



To: Hon Dr Nick Smith, Minister for the Environment

Marine Protected Areas reform - iwi engagement

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Ministry for the Environment Contacts

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Purpose

- The purpose of this briefing note is to provide you with:
 - options for engaging with Marlborough and Hauraki iwi on the proposed recreational fishing parks in those regions
 - advice and a proposed way forward for engaging with the Iwi Leaders Group Conservation (ILG) and their advisors on the Marine Protected Areas (MPA) reforms
 - talking points that respond to the issues raised by the Iwi Chairs Forum on the MPA reforms, for the Ministers meeting at Waitangi on 5 February 2016.

Situation Analysis

Hauraki and Marlborough iwi engagement on the recreational fishing park proposals

- In December 2015, as part of pre-consultation on the proposed recreational fishing parks, you met with representatives from some of the iwi of the Hauraki and Marlborough regions.
- The purpose of those meetings was to discuss the proposed establishment of recreational fishing parks in the Hauraki Gulf and Marlborough Sounds, before their public announcement on 12 January 2016.
- At these December 2015 meetings with iwi you committed to the Government engaging with them separately after the public announcement to further discuss the detail and development of the proposed recreational fishing parks.
- You have directed officials to provide advice on how the Government will engage further with Marlborough and Hauraki iwi on the proposed recreational fishing parks. S9(2)(g)(i)
- We note that the Minister of Fisheries has signed a protocol with the iwi in the Marlborough region (and understand he intends signing a similar protocol with the Hauraki iwi). The protocols require the Ministry of Primary Industry to engage with the iwi on policy and regulatory initiatives that will affect their fishing interests. While the

protocols do not provide a mechanism for this engagement, we will ensure that your preferred option is aligned with these commitments.

7. This briefing note provides advice on options for engagement with the iwi groups.

Conservation Iwi Leaders Group Conservation (ILG) involvement in the Marine Protected Areas (MPA) reforms

8. Officials have been engaging with the Iwi Advisors Group Conservation (IAG) on the MPA reforms, and the ILG provided comment on the MPA consultation document in late 2015.
9. The ILG are currently facilitating information sharing hui with iwi/Māori on the MPA reforms. This consultation is scheduled to conclude on 18 February 2016.

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12. This briefing note provides advice and talking points to address concerns raised by Iwi Chairs at the meeting at Waitangi on 5 February 2016 (Appendix 2).
13. The ILG have also requested a meeting with you, the Minister for Primary Industries and the Minister of Conservation on 4 February 2016, to discuss the MPA reforms. Your office is currently progressing this request.

Advice

Options for engaging with iwi in the Hauraki and Marlborough regions

14. We propose two options for giving effect to your commitment to engage with iwi in the Hauraki and Marlborough regions on the proposed recreational fishing parks.
15. Each option has been considered in light of your aim of enacting new MPA legislation by mid-2017. For this to occur final policy decisions on the MPA reforms will need to be made by Cabinet by mid-2016.

Option 1: Workshops in the Hauraki and Marlborough with all the relevant iwi

16. This option involves a series of workshops with iwi in each of the two regions, with each workshop occurring over a 1-2 day period. We propose that they would occur during the following stages in the policy development process:
 - i. during public consultation in late February 2016
 - ii. after public consultation in late March early April 2016.
17. The intention is that these workshops will enable the iwi to provide advice directly to officials, which would inform final policy advice on the proposed recreational fishing parks.
18. There may need to be multiple workshops for each stage to ensure iwi availability, and to accommodate the large number of iwi in the Hauraki region, in particular.

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Option 2 – Working groups for the Hauraki and Marlborough iwi

25. This option would involve setting up iwi working groups for each of the Hauraki and Marlborough regions. The working groups would operate similarly to groups set up through collaborative approaches, such as Sea Change, in the Hauraki Gulf.
26. Each working group would include representatives from each of the identified iwi in the specific region and could work with officials to develop the main components of the specific recreational fishing park for that region.
27. Each working group (and we are anticipating one per region) would be directly involved in providing final advice of the scope, management, reporting, and enforcement arrangements for the proposed recreational fishing parks in their region.

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Components of both options

32. For both options we propose to canvas the following issues:

- management of the recreational fishing parks (includes reporting and enforcement)

- customary fishing rights and Treaty settlement obligations
- Māori commercial fishing interests
- potential governance structures
- compensation models.

33. Officials will ensure that existing Treaty settlement and protocol agreements in the Hauraki and Marlborough regions are considered and honoured (such as protocols between the Minister of Fisheries and iwi) when engaging with iwi on the proposed recreational fishing parks.

34. Officials will also consider how existing iwi relationship forums (such as the fisheries forum for the South Island) will be utilised in setting up any workshops or working groups.

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36. It is proposed that officials from MfE, MPI, DoC and TPK would be involved in both options. As far as possible, the same officials from each agency would attend to ensure consistency between the different processes.

ILG involvement in the MPA reforms

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Next Steps

43. Officials are scheduled to meet ILG-Advisors on 1 February 2016, to discuss concerns set out in the attached letter.
44. We will provide you with further advice following the 1 February meeting, before any meetings or discussions you may have with ILG, before or at Waitangi.

Recommended Actions

We recommend that you:

- a) **Agree** to progress engagement with the Marlborough and Hauraki iwi under:
- Option 1: Workshops in the Hauraki and Marlborough with all the relevant iwi
Yes / No
 - Option 2: Working groups for the Hauraki and Marlborough iwi
Yes / No
- b) **Note** that officials will ensure that the engagement with Marlborough and Hauraki iwi is consistent with the Crown's Treaty settlement obligations and agreements
- c) **Note** that consideration of how iwi relationship forums will be utilised to progress engagement with Marlborough and Hauraki iwi will be further considered by officials

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- e) **Forward** a copy of this briefing to Minister for Primary Industries, and the Minister of Conservation.

Yes / No

Nic Hill
Acting Manager, Marine and Environmental Governance

Date

Hon Dr Nick Smith
Minister for the Environment

Date

Minister's feedback on quality of briefing note:	1	2	3	4	5
<p>1 = Was not satisfactory 2 = Fell short of my expectations in some respects 3 = Met my expectations 4 = Met and sometimes exceeded my expectations 5 = Greatly exceeded my expectations</p>					

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**Appendix 2: Proposed talking points for Waitangi, in response to Iwi Chairs
letter – 18 January 2016**

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