

Item 14



Fisheries New Zealand

Tini a Tangaroa

20 August 2020

Southeast marine protection (29 July) hui participants
% Te Rūnanga o Ngāi Tahu,
15 Show Place
Addington, Christchurch 8024

Tēnā koe

On behalf of Te Papa Atawhai/Department of Conservation and Tini a Tangaroa/Fisheries New Zealand we write to express our appreciation and thanks for your participation in the southeast marine protection hui at the beautiful Ōtākou Marae. The expertise and knowledge of those present combined with the valuable contributions made by all those who attended contributed to a productive hui.

We are very encouraged by the kōrero and the constructive suggestions for addressing rebalancing matters. We anticipate a lot of work over the coming months to establish the working group and to further develop co-management arrangements with papatipu rūnaka at-place.

This kōrero represents a critical part of the process and will help inform decision makers. Our teams will soon be in touch with some proposed next steps to progress the mahi following the hui.

Waiho i te toipoto, kaua i te toiroa

Nāku noa, nā

9(2)(a)

Michael Slater
Deputy Director-General Operations

9(2)(a)

Dan Bolger
Deputy Director-General
Tini a Tangaroa/ Fisheries New Zealand

and

9(2)(a)

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Michelle Hippolite
Deputy Director -General Kahui Kaupapa Atawhai
Te Papa Atawhai/ Department of Conservation

Released under the Official Information Act



10 September 2021

Hon. Kiritapu Allan
Minister of Conservation
By email: k.allan@ministers.govt.nz

Hon. David Parker
Minister of Oceans & Fisheries
By email: d.parker@ministers.govt.nz

E ngā Minita, tēnā kōrua

SOUTH EAST MARINE PROTECTION NETWORK PROPOSALS

We write in regard to the proposed South East Marine Protection Network (“**the Network proposals**”) and to seek a meeting with you both to take up your respective invitations for further direct engagement with you.

You will be aware that Papatipu Rūnaka,¹ supported by Te Rūnanga o Ngāi Tahu (“**Te Rūnanga**”), have been working with Department of Conservation (“**DOC**”) and Fisheries New Zealand (“**Fisheries NZ**”) officials on the Network proposals.

In first instance, it remains unclear to us what the final form of the Network proposals might be. In particular, the Departmental Memorandum 18-B-1142² recorded that Fisheries NZ was of the view that the level of fishing restrictions that can be imposed in the Type 2 marine protection areas proposed require greater consideration. This includes modifications to minimise adverse impacts of existing users, and to ensure the Type 2 areas can be implemented in a manner consistent with the purpose and the principles of the Fisheries Act 1996. We also understand that there is consultation with other stakeholders including impacted fishers that has yet to take place.

¹ Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki, Kati Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou and Awarua Rūnanga.

² Outlined in the Departmental Memorandum 18-B-1142 ‘Key issues in relation to DOC and Fisheries New Zealand joint advice on the South-East Marine Protection Forum’s recommendations to Ministers’ of 14 October 2018;

Throughout our discussions, we have consistently expressed our concern regarding the impacts the proposals have on our customary and settlement rights and the need for a rebalancing discussion. Despite this, the focus of more recent discussions has been on implementation of the Network proposals, whilst our broader concerns have not been addressed.

We are working to assess the impacts of the Network proposals for Papatipu Rūnaka and Te Rūnanga, which includes obtaining external expert advice. This will support and inform our discussion with you.

Officials advise that they will be providing you with advice and recommendations by 16 September 2021 and that they remain keen to discuss implementation with Papatipu Rūnaka in advance of that. It is not clear to us what is driving this particular timeline. Given the current COVID-19 Alert Level restrictions and the work underway internally, we may not be able to meet with you both before 16 September 2021. **We ask therefore that you do not make any decisions on the Network proposals until after we have met with you.**

We have suggested to officials that they delay putting recommendations to you until after our meeting with you so that our discussion can be reflected in their advice. We have yet to receive confirmation of that.

Officials have advised Minister Allan, that you have commissioned an independent report on the Network proposals to support your decision-making. We would very much appreciate receiving a copy of that report for our consideration when available.

The Office of Te Rūnanga o Ngāi Tahu will be in touch with your offices to find an appropriate time for us to meet.

Nāhaku noa, nā

9(2)(a)

9(2)(a)

Acting Kaiwhakahaere

9(2)(a)

9(2)(a)

Upoko of Te Rūnanga o Moeraki

9(2)(a)

9(2)(a)

Chair of Kati Huirapa Rūnaka ki Puketeraki

9(2)(a)

9(2)(a)

Upoko of Te Rūnaka o Ōtākou

9(2)(a)

9(2)(a)

Chair of Te Rūnanga o Arowhenua

9(2)(a)

9(2)(a)

**Te Rūnanga o Ngāi Tahu Representative of
Awarua Rūnanga**

9(2)(a)

9(2)(a)

**East Otago Taiāpure Management
Committee member and Puketeraki
Tangata Tiaki**

Mō tātou, ā, mō kā uri ā muri ake nei.

For us and our descendants after us.

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Item 16

Hon Kiritapu Allan

MP for East Coast
Minister of Conservation
Minister for Emergency Management
Associate Minister for Arts, Culture and Heritage
Associate Minister for the Environment



MIN21-0721 and CORM-489

9(2)(a) – Acting Kaiwhakahaere and Chair of Kati Huirapa Rūnaka ki

Puketeraki

9(2)(a) – Upoko of Te Rūnanga o Moeraki

9(2)(a) – Upoko of Te Rūnaka o Ōtākou

9(2)(a) – Te Rūnanga o Ngāi Tahu Representative of Awarua Rūnanga

9(2)(a) – Chair of Te Rūnanga o Arowhenua

9(2)(a) – East Otago Taiāpure Management Committee member and

Puketeraki Tangata Tiaki

Te Rūnanga o Ngāi Tahu

9(2)(a)

Tēnā koutou katoa

Thank you for your correspondence of 10 September 2021, regarding the South-East Marine Protection (SEMP) network proposal.

We acknowledge Kāi Tahu's ongoing concerns regarding the potential impacts of the proposed marine protection network on your customary and settlement rights and interests. As the Ministers responsible for progressing this work programme, we want to thank you for your ongoing participation in the SEMP process and reaffirm our commitment to the Treaty partnership.

We recognise it can be complex to align marine protection and iwi/hapū objectives for marine management, but we aspire to find a way forward that provides for protection of marine biodiversity while mitigating the impact on existing and future users.

The impacts on Kāi Tahu's customary, settlement and commercial rights and interests will be considered in our decisions on the proposed marine protected areas (MPAs). Under the Marine Reserves Act (1971), the Minister of Conservation is the primary decision maker. However, before any marine reserves are declared, the concurrence of both the Minister for Oceans and Fisheries and the Minister of Transport is required. The Minister for Oceans and Fisheries will determine if the proposed Type 2 MPAs and the kelp protection area are to be progressed for Cabinet consideration. We

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expect thorough and comprehensive advice from our respective agencies to inform our independent decisions on the SEMP network proposal. Kāi Tahu's interests and concerns will be carefully considered alongside all available information before we make our decisions.

We agree to meeting to further discuss the proposed SEMP network ahead of us making Ministerial decisions on the network. Our staff will work with your office to find a date and venue for the hui as soon as possible.

Thank you for your dedication to this process and we look forward to meeting with you soon.

Nāku noa, nā



Hon. Kiri Allan
Minister of Conservation



Hon. David Parker
Minister for Oceans & Fisheries

cc: Rino Tirikatene, Parliamentary Under-Secretary for Oceans and Fisheries.

Item 17

Ref: CORM-550 and MIN21-0848

9(2)(a), Acting Kaiwhakahaere and Chair, Kati Huirapa Rūnaka ki Puketeraki
9(2)(a), Upoko, Te Rūnanga o Moeraki
9(2)(a), Upoko, Te Rūnanga o Ōtākou
9(2)(a), Te Rūnanga o Ngāi Tahu Representative of Awarua Rūnanga
9(2)(a), Chair Te Rūnanga o Arowhenua
9(2)(a), East Otago Taiāpure Management Committee member and Puketeraki
Tangata Tiaki

Te Rūnanga o Ngāi Tahu

By email: 9(2)(a)

Tēnā koutou katoa

On 27 October 2021 we responded to your request to meet with you to further discuss the proposed southeast marine protection network ahead of our decisions on establishment of any new marine protected areas (refer correspondence MIN21-0721 and CORM-489).

We are pleased that 30 November 2021 has been confirmed as the date for this hui and understand your preference is that it occur in Ārai Te Uru.

We have noted the ongoing spread of COVID-19 Delta variant in New Zealand and the resulting uncertainty this brings. This increased risk to the health and wellbeing of hui attendees has caused us to rethink whether it is appropriate to hold the hui in person in Ārai Te Uru.

Considering this, we are proposing that a 2-hour virtual hui be held from 9-11am, 30 November 2021 instead of meeting in person. This approach is consistent with the Government's directive to public servants not to undertake inter-regional travel unless absolutely necessary. Taking this precaution would reduce the risk to attendees and provide much greater confidence the hui can proceed on the day as planned.

We recognise that a virtual hui is not your preferred approach and want to reassure you that we remain committed to this kōrero and to maintaining the Treaty partnership with Kāi Tahu. We respectfully seek your agreement to a virtual hui.

So that we may be well prepared, we would appreciate it if you could provide our officials with details of the matters you would like to discuss at our hui. We are happy for officials to assist you in this matter if that would be helpful and would appreciate feedback from you on an agenda for our hui no later than 18 November if possible.

Thank you for your continued mahi on this process and we look forward to our hui on 30 November.

Nāku noa, nā



Hon Kiri Allan
Minister of Conservation

Hon. David Parker
Minister for Oceans and Fisheries

cc: Rino Tirikatene, Parliamentary Under-Secretary for Oceans and Fisheries.



25 November 2021

Hon. David Parker
Minister for Oceans & Fisheries
By email: d.parker@ministers.govt.nz

Hon. Kiritapu Allan
Minister of Conservation
By email: k.allan@ministers.govt.nz

E ngā Minita, tēnā kōrua

SOUTH EAST MARINE PROTECTION NETWORK PROPOSALS

Thank you for your letter of 17 November, regarding the South-East Marine Protection network proposal and the upcoming hui.

As you know, we prefer to undertake such a meeting kanohi ki te kanohi and would have welcomed the opportunity to meet with you in Ārai Te Uru. However, we do appreciate the impact that COVID-19 is having and therefore agree that a virtual hui is the best approach in this instance.

The Office of Te Rūnanga o Ngāi Tahu have been engaging with your officials about our meeting on 30 November. As requested, we have provided a proposed agenda to your officials (attached for your information). We understand from officials that there is nothing additional that the Crown wishes to discuss in the hui. If there are additional items that you wish to discuss, we would appreciate hearing of them in advance of the hui.

We look forward to continuing to engage with you both on this kaupapa at the end of the month and are hopeful that together we can make progress on the proposal.

Nāhaku noa, nā

9(2)(a)

Lisa Tumahai
Kaiwhakahaere

Cc: Rino Tirikatene, Parliamentary Under-Secretary for Oceans and Fisheries.

Mō tātou, ā, mō kā uri ā muri ake nei.

For us and our descendants after us.

Released under the Official Information Act

Item 19



DOC-7230817

21 December 2022

Lisa Tumahai – Kaiwhakahaere, Te Rūnanga o Ngāi Tahu

9(2)(a) – Deputy Kaiwhakahaere, Chair, Kati Huirapa Rūnaka Ki Puketeraki

9(2)(a) – Chair, Te Rūnaka o Ōtākou

9(2)(a) – Kaiwhakahaere, Te Rūnanga o Moeraki

9(2)(a) – Chair, Te Rūnanga o Waihao

9(2)(a) – Kaiwhakahaere, Te Rūnanga o Awarua

9(2)(a) – Chair, Te Rūnanga o Arowhenua

By email: 9(2)(a)

Tēnā koutou katoa

Kāi Tahu feedback on Southeast Marine Protection draft advice

Thank you for your correspondence to the Director-General, dated 13 December 2022, regarding Te Papa Atawhai's Southeast Marine Protection draft advice to the Minister of Conservation. I am responding on behalf of Penny Nelson, who is currently on leave.

I acknowledge the commitment, good faith and mahi of Kāi Tahu over many years on this kaupapa and share your sentiment regarding the valued opportunity to work in partnership and the good progress made on this proposal.

It is very encouraging that following your review of our draft advice, overall, Kāi Tahu support the proposed Network, including the D1-A boundary amendment. I acknowledge the caveats associated with this support, including that Kāi Tahu will not support any further marine reserves in the south-east region of Te Waipounamu. I also acknowledge Kāi Tahu disappointment around decision-making roles in relation to generational review.

As you know, Ministerial decisions are yet to be made on the proposal and there is much for the Minister of Conservation to consider. Te Papa Atawhai is working to finalise our advice to her regarding the six proposed marine reserves. We will ensure the views and requests outlined in your letter are presented to the Minister to inform her decision-making process. I note that you are also seeking a meeting with the Ministers of Conservation and Oceans and Fisheries to discuss your views on the network prior to their decisions.

It is essential that my colleagues at Manatū Ahu Matua are aware of the content of your letter, and so I will forward your letter to the Director-General, Ray Smith, and Deputy Director-General Tini a Tangaroa, Dan Bolger.

As the Deputy Director-General, National Operations and Regulatory Services I want to thank you again for your ongoing engagement in the southeast marine protection process and reaffirm the commitment of Te Papa Atawhai to the Tiriti partnership.

Nāku noa, nā

Marie Long

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MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health

Associate Minister of Statistics

Ref: CORM-1009

04/08/2023

Lisa Tumahai

Te Rūnanga o Ngāi Tahu

9(2)(a)

Tēnā koe Ms Tumahai

Thank you for your letter dated 21 June 2023 regarding your concerns about progress on the proposed southeast network of marine protection (SEMP) kaupapa. We also acknowledge your letter to the former Ministers regarding SEMP from 13 December 2022 and 15 December 2021. The lack of formal acknowledgement of two previous Kāi Tahu requests to meet with then Ministers of Conservation and Oceans and Fisheries falls short of our expectations. It is not the way we want to proceed with Ngāi Tahu and we were very grateful you agreed to meet with us at short notice on 25 July 2023.

We acknowledge the commitment and energy Kāi Tahu have extended to the SEMP kaupapa since 2014 and appreciate that Kāi Tahu have approached SEMP in the spirit of Tiriti partnership, with honour and in good faith.

We understand your frustration that progress on this important work has seemed to stall at times. SEMP is a complex initiative, and it has taken time to ensure that advice reflects the best available information, to properly inform decision-making for the proposed network. We acknowledge the responsiveness of Kāi Tahu to requests for feedback on SEMP advice.

As discussed at our hui on 25 July 2023, we have required time to secure funding to implement the SEMP network should the proposals be progressed. Any new marine protected areas will need to be sufficiently resourced to be successful, and we acknowledge how critical this is to Kāi Tahu also, including for establishing the proposed co-management arrangements. We are pleased to confirm that we have secured ongoing funding to implement and then manage this initiative should the proposals be approved.

We appreciate the kōrero with you at the 25 July hui on how the co-management and rebalancing measures were developed. We acknowledge that these are highly important to Kāi Tahu, to ensure ongoing connection with and kaitiakitanga of your rohe moana, and to mitigate impacts from the proposed marine protection. We acknowledge your statements (including in your letter to Department of Conservation (DOC) of 13 December 2022) that Kāi Tahu's support for the proposed network is conditional on establishing co-management and other matters, and we will consider this in decision-making.

You have sought to understand the financial implications of the proposed SEMP network on commercial fishing as further data has become available. While there are commercial sensitivities that prevent a full disclosure of the analysis, we trust that the information provided by Fisheries New Zealand and subsequent draft advice regarding fisheries measures assists you with making your own high-level assessment of the impact the proposed network may have on your interests.

We are aware that following our hui on 25 July, Kāi Tahu have sought clarification from DOC and Fisheries New Zealand on four key matters. We understand officials have provided information and trust that it clarifies the Crown's kaupapa regarding SEMP.

Thank you again for taking the time to write and for your time in recent discussions. We share your belief around the importance of the SEMP kaupapa and value your continued mahi on this so that we may reach a place where the outcome is workable for both Tiriti partners.

Ngā mihi nui



Hon Willow-Jean Prime
Minister of Conservation



Hon Rachel Brooking
Minister for Oceans and Fisheries

Released under the Official Information Act



15 August 2023

Hon. Willow-Jean Prime
Minister of Conservation

By email: willow-jean.prime@parliament.govt.nz

Hon. Rachel Brooking
Minister for Oceans and Fisheries

By email: Rachel.brooking@parliament.govt.nz

E ngā Minita, tēnā kōrua

SOUTH EAST MARINE PROTECTION

Thank you for your letter dated 4 August 2023 regarding progress and engagement on the South East Marine Protection (SEMP) and for our kōrero on 25 July 2023.

As you know, Ngāi Tahu is committed to working with the Crown on this kaupapa and to develop a proposal that works for both Te Tiriti partners. Despite the short timeframes in which you intend to make decisions on the Type 1 network, Ngāi Tahu is endeavouring to provide our feedback on the proposal in a timely manner to enable decision making to occur.

Provision of information

As noted in our previous correspondence and in our recent hui, we have been seeking further information on different aspects of this kaupapa to enable us to form a position on it. Over the last couple of weeks, your officials have provided us with further information in response to our requests on the progress of this kaupapa and the current proposal being considered.

The provision of information on the expected impact of the reserves, the composition of the co-management groups and the funding secured has been critical to enable us to form a view on the proposal. We have also appreciated the information on the decision making process and the timetable that you are aiming for, for both the Type 1 and Type 2 (including the Kelp Protection Area) networks.

While we have appreciated the information from Fisheries New Zealand (FNZ) on the expected impact of the Type 1 reserves on landed commercial catch, we remain disappointed that we were not able to understand FNZ's position and analysis on these reserves to inform our position.

We understand that FNZ will discuss this analysis and advice with us as part of the preparation of their concurrence advice. We welcome this opportunity and note that all comments and positions stated in this letter may be revised once we understand the FNZ analysis and advice on the Type 1 reserves (or if any other information becomes available).

Type 1 reserves

We welcome the measures that the Department of Conservation (the Department) has incorporated into their advice and the draft decision-making documents as a result of the engagement with us.

Measures, such as the Kāi Tahu rangers, the co-management groups, our ability to undertake wānanga within the reserves, Kāi Tahu names for the reserves and continued access to kōiwi tangata (among others), are vitally important to enabling us to maintain our connection to these areas and to continue to undertake our responsibilities as kaitiaki.

We also consider that the proposed periodic and generational reviews are critical to ensure that reserves are continuing to achieve their purpose and to ensure that future generations are not disenfranchised from these areas. Future generations must be given the opportunity to have a say on the future of these areas to enable them to assert their own rangatiratanga and to exercise their own kaitiakitanga in these areas.

We also welcome the mahi underway within FNZ to enable more efficient and effective processes for taiāpure and mātaimai management and to consider the appropriate recreational catch limits in PAU5D.

As we have maintained throughout this process, we consider that the proposed D1A boundary has a significant impact on our customary commercial fishing rights. We gained these rights through a hard-fought battle to negotiate a fisheries settlement with the Crown, which recognised the long-held fishing interests that we have in our rohe moana. It remains disappointing that we are being asked by the Crown to give up a share of our fisheries settlement without compensation to enable these reserves to proceed.

Despite this, on balance, Ngāi Tahu can support the Type 1 network, as proposed, given the package of supporting measures (including funding) that is proposed. This support is, however, subject to the comments set out in this letter.

While we will support this Type 1 network, we will always remain vigilant and ready to defend any attempts to alienate Ngāi Tahu from our rohe moana.

We understand that the Crown considers it needs a representative and comprehensive network of marine protection off the south east coast of Te Waipounamu. If the proposed reserves are progressed, the Crown will have this network and therefore further marine protection is not needed. We will not tolerate any further alienation from our rohe moana, or any further degradation of our settlement rights and interests.

As noted in the Crown's analysis, the proposed D1A reserve will have a substantial impact on the kōura landed catch. To offset this impact, we consider that any further increases to the Total Allowable Catch within CRA7 should be allocated to the Total Allowable Commercial Catch (rather than to the customary or recreational allowances) up to the estimated impacted landed catch of 5.69 tonnes. Such a measure would recognise the impact of this reserve on the commercial kōura industry, without impacting on the integrity of the proposed reserve.

9(2)(g)(i)

The funding that has been secured to support the implementation and management of these reserves will be critical to their success. We are encouraged by the commitment the Department is showing through the short term and on-going funding that is being provided for these reserves, both in terms of departmental costs and supporting the co-management structure.

The provision of this funding, including funding the Kāi Tahu rangers, is an important mechanism to support the connection of Ngāi Tahu to these areas. In conjunction with other aspects of the proposal, this funding will support Ngāi Tahu whānau to be actively involved in the management of their rohe moana and enabling us to undertake our responsibilities as kaitiaki in these areas.

9(2)(g)(i)

Finally, we maintain our expectation that the Crown undertakes a review of the Marine Reserves Act to introduce legislation that is more Tiriti compliant and that enables joint decision making between the Crown and iwi. We expect that this will occur before the first generational review (scheduled for 25 years after the implementation of the Type 1 reserves). We note that a review of this legislation is on the Crown's work programme, but we are looking to see action being taken to improve this legislative framework.

Type 2 reserves and Kelp Protection Area

We welcome the opportunity to comment on the draft FNZ advice on the Type 2 reserves and Kelp Protection Area (received on 24 July 2023). We are currently considering the draft advice that we have received and hope to be able to provide feedback on this advice in coming weeks.

Announcements

While we recognise that there are still steps to go before these proposals are implemented, we wish to express our interest in a joint announcement alongside Ministers at place, when/if these reserves are publicly announced. Ngāi Tahu and the Crown standing side by side to announce

these reserves would be a clear statement of us working in partnership to implement and subsequently manage these reserves into the future.

We hope that this letter supports you in progressing with your decision making on the Type 1 reserves. We will look forward to continuing our engagement as this kaupapa moves through the remaining steps in the decision making process.

Nāhaku noa, nā

9(2)(a)

Lisa Tumahai

Kaiwhakahaere

Mō tātou, ā, mō kā uri ā muri ake nei.

For us and our descendants after us.

Cc: 9(2)(a), Deputy Kaiwhakahaere and Chair, Kati Huirapa Rūnaka ki Puketeraki

9(2)(a), Upoko, Te Rūnanga o Ōtākou

9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Ōtākou

9(2)(a), Upoko, Te Rūnanga o Moeraki and Tangata Tiaki

9(2)(a), Upoko, Te Rūnanga o Waihao and Te Rūnanga o Arowhenua

9(2)(a), Chair, Te Rūnanga o Arowhenua Tangata Tiaki Roopu

9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Awarua and Tangata Tiaki

9(2)(a), East Otago Taiāpure Management Committee Chairman and Puketeraki Tangata Tiaki

9(2)(a), East Otago Taiāpure Management Committee and Puketeraki Tangata Tiaki

9(2)(a), Te Rūnanga o Ōtākou



30 August 2023

Hon. Rachel Brooking
Minister for Oceans and Fisheries
By email: Rachel.brooking@parliament.govt.nz

Tēnā koe Minita,

SOUTH EAST MARINE PROTECTION

We have recently received draft excerpts of the advice Fisheries New Zealand (FNZ) is preparing for you relating to the South East Marine Protection (SEMP) Network. As we have discussed previously, we welcome the opportunity to work with the Crown on this proposal to ensure that the proposed reserves work for both Tiriti partners.

FNZ's concurrence advice on the Type 1 Network

In our letter of 15 August 2023 (addressed to yourself and the Minister of Conservation), we outlined our position on the proposed Type 1 Network. While we considered that the network will have a significant impact on our customary commercial fishing rights, Ngāi Tahu considers that it can support the Type 1 network, given the package of supporting measures that have been included to support our connection with our rohe moana, uphold our rangatiratanga and enable us to undertake our kaitiakitanga.

We were somewhat frustrated that we did not have access to the FNZ advice on these reserves in time to support our initial consideration of these proposed reserves. Our position stated in our recent letter was therefore contingent on understanding the detailed analysis that FNZ was undertaking on these reserves, which we understood that we would be consulted on as FNZ finalised their concurrence advice.

We were pleased to receive excerpts of this draft advice on 18 and 21 August 2023. We note that the Crown is working to tight timeframes to make decision on these reserves and as such, we have endeavoured to provide feedback as quickly as possible.

Overall, we did not see any information within the draft excerpts which leads us to change our position on the Type 1 network; that is, that might prevent us from supporting these reserves.

The draft advice notes that Ngāi Tahu originally sought financial compensation for the loss of quota value in existing fisheries and the loss of future opportunities to develop new fisheries but

that this was not progressed. It was made clear to us by your predecessor, Hon David Parker, that the Crown would not provide us with financial compensation. As a result, discussions then focused on other measures which could be agreed by both Tiriti partners. We would like to see this accurately reflected in the final advice.

We also note that there are parts of the SEMP package which are being progressed through separate processes, as stated in the draft advice (e.g. work underway with Te Waka a Māui me Ona Toka Fisheries Forum on a pāua strategy which will, among other things, address the potential displacement of fishing effort in PAU 5D from the marine reserves). We expect these processes to be completed and remain committed to working with the Crown on these initiatives.

FNZ's draft advice on the Type 2 Network and Kelp Protection Area

We also received a copy of FNZ's draft advice to you on the proposed Type 2 marine reserves and welcome the opportunity to engage on this advice before it is finalised.

Ngai Tahu are concerned about the state of our rohe moana and the species within it. Climate induced change is impacting on our inshore kelp beds, effecting the marine food chain and nursery areas for many of our inshore fish species. We see other species and ecosystems which are under significant pressure from fishing activity. However, the proposed advice looks to reduce the level of protection for our rohe moana from which was proposed by the South East Marine Protection Forum, including rejecting the implementation of the Kelp Protection Area.

We consider that further kōrero is needed on the proposals for the Type 2 network and the Kelp Protection Area before we are able to form our position.

We would like to propose a hui with yourself (or the incoming Minister of Oceans and Fisheries) regarding these protected areas following the election. In the meantime, our Strategy and Influence team will continue to engage with your officials on the proposal.

Nāhaku noa, nā

9(2)(a)

Lisa Tumahai

Kaiwhakahaere

Mō tātou, ā, mō kā uri ā muri ake nei.

For us and our descendants after us.

Cc: Hon Willow-Jean Prime, Minister of Conservation

Ray Smith, Director General, Ministry of Primary Industries

Dan Bolger, Deputy Director General, Fisheries New Zealand, Ministry of Primary Industries

9(2)(a), Deputy Kaiwhakahaere and Chair, Kati Huirapa Rūnaka ki Puketeraki

9(2)(a), Upoko, Te Rūnanga o Ōtākou

9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Ōtākou

9(2)(a), Upoko, Te Rūnanga o Moeraki, Tangata Tiaki and Chair of Te Waka a Māui me Ona Toka Fisheries Forum

9(2)(a), Upoko, Te Rūnanga o Waihao and Te Rūnanga o Arowhenua

9(2)(a), Chair, Te Rūnanga o Arowhenua Tangata Tiaki Roopu

9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Awarua and Tangata Tiaki

9(2)(a), East Otago Taiāpure Management Committee Chairman and Puketeraki Tangata Tiaki

9(2)(a), East Otago Taiāpure Management Committee and Puketeraki Tangata Tiaki

9(2)(a), Te Rūnanga o Ōtākou



MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health

Associate Minister of Statistics

Ref: CORM-1079/MIN23-0645

18/09/2023

Lisa Tumahai

Te Rūnanga o Ngāi Tahu

9(2)(a)

Tēnā koe Lisa

Thank you for your letters dated 15 August and 30 August 2023 regarding the proposed southeast marine protection (SEMP) kaupapa.

We acknowledge and greatly appreciate the commitment of Ngāi Tahu working with the Crown on this kaupapa, in particular the recent and ongoing efforts to provide timely feedback on the proposal to support our decision making.

We are pleased that the information provided by our officials following our recent hui helped enable Ngāi Tahu to form a view on the proposed marine reserves. In turn, your letter of 15 August has helped facilitate our decision-making by clearly stating the views of Ngāi Tahu with respect to the proposed marine reserves.

As you know, the process has moved on since we received your 15 August letter. As discussed in your meeting with me (Minister Prime) on 17 August, I have decided to approve the six proposed marine reserves and requested the concurrence of Minister Brooking and Minister Parker.

We acknowledge your support for the proposed marine reserves is given on the basis the supporting measures outlined in your letter of 15 August will be implemented. As noted in our earlier letter (4 August 2023) we are pleased to confirm funding for implementation of these measures has been secured, should any of the proposals be approved.

As stated in your 30 August letter, Ngāi Tahu have now had the opportunity to engage on excerpts of Fisheries New Zealand's (FNZ) draft concurrence advice and draft advice on the Type 2 marine protected areas and the kelp protection area. We are pleased the opportunity to review FNZ's draft concurrence advice enabled you to develop an informed view of the proposed marine reserves. We appreciate the continued work Ngāi Tahu is undertaking to engage with FNZ and encourage the further kōrero you suggest on the Type 2 and kelp protection area proposals. Officials are currently working through the points you shared in this letter, ahead of providing advice to me (Minister Brooking).

With regard to the Ngāi Tahu proposal that there be allocation of any future increases (up to 5.69 tonnes) of the CRA7 Total Allowable Catch to the Total Allowable Commercial Catch, it would not be appropriate to provide such a commitment. Decisions must be based on the best available information at the time the specific decision is being made. The Minister for Oceans and Fisheries cannot predetermine allocations that will form the basis of future TAC and TACC decisions, but we would encourage you to submit your views as part of any future consultations on the TAC and TACC in CRA7.

In your 15 August letter you also shared your views regarding the adequacy of current marine protection legislation, specifically the need to review the Marine Reserves Act. Our recent focus has been on progressing marine protection in specific areas, but we recognise that there are improvements to policy and legislation that are required.


We acknowledge your interest in a joint announcement with us if, as a result of decisions, the marine reserves are progressed and publicly announced. We have instructed officials to reach out to your kaimahi to begin exploring options for possible dates and venues, in order to be prepared should this eventuality arise.

We note the importance of Ministers continuing to discuss the southeast marine protection work with you following the election. We will inform you as soon as possible of the outcomes of the respective decision-making processes and, depending on the outcomes of decisions, our officials will progress discussions with you on next steps.

Ngā mihi nui



Hon Willow-Jean Prime
Minister of Conservation



Hon Rachel Brooking
Minister for Oceans and Fisheries

Item 24

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health

Associate Minister of Statistics



Ref: 23-B-0421

19/09/2023

Lisa Tumahai

Te Rūnanga o Ngāi Tahu

9(2)(a)

Tēnā koe Lisa

Thank for your ongoing support and engagement regarding the southeast marine protection kaupapa. We are pleased to confirm that the final Ministerial decision-making is now complete regarding the six marine reserves, and we are writing to discuss next steps regarding a public announcement.

We want to once again acknowledge the commitment of Ngāi Tahu working with the Crown on this kaupapa, in particular the recent and ongoing efforts to provide timely feedback to support our decision-making on the marine reserves.

We have approved the six marine reserves with the conditions and other measures recommended by Te Papa Atawhai. This includes approval of measures to mitigate the effects of the marine reserves on the customary and commercial rights and interests of Ngāi Tahu and a boundary amendment to the Te Umu Kōau Marine Reserve to reduce the impact on the commercial rock lobster fishery.

Now that decision-making is complete, we anticipate making a public announcement of the new marine reserves in the coming weeks. If you are supportive, we would like to stand with Ngāi Tahu leaders at this announcement event, provided that can be arranged.

There are some remaining steps in the statutory process before the marine reserves will be formally established. Orders in Council for each reserve will be drafted, boundary surveys undertaken, and then formal gazettal can follow. We anticipate these steps will be complete by mid-2024.

We understand Ngāi Tahu have asked for more time to consider a position on the Type 2 and kelp protection area proposals, and are engaging with Fisheries New Zealand on those matters. We fully support you taking the time you need to confirm your views are accurately represented. These measures will now be progressed after the election.

After so many years of hard work, we are very excited to be establishing this important marine protection for this region and by the prospect of the Crown and Ngāi Tahu continuing to work together to implement shared co-management of the marine reserves.

Ngā mihi nui



Hon Willow-Jean Prime
Minister of Conservation



Hon Rachel Brooking
Minister for Oceans and Fisheries

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