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New MPA Act

Ministry for the Environment

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SUBMISSION ON A NEW MARINE PROTECTED AREAS ACT

CONSULTATION DOCUMENT

ABOUT BAY OF ISLANDS MARITIME PARK INC. AND FISH FOREVER

The Bay of Islands Maritime Park Incorporated Society (BOIMP) began as an umbrella organisation to bring together a multiplicity of small community groups and create a coordinated approach to issues affecting the natural values of the land and waters of the Bay of Islands. From 2008 its activities have been focused through two working groups. Fish Forever¹ focuses on the marine environment and in particular the establishment of no-take marine reserves in the Bay of Islands. Living Waters Bay of Islands Wai-Ora² focuses on the catchment, particularly the management of land and riparian areas to improve the water and habitat quality for both the fresh and marine waters of the Bay of Islands.

In 2014 BOIMP was selected by the Tindall Foundation, through WWF, to receive training to improve our capacity to procure funding to enable us to expand our activities and effectiveness. As part of that exercise we decided to focus on native biodiversity protection and restoration on land and in the freshwater and marine environments of the Bay of Islands. We define our marine sphere of interest to be at least from Takou Bay in the north to Whangamumu in the south. The original BOI Maritime & Historic Park (a separate park board until 1989, with headquarters based in Russell) extended from Whangaroa Harbour to Whangaruru Harbour.

¹ <http://www.fishforever.org.nz/>

² <http://www.livingwatersboi.org.nz/>

COMMENTS ON THE DOCUMENT BY SECTION

SECTION 2: THE NEED FOR A NEW APPROACH TO MARINE PROTECTION

The discussion document describes how a “*representative network of marine protected areas*”³ should be representative of the different habitats in New Zealand’s marine environment. To do this the new MPA legislation would need to apply to the Exclusive Economic Zone (EEZ) as well as the territorial sea. The territorial sea is only 4.61% of the EEZ⁴. If New Zealand’s network of MPA’s is to be properly representative of the different habitats and ecosystems in New Zealand’s marine environment, then the EEZ must be included in the new MPA regime.

A New Zealand network of no-take marine reserves should be comprehensive. It should contain the outstanding, rare, distinctive and special features and ecosystems found in New Zealand’s marine environment as well as a sample of those that represent⁵ the full range of marine habitat types in its different bioregions. An effective network also requires appropriate connectivity between marine reserves making up the network.

Since 1985 there have been five serious attempts to establish marine reserves in the Bay of Islands. Most recently, BOIMP, through its Fish Forever campaign, has spent the last seven years building support and investigating options for a network of marine reserves in the core Bay of Islands (between Cape Brett and Cape Wiwiki). We have strong community support (as evidenced by a strongly positive response to Fish Forever community consultation document⁶ released in May 2014) and considerable scientific expertise backing our proposals. We received 1180 individual submissions and 169 form letters. Of the 1180 individual submissions, 98% supported marine reserves in the Bay of Islands, with 91% favouring 10-50% of the Bay being no-take marine reserve. Additionally, 93% of the individual submissions favoured the two marine reserves specifically being proposed by Fish Forever (81% if the form letters were included)⁷. Given that BOIMP is a local volunteer-led group with limited resources this is an outstanding response to a marine reserve consultation programme.

We have been dissuaded from applying for marine reserves in the Bay of Islands because of Ministerial reluctance to process an application under the existing legislation and the lack of willingness of hapu to

³ Ministry for the Environment 2016. A new Marine Protected Areas Act: Consultation Document. Wellington: Ministry for the Environment. Page 11

⁴ The EEZ totals 3,918,557.9 km². The territorial sea at 180,613 km² is 4.609% of the EEZ. Proportions have been calculated using figures supplied by MFE

⁵ New Zealand is committed to – a “representative examples of the full range of marine communities and ecosystems and outstanding, rare, distinctive or nationally important marine habitats” Department of Conservation and Ministry of Fisheries (2005) Marine Protected Areas Policy: Policy and Implementation Plan. Wellington, New Zealand. 25 p. www.biodiversity.govt.nz/seas/biodiversity/protected/mpa_policy.html

⁶ Fish Forever 2014. Proposal to protect 10% of the enclosed waters of the Bay of Islands with no-take marine reserves. Community consultation document released 1 May 2014. Prepared for Fish Forever, Bay of Islands Maritime Park Inc. <http://fishforever.org.nz/>

⁷ Kerr V; Langford C; Wright D 2014. Proposal for two marine reserves and a scientific reserve in the Bay of Islands: Results of Community Consultation. Fish Forever, Bay of Islands Maritime Park Inc. www.fishforever.org.nz 21p.

support anything that might be seen to undermine outstanding Treaty of Waitangi claims. Members of the Society have spent many volunteer days engaging with Bay of Islands' hapu. This included a Memorandum of Understanding with Rawhiti hapu (2010-2013).

Resolution of Ngapuhi Treaty grievances is an essential step to achieve MPAs in the wider Bay of Islands. In addition the existing Marine Reserve Act processes and practices place enormous demands on community groups to undertake widespread and meaningful dialogue with the communities of interest, including hapu. We are also required to meet a very high standard of evidence for the scientific merits of any proposals.

BOIMP would like to see a new process that removes the requirement for community groups to fund and undertake extensive multi-year community and hapu consultation and negotiation. While we are happy to undertake general community consultation and fund professional scientific assessments, the current process is exhausting. In spite of considerable community support and expert reports Fish Forever is unable to proceed further.

So BOIMP agrees that it would be useful to reform New Zealand's legislation and processes relating to the establishment and management of MPAs. In particular we would like to see the new regime:

- broaden the purposes of marine protection to focus on biodiversity protection and restoration,
- contain a minimum target of 10% (and preferably more) no-take marine reserves in all bioregions
- extend MPA coverage to the EEZ; and
- develop alternative processes for progressing MPAs. In particular we would like to see a reduced burden on community groups to fund and undertake extensive multi-year consultation with all sectors

The existing legislation contains a number of useful features that should be retained. These features include no-take marine reserves (Marine Reserves Act 1971); wildlife management reserves and wildlife refuges (Wildlife Act 1953); provision for marine mammal sanctuaries in the EEZ (Marine Mammals Protection Act 1978); some protection of specified benthic environments from physically damaging fisheries activities (Fisheries Act 1996 and associated regulations).

There have been various efforts to reform the existing Marine Reserves Act 1971. A new Marine Reserves Bill was introduced to Parliament in June 2002. The purpose of this Bill was "*to conserve indigenous marine biodiversity for current and future generations, by preserving and protecting marine communities and ecosystems within marine reserves*"⁸. This legislation was intended to help implement the marine components of the New Zealand Biodiversity Strategy⁹ which was developed partly to fulfil commitments made under the International Convention on Biological Diversity. It covered all of the

⁸ Department of Conservation 2002. Marine Reserves Bill 2002: policy background and key issues summary. http://www.parliament.nz/resource/en-nz/50SCLGE_ADV_00DBHOH_BILL4754_1_A48091/0a1589e980d752ac19c8a7615dbef67b302cd047 Accessed 16 February 2016

⁹ New Zealand Government 2000. The New Zealand Biodiversity Strategy. <https://www.biodiversity.govt.nz/pdfs/picture/nzbs-whole.pdf> Accessed 18 February 2016

EEZ. Unfortunately neither the EEZ coverage nor the biodiversity purpose is in the proposals for the new legislation.

This Bill went to the Local Government and Environment Select Committee in October 2002. While several submissions on the 2002 Bill canvassed potential constitutional, legal and technical arguments against inclusion of the EEZ in the Bill, these were largely rebutted in the 2004 Department of Conservation Report to the Select Committee, with the support of Crown Law¹⁰. There appears to be no significant legal or technical arguments against including the EEZ within the new MPA legislation. In 2005 the Committee resolved to suspend work on the Bill and in 2012 the Bill was withdrawn.

Subsequently, petroleum and mining exploration, prospecting and mining licences have been issued for 10.9% of the territorial sea and 16.3% of the EEZ,¹¹ leaving the majority of the EEZ free from such licenses. The existence of such licenses is, therefore, not a valid reason for excluding all of the EEZ from coverage under new MPA legislation.

Another valid reason for including the entire EEZ within the ambit of the MPA legislation is the ecosystem goods and services (ES) provided. Van Den Belt & Cole (2014) calculated that the per capita ES value of the EEZ to be NZ\$92,245 per year giving a total of NZ\$403 billion per year.¹²

SECTION 3: THE PROPOSAL: A NEW APPROACH TO MARINE PROTECTION

In contrast to the 2002 Marine Reserves Bill, the discussion document does not address the matter of an overall purpose for the new MPA legislation. We consider that the purpose of new MPA legislation should be to protect and restore marine biodiversity and provide processes that will enable the creation of a network of Marine Reserves and supporting MPAs that contain representative examples of the full range of marine communities and ecosystems as well as outstanding, rare, distinctive or important marine habitats and features.

The discussion document sets out six objectives for the new MPA legislation. Without a purpose statement these objectives do not give priority to biodiversity / environmental protection and restoration. The listed objectives (section 3.1) do not adequately address:

- protection and restoration of biodiversity, natural features and ecological/environmental naturalness;
- the value of marine reserves and other MPAs for research and education purposes;
- consultation with environmental groups, and the scientific and education sectors;

¹⁰ Departmental Report to Select Committee Feb 2005: http://www.parliament.nz/resource/en-nz/50SCLGE_ADV_00DBHOH_BILL4754_1_A190192/02e30607ee5f4132fd3532883ea0aeafe8d8a24b
[Accessed 16 February 2016](#)

¹¹ Figures from New Zealand Petroleum and Minerals 2016 on Crown Minerals Act permits in the TS and EEZ

¹² Van den Belt M; Cole A 2014. Ecosystem goods and services in marine protected areas (MPAs). Science for Conservation 326. Department of Conservation, Wellington. 96p.

- marine protection in the EEZ
- those recreational activities and experiences (e.g. scuba diving, snorkelling) that are enhanced significantly by a marine environment where natural processes prevail and there is no harvesting of native plants or animals or other human disturbance

Objectives 2 and 5 in the discussion document are ambiguous and give a greater emphasis to potential alternative economic uses than is appropriate for a marine biodiversity protection statute. These two objectives should be replaced by more appropriate objectives. The other objectives should be amended, as follows:

1. *A representative, comprehensive network of marine reserves and additional MPA's is created to protect and restore marine biodiversity in New Zealand's marine environment* (modification to existing objective 1)
2. *The natural character of New Zealand's marine environment is protected and restored* (replacement for existing inappropriate objective 2- this new objective links to and supports Resource Management Act s.6(a) and New Zealand Coastal Policy Statement 2010 policies 13 & 14)
3. Retain as is
4. Add *national and local environmental groups, science and education sectors* to those that are engaged in collaboration
5. *Undisturbed and restored areas are preserved for research and education purposes and for present and future generations to appreciate and enjoy* (replacement for existing objective 5 which does not make sense and is not appropriate)
6. *New Zealand's international marine environment obligations (especially those associated with the Convention on Biological Diversity) are met* (modification to existing objective 6)

BOIMP is concerned that the discussion document has not specifically addressed how the new MPA legislation will fulfil New Zealand's international obligations, especially the Convention on Biological Diversity and the 10% Aichi targets for MPA's. A key part of these obligations is the implementation of the marine component of the New Zealand Biodiversity Strategy. There is also longstanding government MPA policy¹³ that has not even been acknowledged in the document.

While not addressed in the discussion document, it is clear that New Zealand still has much to do to address its international obligations for marine biodiversity protection. A 2015 Ministry for Environment briefing paper to its Minister states: "*We believe that the protection of representative examples of bioregions is the indicator of the effectiveness of New Zealand's marine protection regime. On this basis New Zealand's current marine protection is well below average when compared to international standards and the performance of other countries, notably Australia and the United States.*"¹⁴ This situation is a key reason why the new MPA regime must include a biodiversity protection and restoration

¹³ Department of Conservation and Ministry of Fisheries 2005. Marine Protected Areas: Policy and implementation plan. Department of Conservation and Ministry of Fisheries.

¹⁴ Ministry for the Environment 2015. New Zealand's international obligations and comparative progress regarding Marine Protective Areas. Briefing to the Hon Dr. Nick Smith, Minister for the Environment, 18 June 2015, tracking # 15-B-01036

purpose, minimum protection targets, apply to the entire EEZ, and include processes that result in marine reserves and other MPAs in some areas where there may be existing or potential human harvest or extraction activities.

SECTION 3.2: FOUR CATEGORIES OF MARINE PROTECTION

The discussion document proposes four categories of marine protection in the new MPA regime. BOIMP supports the inclusion of three categories-namely marine reserves, species-specific sanctuaries, and seabed or benthic reserves. For the latter category we consider that the term “benthic reserve” would be more appropriate as this incorporates the habitat-forming biota rather than just the “seabed”

We do not support the inclusion of recreational fishing parks (RFPs) within a MPA regime. This is because such parks do little more than focus on reducing/ eliminating commercial catch in order to provide more fishing opportunities for amateur fishers. As such they are a fisheries allocation and management tool and should be established and managed under existing fisheries legislation. We will discuss this further in our comments on section 5 (RFPs).

The Society considers that the MPA category purpose statements in Table 1 (in the discussion document) for each of the three categories of protected area should be amended as follows to fully reflect the primary purpose of MPAs - to protect marine biodiversity:

Marine reserve: *To protect and restore areas to their natural state for the conservation of marine biodiversity. These areas will protect and restore areas that are unique and special, as well as sites that are representative of the full range of marine ecosystems and features.*

Species-specific sanctuaries: *To protect and restore populations of one or more named species by providing spatially-bounded restrictive tools that protect a species in the marine environment and in any land or freshwater habitats they may use.*

Seabed or benthic reserve: *To protect and restore specified benthic habitats by restricting activities that could adversely affect the seabed, the habitat forming biota and water above it.*

BOIMP would support the three categories of MPA (marine reserve, species-specific sanctuaries and benthic or seabed reserves) being managed by the Department of Conservation (DOC) which already has an extensive national network of facilities and staff with considerable experience in managing different types of protected areas (including those associated with the marine environment). We have good relationships with local DOC staff and consider that the Department (with additional funding) would be the most appropriate agency to manage all MPAs. The Ministry for the Environment has very few offices and staff outside of Wellington and is a policy and regulatory agency. It does not seem appropriate for them to manage seabed reserves as proposed in the discussion document. RFPs would most appropriately be managed by the Minister of Fisheries/ Ministry of Primary Industries (MPI).

SECTION 3.3: ECONOMIC VALUE OF MARINE PROTECTED AREAS

BOIMP would be concerned if all MPA applications required an applicant to provide an independent economic assessment in all cases. This would most likely be very onerous and impact on the ability of community organisations to propose MPAs. Some proposed MPA's, such as a sea-grass, mangrove or mussel seabed reserve, may be small. In such cases it would seem more appropriate that such a report be commissioned as part of the Board of Inquiry or collaborative process (section 4) by the administering agency. Extra funding should be allocated for this. There would, however, need to be a requirement for the scientific justification and associated documentation accompanying any application to be thorough and well-researched.

BOIMP is concerned about the current primacy being given to oil, gas and minerals mining in New Zealand's marine environment. In particular we are concerned about a proposed prohibition on the establishment of an MPA where permits (for prospecting, exploration, or mining) have been issued (unless the permit holder agrees). It would be more appropriate to delay issuing new permits until the requirements for MPA's have been assessed within each bioregion, particularly given the shrinking global demand for oil and minerals.

SECTION 4: HOW IT WILL WORK: A NEW PROCESS FOR ESTABLISHING MARINE PROTECTED AREAS

BOIMP notes that the discussion document does not address who may be an applicant for an MPA. We consider that potential applicants should include scientific and educational organisations as well as community groups, iwi/hapu and central and local government agencies. If the management categories are divided between a MPA Act (marine reserves, species-specific sanctuaries and seabed/benthic reserves) administered by DOC; and the Fisheries Act 1996 administered by MPI (recreational fishing parks, along with existing taiapure, mataitai and rahui categories), then much of the complexity in the discussion paper about the lead Minister can be removed.

It seems inappropriate for the proposed long list of Ministers to determine whether an application should proceed. There should be a set of criteria that the lead Minister assesses (including the adequacy of the application) before a proposal goes to the assessment stage. This is particularly so where a collaborative approach is to be used and the actual boundaries of MPAs (and other tools) may be altered as part of the collaborative process.

BOIMP is of the view that it is important that carefully developed criteria are used in decision-making at each step in the process. This includes: (1) when the lead Minister decides whether an application should proceed to the assessment stage; (2) the collaborative process and Board of Inquiry decision-making; (3) grounds for appealing a decision.

While page 24 states that the *"new MPA Act will ensure a planned approach is taken to the creation of a representative and adaptable network of MPAs..."* the discussion document does not explain how this

would happen. It would be useful for the Act or associated regulations or policy to provide guidance on what would constitute an adequate network of MPA's in the marine environment (including the EEZ).

Criteria that should be used for assessing the adequacy of a MPA network include the following:

- The network should contain good representative examples of the full range of marine communities and ecosystems as well as outstanding, rare, distinctive or important marine habitats and features
- The network must allow for enough replication in the representation of these habitats and ecosystems
- MPAs should be of sufficient size and shape to protect the species and habitats they contain or would contain if they were in a more natural state
- The network should provide measures for the protection of all resident and migratory marine species (including plankton, plants, benthic and pelagic organisms, fish, marine mammals and birds) in our marine environment
- The creation of protected areas and species-specific protections should follow international best practice

In addition, new MPA legislation or associated regulations or policy should provide guidance on how the new MPA process will link with other types of protection tools. An example could be a collaborative consultation process that results in proposing a package of protection and other marine management tools such as mataitai, or restrictive zoning under a Regional Coastal Plan. We support proposals to more closely align new MPA legislation and Resource Management Act 1991 decisions. In particular we support the new MPA Act requiring that MPA's in the territorial sea be recognised in regional coastal plans. Given the adverse effects of the increased nutrients and fine sediment from catchments on marine environments it would be useful for existing and (proposed) ¹⁵MPA's to be a factor to be considered when making decisions on the policies and rules in all regional and district plans as well as in relevant resource consent applications.

The discussion document proposes that the new Act will allow for periodic review of new MPA's. Such a provision would not apply to the existing MPA's unless that is already required. BOIMP would agree to 25 year generational reviews if this is sought by local hapu at the time of reserve establishment. Another possible reason for a review could be where the status of species of particular concern is reviewed after a period approximating the lifespan of that species. We would not support the review being triggered by "particular events" such as the emergence of new technology or discovery of a new resource as described on page 25 of the discussion document. Some of the scientific and educational benefits of MPAs arise from the persistence of MPAs over time. If MPAs can be reviewed because of a variety of unknown or unforeseen events this will lead to even more community and scientific effort having to be put into the retention (as well as the establishment) of particular MPAs.

¹⁵ A specific proposal would be one that has formally entered either a collaborative or Board of Inquiry process.

SECTION 5: RECREATIONAL FISHING PARKS

Available evidence indicates that recreational fishing parks in New Zealand do not provide overall biodiversity benefits. It has been clearly demonstrated in studies in New Zealand (Denny and Babcock 2004, Shears et al. 2006, De Buisson 2010)¹⁶ and internationally (Lester et al. 2008)¹⁷ that partial protection (i.e., allowing only recreational fishing in so-called MPAs) has no benefit for harvested species or associated ecosystems. Despite the exclusion of commercial fishers and increased restrictions on recreational fishing, partial closures in New Zealand have been found to be ineffective as conservation tools for targeted species (Denny et al 2003; Denny & Babcock 2004)¹⁸. For example De Buisson (2010) found that snapper populations at Poor Knights Marine Reserve did not recover when all commercial fishing nets and longliners were prohibited and recreational fishers were allowed partial access. However, in 2009 after more than ten years of no-take protection, snapper counts had increased 14 fold.

De Buisson also found snapper numbers in the Mimiwhangata Marine Park (no commercial fishing and more restricted methods and species for amateur fishing) were not significantly different than those found on adjacent areas of open coast that are open to commercial fishing. He concluded that after 17 years of partial protection snapper were not more abundant or larger inside the Marine Park. Rock lobster (*Jasus edwardsii*) populations have not recovered since the marine park was established. Shears et al (2006) found that preventing commercial rock lobster fishing while allowing recreational rock lobster fishing at Mimiwhangata Marine Park provided little benefit to rock lobster populations.

As recreational fishing parks can already be established under the existing Fisheries Act 1996 there is no need to make provision for them in new MPA legislation. BOIMP, however, would be concerned if the establishment of a RFP might restrict the inclusion of no take marine reserves or other types of MPAs within a large RFP. For example, the proposed Hauraki Gulf RFP covers a large area with only a very small amount in existing no-take marine reserves. While potential MPAs have been identified as part of the Hauraki Gulf spatial planning process, it is unclear how these areas (or what is finally agreed in the ongoing spatial planning processes) totalling about 10% of the Hauraki Gulf,¹⁹ would be treated in the context of a RFP.

¹⁶ Denny C M & Babcock R C 2004. Do partial marine reserves protect reef fish assemblages? *Biological Conservation* 116(1): 119-129.

Shears N T, Grace R V, Usmar N R, Kerr V & Babcock R C 2006. Long-term trends in lobster populations in a partially protected vs. no-take Marine Park. *Biological Conservation* 132: 222-231."

De Buisson P R 2010. Poor Knights Islands Marine Reserve and Mimiwhangata Marine Park fish monitoring 2009. Whangarei, Department of Conservation

¹⁷ Lester S E & Halpern B S 2008. Biological responses in marine no-take reserves versus partially protected areas. *Marine Ecology Progress Series* 367: 49-56.

¹⁸ Denny CM, Willis TJ, Babcock RC 2003. Effects of Poor Knights Islands marine reserve on demersal fish populations. *Department of Conservation Science Internal Series* 142:1-34
Denny & Babcock 2004 as for footnote 12

¹⁹ Grace R 2014. Sea-sketch draft Hauraki Gulf MPAs. A discussion document for the Biodiversity and Biosecurity Roundtable of the Marine Spatial Planning Process for the Hauraki Gulf Marine Park

BOIMP is aware that a number of people are interested in the establishment of a RFP for the Bay of Islands and possibly another RFP from Bream Head (Whangarei) to Cape Brett (Bay of Islands). If one of these RFPs were to be created we would be particularly concerned if this precluded the establishment of marine reserves and other MPA's within their boundaries. We consider that it should be possible to include more than one protective/ restrictive provision for a location and where there are conflicts between two provisions then the provisions of the higher protective status would prevail. For example the no-take harvest rules of marine reserves would take precedence over those of the wider RFP harvest rules, as is the situation with rules applying throughout existing Fishery Management Areas. Given the size of the two RFP's proposed in the discussion document we consider that in general it would be appropriate for 10% of recreational fishing parks to be set aside for marine reserves.

SECTION 6: IMPLEMENTATION

BOIMP supports the transitioning of existing marine reserves into the new Act with no change in the reserve's protective provisions. However, existing marine mammal sanctuaries do not meet international or national criteria for MPAs²⁰ and should remain under the jurisdiction of the Marine Mammals Protection Act 1978. The existing EEZ spatial coverage (i.e. New Zealand Fisheries Waters) for this Act should remain. Wildlife management reserves and wildlife refuges (under the Wildlife Act 1953) commonly contain multi-species protection/ restoration provisions. It is unclear whether any of these reserves or refuges could or should be transitioned to the new legislation.

Various benthic environments in both the territorial sea and the EEZ currently receive some protection from damaging fishing methods. It may be appropriate for some of these areas to be transitioned through to seabed/ benthic reserves. Before this happens all such areas should be reviewed to ensure they met specified biodiversity protection criteria and that the appropriate benthic biodiversity has been adequately protected.

Monitoring is promoted in the document as playing an important part in the new Act. There needs to be a well-developed, scientifically robust framework for both the initial baseline assessments and subsequent monitoring of change. Effective monitoring requires adequate funding. This is particularly critical for the subtidal marine environment where proper monitoring can be expensive because of logistical difficulties (e.g. the disruptive impacts of adverse weather, swells and sea conditions on monitoring programmes). There also needs to be sufficient funding and imperatives for the analysis and write-up of monitoring programmes.

SUMMARY

In the context of our wishes for a revised protected area legislative regime and improved processes, how well does do the current proposals stack up?

²⁰ Department of Conservation and Ministry of Fisheries (2011) Coastal marine habitats and marine protected areas in the New Zealand Territorial Sea: a broad scale gap analysis. Volume 1: Report and Appendices 1 to 6. Department of Conservation and Ministry of Fisheries. Wellington, New Zealand. 50p.

Firstly we seek a broadened purpose focusing on biodiversity. The current proposal does not include a purpose, let alone one focusing on biodiversity protection and restoration. This we consider to be a major omission. The proposed objectives only include one biodiversity protection objective with five others addressing other matters. In no way does the suite of objectives emphasise that the overall objective of the new legislation is marine biodiversity protection and restoration by way of MPAs.

Secondly we seek the inclusion of the EEZ. This has not been addressed.

Thirdly we seek a minimum target of at least 10% no-take marine reserves in all bioregions. This is our target for the wider Bay of Islands and aligns with existing national policy and the Convention on Biological Diversity's Aichi targets. Emerging best practice is for a higher percentage and so it may be better to use the phrase "meet international best practice protection targets". The current proposals do not address a no-take marine reserve or wider MPA target, either generally, or specifically for each bioregion.

Lastly we seek more effective and less onerous processes for community groups seeking the establishment of marine reserves. We welcome the two proposed alternative pathways for establishing MPAs. There is, however, insufficient information in the discussion document on how effectively these processes might operate in practice.

Yours faithfully

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