes natural examples of three habitat types. It is a good example of the southern West Coast marine ecosystems, and adjoins natural coastlines and catchments within Te Wāhi Pounamu *Southwest New Zealand* World Heritage Area. It includes sandy shore and river mouth habitats reaching out to depths of about five metres.

Gorge

This site was chosen because it includes natural examples of five habitat types. It is a good example of the southern West Coast marine ecosystems, and adjoins natural coastlines and catchments within Te Wāhi Pounamu *Southwest New Zealand* World Heritage Area. It includes boulder and sand shore habitats reaching out to seabed areas to depths of about 30 metres.

Habitat & Ecosystem types

An aim of this application is to protect and preserve a representative range of West Coast marine habitats. Figure 3 shows the habitat types present in the West Coast region according to the classification system used. **Appendix 5** tabulates the habitat types occurring within each proposed marine reserve (and existing MPAs), showing that fifteen of the seventeen habitat types found in the West Coast region are included within the proposed marine reserves and existing MPAs, and eleven are replicated.

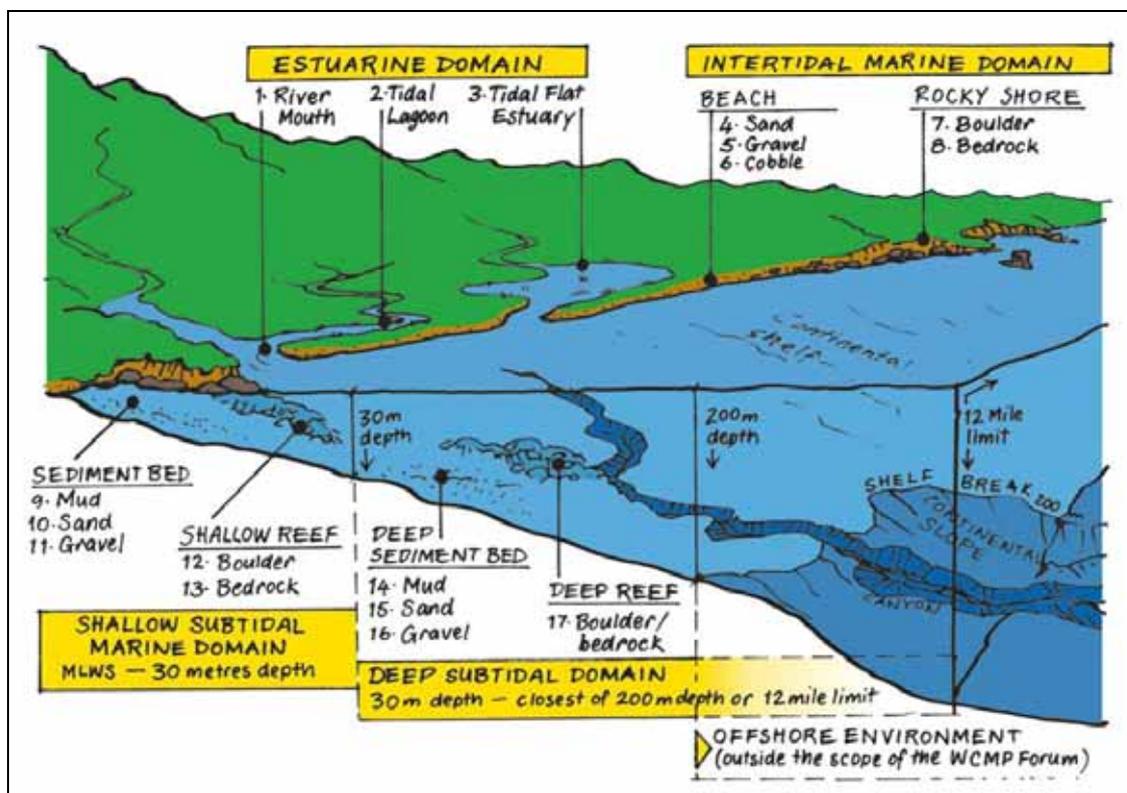


FIGURE 3: HABITAT TYPES IN THE WEST COAST SOUTH ISLAND COASTAL BIOGEOGRAPHIC REGION

Species

Full species lists have not been compiled for the proposed sites, but the range of species present is likely to reflect those described in Neale et al 2008 (e.g. p 36-41), including marine mammals, birds, fish, invertebrates and seaweeds. It is anticipated that baseline surveys to describe and assess the biota will be undertaken in any new marine reserves that are created.

Taonga Species

Taonga species are those native plants, birds and other animals which are of special cultural significance and importance to tangata whenua. The West Coast South Island Coastal Biogeographic Region wholly adjoins the coastline of the takiwa of Ngāi Tahu Whānui as defined by the Te Rūnanga o Ngāi Tahu Act 1996. The marine, coastal and estuarine species listed in Schedule 97 of that Act and likely to occur within the proposed marine reserve sites are listed in **Appendix 4**.

4.2 Recreational and Educational Values

Whilst the objectives for the establishment of the proposed reserves are primarily scientific in accordance with the Marine Reserves Act 1971, there are also recreational and educational values to be enjoyed within the proposed reserves.

The above-water scenery at the five proposed sites is of high natural character and the seascape is an important part of those scenic vistas. Intertidal habitats within the sites can provide opportunities for education and an appreciation of the coastal marine environment. The recreational value of the subtidal habitats of the sites is limited by their distance from roads and launching sites, and the often low underwater visibility for divers.

It is anticipated that the more accessible Punakaiki and Ship Creek sites will be especially suitable for educational purposes, while the Kahurangi and Ōkārito sites will also provide opportunities for the public to access and learn about protected marine areas. The proposed Gorge site is less accessible but nevertheless provides opportunities for remote recreational experiences. All five sites will provide opportunities for off-site environmental education (such as through media and publications, photography, remote sensing and the arts).

5 IMPLICATIONS FOR TANGATA WHENUA, CURRENT USERS AND OTHER GROUPS

According to S5(6) of the Marine Reserves Act, in deciding whether or not any objection to this application should be upheld, the Minister of Conservation shall “...uphold the objection if [she] is satisfied that declaring the area a marine reserve would—

- (a) Interfere unduly with any estate or interest in land in or adjoining the proposed reserve:
- (b) Interfere unduly with any existing right of navigation:
- (c) Interfere unduly with commercial fishing:
- (d) Interfere unduly with or adversely affect any existing usage of the area for recreational purposes:
- (e) Otherwise be contrary to the public interest.”

The Minister also has particular obligations to consider the views of Maori, including tangata whenua and Treaty settlement issues.

This part of the application considers these matters while summarising the potential implications of the proposed marine reserves for tangata whenua, current users and other groups. Individuals and groups such as these are fully entitled to participate in the public process for these marine reserve applications, and the Crown has particular obligations to give effect to the Treaty of Waitangi.

A desire to minimise the adverse effects of proposed marine protected areas on existing users was an important consideration of the Forum’s deliberations, and it is reflected in this application which is based on the Forum’s recommendations.

5.1 Tangata Whenua and Maori Cultural Interests

The five proposed marine reserves adjoin the takiwa of Ngāi Tahu Whānui. Of the two Poutini Ngāi Tahu Papatipu Rūnanga, Te Rūnanga o Ngāti Waewae exercises manawhenua manamoana over the proposed Kahurangi and Punakaiki sites, and Te Rūnanga o Makaawhio exercises manawhenua manamoana over the proposed Ōkārito, Ship Creek and Gorge sites.

Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011 (‘MCA’) focuses on customary interests in the common marine and coastal area (‘cmca’) of New Zealand. All five proposed marine reserves will, if established, include the cmca. Under s 47 of the MCA the Minister of Conservation must have particular regard to the views of affected iwi, hapu or whanau when considering certain conservation related applications or proposals in the cmca including marine reserve applications. Affected iwi, hapu and whanau are those who exercise kaitiakitanga over the cmca. Kaitiakitanga is defined as ‘the exercise of guardianship or stewardship by tangata whenua of an area in accordance with tikanga’.

Te Rūnanga o Ngāi Tahu has indicated its support for the proposed marine reserves during the course of the West Coast Marine Protection Forum process and consultation by

agencies. The two Poutini Ngāi Tahu Papatipu Rūnanga were both represented on the Forum and agreed with the Forum's recommendations.

Te Tau Ihu has indicated their interest in relation to the proposed Kahurangi site which is challenged by the Ngāi Tahu Papatipu Rūnanga. Presently there is a proposal that the issue be resolved among the parties involved.

Ongoing discussion continues with Te Ohu Kai Moana as a representative of Maori commercial fishing interests. Consultation has occurred with the Mawhera Incorporation as they are adjoining landowners near the Heaphy River mouth next to the proposed Kahurangi Marine Reserve, and no concerns have been expressed.

The proposed marine reserve sites hold traditional and historic values for tangata whenua. Maori place names feature within and around each of the proposed sites and are indicators of the long associations of tangata whenua to these areas.

The marine reserve proposals do not include any land areas under title to tangata whenua or areas proposed for mātaihai reserves or taiāpure under the Fisheries Act 1996 and regulations. The northern boundary of the proposed Ship Creek Marine Reserve adjoins the Tauperikaka Mātaihai Reserve that was established in 2011.

5.2 Estate or Interest in the Land in or Adjoining the Proposed Reserves

(a) Adjoining Landowners

Adjoining landowners have been identified and will be notified of this marine reserves application as required under the Marine Reserves Act 1971. Adjoining landowners have had some opportunities to contribute to site selection via the Forum's process. Most of the land adjoining the five sites is public conservation land (including national parks) and unformed legal road. The main areas of adjoining privately owned land are at the Kahurangi site (near Heaphy River mouth) and portions of the Punakaiki site.

This application proposes that several existing uses of the proposed Punakaiki Marine Reserve area be allowed to continue at the request of an adjoining farm owner and as specified in 5.8 below and in the application notice (**Appendix 1**).

Mawhera Incorporation owns land adjoining the proposed Kahurangi Marine Reserve, near the Heaphy River mouth. They have been informed of this proposal and have not indicated any concerns about the potential effects of the reserve on their interests.

As noted most of the land adjoining the proposed marine reserves is public conservation land. For the freehold land that adjoins the proposed Punakaiki marine reserves it is intended the owners of this land will continue to use (for farm related activities) the foreshore areas to be included in any marine reserve established. Given this intention these landowners have not expressed any objection to the application.

(b) Mineral Interests

Mineral interests have been consulted by Department of Conservation, including representatives of Ministry of Economic Development (Crown Minerals), PEPANZ, Seafield Resources Ltd and Minerals West Coast. Most have indicated their support and/or acceptance of the proposed marine reserves' boundaries.

There are six current minerals permits and two applications that are located within the proposed marine reserves, as well as related resource consents. Existing blacksand gold mining at the proposed Punakaiki and Ōkārito sites are mostly small scale operations using predominantly handheld methods and small machinery. It is recommended that these activities be allowed to continue at a scale no greater than the existing operations, provided they are carried out in accordance with an authority (such as an access arrangement) or there is a reasonable excuse for carrying them out. It is considered that this recommendation is consistent with the provisions of the Marine Reserves Act 1971.

There is a current minerals prospecting application by Ironsands Offshore Mining Ltd for prospecting for gold and other minerals over large areas of the West Coast marine area including parts of the proposed Punakaiki, Ōkārito and Ship Creek reserves. This company fully supports the marine reserve proposals and intends to seek the removal of the proposed reserves from its application area.

It is proposed that fossicking (non-commercial gathering) of beachcast stones (including pounamu) will be permitted within all of the proposed reserves.

Section 61(1A) of the Crown Minerals Act prevents the Minister from accepting an application for access arrangement over land listed in the 4th schedule unless one of the exceptions in s 61(1A)¹⁷ apply. At present an Order in Council is required to add any new areas to the 4th Schedule, and this is not the current intention of this marine reserves application. However, the Crown Minerals Act is currently under review. One of the proposed amendments to this Act is to make additions to the 4th Schedule automatic without the need for an Order in Council. If this amendment is passed by Parliament this will mean that any new marine reserve would automatically be added to the 4th schedule and subject to s 61(1A) Crown Minerals Act, unless one of the exceptions in s 61(1A) applies.

Kahurangi

There are currently no minerals permits over this proposed site. Crown Minerals and PEPANZ have both stated that they are not opposed to this proposal.

¹⁷ The exception likely to apply in relation to black sand mining is provided for in s 61(1A)(b)(i) – activities that do not result in any complete stripping of vegetation over any area exceeding 16 square metres or (ii) does not result in any permanent adverse impact on the profile or surface of the land that is not a necessary part of any activity specified in paragraph (a). Paragraph (a) relates to exit or service shaft for underground mining operations.

Punakaiki

A Permit holder for a black sand beach gold mining operation in the southern part of this proposed marine reserve has been consulted and it is proposed that, subject to this Permit holder applying for and obtaining, or otherwise holding, the appropriate authority, this operation would be able to continue at existing levels within the proposed reserve.

Ōkārito

It is proposed that the Permit holders for black sand beach gold mining operations on the Three Mile and Five Mile beaches will, subject to applying for and obtaining, or otherwise holding the appropriate authority, these operations can continue at existing levels within the proposed reserve. Ironsands Offshore Mining Ltd intends to remove the proposed reserve area from its prospecting application area.

Ship Creek

There are currently no minerals permits over this proposed site.

Gorge

There are currently no minerals permits over this proposed site.

(c) Other Authorisations and Interests

There is no other known estate or interest in the land that might be affected by the proposed marine reserves.

5.3 Navigation

It is noted that the Minister of Transport has a concurrence role for these proposed marine reserves in which the effects on navigation may be further assessed and considered.

Maritime New Zealand has been consulted in relation to vessel activity within the proposed reserves. They concur that there are no issues relating to channel markers, dredging and buoys and because there is no intention to place reserve boundary markers in the water, it is unlikely that the proposed marine reserves will interfere unduly with navigation and anchoring.

5.4 Commercial Fishing

It is noted that the Minister for Primary Industries has a concurrence role for these proposed marine reserves in which the effects on commercial fishing may be further assessed and considered.

The Ministry for Primary Industries and the main commercial fishing interests that are potentially affected by the marine reserve proposals contributed significantly to the final

locations and design of the proposed marine reserves. Three experienced West Coast-based commercial fishers and the CEO of Challenger Finfisheries Management Company Ltd (CFMC) were members of the Forum. Other commercial fishing representatives were consulted by the CFMC CEO to assist the Forum, and also by DOC & MFish/MAF staff both during and after the Forum process. Six Commercial fishing Stakeholder Organisations (CSOs)¹⁸ made a joint submission to the Forum's June 2009 consultation document. Several other commercial fishing organisations similarly took the opportunity to contribute to the Forum's process through submissions and discussions.

Modified options included by the Forum in their final recommendations took the views of these stakeholders into account. For instance, some nearby areas of interest to commercial fishing have been excluded from the proposed marine reserves while maintaining the integrity of the proposed protection. Areas excluded from the proposed sites mainly as a result of the Forum's deliberations include rocky reef areas north of Wekakura Point (Kahurangi site) and at Longridge Point and Awarua Point (Gorge site), and areas used by trawl and other fisheries offshore from the proposed Kahurangi, Punakaiki, Ōkārito and Gorge sites.

The proposed marine reserves have varying levels of impacts on commercial mixed finfish, rock lobster (CRA8 and 9) and paua (PAU6) fisheries. As noted, in response to the June 2009 consultation process, six CSOs collectively proposed alternative MPAs for each of the four primary locations to minimise adverse impacts on commercial fishers. However, the CSOs did not substantiate how their proposed alternatives minimise adverse impacts relative to the MPAs proposed during the June 2009 consultation process (e.g. comparison of relative catch levels).

Each of the marine reserve proposals will prohibit all fishing inside those areas. Each of the Type 2 MPAs (which are not part of this application) will prohibit the use of mobile bottom fishing methods (bottom trawling, Danish seining and dredging).

It is considered that the best available information from the Ministry for Primary Industries and other sources was used by the Forum to formulate the recommendations on which this application is substantially based. The assessment of adverse impacts is limited by the fisheries return data, as these data do not allow for determination of the actual tonnage of species commercially taken from each proposed marine reserve. Until recently, the Ministry for Primary Industries could only analyse fisheries return data at a coarse scale from all waters within each particular fisheries statistical area. However, since 2007/08 commercial fishers operating vessels 6 to 28 m in length report the start position of each trawl, longline (except tuna) and setnet using latitude and longitude.¹⁹ The resolution (radius) of a start position is 1 nm, and the direction from the start position is not recorded. Therefore, catch/effort data incorporate a degree of uncertainty regarding the precise locations of commercial fishing operations.

The assessment of the adverse impacts that each marine reserve proposal has on commercial fishing is discussed as follows.

¹⁸ The six CSOs are the Paua Industry Council, PAUAMAC7, Challenger Finfisheries Management Company, CRAMAC8, CRAMAC9 and the South Island Eel Industry Association.

¹⁹ Regulation 11D of the Fisheries (Reporting) Regulations 2001.

Kahurangi

The proposed Kahurangi marine reserve was not consulted on in June 2009. Instead, it arose from discussions that followed up the June 2009 consultation process that proposed a larger marine reserve for that locality. It extends out to depths of about 50 metres and the trawl start position data indicates that it includes some areas that are fished by inshore trawl and other fisheries. There is no known commercial inshore reef fishing done on this section of coast, and Pauamac⁷ industry representatives have stated that it would not interfere unduly with the paua fishery in that area.

Punakaiki

The proposed Punakaiki marine reserve was consulted on in June 2009. The recommendation report refers to this option as having minimal impacts on trawl and longline fishing methods. However, the CSOs consider this option will adversely impact on the mixed finfish fishery and will be an impediment to the future development of the PAU6 fishery. These concerns are supported by the known extent of trawl grounds and paua habitats. However, PAU6 fishers do not currently fish this area.

There is a greater degree of uncertainty regarding the precise location of trawling within this site, given that the proposed reserve extends 3.7 km (2 nm) offshore and the resolution (radius) of a trawl start position is 1 nm. Although the trawl start position data show this area has some trawling, the effect on the mixed finfish fishery is uncertain.

Ōkārito

Initially the CSOs opposed any MPA options for the Ōkārito location due to its importance for the mixed finfish fishery. They later indicated agreement for a marine reserve that is within but smaller than the current proposal.

There is a degree of uncertainty regarding the precise location of trawling within this proposed site, given that the proposed reserve extends at most 4.4 km (2.38 nm) offshore and the resolution (radius) of a trawl start position is 1 nm. Although the start trawl position data show this area has some trawling, the effect on the mixed finfish fishery is uncertain.

Ship Creek

The proposed Ship Creek site was generally opposed by commercial fishers on the grounds that this and other sites initially included by the Forum as “Educational Showcase sites” were not consistent with the MPA Policy. It is considered that the small size and the location of this proposed site close to shore but away from rocky reefs mean that it is used very little for commercial fishing.

Gorge

A marine reserve very similar to the current proposal was consulted on in June 2009, but it was subsequently modified by shifting the northern boundary to exclude some reef at Longridge Point from the marine reserve. The CSOs’ discussion following the June 2009

consultation process led to a proposed “Type 2 MPA” covering only the area of the proposed reserve.

The CSOs consider the proposed Gorge marine reserve will adversely impact on the CRA8 fishery. This concern is supported by the known extent of rock lobster habitat in the area, but there is no fisheries position data available for the rock lobster fishery in this area. However, when the Forum prepared its recommendations in 2010, the best information available to the Forum and the Department indicated that while some commercial rock lobster fishing and longlining occurs within the proposed area, this is a relatively less significant area for commercial fishing in the south Westland / northern Fiordland coast. This proposed reserve extends out to about 0.7 nautical miles (1300 metres) from the coast and is thought to be seldom if ever trawled.

5.5 Recreational Purposes

(a) Recreational Fishing

It is noted that the Minister for Primary Industries has a concurrence role for these proposed marine reserves in which the effects on recreational fishing may be further assessed and considered.

It is considered that the main recreational fishing interests potentially affected have indicated their acceptance and/or support for the five proposed marine reserves. The Department of Conservation and Ministry for Primary Industries provided advice about recreational fishing to both the Forum process and the Ministers, and they consider that the Forum recommendations, which are very similar to these marine reserve proposals, minimise the adverse impacts on existing recreational fishers.

Some nearby areas used by recreational fishers have been excluded from the proposed marine reserves while maintaining the integrity of the proposed protection. Areas excluded from the proposed sites mainly as a result of the Forum’s deliberations include Crayfish Point and Heaphy River mouth (Kahurangi site), Pororari River beach, Punakaiki River beach and Razorback Point (Punakaiki site), Ōkārito beach & Lagoon (Ōkārito site) and Tauperikaka Point (Ship Creek site).

(b) Other Recreation

Recreational activities that involve the extraction or disturbance of marine life or alterations to their habitats will be prohibited or restricted. Activities involving the observation (including the viewing, photography and scientific study) of marine life will be allowed and encouraged.

It is proposed that some existing recreational activities may continue without impacting on marine life or their habitats. These include

- non-commercial gathering of beach stones (including pounamu), non-living shells and driftwood on the foreshores of each proposed marine reserve, using only hand-held (non-mechanical) methods;
- quadbike and horse riding along the foreshore of each proposed marine reserve in a manner that it does not disturb nesting and roosting shorebirds

5.6 Other Public Interest

The Director-General is not aware of any other public interests, including social, economic, environmental, community, scientific or educational interests that the proposed marine reserves may impact on.

(a) Scientific Interests

Scientific interests are of particular relevance to the provisions of the Marine Reserves Act 1971. Any individual or group wishing to take marine life for the purpose of conducting scientific research in the proposed marine reserves would require the prior approval of the Director-General of Conservation under section 11(b) of the Marine Reserves Act 1971, and any necessary approvals under Section 64 (1)(a) of the Fisheries Act 1996.

All scientific research activities in the proposed reserves would have to be consistent with the purposes and principles of the Marine Reserves Act 1971, and the management objectives of the reserves.

Existing scientific work in the proposed marine reserves includes the biannual West Coast inshore trawl surveys undertaken for the Ministry for Primary Industries by NIWA (the survey area includes areas deeper than 20 metres within the proposed Kahurangi Marine Reserve) and intertidal surveys sites established at the Punakaiki site by Department of Conservation. It is considered that these studies will need to either adjust the scientific methods or locations used or seek a permit under the Marine Reserves Act 1971. A thorough assessment of the effects on the trawl survey programme would require the acquisition and analysis of trawl survey data held by NIWA. However, the relatively small portions of the trawl survey areas that lie within the proposed marine reserves, along with advice provided for the Forum by NIWA²⁰ suggest that any interference with the programme would be minimal.

It is considered that the five proposed marine reserves will provide some new opportunities for scientific research in protected areas.

5.7 Summary of Provisions to Minimise Adverse Effects on Users

Some mitigation of effects of the proposed marine reserves on activities listed in s5 of the Act has been achieved by the selection of the reserve locations and boundaries. It is proposed that the Order in Council establishing any marine reserves will provide for several existing activities to continue within the proposed marine reserves.

These activities are:

- Removal for non-commercial purposes, using only hand-held (non-mechanical) methods, any beach stones (including pounamu), non-living shells and driftwood from the foreshores of any proposed marine reserve;
- Use of quad bikes along, and the entry of horses on to the foreshore of any proposed marine reserve provided such use and/or entry does not disturb any shorebirds and their nesting and roosting sites;

²⁰ WCMPF 2010, p158

- Gold mining operations along the foreshore of any proposed marine reserve at a scale and extent no greater than the existing operations, provided they are carried out in accordance with an authority (such as an access arrangement) or there is a reasonable excuse for carrying them out²¹;
- For the proposed Punakaiki Marine Reserve:
 - o use of farming machinery along, and the entry of farm animals (cattle, sheep, working dogs) on to, the foreshore south of Hibernia Creek by the registered owner of the freehold land adjoining the proposed reserve
 - o use of machinery for the activity of opening the Hibernia Creek outlet provided such activity is in accordance with the West Coast Regional Coastal Plan.

²¹ Refer to the offence provisions (section 18I) of the Marine Reserves Act 1971 regarding “lawful authority or reasonable excuse”.

6 JUSTIFICATION

6.1 Meets the Purposes of the Marine Reserves Act 1971

The purpose of the Marine Reserves Act 1971 is set out in section 3(1) which states (emphasis added):

*“It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain **underwater scenery, natural features, or marine life of such distinctive quality, or so typical, or beautiful, or unique** that their continued preservation is in the **national interest.**”*

To qualify for reserve status the proposed area must contain at least one of the criteria (i.e. underwater scenery, natural features or marine life). It may contain any or all of those features in combination. In turn, one of the descriptive criteria (i.e. distinctive quality, typical, beautiful or unique) must apply to one or more of the features. It is considered that, for the reasons set out in the following sections, the application meets the requirements under s 3(1) of the Act. It should be noted that, to meet the requirements of s 3(1) of the Act, it is not necessary for all features and descriptions listed in this provision to be present.

‘For the scientific study of marine life’

Scientific study of marine life is of national importance because evaluating the state of New Zealand’s marine and coastal biodiversity is difficult due to our very limited information. The proposed marine reserves will provide opportunities to undertake scientific study to improve our understanding of the structure and functioning of the marine environment of the West Coast. Scientific studies in the proposed areas will also contribute to a better understanding of how the impacts of human use and development on marine environments can be managed.

A great variety of scientific studies could be undertaken in the proposed reserve areas and possible topics of interest include:

- population dynamics and community structure over a wide range of habitats in relatively undisturbed marine environments. This is a significant opportunity as other mainland New Zealand marine reserves do not include such a wide range of habitats throughout a whole biogeographic region.
- Surveys and monitoring of marine environments and biological processes to expand on previous studies in the West Coast region, including intertidal larval settlement and patch dynamics, inshore fishery trawl surveys, and biological inventories. These could also help to assess the effects and dynamics of protected marine reserves within the high energy environments that typify the region.
- The proposed reserves would be of value to scientific study as control areas against which changes elsewhere could be studied and measured.

‘Underwater scenery, natural features, or marine life’

As set out in section 4 of this application, the proposed reserves contain a wide variety of natural features and marine life.

‘Of such distinctive quality’

The marine environment of the five proposed marine reserve sites is distinctive in several ways.

- The sites share the characteristics of the West Coast South Island Coastal Biogeographic Region that make this region a distinctive part of the New Zealand marine environment, including high wave energy on a windward shore; the temperate ocean flows of the Westland Current; high sedimentation and freshwater inputs derived from fluvial (river) and marine hydrology; a mixture of rocky and sedimentary coasts including previously glaciated coasts; an absence of marine pests; and a distinctive array of marine species suited to these conditions.
- Each proposed site is adjacent to a national park or a world heritage area, which are natural areas that enhance the quality of the environment and the waters flowing into the proposed reserves.
- The seascapes and coastlines of the proposed marine reserves are part of spectacular landscapes of high natural quality that are enjoyed by visitors, at locations such as Heaphy Track (Kahurangi site), Dolomite Pt walkway and Truman Track (Punakaiki site), Three Mile Lagoon walk (Ōkārito site), and Ship Creek lookout and walkway (Ship Creek site).
- A distinctive feature of three of the proposed reserves (Kahurangi, Punakaiki and Ōkārito) is their relatively large size compared to other mainland New Zealand marine reserves. These will allow for the protection of a range of different habitat types of a sizable area within a single location. The large size of the proposed reserves will provide for connectivity of habitats and may be of particular benefit to some marine species that utilise a range of habitats and depths for various stages of their life cycle. In addition, the large size of these proposed reserves may provide opportunities to study the “edge effects” of fishing and other disturbance around marine protected areas.

‘Or so typical’

The proposed marine reserves include 15 of the 17 habitat types that typify the West Coast marine environment (based on a national inshore marine environment classification developed under the MPA Policy). The proposed sites include a variety of depth ranges and substrate types, as well as covering the latitudinal patterns of variation that are evident along the length of the region.

The Kahurangi and Punakaiki sites are typical of the northern West Coast, with alternating rocky coasts and beaches bordering the broad, gently shelving seabed of the continental shelf.

The Ōkārito site is typical of the central West Coast, with open gravelly beaches occasionally interrupted by moraine bluffs of glacial origin.

The Ship Creek and Gorge sites are typical of the southern West Coast, with sandy beaches and boulder shores bordering a narrow inner shelf zone that lies inshore of deeply incised submarine canyons.

‘So beautiful’

While beauty is a subjective criterion, there is no doubt that the scenery of the proposed sites from above water is attractive to people who use and visit the area.

The beauty and quality of the underwater landscapes in the proposed marine reserves have not been described and are difficult to assess particularly due to the limited visibility under the water, and the difficulty of diving access to some sites.

‘So unique’

While the available information has identified some unusual or distinctive features in the West Coast region, it is not known whether any elements in the proposed reserves are unique, because so little is known about marine environments elsewhere.

An especially unique site within the proposed Punakaiki Marine Reserve is the Dolomite Point pancake rocks and blowholes, which has been recognised as a geological site of national scientific significance, and is an internationally recognised tourist attraction.

‘Preservation is in the national interest’

The Marine Reserves Act 1971 is an enabling statute that provides for areas to be set aside for scientific study. It is a matter of national interest that marine protected areas, including marine reserves, are set aside for the protection of marine biodiversity. This is outlined in the New Zealand Biodiversity Strategy 2000 which has one of its objectives: “Protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection.”

The Marine Protected Areas Policy on which these marine reserve proposals have been based is a key component of the government’s commitment to ensuring that New Zealand’s marine biodiversity is protected, by establishing a network of MPAs that is comprehensive and representative of New Zealand’s marine habitats and ecosystems.

The proposed reserves will protect a range of marine habitats, allowing marine life to be preserved and providing relatively undisturbed areas rich in natural values for scientific study and for current and future generations of people to enjoy.

6.2 Meets Other Legislative Requirements

Under Section 4 (1) of the Marine Reserves Act 1971 no area for which any lease or licence under the Marine Farming Act 1971 is in force can be declared a marine reserve. Further, under Section 4 (2) of the Marine Reserves Act 1971 no area within the jurisdiction of a local authority exercising the previous jurisdiction of a harbour board can be declared a marine reserve without the authority’s consent. With respect to this application no marine farming lease or licence has been issued for any part of the proposed reserve, and no part of the proposal falls within the jurisdiction of a harbour board.

In accordance with section 4(4) of the Act, the formation of a marine reserve will not have any effect on the Coal Mines Act 1979, the Mining Act 1926 and 1971, the

Petroleum Act 1937, the Iron or Steel Industry Act 1959 or the Continental Shelf Act 1964.

Under s 4(5) of the Act any right to do anything in a marine reserve by virtue of a mining interest²² the Minister of Conservation may, with concurrence by the Minister of Energy, make such interest subject to the Act by notifying the holder of the interest. If such notice is given then that mining interest shall then be subject to the Act and exercised in accordance with the Act. If there was any intention to limit or prevent mining interests from being exercised in any newly established marine reserve then the notification process provided for under s 4(5) should be carried out.

A minerals or exploration permit does not, in itself, authorise any person to enter on to land (he or she does not own) and carry out mining operations. A permit simply gives a person the rights to a particular crown owned mineral or minerals. This is especially important when considering the offence provisions in the Act. Section 18I(3)(d) makes it an offence for any person, who without lawful authority or reasonable excuse, to take or remove from a marine reserve any mineral, sand or shingle. A mining access arrangement granted in accordance with the Crown Minerals Act would constitute lawful authority or reasonable excuse for the purpose of s 18I(3)(d).

Section 61(1A) of the Crown Minerals Act prevents the Minister of Conservation from accepting an application for an access arrangement over land listed in the 4th schedule unless one of the exceptions in s 61(1A) apply. However, a new marine reserve is not automatically included in the 4th schedule to the Crown Minerals Act, nor does this application propose to make the reserves subject to s 61(1A) by doing so. Additional matters relating to s 61(1A) and proposed amendments to the Crown Minerals Act relevant to this matter are noted earlier in Part 5.2 above.

6.3 Community Support

It is considered that this application has a high level of community support and acceptance, due in part to the extensive and inclusive process that was followed by the Forum and government agencies. This ‘pre-statutory’ process has enabled the levels of community support for the proposed marine reserves to be gauged, and for the application to be shaped in response to community input.

The Forum comprised members of a wide range of interested parties, including tangata whenua, commercial and recreational fishing, environmental, education, tourism, local government and community.

As detailed in the Forum’s recommendation report²³, there were a large number of submissions (approximately 1100) to their consultation document²⁴. An independent summary of submissions²⁵ showed a considerable degree of support for the proposals, which were generally similar to the present application. The summary of submissions

²²Refer to s 2(g) of the Act for a definition of ‘Mining Interest’

²³ WCMPF 2010, p118

²⁴ WCMPF 2009

²⁵ Enfocus Consulting Ltd 2009, *in* WCMPF 2010, p115-138

also raised issues that were later taken into account by the Forum when preparing their final recommendations to the Ministers of Conservation and Fisheries.

This application is in general concordance with the recommendations of the Forum. The proposed marine reserves are similar to options recommended for each of four ‘primary’ sites (Kahurangi, Punakaiki, Ōkārito and Gorge) and one smaller ‘educational showcase’ site (Ship Creek). Two other ‘educational showcase’ sites recommended by the forum for marine reserves (Siberia Bay and Jackson Bay) have not been included in this application.

It is expected that any remaining concerns will be expressed and taken into account through the statutory process of this application.

7 PROPOSED MANAGEMENT

7.1 Level of Protection

As the objective of this application is to protect an example of a distinctive and unique marine environment, no taking or disturbance of marine life (other than for approved scientific and management purposes) would be permitted within the marine reserves. This is in keeping with Department of Conservation policy and section 3 (2) of the Marine Reserves Act 1971 which states that:

- “...marine reserves shall be so administered and maintained under the provisions of this Act that—*
- (a) They shall be preserved as far as possible in their natural state;*
 - (b) The marine life of the reserves shall as far as possible be protected and preserved;*
 - (c) The value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained.”*

As noted in part 5.8 and Appendix 1 of this application, it is proposed that the Order in Council establishing these reserves makes provision for certain activities to continue within specified locations. The reasons for these provisions are to allow the maintenance of existing rights and authorities that have potentially significant but nevertheless acceptable effects on the marine life and habitats within the marine reserves.

In all other circumstances, visitors will be encouraged to explore and enjoy the reserves, above and below the water, without disturbing, damaging or removing any natural feature.

All forms of fishing will be generally prohibited, but subject to the Marine Reserves Act 1971 (eg scientific collecting under authorised permits).

7.2 Public Access, Navigation and Anchoring

Section 3 (2) (d) of the Marine Reserves Act 1971 states that:

- “(d) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.”*

Public access to the proposed reserves will be via marine craft, vehicles or on foot. Foot access will be possible to each of the reserves along existing formed tracks or walking routes. It is proposed that public access along the foreshore using vehicles and horses will be allowed in each of the marine reserves.

Several boat ramps, river mouth launching sites, wharves and associated facilities are located within reach of the proposed sites. However, due to their distances from ports and exposed locations, the marine reserves are unlikely to have many visits by small boats under seven metres in length and then only during calm sea conditions. Larger vessels may visit the sites from further afield. Vessel access points for each of the reserves are expected to include (north to south):

Kahurangi: Nelson, Motueka, Whanganui Inlet, Karamea, Little Wanganui, Westport.

Punakaiki: Westport, Fox River, Greymouth.
 Ōkārito: Greymouth, Ōkārito Lagoon, Jackson Bay.
 Ship Creek: Moeraki River, Jackson Bay.
 Gorge: Jackson Bay, Milford.

Navigation through or near the proposed marine reserves, including the transport of marine life caught outside the marine reserves, would be unaffected.

The Act does provide for restrictions to be placed on vessel anchoring, but there is no evidence of sites within the proposed marine reserves that should or need to be protected from this activity.

7.3 Boundary Identification

Land-based markers could be used to mark some of the coastal boundaries. Some signage is likely to be developed especially where it will help to inform people about the reserves and encourage regulatory compliance. However, it is not feasible to mark all the boundaries of the proposed marine reserves for two main reasons:

- Steep forested bluffs and dynamic beaches can make it difficult to place signs in permanent and visible locations.
- Some offshore boundaries are too far from shore to make land-based markers feasible, and the sea is too rough to make moored buoy markers impracticable.

Latitude and longitude points for each boundary corner of the proposed reserves would enable boats equipped with GPS to accurately determine the boundaries. For smaller craft, the boundaries could best be identified by hand held GPS.

Information required to determine the reserve boundaries will be made available to a wide range of visitors (e.g. boat operators and walkers).

The Department of Conservation will arrange for the reserve boundaries to be defined on a Survey Office Plan. Land Information New Zealand (LINZ) and the office of the Navy Hydrographer will be requested to include the boundaries in the relevant navigation charts. The boundaries of the reserves will also be included in the Nautical Almanac when the reserves are gazetted.

7.4 Compliance and Law Enforcement

Compliance and law enforcement activities will be overseen by the Department of Conservation according to a compliance and law enforcement plan prepared specifically for each marine reserve. As well as formal compliance monitoring and enforcement by relevant agencies, the Department will encourage the support and involvement of local residents and users to help ensure public compliance with the provisions of the reserves.

7.5 Monitoring and Scientific Research

Monitoring and scientific research in the proposed marine reserves will be important for a number of reasons, and should be effectively planned and coordinated. Organisations such as universities, Crown Research Institutes, government agencies and individuals may

conduct scientific research in marine reserves, provided they first obtain the necessary approvals from the Director-General of Conservation and the Director-General of Fisheries.

Any monitoring carried out by the Department of Conservation in the proposed marine reserve will focus on management issues such as the preservation and rehabilitation of the reserve's marine life and habitats, and the impacts and education of visitors.

7.6 Education and Interpretation

Marine reserves are places where people can experience first hand the benefits of protecting the marine environment. The Department of Conservation will provide opportunities for the public to learn about the marine life and habitats of the marine reserves through publications, interpretative signs, and where appropriate public talks, displays and media features. Educational initiatives that are in keeping with the purpose of the marine reserve will be encouraged. Information will be gathered and disseminated in order to highlight the natural values of the proposed reserves, including those sites that are remote and less accessible (e.g. Kahurangi & Gorge sites).

7.7 Committee

If the proposed marine reserves are approved, their day-to-day management would be the responsibility of the Department of Conservation. Marine reserve committees are advisory committees established either as a committee of the relevant Conservation Board under section 6N of the Conservation Act 1987, or as a Ministerial advisory committee by the Minister of Conservation under section 56 of the Conservation Act. The Department of Conservation will consider the need to establish committees for each of the proposed marine reserves.

8 SUMMARY

This application seeks to establish five marine reserves (totalling 17528 hectares) within the West Coast region, in the vicinity of Kahurangi, Punakaiki, Ōkārito, Ship Creek and Gorge. The proposed marine reserves would give full protection to a series of habitat types, marine life and natural features which are considered to be typical, distinctive and unique.

The proposed marine reserves would enhance the existing protection of the region's natural and scientific values. Subject to further statutory consultation, it is considered that the application satisfies the requirements of the Marine Reserves Act 1971, and would make an important contribution to the establishment of a marine reserve network incorporating representative examples of the full range of habitats and ecosystems found in New Zealand's marine environment.

Significant features include;

- Habitats (and their associated ecosystems and species) that are typical of the West Coast South Island Coastal Biogeographic Region and across a wide latitudinal range,
- Areas that have strong ecological and landscape connections to protected natural areas of coastal land and catchments,
- Effective protection of sizable areas,
- Appropriate levels of protection while minimising adverse impacts on existing users,
- Sites that have been developed from wide consultation and recommendations by a forum of relevant iwi and associates

It is considered that the establishment of these marine reserves is in the national interest.

9 REFERENCES

All of these references are available via the website of the West Coast Marine Protection Forum (www.westmarine.org.nz).

DOC & MFish (2005) Marine Protected Areas Policy and Implementation Plan. Department of Conservation & Ministry of Fisheries, Wellington. 24p. http://www.biodiversity.govt.nz/seas/biodiversity/protected/mpa_policy.html

MFish & DOC (2008) Marine protected areas: classification, protection standard and implementation guidelines. Ministry of Fisheries & Department of Conservation , Wellington, New Zealand. 54p. <http://www.biodiversity.govt.nz/pdfs/seas/MPA-Policy-and-Implementation-Plan.pdf>

Neale D M; Pindur N B; Reedy M C; Watson B; Molloy L F (2008) The West Coast marine and coastal environment: an initial report for the West Coast Marine Protection Forum, and an addenda report. West Coast Marine Protection Forum, Hokitika, 236p + 11p.

New Zealand Government (2000) New Zealand's Biodiversity Strategy: Our chance to turn the tide. Whakakohukihukitia Te Tai Roroku Ki Te Tai Oranga. Department of Conservation and Ministry for the Environment, Wellington. <http://www.biodiversity.govt.nz/picture/doing/nzbs/contents.html>

WCMPF (2009) A public consultation document and supporting information: Proposed marine protected areas for the South Island's West Coast Te Tai o Poutini. West Coast Marine Protection Forum, Hokitika, 136p.

WCMPF (2010) Recommendation Report: Recommendations to the Minister of Conservation and the Minister of Fisheries and Aquaculture from the West Coast Marine Protection Forum on Implementation of the Marine Protected Areas Policy for the West Coast Te Tai o Poutini South Island Biogeographic Region. West Coast Marine Protection Forum, Hokitika, 173p.

Appendix 1.

Copy of the formal notice of intention to apply for five marine reserves in the West Coast *Te Tai o Poutini* Region.

Notes:

1. This notice is to be published in selected local and national newspapers, in accordance with s.5(1)(b) of the Marine Reserves Act 1971.
2. A second public notice is being placed concurrently by the Ministry for Primary Industries, for three additional 'Type 2' Marine Protected Areas proposed by fishing regulations under the Fisheries Act 1996. These are further explained in Part 3.1, but are not part of this application for marine reserves.



NOTICE UNDER SECTION 5 MARINE RESERVES ACT 1971

In August 2011, the Ministers of Conservation and Fisheries and Aquaculture announced that statutory processes would commence to establish five marine reserves under the Marine Reserves Act, and three marine protected areas by regulations under the Fisheries Act, on the West Coast of the South Island.

Pursuant to section 5 of the Marine Reserves Act 1971 I hereby give notice of my intention to apply for an Order-in-Council declaring five areas of sea and foreshore in the West Coast *Te Tai o Poutini* Region (South Island), as follows:

- The proposed Kahurangi Marine Reserve (8466 ha) extends approximately 15.8 kilometres from Wekakura Point southwards to near Crayfish Point, and approximately 2.7 nautical miles (5000 metres) offshore from the line of mean high water spring tides (MHWS). The proposed site does not include the coastal marine area of the Heaphy River mouth.
- The proposed Punakaiki Marine Reserve (3558 ha) extends approximately 10.8 kilometres from Perpendicular Point southwards to the vicinity of Maher Swamp, and approximately two nautical miles (3704 metres) offshore from MHWS. The proposed site includes parts of the coastal marine areas of adjoining waterways such as Hibernia and Lawson Creeks, but does not include two inshore areas in the vicinity of Pororari River and Punakaiki River / Razorback Point.
- The proposed Ōkārīto Marine Reserve (4641 ha) extends approximately 10.7 kilometres from the vicinity of Kohuamarua Bluff southwards to the northern side of Omoeroa Bluff, and approximately 2 to 2.3 nautical miles (3704 to 4200 metres) offshore from MHWS. The proposed site includes the coastal marine area of the Waiho River, but does not include the Three Mile and Five Mile Lagoons, which are both already protected within the Westland Tai Poutini National Park.

[continued over page]

- The proposed Ship Creek Marine Reserve (16 ha) extends approximately 630 metres from Tauperikaka Point southwards to near the southern lookout on the Ship Creek Beach walk, and approximately 0.1 nautical miles (200 metres) offshore from MHWS. The proposed site includes part of the coastal marine area of Ship Creek / Tauperikaka.
- The proposed Gorge Marine Reserve (847 ha) extends approximately 5.8 kilometres from near Longridge Point southwards to Hackett River, and approximately 0.5 to 0.7 nautical miles (1000 to 1300 metres) offshore from MHWS.

It is intended that with the establishment of the proposed marine reserves the following activities would continue:

- Removal for non-commercial purposes, using only hand-held (non-mechanical) methods, of any beach stones (including pounamu), non-living shells and driftwood from the foreshores of any proposed marine reserve;
- Use of quad bikes along, and the entry of horses on to, the foreshore of any proposed marine reserve provided such use and/or entry does not disturb any shorebirds and their nesting and roosting sites;
- Gold mining operations along the foreshore of any proposed marine reserve at a scale and extent no greater than the existing operations, provided they are carried out in accordance with an authority (such as an access arrangement) or there is a reasonable excuse for carrying them out (pursuant to section 18I of the Marine Reserves Act);
- For the proposed Punakaiki Marine Reserve:
 - o use of farming machinery along, and the entry of farm animals (cattle, sheep, working dogs) on to, the foreshore south of Hibernia Creek by the registered owner of the freehold land adjoining the proposed reserve;
 - o use of machinery for the activity of opening the Hibernia Creek outlet provided such activity is in accordance with the West Coast Regional Coastal Plan.

A plan of the proposed reserves showing all tidal waters coloured blue and the boundaries and the extent of the areas sought to be declared marine reserves, together with a full copy of the application may be inspected free of charge at Department of Conservation offices in Karamea, Westport, Punakaiki, Greymouth, Hokitika, Franz Josef / Waiau, Fox Glacier and Haast, during ordinary office hours or by writing to the applicant whose address is given below. A full copy of the application can also be found at <http://www.doc.govt.nz/getting-involved/consultations/current/>

Any person or organisation wishing to object to the making of Orders-in-Council establishing the marine reserves may do so by specifying the grounds of the objection in writing and submitting it to the Director-General of Conservation within two months from the date of first publication of this notice.

The date of first publication of this notice is 22 June 2012.

[continued over page]

This notice of intention to apply for marine reserves is given by the applicant (the Director-General of Conservation) whose address for service is:

“West Coast Marine Reserves”,

Department of Conservation,

West Coast *Tai Poutini* Conservancy,

Private Bag 701,

Hokitika 7842.

Or email westcoastmarinereserves@doc.govt.nz .

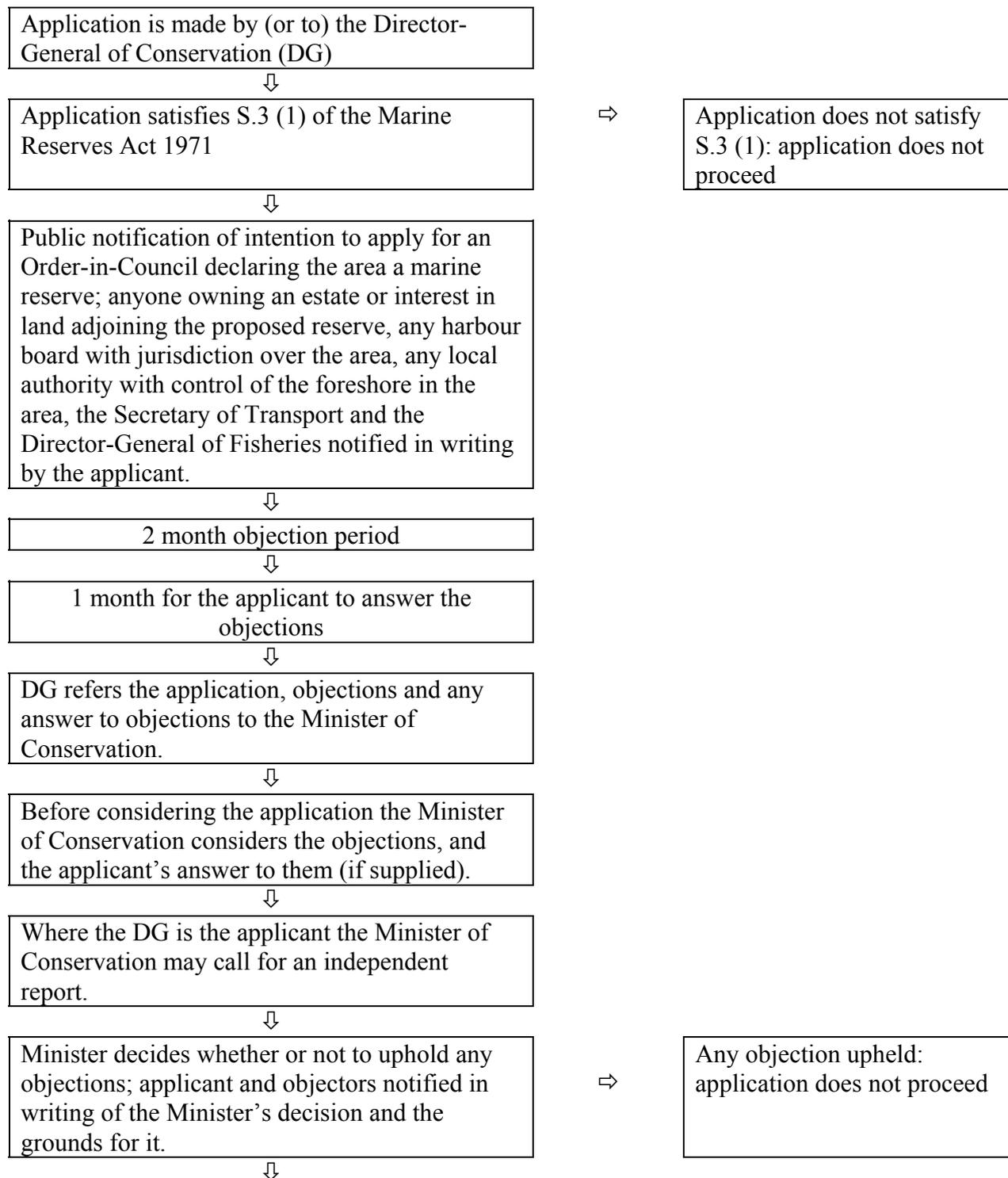
Al Morrison

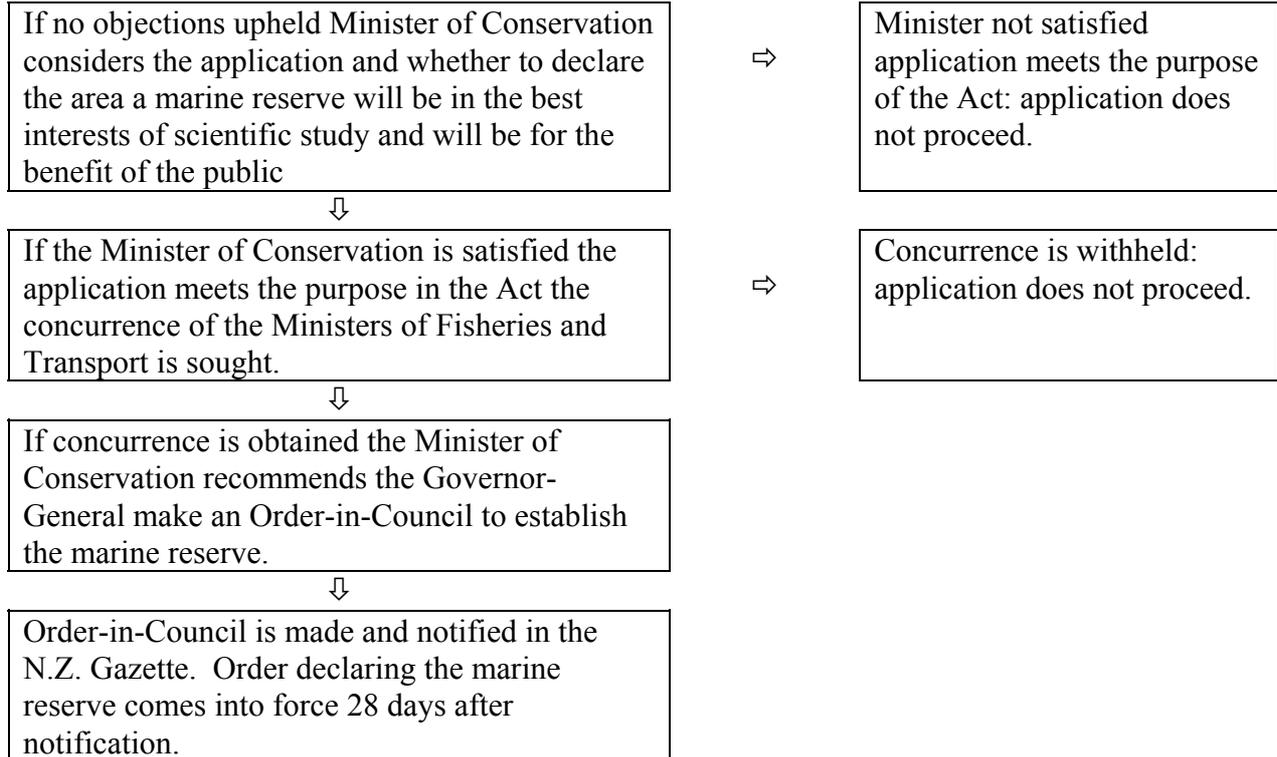
Director-General of Conservation

New Zealand Government

Appendix 2.

The statutory process for establishing a marine reserve (see Section 5 of the Marine Reserves Act 1971 for detail).





Appendix 3.

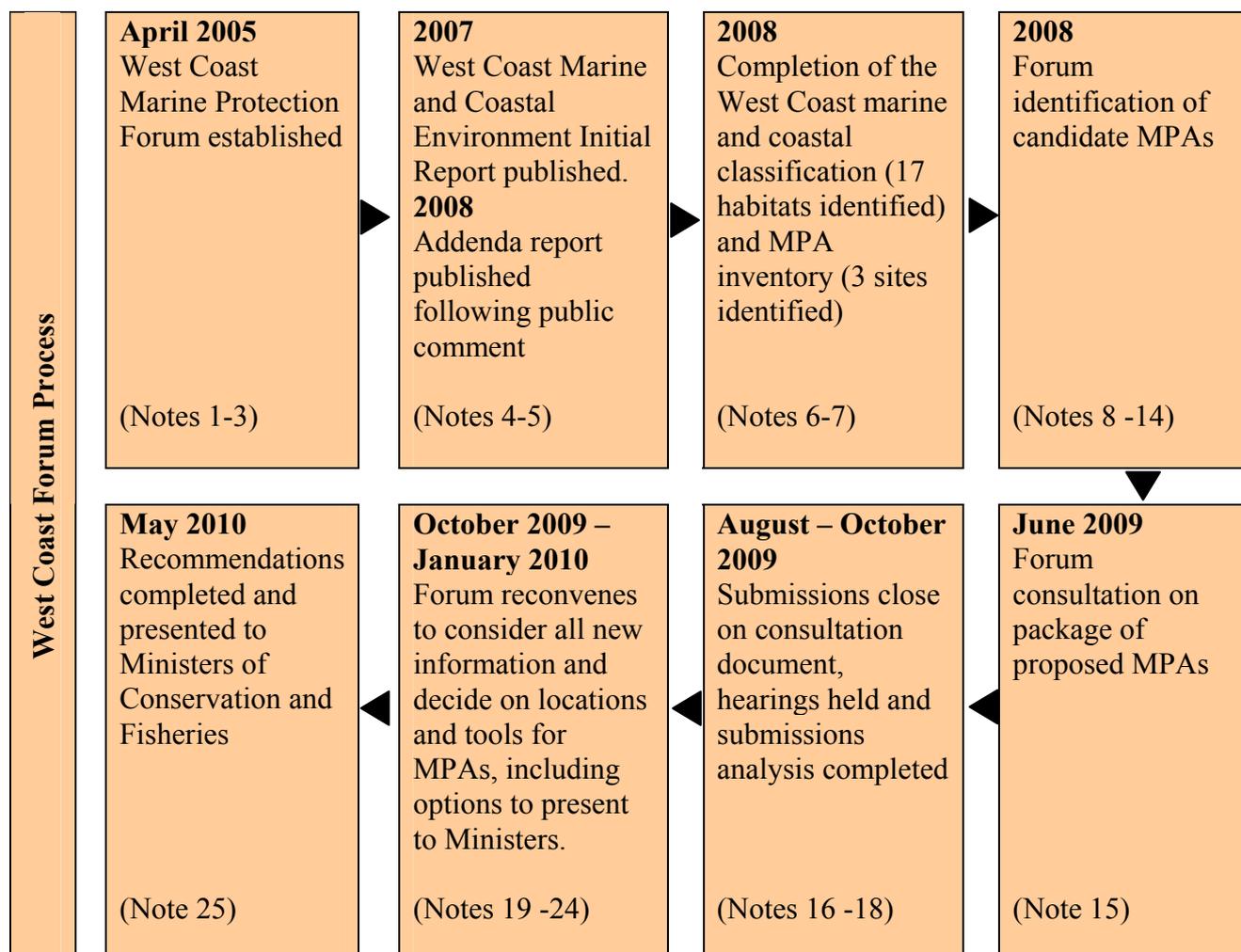
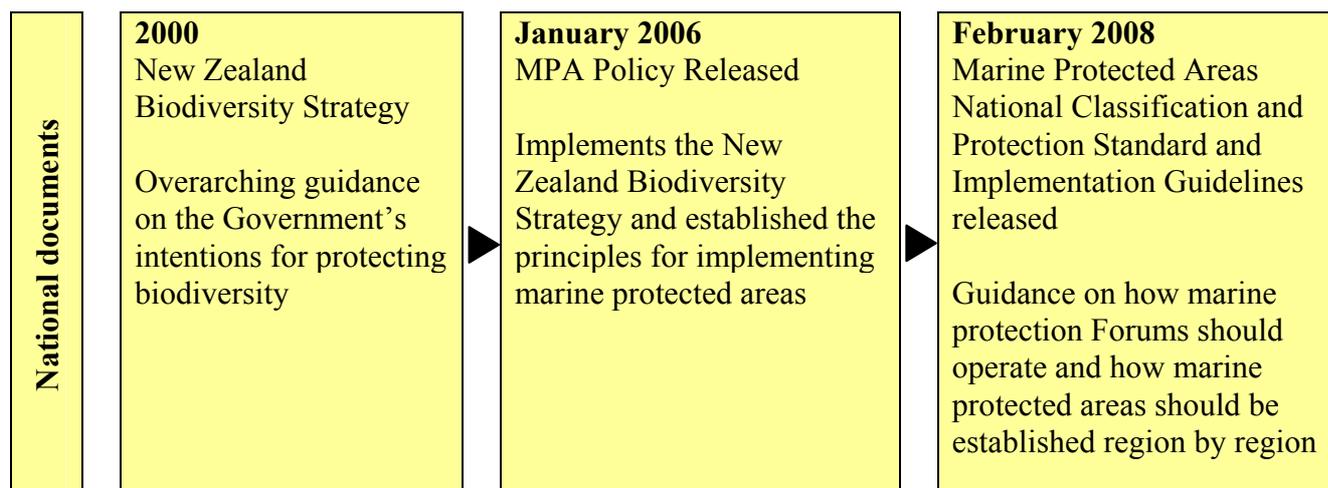
Schedule of Pre-statutory Consultation

The following diagram, copied from the Forum's recommendation report²⁶, summarises the process used by the Forum since it was formed in 2005, to arrive at its final recommendations in 2010. This demonstrates the Forum's commitment to consultation, community engagement and ensuring a thorough process.

More complete details of the Forum's process and deliberations are recorded on the Forum's website www.westmarine.org.nz

Further consultation undertaken by the Department of Conservation and Ministry for Primary Industries is summarised in the second part of this appendix.

²⁶ WCMPPF 2010



Notes to the Forum's Consultation Process

1. Five introductory public meetings were held throughout the West Coast (Greymouth, Hokitika, Franz Josef / Waiau and Haast).
2. The Forum visited coastal sites and discussed coastal, marine and catchment issues including fishing, farming, mining, erosion, subdivision, conservation and science.
3. Agreement on Forum scope and terms of reference. Terms of Reference were posted on the Forum website.
4. The Forum guided the Department of Conservation and Ministry of Fisheries to publish a report²⁷ collating information about habitats, ecosystems and uses of the West Coast's marine and coastal environment, with site-specific information about 14 segments covering the whole region.
5. Public consultation on the report, including a road show to Motueka, Karamea, Westport, Reefton, Greymouth, Hokitika, Whataroa, Haast, Jacobs River and Wanaka communities seeking further information. Information arising from these events (including 29 submissions received) assisted the production of an addendum report.
6. Using the report and additional information, the national classification system²⁸ was applied to the West Coast, identifying and mapping 17 habitat types over the region. This was independently peer reviewed by NIWA for robustness and accuracy.
7. Saltwater Lagoon (Pouërua), Five Mile Lagoon, and Cook River/Weheka mouth were identified as existing MPAs, along with Three Mile Lagoon which was added to Westland Tai Poutini National Park in 2010.
8. The Forum identified candidate sites for habitat "domains" based on the criteria established in the classification and protection standards.
9. The coastline was broadly divided into areas based on their accessibility by land and connections with protected land areas, as a rough measure of use and naturalness. Less accessible areas adjacent to public conservation lands were generally favoured by the Forum as candidate sites.
10. The Forum assessed the habitats, their significance for both commercial and local uses, and established a draft list of possible candidate sites.
11. This list was re-evaluated, looking next for sites that included several habitat types and removing many sites where habitats were replicated more than twice.

²⁷ Neale et al. 2008

²⁸ MFish & DOC 2008

12. The boundaries were then refined and ‘protection tools’²⁹ applied.
13. Sites that minimised the impacts on users were taken out for further discussion with some groups that Forum members represented.
14. Members reported back to the Forum with further information. The Forum further revised the list and agreed to a ‘package’ of options for consultation³⁰.
15. Seven public meetings (Nelson, Karamea, Westport, Barrytown, Greymouth, Hokitika, Ōkārito and Haast) were held informing the public of the package and submission process. Information was widely distributed through a variety of means.
16. Over 1130 submissions received by the Forum.
17. Hearings held in Nelson, Westport and Hokitika and by teleconference, allowing submitters an opportunity to elaborate on the information presented in their submissions.
18. Submissions and additional information provided through the hearings independently summarised³¹.
19. Forum members provided with and consider all information presented through submission process.
20. Each of the original sites is considered alongside the new information provided.
21. New sites suggested through the submission process were mapped and compared with existing sites, and the MPA Policy guidelines.
22. Forum members seek further feedback from some submitters to ensure the final proposals will minimise impacts on users.
23. Forum agrees that the recommendations to Ministers must include options for each of the sites.
24. Forum instructs sub-committee to prepare a final report for Ministers
25. Forum meets with Ministers to present final recommendation.

²⁹ e.g. see MFish & DOC 2008, p10

³⁰ WCMPF 2008

³¹ Enfocus Consulting Ltd *in* WCMPF 2010, p115-138

Appendix 3b. Summary of consultation by Department of Conservation following the publication of the Forum’s recommendation report.

December 2010: Advice paper presented to Ministers, following discussions with various stakeholders including iwi and commercial fishing organisations.

26 August 2011: Ministers direct the Department of Conservation and Ministry for Primary Industries to proceed with marine reserve proposals for five sites at ‘Kahurangi’, ‘Punakaiki’, ‘Ōkārito’, ‘Ship Creek’ and ‘Gorge’, and for proposals under the Fisheries Act at ‘Punakaiki’ and ‘Gorge’.

28 February 2012 - meeting with Peter O’Sullivan, Minerals West Coast

1 to 8 March 2012 - Information update letter (with maps) to 65 stakeholders/interested parties

12 March 2012 - meeting with Des McEnaney, West Coast Whitebaiters Association

14 March 2012 - meeting with Blake Abernethy and Randall Bess, Fisheries Management, Ministry of Agriculture and Forestry

16 March 2012 - meeting with George, John and Beverley Coates (adjoining landowners)

22 March 2012 – email enquiries with Mike Meehan (WCRC) regarding Harbour Board interests

23 March 2012 - Richard Lough - Maritime NZ, phone discussion and emails regarding navigation

28 March 2012 - meeting with local Rūnanga representatives: Paul Madgwick, Te Rūnanga o Makaawhio; Francois Tumahai, Te Rūnanga o Ngāti Waewae

20 April 2012 - meeting with Te Rūnanga o Makaawhio Mātaitai committee and Nigel Scott, Senior Environmental Advisor, Te Rūnanga o Ngāi Tahu

20 April 2012 – meeting with Natalie Win, Mawhera Incorporation (adjoining landowners)

26 April 2012 – meeting with Peter O’Sullivan, Minerals West Coast and Peter Flemming, minerals permit holder.

2 May 2012 – individual meetings with eight adjoining landowners, Punakaiki

7 May 2012 –meeting with Carol Scott, Challenger FinFisheries Management Co.

25 May 2012 – email correspondence with Neil Loftus, CEO, Ironsands Offshore Mining Ltd

Appendix 4.

List of Taonga Species for the proposed marine reserves

Taonga species included in this table are those species listed as such in Schedule 97 (and provided for in Sections 287 to 296) of the Ngāi Tahu Claims Settlement Act 1998.

This table indicates the taonga species that are considered likely to occur within (or in the immediate vicinity of) each of the five proposed marine reserves.

	Kahurangi	Punakaiki	Ōkārito	Ship Creek	Gorge
MAMMALS					
Kekeno (New Zealand fur seals <i>Arctocephalus forsteri</i>)	✓	(✓)	(✓)	(✓)	(✓)
Paieka (Humpback whales <i>Megaptera novaeangliae</i>)	(✓)	(✓)	(✓)		(✓)
Paraoa (Sperm whale <i>Physeter macrocephalus</i>)	(✓)	(✓)	(✓)		(✓)
Tohora (Southern right whale <i>Balaena australis</i>)	(✓)	(✓)	(✓)		(✓)
BIRDS					
Karoro (Black backed gull <i>Larus dominicanus</i>)	(✓)	(✓)	(✓)	(✓)	(✓)
Koau (Black shag <i>Phalacrocorax carbo</i> , Pied shag <i>Phalacrocorax varius varius</i>)	(✓)	(✓)	(✓)	(✓)	(✓)
Korora (Blue penguin <i>Eudyptula minor</i>)	(✓)	✓	✓	(✓)	(✓)
Kotare (Kingfisher <i>Halcyon sancta</i>)				(✓)	
Kotuku (White heron <i>Egretta alba</i>)			(✓)	(✓)	
Pakura/Pukeko (Swamp hen/Pukeko <i>Porphyrio porphyrio</i>)			(✓)	(✓)	
Parera (Grey duck <i>Anas superciliosa</i>)			(✓)	(✓)	
Poaka (Pied stilt <i>Himantopus himantopus</i>)			(✓)	(✓)	
Tara (Terns <i>Sterna</i> spp.)	(✓)	✓	(✓)	(✓)	(✓)
Tawaki (Fiordland crested penguin <i>Eudyptes pachyrhynchus</i>)				(✓)	✓
Titī (see note below)	(✓)	(✓)	(✓)		(✓)
Toroa (Albatrosses and Mollymawks <i>Diomedea</i> spp.)	(✓)	(✓)			(✓)
PLANTS					
Rimurapa (Bull kelp <i>Durvillaea antarctica</i>)	✓	✓	✓		✓
Wiwi (Rushes, all indigenous <i>Juncus</i> spp. and <i>J. maritimus</i>)				✓	

	Kahurangi	Punakaiki	Ōkārito	Ship Creek	Gorge
FISH & INVERTEBRATES					
Paraki/Ngāiore (Common smelt <i>Retropinna retropinna</i>)				(✓)	
Taiwharu (Giant kokopu <i>Galaxias argenteus</i>)				(✓)	
Tuaki/Hakiari (Surfclam <i>Dosinia</i> <i>anus</i> , <i>Paphies donacina</i> , <i>Mactra</i> <i>discors</i>)	✓	✓	✓	✓	✓
Kuhakuha/Purimu (<i>Mactra</i> <i>murchsoni</i> , <i>Spisula</i> <i>aequilateralis</i> , <i>Basina yatei</i> , or <i>Dosinia subrosa</i>)	✓	✓	✓	✓	✓
Tuatua (<i>Paphies subtriangulata</i> , <i>Paphies donacina</i>)	✓	✓	✓	✓	✓
Waikaka/Pupu (Mudsnail <i>Amphibola crenata</i> , <i>Turbo</i> <i>smaragdus</i> , <i>Zediloma</i> spp)	✓	✓	✓		✓

Notes:

- ✓ indicates those taonga species that are considered to breed within or immediately adjacent to the site, or to be enduringly present there.
(✓) indicates those taonga species that are considered to occur intermittently within the site.
- The table is based on the best available information about the habitats and species present in each site and the known West Coast habitats and distributions of the taonga species listed. In some cases, the species might not have been specifically recorded within the site. A more authoritative list could be acquired through targeted surveys of the different species and groups of plants and animals.
- According to Schedule 97 of the Ngāi Tahu Settlement Act 1998, 'Titi' comprises the following seabird species: Sooty shearwater/Muttonbird *Puffinus griseus*, Hutton's shearwater *Puffinus huttoni*, Common diving petrel *Pelecanoides urinatrix*, South Georgian diving *Pelecanoides georgicus*, Westland petrel *Procellaria westlandica*, Fairy prion *Pachyptila turtur*, Broad billed prion *Pachyptila vittata*, White-faced storm petrel *Pelagodroma marina*, Cook's petrel *Pterodroma cookii*, Mottled petrel *Pterodroma inexpectata*

Appendix 5.

Data table of the proposed and existing marine reserves and their habitat types

This table shows the areas (in hectares) of each habitat type occurring in existing marine protected areas and within each of the proposed marine reserves within this application, based on the best available information and in accordance with the MPA Policy and Implementation Guidelines³².

Protection types: “MR” = Marine Reserve, “SR” = Scenic Reserve, “NP” = National Park.

Figures listed in brackets () indicate areas that comprise less than 0.5% of the region’s total of that habitat type, and so are unlikely to satisfy the representativeness and viability criteria of the MPA Policy.

³² DOC & MFish 2006, MFish & DOC 2008

Proposed site name	Approx length of coastline (km)	Approx distance offshore (km)	Total area (hectares, approx)	No of habitats (not including Medium Exposure & deep water sites)**	Protection type	Estuarine river mouth	Estuarine tidal lagoon	Estuarine tidal flat estuary	Intertidal Sand	Intertidal Gravel	Intertidal Cobble	Intertidal Boulder	Intertidal Bedrock	Shallow subtidal Mud	Shallow subtidal Sand	Shallow subtidal Gravel	Shallow subtidal Boulder	Shallow subtidal Bedrock	Includes Medium Exposure site?	Deep subtidal Mud	Deep subtidal Sand	Deep subtidal Gravel	Deep subtidal boulder/bedrock ('Foul ground')	Deep water (>200m)	
West Coast Totals	600		1 302 840*	17		1984	479	4683	741	1421	297	307	322	4648	269 926	209	728	1269		490 383	316 980	3104	[76 881]	205 269	
PROPOSED MARINE RESERVES																									
Kahurangi	15.8	5	8446	7+(1)=8	MR				76			14	3		3889		54	44		(1250)	3116				
Punakaiki	6.4	3.7	3558	5+(1)=6	MR		3			(4)	21		15		3508			7							
Ōkārito	10.7	4	4641	5+(0)=5	MR	42				54		4		832	3709										
Ship Ck	1	0.2	16	0+(3)=3	MR		(2)			(4)					(11)										
Gorge	6.2	1.3	847	2+(3)=5	MR				34						(656)		40				(118)		(<118)***		
EXISTING MARINE PROTECTED AREAS																									
Saltwater Lagoon	<1	0	784	1	SR			784																	
Three Mile Lagoon	<1	0	108	1	NP			108																	
Five Mile Lagoon	<1	0	100	1	NP		100																		
Cook River mouth	<1	0	86	1	NP	86																			
TOTALS FOR ALL PROPOSED & EXISTING MPAs	42.1		18606	13+(2)=15		128	105	892	110	62	21	18	18	832	11773	0	94	51	0	(1250)	3234	0	(<118)***	0	
Percentages of West Coast totals	7.0		1.4			6.5	21.9	19.0	14.8	4.4	7.1	5.9	5.6	17.9	4.4	0.0	12.9	4.0		0.3	1.0	0.0	0.2	0.0	
Includes a replicate?				9+(2)=11		Y	Y	Y	Y	(Y)		Y	Y		Y		Y	Y			(Y)				

* Total area of West Coast excluding water deeper than 200m = 1 097 571 ha. Using this figure (which is the total area considered by the West Coast Marine Protection Forum), the total area of proposed and existing marine reserves is 1.7% of the region's total.

** For this column of the table, habitat types with less than 0.5% of the West Coast's total represented for any given primary site option are shown in brackets. For example, Kahurangi ["7+(1)=8"] contains 8 habitat types, one of which (deep subtidal mud) includes less than 0.5% of the region's total for that habitat type.

*** Deep subtidal bedrock & boulder is reported to probably occur in the Gorge site, but is not mapped. The West Coast total for this habitat type (76 881 ha) is measured from the 'foul ground' areas mapped by NIWA (see Neale et al 2008, p60).

