



**Fish Forever**  
MARINE SANCTUARY · BAY OF ISLANDS  
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## WHAT DO ALL THOSE MPA LABELS REALLY MEAN?

There has been lots of talking and writing about different forms of marine protected areas recently. Many of those new to the discussion are getting a bit confused about what each of the terms really means, who can establish them and for what purpose, and what their likely effects might be in time.

**Marine Protected Area or MPA:** This term is used in three main ways, loosely, tightly and specifically, which can be a bit confusing to the uninitiated. It is used loosely to refer to any marine area with some protection, which is all of New Zealand's territorial sea, and used tightly it should refer to marine areas that have restrictive rules intended to protect marine life and the environment, rather than just harvested fish stocks. In terms of New Zealand 2008 government policy it is "An area of the marine environment especially dedicated to, or achieving, through adequate protection, the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state."

The term is used site-specifically for only the Sugar Loaf Islands MPA, under its own empowering 1991 Act. In that area commercial fishing, except trolling for kingfish and kahawai, is not allowed. Individual fishers are restricted to one rod with a maximum of three hooks and set netting and long lining are banned. Spoil dumping and activities that may disturb the foreshore and seabed are restricted throughout, including anchoring by commercial vessels, mining and drilling.

In terms of outcomes, it has maintained a recreational and customary fishery, but not much for recovering marine life into its natural state. The local desire for such a place resulted in the establishment of a much larger marine reserve on its southern boundary in 2008.

**Marine Reserve:** At present these can only be established in New Zealand through the strict procedures set out in the Marine Reserves Act 1971. They are specified areas of the sea and foreshore that are managed to preserve them in their natural state as the habitat of marine life for scientific study. Marine reserves may be established in areas that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest.

Generally they have rules similar to national parks, for example no disturbing or taking any marine life, rocks, shells or anything else natural, plus no discharges or dredging. In all marine reserves you may dive, snorkel, take photos, swim, kayak, anchor (with care), navigate through, picnic on the beach, build sand castles, investigate in rock pools. There are a limited number of types of organisation that are qualified to apply to the Minister of Conservation to create one.

The likely effects are much debated, because the size, age, circumstances and history of each one has an influence on the natural processes and outcome at any one time. However, research and monitoring in many of our 33 marine reserves generally shows that fish communities and other marine life tend to recover towards their natural state. Research overseas shows that if the area is large enough and compliance is effective, recovery can be extensive over time. More details can be found at

<http://www.doc.govt.nz/conservation/marine-and-coastal/marine-protected-areas/marine-reserve-information/docs-work/monitoring/>

**Marine Park:** Marine parks are not administered by the Department of Conservation, but are managed under the Fisheries Act or under their own special legislation. Although marine parks established under the Fisheries Act 1983 continue to be protected, with the passing of the Fisheries Act 1996, no new marine areas can be protected under fisheries legislation.

New Zealand has two marine parks (Mimiwhangata and Tawharanui) under the Fisheries Act. The Sugar Loaf Islands area was originally managed as a Marine Park under the Fisheries Act, but has been managed under its



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own special MPA legislation since 1991. The Hauraki Gulf Marine Park was established under its own special legislation, the Hauraki Gulf Marine Park Act 2000, after ten years of lobbying legislators.

So what can we expect to happen within a Marine Park? Well, it depends on what rules are imposed and enforced, and these can be highly variable. The rules for Tawharanui are similar to a Marine Reserve, that is no-take and no-dump, and compliance is good as it adjoins an Auckland Regional Park with lots of observers and managers. The effects are spectacular, with a substantial recovery of populations of targetted species such as snapper and crayfish.

Mimiwhangata Marine Park is quite the opposite, with exclusion of only commercial fishing and a few extra restrictions on recreational fishing. As a "Park" it has been very popular, with a higher concentration of effort by recreational fishers and hunter-gathers diving there. The effect is now that the sizes and densities of snapper and crayfish within the Park are now lower than adjoining unprotected areas. Loved nearly to death, the local community is now trying to establish a marine reserve.

The Hauraki Gulf Marine Park is a bit of a misnomer, in that it includes adjoining protected lands (ie. a Maritime Park) and does not have any additional, enforceable protective rules (just those pre-existing under the Fisheries regulations and the Regional Coastal Plans). For more details see <http://www.arc.govt.nz/environment/coastal-and-marine/hauraki-gulf-forum/hauraki-gulf-marine-park-act-2000.cfm> Recent monitoring for the 2011 triennial report confirmed the continuing decline reported in 2008. It also went further and compared its current condition with its original natural condition, which most folk cannot even conceive of, and found massive degradation in both fish stocks and habitats. For a popular summary see <http://www.nzherald.co.nz/new-zealand/news/article.cfm?id=71&objectid=10734668> The draft report was not citable at this stage.

**National Park:** These are the highest status protected land areas administered in New Zealand, under the National Parks Act 1980. Despite strenuous efforts to tweak the legislation to allow the boundaries to include at least the intertidal beaches (eg. on the edge of Abel Tasman National Park), and at best the subtidal areas largely surrounded by national park (eg. within the fiords of Fiordland National Park), no change has been possible legally or politically.

Hence it is not possible to have a "Marine National Park" in New Zealand without a separate empowering Act, and even then it would hardly be worth the effort because it would not provide any more protection than a Marine Reserve. This is why some of us refer to marine reserves as "national parks in the sea", even though that is not legally possible here. (cf. Australia, where it is).

**Marine Sanctuaries:** While Fish Forever has chosen to use the expression "network of marine sanctuaries" to describe its campaign objective, it is an aspirational goal that captures the essence of full protection rather than a formal tool that can be applied to a specific area. There are different no-take and no-disturbance tools that can be applied to protect different types of marine life. These include Marine Mammal Sanctuaries, Wildlife Sanctuaries and Marine Reserves. It is anticipated that whichever tool is chosen by Fish Forever, it will focus primarily on non-extraction and minimum disturbance in this initial phase of improving the management of marine life in the Bay of Islands

**Mataitai:** Mataitai reserves are created in areas of traditional importance to Maori for customary food gathering. Within them, tangata whenua are authorised by the Minister of Fisheries under s.23 of the Kaimoana Customary Fishing Regulations 1998 to manage and control the non-commercial harvest of seafood through a local committee. A tangata tiaki/kaitiaki can recommend bylaws to manage customary food gathering in keeping with local sustainable management practices, and issue customary food authorisations



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Mataitai reserves are permanent, though the bylaws can change over time. Once a mataitai reserve is established, commercial fishing is not allowed unless recommended by the tangata tiaki/kaitiaki. Both Maori and non-Maori may fish in mataitai reserves.

As for results, it is difficult to say because mataitai are as much about controlling management process as marine life outcomes. Because few have been established and fewer monitored it is not possible to predict what might happen in any particular proposed mataitai. There are none in Northland but an application for a mataitai in the western Bay of Islands is still pending a decision by the Minister of Fisheries.

**Taiapure:** Taiapure are “local fisheries” in estuarine or coastal waters which recognise the special significance of the area to local iwi or hapu, either as a source of seafood, or for spiritual or cultural reasons. Taiapure can give Maori greater say in the management of their traditionally important areas. A major difference between mataitai and taiapure is that taiapure may allow commercial fishing.

A taiapure proposal from a local community must go through a public consultation process before it is approved. Once set up, a committee nominated by the local Maori community advises the Minister of Fisheries on regulations to make under s.175 of the Fisheries Act to control all types of fishing within the local area. At this stage only one taiapure has regulations, and the 1997 taiapure in the Waikare Inlet of the Bay of Islands is still awaiting agreement about the regulations needed. No monitoring has been completed to demonstrate any effect of a taiapure at present.

**Rahui:** This is a Maori customary management term with a variety of definitions (eg <http://en.wikipedia.org/wiki/R%C4%81hui>), but in the context of marine resource protection usually means a temporary tapu or restriction of access imposed by the kaitiaki for that area. They can be enforced through a Gazette Notice made under s.186A of the Fisheries Act which can apply to specified species or specified methods, for up to two years at a time, and the restrictions apply to all persons.

One of these closures has been gazetted in December 2010 for all species (except kina) in Maunganui Bay, including Deepwater Cove. The hapu of Te Rawhiti have established baseline monitoring and will continue to measure any changes in the fish populations and species diversity. While the closure can be renewed for another two years, to realise the long term benefits of fish population recovery the protection would need to be extended using a non-temporary customary method.

#### **Other resources and information sources:**

MPA policy: [www.biodiversity.govt.nz/seas/biodiversity/protected/mpa\\_policy.html#mpapolicyplan](http://www.biodiversity.govt.nz/seas/biodiversity/protected/mpa_policy.html#mpapolicyplan)

DoC website: <http://www.doc.govt.nz/conservation/marine-and-coastal/marine-protected-areas/>

Marine Reserves Act: <http://www.legislation.govt.nz/act/public/1971/0015/latest/DLM397838.html>

Fisheries Act: <http://www.legislation.govt.nz/act/public/1996/0088/latest/whole.html#DLM397974>

Mfish MPA website: <http://www.fish.govt.nz/en-nz/Environmental/Seabed+Protection+and+Research/MPA/default.htm> (may change with merger)