

To: Minister of Oceans and Fisheries, Hon. David Parker
Minister of Conservation, Hon. Poto Williams
c/- Te Papa Atawhai Department of Conservation
by email: seachange@doc.govt.nz

7 October 2022

Tēnā kōrua, Minister Parker and Minister Williams,

SUBMISSION TO REVITALISING THE GULF MARINE PROTECTION PROPOSALS

1. Congratulations on the release of the marine protection proposals for the Hauraki Gulf Marine Park / Tikapa Moana / Te Moananui ā Toi.
2. This submission is on behalf of the applicants of The Noises High Protection Area (HPA) Proposal – The Noises Charitable Trust, Tāmaki Paenga Hira Auckland Museum, and Waipapa Taumata Rau University of Auckland.

General comments

3. We extend our thanks for your careful consideration of suitable marine protection for The Noises and are pleased by the inclusion of the Ōtata / Noises Islands HPA as part of the broader marine protection proposal package.
4. We support the proposed marine protection package in its entirety including 12 High Protection Areas, 5 Seafloor Protection areas and the extension of protection adjacent to two current marine reserves (Cathedral Cove and Cape Rodney).
5. We acknowledge and support the Government's work to recognise customary practices of Mana Whenua within a context of marine protection in the Hauraki Gulf.
6. As outlined in The Noises proposal¹, The Noises islands are predator free; have outstanding conservation values; contain exceptional native vegetation and the most diverse seabird communities in the inner Gulf. They are also home to a range of rare native vertebrates and invertebrates including gecko and wētāpunga.
7. Complex and dynamic nutrient flows are at play between the terrestrial and marine environments, particularly aided by seabird derived nutrients. Implementing a High Protection Area around The Noises islands as proposed encompasses the extensive subtidal reefs that connect the islands and rock stacks and would complete essential protection of both land and sea habitats.

¹ Ōtata Mauri Ora (The Noises Marine Regeneration Area), September 2021

8. We **strongly support** the proposed provision within HPAs for monitoring and research driven by both Mātauranga Māori and western science knowledge systems.
9. As outlined in The Noises proposal², the scientific community has had a long association with The Noises (dating back to the late 1880s). Knowledge of the ecosystems and pressures on the ecosystems is incomplete and subject to change. Further study at The Noises will contribute to research and monitoring activities through the Hauraki Gulf and beyond. That work will build on existing knowledge and support the expression of Mātauranga Māori and kaitiakitanga specific to place.

Active restoration

10. We **strongly support** the proposed provision within HPAs for “active habitat restoration initiatives such as the removal or addition of marine life (translocation) to improve habitats of interest.”
11. There are studies underway around The Noises already, including the study of methods to restore kelp forests in areas that are currently kina barrens.³
12. We believe that the benefits of protection and active restoration combined will enhance the abundance of marine species beyond the protected area through the spill over effect and larval transport.

Community and stakeholder involvement

13. You will be aware that we had originally proposed some form of community oversight or advisory mechanism for The Noises HPA. We accept that Government does not wish to implement such a mechanism through legislation, and we support proceeding with this package without it.
14. However, we continue to believe that decision making around future monitoring, research and/or active habitat restoration would be enhanced by working alongside those with specific knowledge of place, and that this is now best practice. We would appreciate opportunities to work closely with the Department of Conservation, using The Noises as an exemplar of collaboration.
15. We ask that you consider including in the legislation requirements for consultation with interested parties when government develops plans and makes decisions on monitoring, research, and restoration. We would be interested in exploring with officials how permitting for monitoring and research, and active habitat restoration activities will occur and be reflected in the Hauraki Gulf Marine Protection Bill.

Regular review and adaptive management

16. The Government’s proposal is **currently silent on the matter of reviews**.
17. We submit that provision be made for regular reviews of the HPAs, at least every 10 years.

² Ōtata Mauri Ora (The Noises Marine Regeneration Area), September 2021

³ University of Auckland has a kina removal study control side on the North-Western side of Ōtata Island.

18. *Revitalising the Gulf*⁴ refers to the development of a monitoring and reporting framework for the Hauraki Gulf, which will be **underpinned by an adaptive management cycle to ensure management actions can be adjusted based on regular evaluation**. Adaptive management is also recommended by the Sustainable Seas National Science Challenge⁵ as a principle for the advancement of ecosystem-based management.
19. We submit that reviews should assess achievement against the agreed set of biodiversity objectives and tohu/indicators of change, including a mauri framing, and Customary Practice Management Plans, and enable regulations to be adjusted in accordance with achievement or otherwise of those objectives and Plans.
20. We urge care in the drafting of the Hauraki Gulf Marine Protection Bill so that the biodiversity objectives can be truly adaptive.
21. We submit that regular reviews also consider:
- a. The benefits and impacts arising from the implementation of the protected area, and any subsequent changes to the management of the protected area.
 - b. The effects of cumulative and multiple stressors, such as land-based activities and climate change on biodiversity, ecosystem and species objectives.
 - c. New or updated research, Mātauranga Māori and science information.
 - d. The results of trial active regeneration or translocation initiatives.
 - e. Management adjustments to adapt to new evidence.
 - f. Management adjustments to adapt to unintended consequences arising from the protected areas.
22. Just as the Government is now seeking feedback on the marine protection proposals, we submit that stakeholders (including recreational and commercial fishers, divers, researchers and community groups) are afforded the opportunity to contribute to regular reviews.

Resourcing monitoring and reporting

23. *Revitalising the Gulf*⁶ refers to the development of a monitoring and reporting framework, and the development of a Gulf research plan. Both are central to a principle of adaptive management.
24. We take this opportunity to urge the Government to fund and prepare the monitoring and reporting framework and research plan, and also fund monitoring, research and reporting for the Hauraki Gulf into the future.

Surveillance and enforcement

25. The benefits of marine protection are known to increase exponentially if, among other design attributes, they are well enforced⁷.

⁴ *Revitalising the Gulf: Government Action on the Sea Change Plan*, released June 2021, page 94.

⁵ Sustainable Seas, discussion paper: Advancing ecosystem-based management in Aotearoa New Zealand through current governance arrangements, March (2018).

⁶ *Revitalising the Gulf: Government Action on the Sea Change Plan*, released June 2021, page 91.

⁷ Edgar, G.J., Stuart-Smith, R.D., Willis, T.J., Kininmonth, S., Baker, S.C., Banks, S. et al. (2014). Global conservation outcomes depend on marine protected areas with five key features. *Nature*, 506, 216-220.

26. Notwithstanding the effects of ‘social pressure’ compliance once marine protection in place, we would observe that currently the capacity is lacking to undertake enforcement properly across the proposed areas.
27. We take this opportunity to urge the Government to explore approaches to funding surveillance and enforcement appropriate to the scale of the marine protection areas proposed and acknowledge that such a budget may sit across multiple government agencies.

Momentum to match the moment

28. We applaud the Government on this progress and ask that you move with pace – introduce legislation to the House as soon as possible to **enact these marine protection areas this parliamentary term.**
29. As outlined in a recent communication to the Prime Minister and Senior Ministers (and subsequently captured [as a blog on The Noises website](#)), the observable degradation at The Noises over the last year continues to be alarming and distressing.
30. The extent of regeneration within the HPAs is also dependent on how well other proposals in *Revitalising the Gulf* are implemented and managed over time, in particular, reform to fisheries management through the delivery of the Hauraki Gulf Fisheries Plan.
31. To achieve maximum benefits revitalising the Gulf, we implore you to move with pace to deliver the Hauraki Gulf Fisheries Plan in close alignment with the marine protection proposals.

Enabling legislation

32. We submit that the Hauraki Gulf Marine Protection Bill be enabling and provide a mechanism to introduce additional High Protection Areas over time.
33. The Noises Marine Protection Project (which culminated in the proposal to Government and the ultimate inclusion of The Noises HPA in the Government’s package) cost approximately \$500,000 over three years and included hundreds of hours of in-kind support from research institutions and individuals, including iwi. This effort was necessary in large part because of the unsuitability of the existing marine protection tools/legislation.
34. We submit that a pathway for other marine protected areas (i.e., new HPAs) to be assessed and included is provided in the Hauraki Gulf Marine Protection legislation. Without such a pathway, the legislation will inadvertently block the formation of other marine protected areas and/or mana whenua led initiatives in the Hauraki Gulf into the future.
35. Excluding the cable protection zones, which don’t constitute marine protection under IUCN definitions⁸, the proposals will result in approximately 6% of the Hauraki Gulf Marine Park being

⁸ There are international standards for reporting of protected areas (IUCN MPA standards and guidelines) and the Parties to the Convention on Biological Diversity agreed guiding principles, common characteristics and criteria for the identification of ‘Other effective area-based conservation measures’ (OECMs). Cable zones are explicitly excluded from protected area and OECM marine protection categories. An OECM is defined by the CBD as a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with

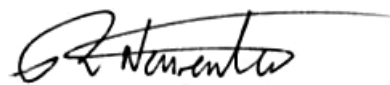
in a form of full no-take marine protection. Whilst an enormous step forward for the Hauraki Gulf, this is still a very small fraction of the Marine Park and requires further ambition to reach a 30% target⁹.

Conclusion

36. Management of the Hauraki Gulf Marine Park must be active, adaptative and enduring to not only meet the current environmental degradation, but the uncertainty created by direct and indirect effects of climate change.
37. Finally, we continue to offer our collective knowledge and assistance to the Department of Conservation to support the progression of the Hauraki Gulf Marine Protection Bill to enact these marine protection proposals. We will continue to support you to implement this package, to revitalise the waiora and mauri of Tikapa Moana / Te Moananui ā Toi.



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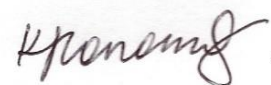
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associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values (CBD, 2018)

⁹ The Hauraki Gulf Forum has a goal of 30% marine protection for the Hauraki Gulf Marine Park. Furthering marine protection that meets the IUCN MPA definition and criteria will also contribute to proposed global marine protection targets of 30% by 2030.