

# Summary and Recommendations

## The Guardians of Fiordland's Fisheries and Marine Environment

In this strategy the Guardians' advocate an integrated approach to managing Fiordland's fisheries and marine environment. The strategy is a very significant step towards realising the Guardians vision:

*"That the quality of Fiordland's marine environment and fisheries, including the wider fishery experience, be maintained or improved for future generations to use and enjoy"*

During development, meetings were held throughout Southland and Otago to discuss ideas with groups represented on the Guardians. A draft strategy was compiled for public consultation and revised on the basis of the input received.

The Guardians care deeply about what happens to Fiordland's fisheries and marine environment. Concern about a number of issues and confidence that these could best be resolved at the local level were primary motivating factors in the Guardians' formation. For instance, increasing access is a major feature for Fiordland's marine environment and this has implications for the sustainability of fish stocks, the maintenance of special values and the potential for invasion by unwanted organisms. Accordingly, this initiative was seen as both necessary and timely given the changes taking place. The group initially hoped to "place a fence at the top of the cliff" but information revealed that it might be more realistic to put a major effort into turning around undesirable changes that are already taking place.

The Guardians include representatives of commercial and recreational fishers, charter operators, Ngāi Tahu Whanui (customary), community, environment and marine science interests. Collectively, the group has more than 250 years experience of Fiordland's fisheries and marine environment. Most have gained this by working in the area, some for many years. Members all live within the Fiordland or Southland/Otago region.

A special working relationship has evolved within the group from a strong common bond based on a shared passion and concern for Fiordland's fisheries and marine environment - a relationship that has been fundamental to the group's solidarity whilst working through potentially contentious issues and formulating agreed positions and strategies. Both trust and respect have grown over the past six years through the process of gathering information, identifying issues, debating ideas, developing management proposals, holding information meetings, consulting the public and producing this strategy.

## The Guardians and the Agencies

The Guardians could not have produced this strategy without the support and advice of Environment Southland, the Ministry of Fisheries, Department of Conservation, and the Ministry for the Environment - the principal funding agency. These agencies are responsible for administering the legislation governing the management of Fiordland's fisheries and the marine environment. The combination of Ngāi Tahu Whanui (customary), recreational and commercial

fishers, charter operators and community, environment and marine science interests working with these agencies has proved to be particularly potent.

Our experience shows that effective solutions for issues within a local area are best developed on the basis of shared local knowledge supported by targeted research and agency advice. All involved recognise that Fiordland's fisheries and marine environment will be the winner if the results of this co-operative community/agency approach are implemented. Given the special values involved, the Guardians believe that a holistic approach is right for Fiordland's fisheries and marine environment. It is also a philosophy that is fundamental to the Government's Oceans Policy, Marine Protected Area and Marine Biodiversity initiatives. From that point of view the Guardians/agency strategy could provide a helpful working example.

## **Special features of the Marine Environment**

The first step in working to achieve the Guardians' vision involved information gathering. Throughout the process a wide variety of sources have been tapped, including memories, local knowledge, observations, surveys and research.

The single most important feature underlying all aspects of the draft strategy is the nature of Fiordland's marine environment. A set of circumstances found nowhere else come together in Fiordland to create the special inside fiord habitat and communities. Briefly, torrential rainfall creates a stained freshwater surface layer that inhibits the growth of productive kelps that are characteristic of the outer coast. In the absence of a kelp band, animals that are normally found at depth have colonised the steep fiord walls from the surface to about 40 metres, popularly referred to as the 40m band. In comparison to the coastal kelp based communities, the inside fiord communities do not appear to be very productive. These features became a major focus for the Guardians as issues were discussed throughout the development of the strategy.

## **Identifying Issues**

Issues were initially identified by brainstorming and grouped into four major categories:

- Fisheries
- Values of special significance
- Risks to the marine environment
- Expressing kaitiakitanga

Key objectives were defined for each group of issues to provide guidance and ensure that a consistent approach was maintained through debate and decision-making. Subsequently, the following categories were identified that also warranted objectives:

- Implementing the strategy
- Compliance of the strategy
- Monitoring the performance of the strategy

## Guardians Objectives

The Guardians adopted the following key objectives:

➤ ***Information***

Take a pro-active role in identifying and advocating research and information needs to obtain the necessary information for advancing the Guardian's objectives.

➤ ***Fisheries***

- ◆ Ensure the sustainable utilisation of the finite fisheries resources, having regard to the special nature of the fiord environment.
- ◆ Prevent uncontrolled expansion of effort/harvest by all groups.
- ◆ Ensure that the rights of tangata whenua, recreational, charter operators, commercial and other user groups are identified and recognised and that these groups are involved in fisheries management decisions including access to the fisheries resource.
- ◆ Support overarching fisheries management frameworks.
- ◆ Fit management of fisheries to an appropriate spatial scale.
- ◆ Encourage harvesting to take place at the entrances and outer coast.
- ◆ Encourage voluntary compliance with the rules and reinforce the view that non-compliance is unacceptable behaviour.
- ◆ Adopt a cautious and responsible approach to proposals for new developments, including fisheries developments

➤ ***Values of special significance***

Ensure the ongoing integrity of areas, habitats and communities of special significance within Fiordland's marine environment.

➤ ***Risks to the marine environment***

Avoid where possible, remedy, or mitigate the adverse impacts of human activities on fisheries and the marine environment.

➤ ***Expressing kaitiakitanga***

That kaitiakitanga (stewardship) be appropriately expressed for Fiordland's fisheries and marine environment.

➤ ***Implementing the strategy***

The negotiated package of measures contained in the strategy be implemented as a whole without compromising underlying principles and balances.

➤ ***Compliance objective***

Encourage voluntary compliance with the rules and reinforce the view that non-compliance is unacceptable behaviour

➤ ***Monitoring the performance of the strategy***

Evaluate whether the package of management measures is achieving the objects of the Integrated Management Strategy.

## **The Integrated Management Strategy**

Maps, diagrams and tables of detailed information that support the information in this summary are presented in the strategy and appendices.

## **Fisheries**

Addressing local and serial depletion within the fiords was identified as the top priority fisheries issue within Fiordland.

Local depletion is defined as *“the localised decrease in abundance of a species due to over exploitation or changes to the environment”*.

Serial depletion is when *“a decrease in abundance of a species occurs in one local area and then extends sequentially to adjoining or wider areas”*.

It is widely acknowledged that certain harvested fish stocks in Milford and Doubtful Sounds, the two most accessible fiords, are subject to local depletion. The uncertainty is the extent to which serial depletion might be taking place in other fiords and along the outer coast and what measures can be taken to prevent this from happening.

Information by fiord was needed to determine the state of the fish stocks and fisheries and develop an appropriate management approach. That information was gathered from a group of knowledgeable commercial, recreational, charter operator and Ngäi Tahu Whanui fishers who collectively hold a wealth of information about Fiordland. Tapping into this substantial and diverse source of information was considered to be the best, and indeed, the only way of collecting the required information.

Interpretation of the information revealed patterns about fish stocks and fisheries for individual fiords, for harvested species (blue cod, rock lobster, groper, paua, scallops, Jock Stewart and kina), for the harvesting groups and for access.

## Grouping Fiordland's Fisheries

When all the available information about fisheries and the marine environment was combined, it was clear that Fiordland's fisheries could be grouped according to the following three features:

- ***Habitat characteristics and productivity*** - are the habitats dominated by slow growing long lived animal communities<sup>1</sup> or productive kelp based habitats?
- ***State of the harvested fish stocks*** - are the fish stocks depleted, vulnerable or showing no signs of change?
- ***Current and future access and fishing pressure*** - what is the current level of harvesting pressure and how is that likely to change?

Collating information about these features for each fiord resulted in the fiords and coast falling logically into three distinctly different types of fisheries:

- ***Milford and Doubtful Sounds***

These two fiords feature typical animal dominated, inside fiord habitat. Certain harvested stocks are depleted. Easy access has been available to these fiords for many years and as a result they are the most fished of the fiords.

- ***Inside the rest of the fiords***

Also featuring typical animal dominated fiord habitat, inside the rest of the fiords certain fish stocks are declining or vulnerable. Both access and harvesting pressure are increasing. In fiords where concern about fish stocks is consistently expressed, such as Bligh Sound, harvesting pressure is already high. On the other hand, where fish stocks are not causing concern, as in Dagg Sound, harvesting pressure is not yet an issue.

- ***Fiord entrances and outer coast***

Productive, plant based, coastal type habitat is a feature of the entrances and outer coast where the state of fish stocks is of less concern than inside the fiords. Whereas access is increasing in the fiord entrances it is likely to increase more slowly along the open coast.

The fact that there are animal dominated habitats inside and plant based habitats outside the fiords has profound management implications. Management decisions designed to deal with such remarkably different habitat types require boundaries or transition zones to be defined between the habitats. Accordingly habitat lines have been located at the transition between animal dominated and productive kelp based communities. Where the transition takes place over a distance, the line has been located in the transition zone where there are obvious geographic features.

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<sup>1</sup> "Animal dominated" means the communities are composed primarily of animals such as black coral, sponges, anemones, sea pens, brachiopods, kina and various fish species, many of which are deep water species and only encountered in shallow water in the fiords. In contrast, the outer coast communities are dominated by kelps (plants).

## **A Tailored Management Approach**

Given three distinctly different types of fisheries in Fiordland (Milford/Doubtful, inside the rest of the fiords, and fiord entrances and outer coast), a single management response is not appropriate. Accordingly, the Guardians tailored management measures to accommodate the needs of the three very different groups. The management package represents an agreement between commercial and recreational fishers, Ngāi Tahu Whānui (customary), charter operators and environmental and community interests on the Guardians. Each fishing group has made significant sacrifices in the interests of looking after Fiordland's fisheries and marine environment. Reaching an agreement indicates a balance between the groups:

### ➤ ***Milford and Doubtful Sounds***

Where fish stocks are depleted, harvesting pressure/harvest has to be drastically reduced to encourage a rebuild.

Excluding commercial fishing and all bulk harvesting methods inside the habitat lines together with adopting a combination of temporary closures and a "fish for a feed - no accumulation" philosophy for amateur rules is proposed to deal with the two most accessible fiords.

### ➤ ***Inside the rest of the fiords***

Where fish stocks are declining or vulnerable, harvesting pressure/harvest needs to be reduced to reverse the decline and to provide for the expected increase in harvesting pressure. Daily catches have to be set at a level where the total harvest is reduced.

Excluding commercial fishing and all bulk harvesting methods from inside the habitat lines, together with conservative amateur bag limits and no accumulation of catches is considered to be the most appropriate approach for this group of fiords.

### ➤ ***Fiord entrances and outer coast***

Where the state of fish stocks is dependent on future trends in access and fishing, it is desirable that harvesting pressure/harvest does not increase - indeed provision needs to be made for the expected increase in harvesting pressure.

In the fiord entrances and along the outer coast commercial harvests are capped by provisions of the Quota Management System (QMS) and can be reduced for sustainability reasons as has occurred in the rock lobster fishery over recent years. Amateur daily bag limits and accumulation provisions need to be realistic for the Fiordland situation and changes in future fishing pressure.

## Summary of Specific Fisheries Recommendations

Table 1 - Recommended Commercial Fishing Measures within the Fiordland area

Milford Sound	Doubtful Sound	Inside fiord habitat lines	Outside fiord habitat lines
No commercial fishing since the 1950s	No commercial fishing inside habitat lines	No commercial fishing	Commercial harvest capped by the QMS

Table 2 - Recommended Amateur/Customary Fishing Measures within the Fiordland area

Finfish/Shellfish Species	Daily species limit/ person inside Milford & Doubtful Snd habitat lines	Daily species limit/person inside fiord habitat lines	Daily species limit/person outside fiord habitat lines	Accumulation provisions
Blue cod	*** s186B(2+2?years)	3	20	No accumulation
Groper*	2	3	5	No accumulation
Jock Stewarts**		10		No accumulation
Combined fish bag limit	30			No accumulation
Rock lobster	2	3	6	Maxm. 3 days accumulation of 15****
Paua	10			No accumulation
Scallops	10			No accumulation

\* Groper species daily limit included in combined finfish bag limit of 30.

\*\* New daily limit for Jock Stewart (Sea Perch) inside the combined finfish bag.

\*\*\* s186B is a customary measure that provides for temporary closures relating to a fishery.

\*\*\*\* Allows for a maximum daily take limit of 6 rock lobster with a maximum possession and accumulation limit of 15 rock lobster per person for trips of three days or more.

**Note:** *Capping accumulation of rock lobster to a maximum of 15 for three days or more and removing accumulation for finfish and the two main shellfish species can be implemented by a regulation change to the current amateur fishing defence provisions.*

## **Recommended restrictions on amateur fishing methods within the Fiordland area**

- No cod pots inside the habitat lines of any fiord.
- Rock lobster pots limited to 3/boat.
- Dahn lines limited to 2/boat and 5 hooks per line.
- No scallop dredges.
- No set nets.
- Number six (6/0 Kahle) or larger hooks to be used for blue cod (non regulatory measure).

## **Recommended commercial rock lobster pot/coff pot storage**

- No rock lobster pot/coff pot storage within the china shops (see below for definition).
- Rock lobster pot/coff pot storage provided for within specified parts of the representative areas (see below for definition).
- Rock lobster pot/coff pot storage elsewhere to conform to a code of practice developed by the CRA8 Management Committee.

## **Values of special significance**

To ensure the ongoing integrity of areas, habitats and communities of special significance within Fiordland's marine environment the Guardians adopted two distinctly different types of values:

### ➤ ***China shops***

China shops are small discrete areas that are outstanding for the abundance and/or diversity of animal or mixed animal and plant communities or for the abundance of particular animal species. Communities associated with a wide variety of habitats in a confined area may also qualify. On the basis of local knowledge and the best available information, 23 areas were identified from Bligh Sound to Preservation Inlet. Collectively, these areas support a wide range of special features and values. Proposed management measures are based on particular values and whether these are under threat from existing or future activities.

For instance, within Preservation Inlet, the Narrows features an outstanding abundance of sea pens mixed with scallops on the sand, holothurians, red coral and white brachiopods. Measures proposed to protect this china shop include: creating a no take area for scallops by preventing dredging and removing diver harvesting, creating a no anchoring zone, ensuring rock lobster pots are not stored in the area and developing a code of practice for the site.

### ➤ ***Representative areas/fiords***

Representative areas/fiords contain a range of habitats, communities and diversity that represent Fiordland's marine environment. The Guardians and their advisers identified seven areas that represent estuarine, inside fiord and fiord entrance habitats, including one entire fiord system, four entire fiord arms and two other substantial areas. As well as being classified as representative, three of the seven areas, Sutherland Sound, Wet Jacket Arm and Long Sound, have been regarded as distinctive in their own right since the early 1990s.



Fiord	China shops*	Representative areas	Possible mechanism**
<b>Breaksea Sound</b>	<ul style="list-style-type: none"> <li>• Wall before First Cove</li> <li>• Vancouver Arm</li> </ul>		<ul style="list-style-type: none"> <li>- RMA / Coastal Plan</li> <li>- RMA / Coastal Plan</li> </ul>
<b>Archeron Passage</b>	<ul style="list-style-type: none"> <li>• Reef off Wet Jacket Arm</li> </ul>	Entire Wet Jacket Arm	Marine reserve
<b>Dusky Sound</b>	<ul style="list-style-type: none"> <li>• Cook Channel, Long Island</li> <li>• Nine Fathom Passage, Cooper Island</li> </ul>	Area inside Five Fingers Peninsula	<ul style="list-style-type: none"> <li>- Marine reserve</li> <li>- RMA / Coastal Plan</li> <li>- RMA / Coastal Plan</li> </ul>
<b>Chalky Inlet</b>	<ul style="list-style-type: none"> <li>• Edwardson Sound</li> </ul>		RMA / Coastal Plan
<b>Preservation Inlet</b>	<ul style="list-style-type: none"> <li>• The Narrows</li> </ul>	Entire Long Sound	Marine reserve

\* Specific china shop and representative area locations are shown on Figures 6 -18.

\*\* Final recommendations about the suitability of these management mechanisms (marine reserves and the RMA) to protect identified special values will be made once the detail of statutory provisions is clarified.

*Note: The Guardians also recommend a code of practice common to all the china shops and representative areas as well as individual codes tailored to areas that warrant special attention.*

## Risks to the Marine Environment

An initial analysis revealed bioinvasion, pollution, physical damage, altered flow dynamics, and the impact of increasing access (people) on wilderness values and expectations of visitors, as potential risks to Fiordland's fisheries and marine environment. To identify the issues that pose serious threats, the Guardians considered causal factors and the adequacy of current management practices to control these. Agreement that an issue required attention resulted in an assessment of what was needed and what role the Guardians could play:

### ➤ *Bioinvasion*

Bioinvasion is considered to be one of the most serious threats to Fiordland's marine environment. Unwanted marine organisms could be introduced from vessel hulls, ballast water and equipment. The development of codes of practice for hull cleaning and the exchange of ballast by MFish, Environment Southland and the Guardians are proposed. The group also anticipates local participation in both risk surveillance and a response should organisms be detected.

## Specific recommendations relating to bioinvasion

### 1. *Ships' hulls*

Adopt the following code of practice:

- ◆ no cleaning hulls below water line and running gear within the fiords;
- ◆ cleaning on shore must occur above the high tide mark and ensure that no fouling material or contaminated water could re-enter the sea;
- ◆ all vessels/structures intending to temporarily reside in the fiords for more than 24 hours to have their hulls inspected for *Undaria* and other unwanted organisms. And any detected unwanted organisms to be removed from the vessel/structure and disposed of on land;
- ◆ all vessels/structures intending to permanently moor in the fiords to be cleaned and anti fouled before being transported to the fiords.

### 2. *Ballast water*

- ◆ The development of a voluntary practice that no foreign ballast water - regardless of whether it has been exchanged on route to New Zealand - is to be discharged into the fiords. This practice will need to include the caveat that compliance with this practice must be consistent with the safety of the crew and the vessel.
- ◆ The development of a voluntary practice that no domestic ballast water is to be discharged into the fiords. This practice will also need to include the caveat that compliance with this practice must be consistent with the safety of the crew and the vessel.

### 3. *Minimising the risk of bioinvasion in Fiordland*

- ◆ A special task force involving the MFish Biosecurity Group, Environment Southland and the Guardians is required to develop a targeted plan specifically for the Fiordland situation.
- ◆ A risk surveillance network for exotic marine pests needs to be established with educational and identification material provided by MFish's Biosecurity Group.
- ◆ To be properly prepared, a ready reaction response plan should be developed in case an exotic marine pest is detected.

## ➤ ***Pollution***

Pollution includes oil spills and the disposal of sewage and rubbish into the Fiordland marine environment. There are management controls/contingency plans in place for each of these potential pollutants. However the controls are not necessarily comprehensive. For instance, Environment Southland has control over sewage disposal from charter boats but not currently for private boats or yachts. To combat the rubbish issue a combined approach between the agencies involved and those represented on the Guardians is supported.

## Specific recommendations relating to pollution

### 1. *Oil spills*

- ◆ Support current Environment Southland and Marine Safety Authority Oil Spill Response Management Plans by providing logistical assistance.
- ◆ Assist with the development of an Oil Spill Contingency Plan for Fiordland by supplying information.

### 2. *Sewage*

- ◆ Sewage disposal from private boats and yachts does not currently require a resource consent. Whereas informing all groups about ways to minimise the impact of discharging sewage into the fiord environment is important, the priority must rest with private boats and yachts at this time.
- ◆ Future plans for managing sewage treatment and disposal from land adjoining the fiords needs to be documented in the Fiordland National Park Management Plan.

### 3. *Rubbish/plastics*

- ◆ Advocate the “take it in - bring it out” philosophy.
- ◆ Support the major Fiordland beach and anchorage clean up initiative involving charter operators, commercial fishers, Environment Southland, DoC, volunteers and sponsors.
- ◆ Inform and educate users of the marine environment about acceptable rubbish disposal practices.

## ➤ ***Physical damage***

Physical damage includes the impacts of structures, such as wharves and moorings, and landslips. Structures are controlled by resource consents. In contrast, landslips are a natural event, but the number and frequency of slips can be accelerated by the spread of possums and increase in deer numbers. The associated potential for destabilising the fiord slopes is a risk with serious long-term implications. Information about the distribution of possums and presence of deer is something the Guardians and local community can provide to DoC to assist with work programming and priorities.

## Specific recommendations relating to physical damage

### 1. *Structures*

- ◆ Make submissions on resource consent applications that are not considered to be in the best interests of Fiordland’s fisheries and marine environment.
- ◆ Provide information to Environment Southland over these issues.

## 2. *Anchoring*

- ◆ To avoid damage to the environment, a guide to anchorages in Fiordland is needed that will build on Environment Southland's list of anchorages contained in the Southland Coastal Plan. Such a guide could also be a vehicle for providing helpful information such as the most effective ways to anchor in different situations and advice about conditions likely to be experienced in Fiordland.

## 3. *Land slips*

- ◆ Provide local knowledge about the spread of possums and deer in high densities to DoC so that decisions about priority areas for control are better informed.

### ➤ ***Altered flow dynamics***

Altered flow dynamics is solely to do with the input of freshwater from the Manapouri power scheme into Doubtful Sound. To address the issue of depleted fish stocks it is important to know whether the altered flow regime has contributed to the situation or whether fishing pressure alone is responsible. The Guardians are anticipating that current research will provide more information about this situation.

#### **Specific recommendation relating to altered flow dynamics**

- ◆ Support research that identifies the factors that are contributing to the depleted state of harvested fish stocks in Doubtful Sound.

### ➤ ***Increasing numbers of visitors***

Increasing numbers of visitors are beginning to adversely affect wilderness values in the most accessible fiords. Improved access also means expanded fishing opportunities throughout Fiordland and an increase in fishing pressure. More people mean more rubbish, more sewage and more servicing facilities. Unless these issues can be effectively managed in the longer term, Fiordland's fisheries and marine environment are at risk. The Guardians support initiatives to address the issue of increasing access. Local knowledge held by members and associated groups will be vital if practical solutions are to be found.

#### **Specific recommendations relating to increasing numbers of visitors**

- ◆ Take an effects-based approach to increased access and visitor numbers by managing risks to the marine environment and fishing activities and by ensuring special values are looked after as the Guardians' advocate in this strategy.
- ◆ Support initiatives to manage the effects of all users including kayaks, private boats and yachts.
- ◆ Provide local knowledge about the feasibility of controlling visitor numbers directly.

## **Expressing Kaitiakitanga**

Ngäi Tahu Whanui has a long and significant association with Fiordland as is documented in the Statutory Acknowledgment for Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area) in the Ngäi Tahu Claims Settlement Act 1998. Long-standing protocols exist for exercising kaitiakitanga (stewardship) over the natural resources in the area. Kaitiakitanga is both a privilege and a serious obligation for the kaitiaki rununga of the area. The Oraka/Aparima runanga is the kaitiaki runanga for Fiordland. An active involvement in managing Fiordland's fisheries and marine environment by the Oraka/Aparima runanga, the other three Murihiku runanga (Awarua, Waihopai and Hokonui) and the Makaawhio runanga, supported by the tribe, is clearly an appropriate way for kaitiakitanga to be expressed. A variety of statutory mechanisms exist within the Fisheries Act that confers fisheries management responsibilities over areas of the coastline on tangata whenua. Section 186B (temporary closures), mataitai and taiapure (local fisheries) are such mechanisms. Section 186B closures are recommended for blue cod in both Milford and Doubtful Sounds, a mataitai application covering part of the southern coast was lodged some time ago and further consideration is being given to the place of taiapure in Fiordland.

## **Implementing the Strategy**

This strategy contains a package of management measures that have been negotiated by the Guardians. It represents a balance of gifts and gains reached between commercial and recreational fishers, Ngäi Tahu Whanui (customary), charter operators and environmental and community interests, and is endorsed by representatives of these groups on the Guardians.

Collectively, the provisions in the package provide a level of security for the whole of the marine environment that the individual components might not indicate. Considered in total, some provisions apply across the entire marine environment whereas others are specific to individual fiords. Accordingly every fiord has its own particular package of management measures.

Furthermore, every provision fits into the Marine Protected Areas toolbox and also contributes to conserving biodiversity. The package could be seen as a local working example of OceansPolicy - a holistic approach to managing a highly valued part of our marine environment by a community/agency group that crosses agency and statutory boundaries.

All aspects of the package can be implemented using a combination of existing statutory mechanisms and non statutory activities. However, the need for some form of overarching co-ordination is clear, given the number of statutory provisions and agencies that are involved in implementing the strategy. Ensuring the integrity of the package during implementation is the bottom line for the Guardians.

However, legislation that confers management status on local community groups, such as the Guardians, working in the marine environment does not exist. That the group is carrying out an integrated management role, which crosses legislative and agency boundaries, sets this initiative apart.

In the absence of appropriate legislation, two possibilities for co-ordinating the entire package were identified:

1. ***Taiapure***

Taiapure (local fisheries) is an area management fisheries management tool for coastal waters of special significance to iwi or hapu as a source of food or for spiritual/cultural reasons. Advice was sought about whether non-fisheries aspects of the strategy could be integrated under a Fiordland taiapure and wider statutory functions performed by a taiapure management committee. How the structure and functions of the management committee might impact on the expression of kaitiakitanga was also a major consideration. Legal advice received since the distribution of the draft strategy suggests that a taiapure may not be an appropriate overarching mechanism on both grounds.

2. ***Special legislation***

Because special legislation offers flexibility, the major issue with this option is defining what needs to be incorporated. For instance, overarching legislation needs to guarantee the balance of gifts and gains that underpins the strategy, incorporate the expression of kaitiakitanga and provide for joint community/agency management. According to legal advice, this option is likely to be complex but feasible.

**Specific recommendations about implementing the strategy**

1. Develop special legislation that:

- guarantees the balance of gifts and gains that underpins the strategy;
- incorporates the expression of kaitiakitanga;
- defines how special legislation links across the existing legislative provisions;
- provides a framework for implementing recommendations using existing statutory mechanisms;
- defines the establishment and statutory functions of a combined community/agency management group;
- defines membership of the community participants according to a set of criteria that reflects the strengths of the current Guardians (local knowledge, experience and expertise);
- defines regional co-ordinating functions and the agency/authority responsible for that role;
- incorporates the need to adequately resource the management committee.

2. Implement recommendations using existing statutory mechanisms with agencies/authorities being responsible for administering fisheries, conservation and resource management legislation evaluate statutory management tools recommended by the Guardians and work with the group to ensure the most appropriate and effective tools are used.

3. Implement recommendations that do not require statutory tools for Guardians/agencies/authorities or community/agency management group established by special legislation implement the recommendations throughout the strategy that do not require statutory tools.

## **Compliance with the Strategy**

Fiordland is a very challenging environment from a compliance perspective - it is isolated, the coastline is extensive, access is limited and the weather can be unrelenting. For these reasons, high levels of voluntary compliance with the rules are critical for the success of the management regime proposed in this strategy. This will only be achieved if the changes are seen to be fair and the balance negotiated between the groups is maintained.

Given that MFish, DoC and Environment Southland have compliance responsibilities and a compliance presence in Fiordland, developing a shared approach to information, education and surveillance makes a lot of sense, although the prosecution of offences needs to be taken by each agency according to their own statutory provisions.

The Guardians and those who are frequently on the water in Fiordland can play a critical compliance support role. Educational material about voluntary aspects of the management package needs to be widely publicised. So does information about the management rules. Resources such as codes of practice, pamphlets and signs could be produced effectively by the Guardians and the agencies working together, or by the community/agency management group if that is established.

Surveillance, or the “eyes and ears” in the community and out on the water, is also a role that MFish, DoC and Environment Southland value highly. The agencies consider working with the community is the best way of covering the extensive Fiordland coastline. Support extends to providing information and giving evidence in the case of prosecutions - the type of commitment that can make the difference between a successful and unsuccessful outcome for Fiordland.

### **Specific compliance recommendations**

1. Support the “carrot and stick” approach to compliance (encouragement to comply with the rules voluntarily combined with an effective deterrent against illegal activities) that underpins MFish, DoC and Environment South compliance activities in Fiordland by:
  - informing and educating fishers and other users about the rules in the management package (booklet explaining the package and other material);
  - being the eyes and ears on the water (surveillance);
  - supporting enforcement action (prosecution).
2. Advocate and support the design of an integrated compliance approach by MFish, DoC and Environment Southland in Fiordland to make the most effective use of limited compliance resources.

## Monitoring the Performance of the Strategy

Monitoring the effectiveness of management measures is just as important as developing the management strategy itself. Selecting indicators for each component of the strategy and monitoring these will provide information on which to judge how well the strategy is performing. Ideally, baseline monitoring should take place before, or soon after the strategy is implemented. Monitoring data will provide the basis for future adjustments to the management package.

### Specific monitoring recommendations

- Develop and refine indicators for fisheries, values of special significance, risks to the marine environment, expressing kaitiakitanga, and an overview of the success of the strategy.
- Evaluate how these indicators can be measured most effectively.
- Assess whether current information can provide useful baseline data.
- Advocate for the monitoring programme when the strategy is implemented.

## Implementation and Beyond - What role for the Guardians?

The Guardians are demonstrating the value of combining local skills and knowledge with agency advice. This is proving to be a credible alternative to existing management approaches as the group provides a forum for the agencies to step outside their own boundaries and think about the issues collectively. The Guardians are facilitating a more holistic approach that is inclusive of the stakeholders and as a consequence the group is capable of providing oversight for the management of Fiordland's fisheries and marine environment.

Whilst a definitive list of functions the Guardians may be required to perform during and beyond implementation is not possible at present it is clear that the group's continued involvement is necessary and for a voluntary group the task will be substantial:

### ➤ *Special legislation*

Should the Guardians' recommendations about special legislation be adopted, developing and enacting special legislation is likely to take at least two years. Over this period the Guardians can expect to be involved in providing advice to ministers, agencies and local authorities. The wider groups represented on the Guardians will also need to be kept informed. Securing the balance of gifts and gains is the Guardians' top priority. Given that negotiations between groups have taken place over the past three years it is essential that those drafting cabinet papers and the legislation appreciate the essence of what has taken place.

### ➤ *Implementing the package using existing statutory tools*

If the processes for developing special legislation and implementing the recommendations by way of existing statutory tools take place concurrently (assuming that the strategy is adopted), the Guardians will be involved in a very substantial task. Supporting the package of recommendations in the strategy from application through to implementation

is in itself a major undertaking that may involve meeting the requirements of a number of different agency processes.

➤ ***Implementing the non statutory aspects of the strategy***

Assuming that special legislation is implemented and a combined community/agency management group established, responsibility for the following functions identified in the strategy would logically rest with this group:

- ◆ compiling codes of practice associated with a range of provisions;
- ◆ developing recommended strategies for issues such as bioinvasion and anchoring;
- ◆ identifying information needs and advocating the most effective way of acquiring the information;
- ◆ assisting with compliance and monitoring;
- ◆ producing material to inform and educate visitors and the public about Fiordland's fisheries and marine environment.

➤ ***Future flexibility***

The Guardians are well aware that neither Fiordland's fisheries nor the marine environment are static. Aspects of the environment and patterns of use are bound to change over time. Accordingly, management must be flexible and responsive. Whereas the balance of gifts and gains negotiated by the Guardians is right for Fiordland's fisheries and marine environment at this time, it is possible that a different balance could be appropriate at some time in the future. In other words, the balance of gifts and gains is not set in concrete but will depend on the issues, the information and goodwill among those negotiating.