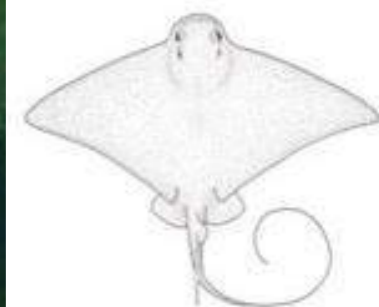




Motiti Rohemoana

A pathway to restoration - Preserving our future ocean



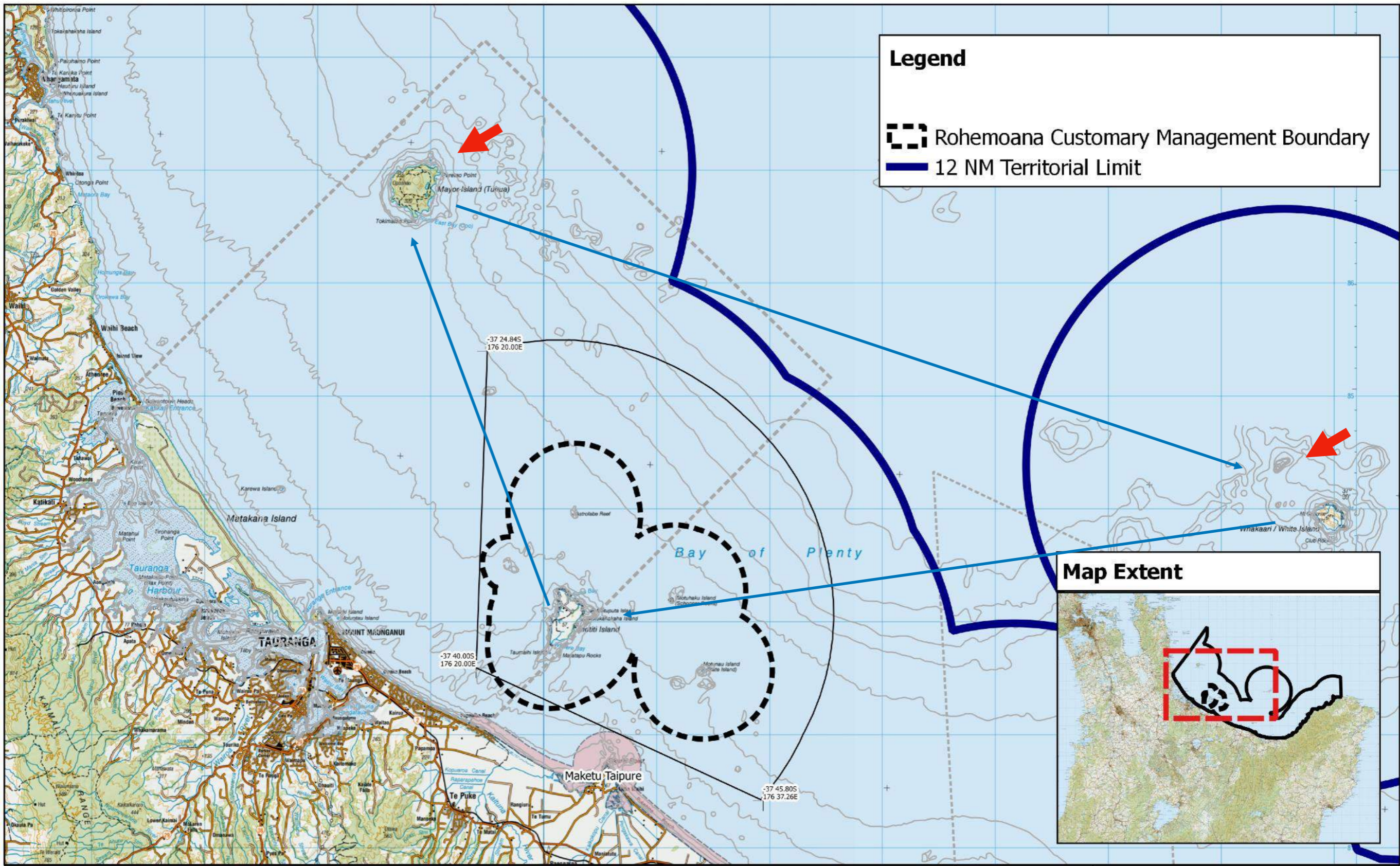
MOTITI
ROHE MOANA

Our Objectives

1. Background to the MSP MPA Approach
2. Shared Understanding
3. Strategy and Process
4. MPA through RMA
6. Q and A







Legend

- Rohemoana Customary Management Boundary
- 12 NM Territorial Limit

Map Extent

Subject: Motiti - Proposed Management Areas Extent

Shows the extent of the Proposed Customary Marine Title Area

0 3 6 9 12 15 18 21 24 27 30 Nm

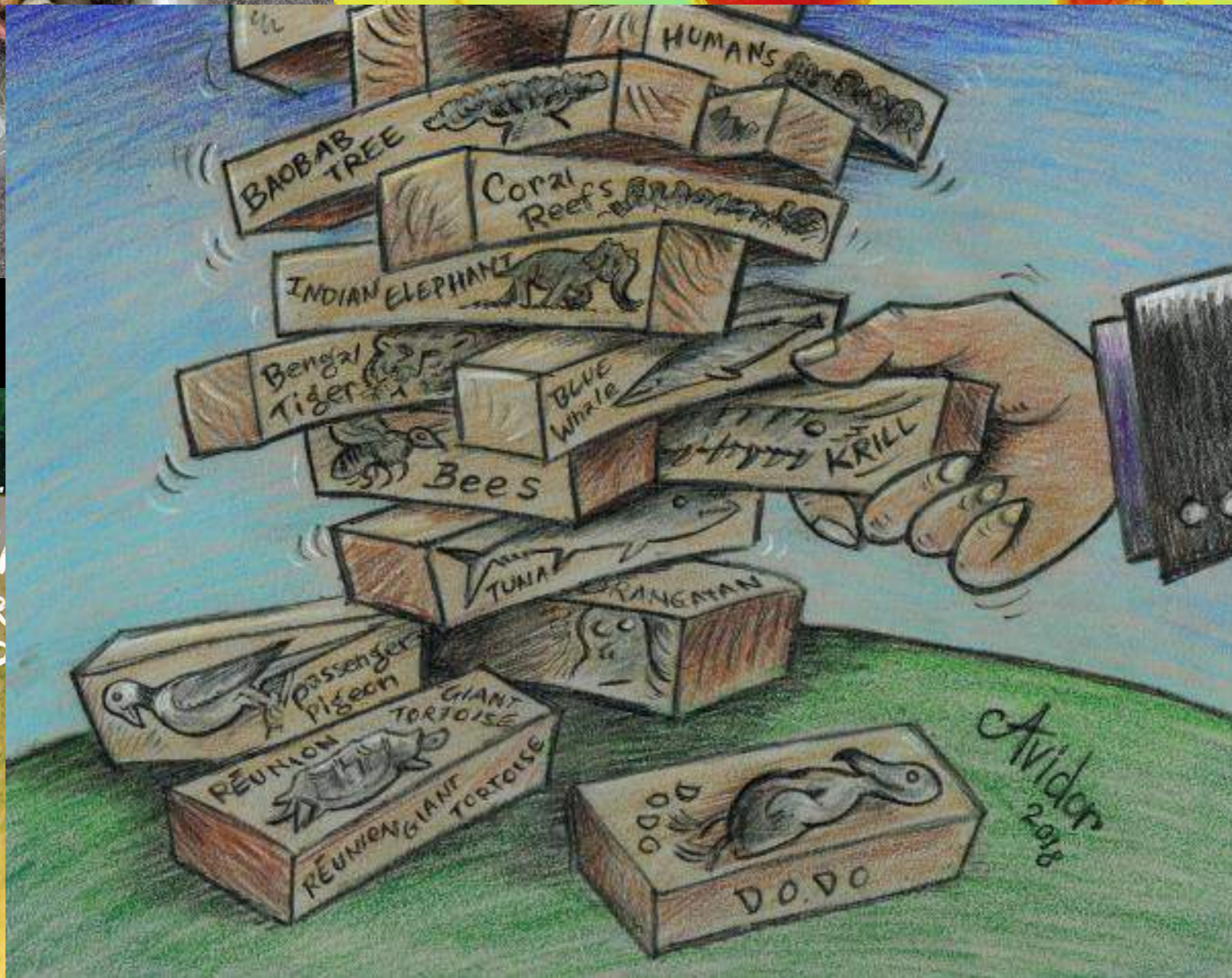
DRAFT

Author:	-
Date:	Sat Oct 31, 2015
File:	-
Page:	1 of 1



OUR OCEAN COMMUNITY





DID YOU KNOW THAT...

80% OF WASTE

FLOWS BACK INTO THE RIVERS WITHOUT BEING TREATED



WASTE RELEASED MAY CONTAIN SEDIMENT AND HEAVY METALS

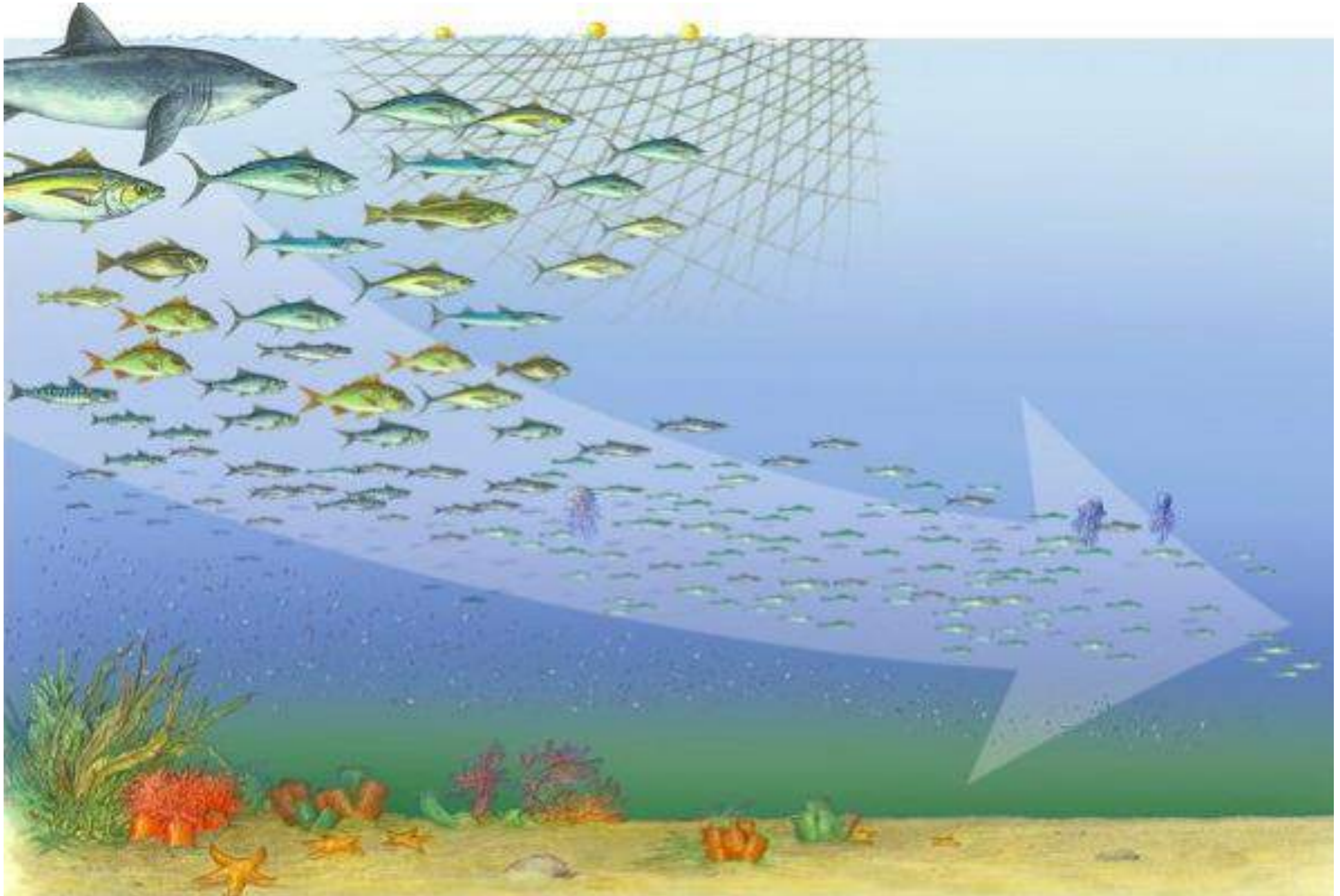
SEASIDE VENTS, RICH IN MINERALS ARE HOME TO UNIQUE COMMUNITIES. THESE MAY HAVE PROPERTIES INVALUABLE TO MEDICINE.

LARGE ROBOTS WILL CUT AND COLLECT MATERIALS REMOVING SWATHES OF HABITAT

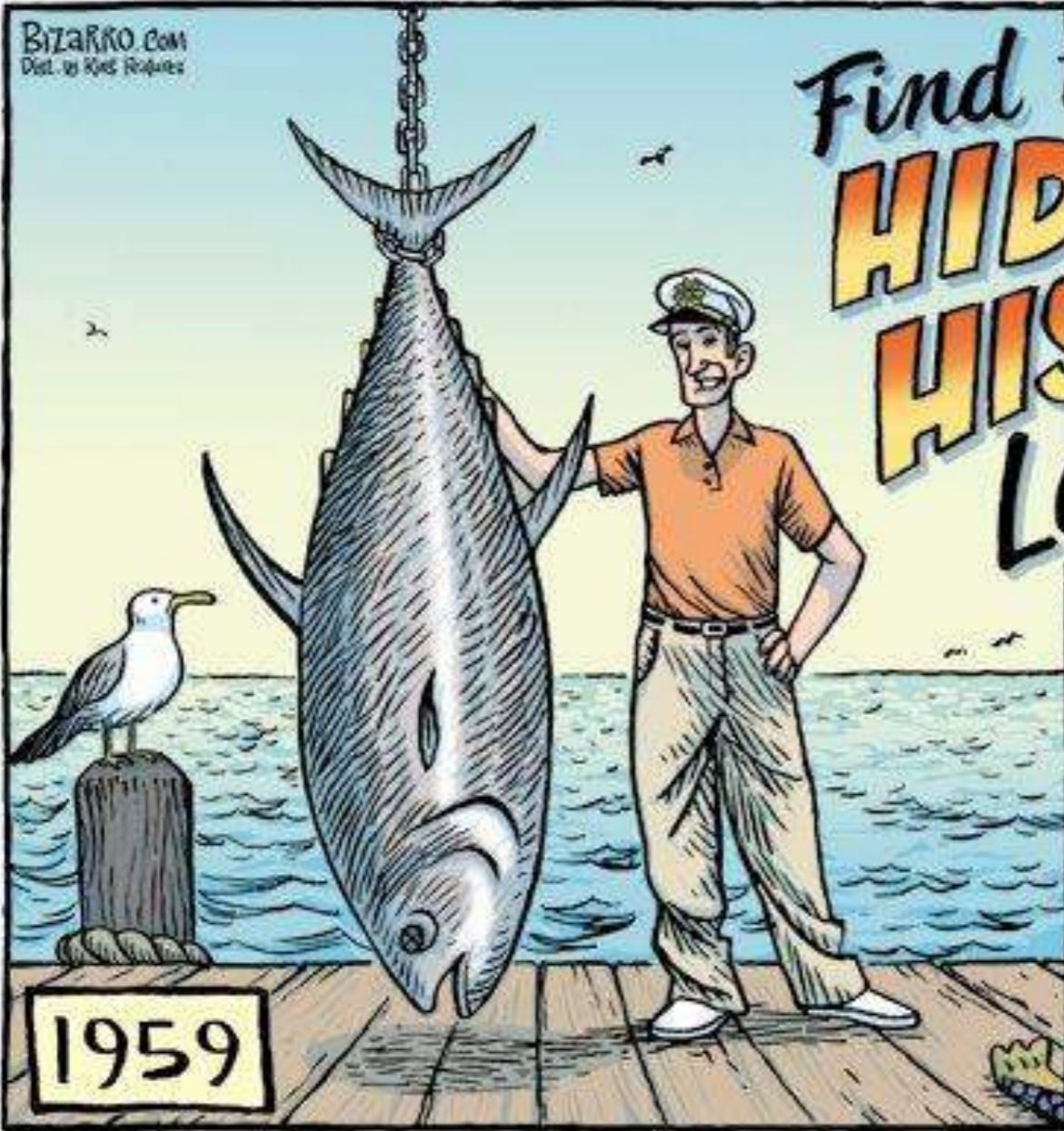
SEDIMENT PLUMES WILL SMOTHER SENSITIVE SPECIES



Change In Marine Environments



Find the HIDDEN HISTORY Lesson!



Reconstruction of New Zealand fisheries [2015]

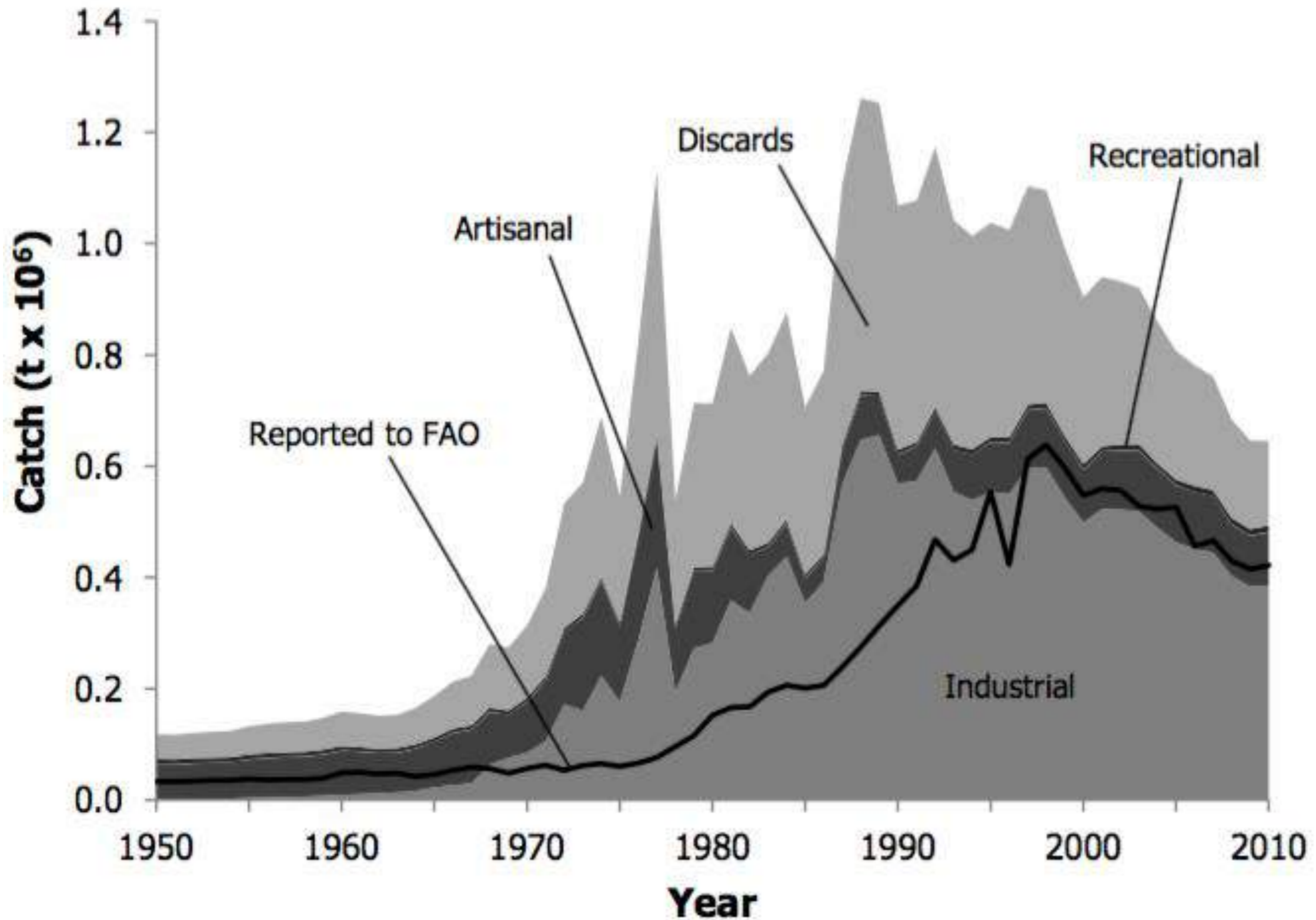
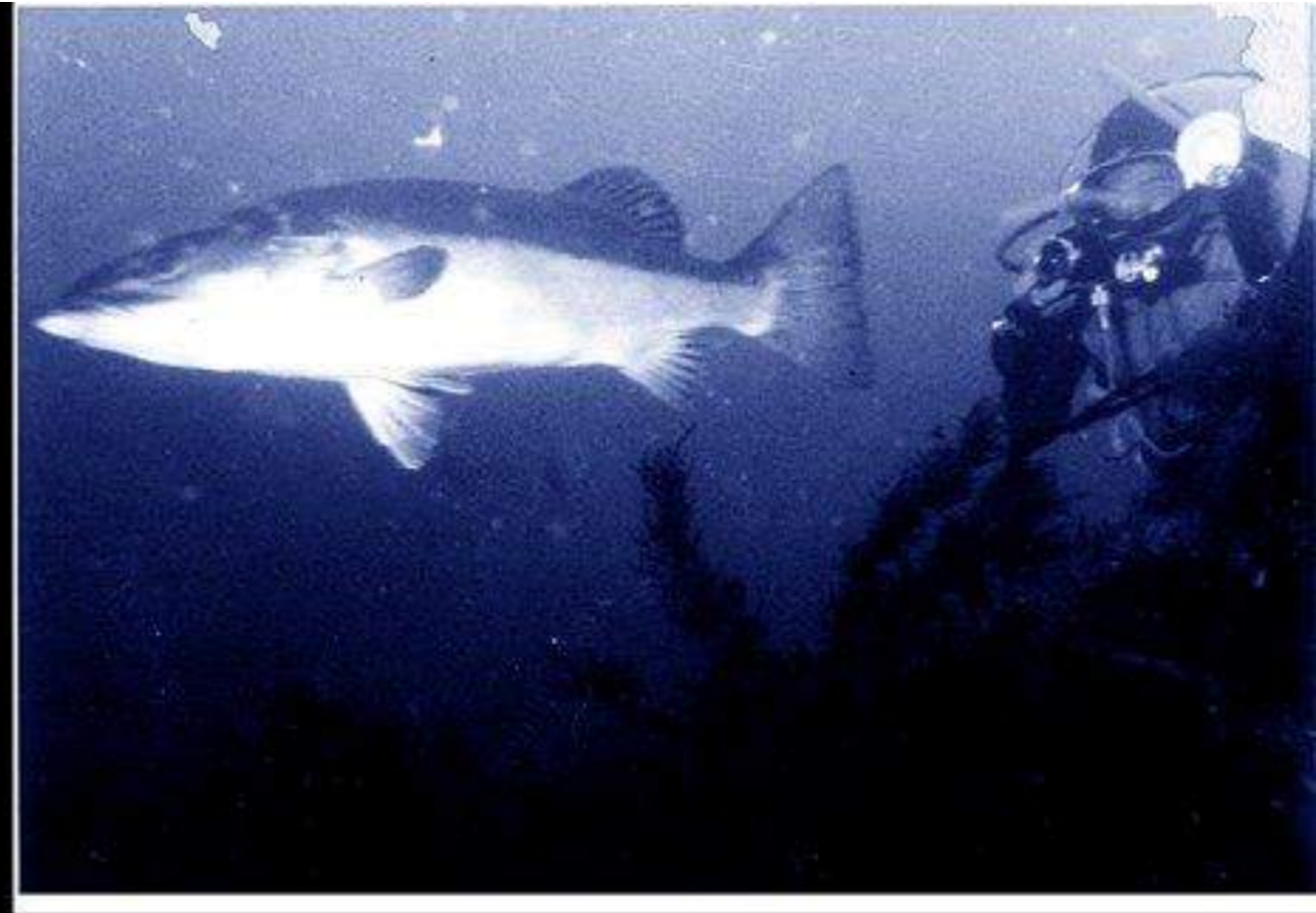
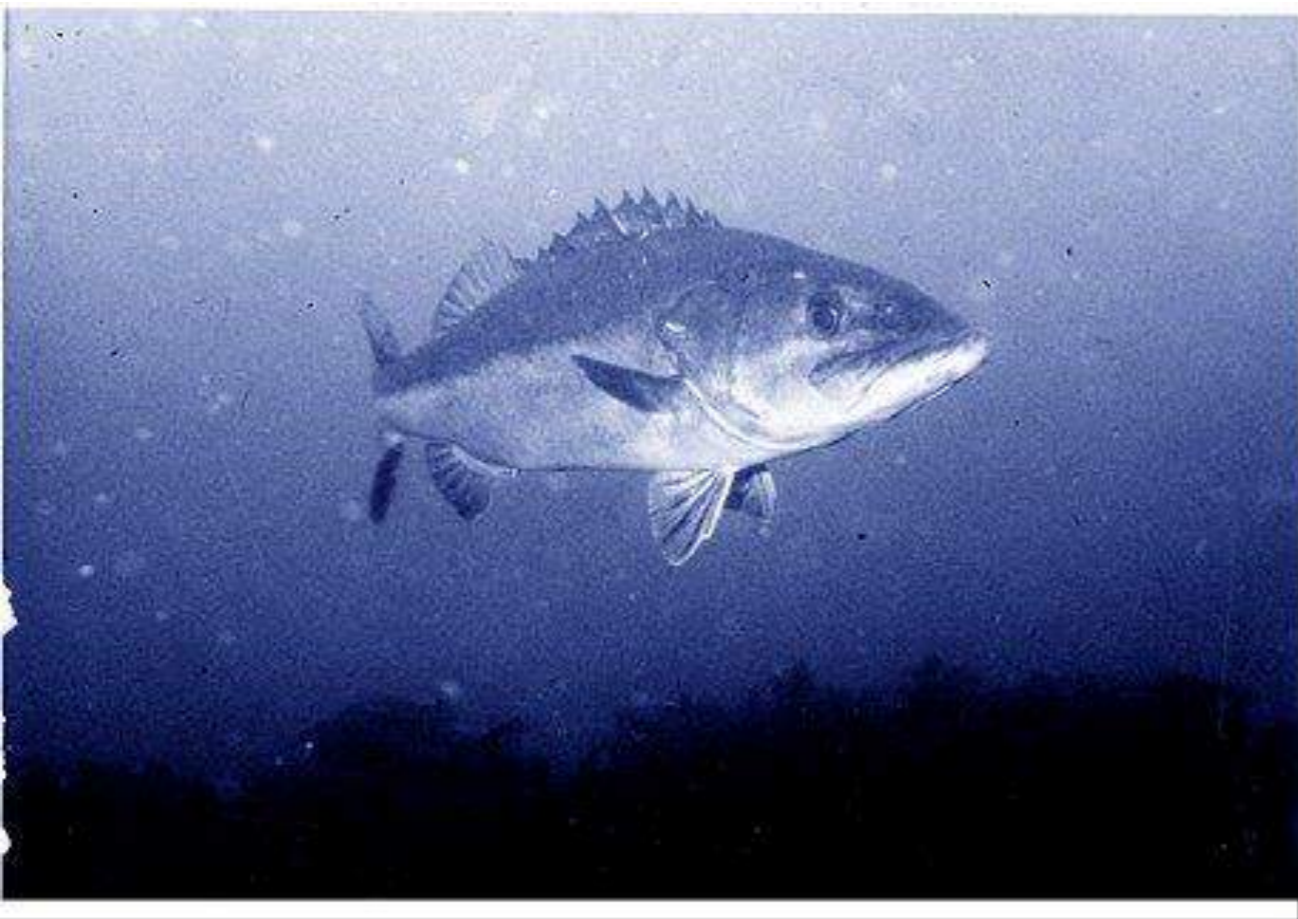


Figure 2. Total reconstructed catch (New Zealand and foreign flagged vessels) showing the contribution of each sector and fish discards. Subsistence sector catch is too small to appear on this chart. The solid line represents total landings reported by the FAO on behalf of New Zealand.



W.Doak 1970's

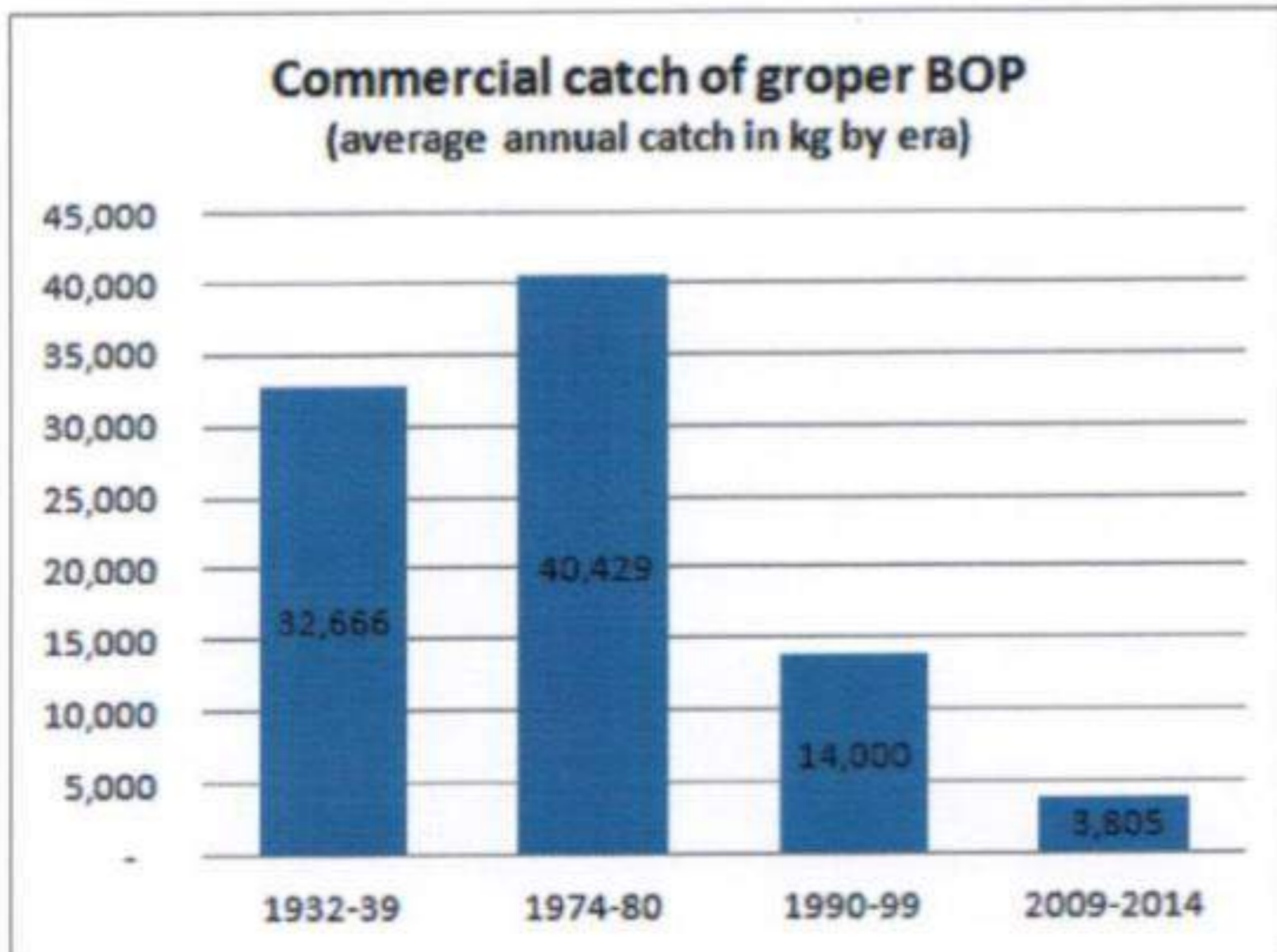


Figure B1. Groper (hapuku/bass) commercial landings at the Port of Tauranga (1930s & 1970s) and estimated catches from FSA009 (1990s onward) in the Bay of Plenty.

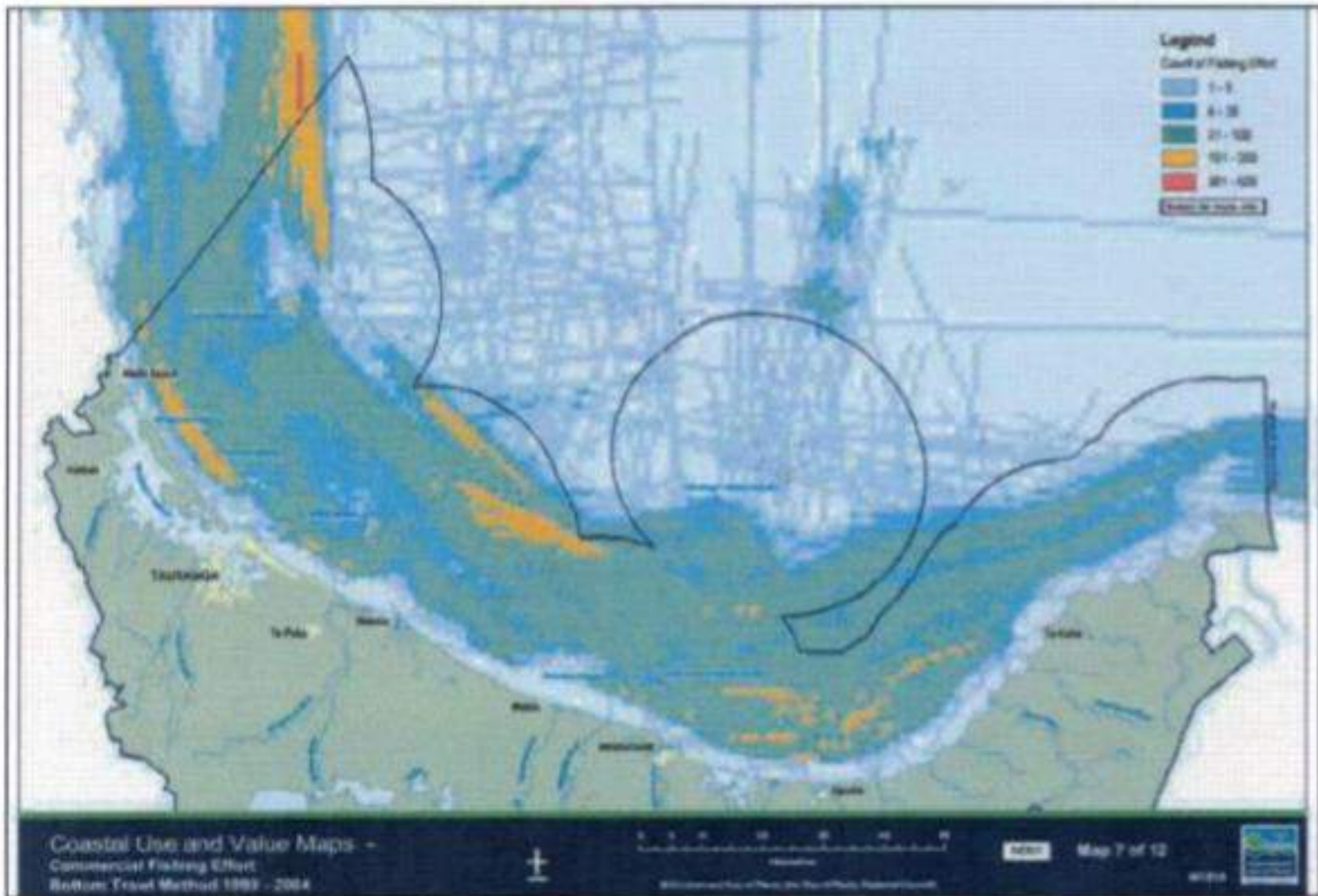
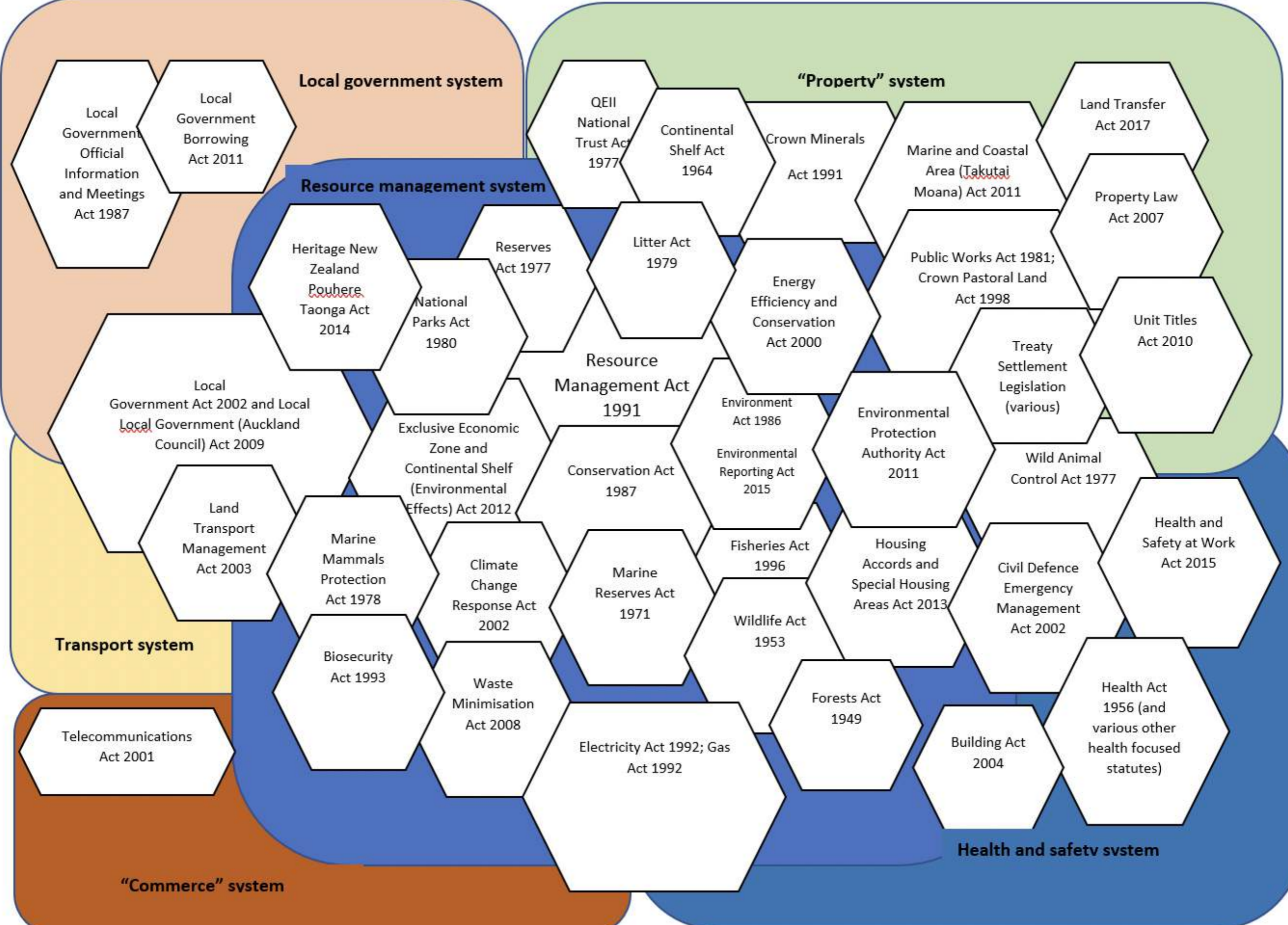


Figure A3 Distribution of bottom trawl effort, Bay of Plenty 1999-2004

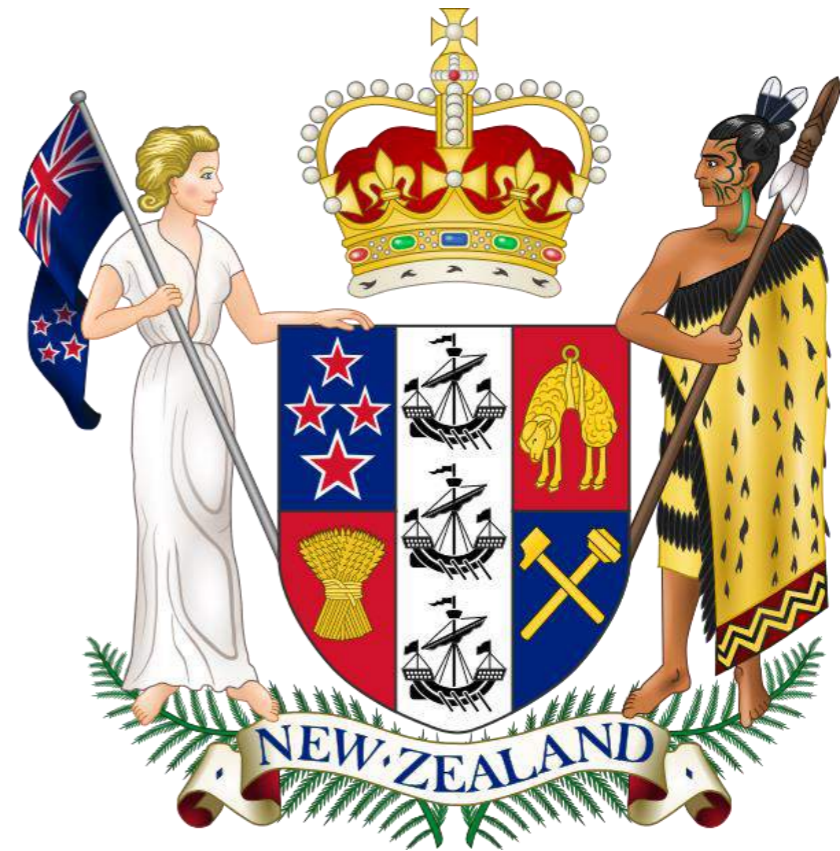
(Source: <http://www.boprc.govt.nz/media/306908/aquaculture-map-07-bottomtrawl.pdf>)

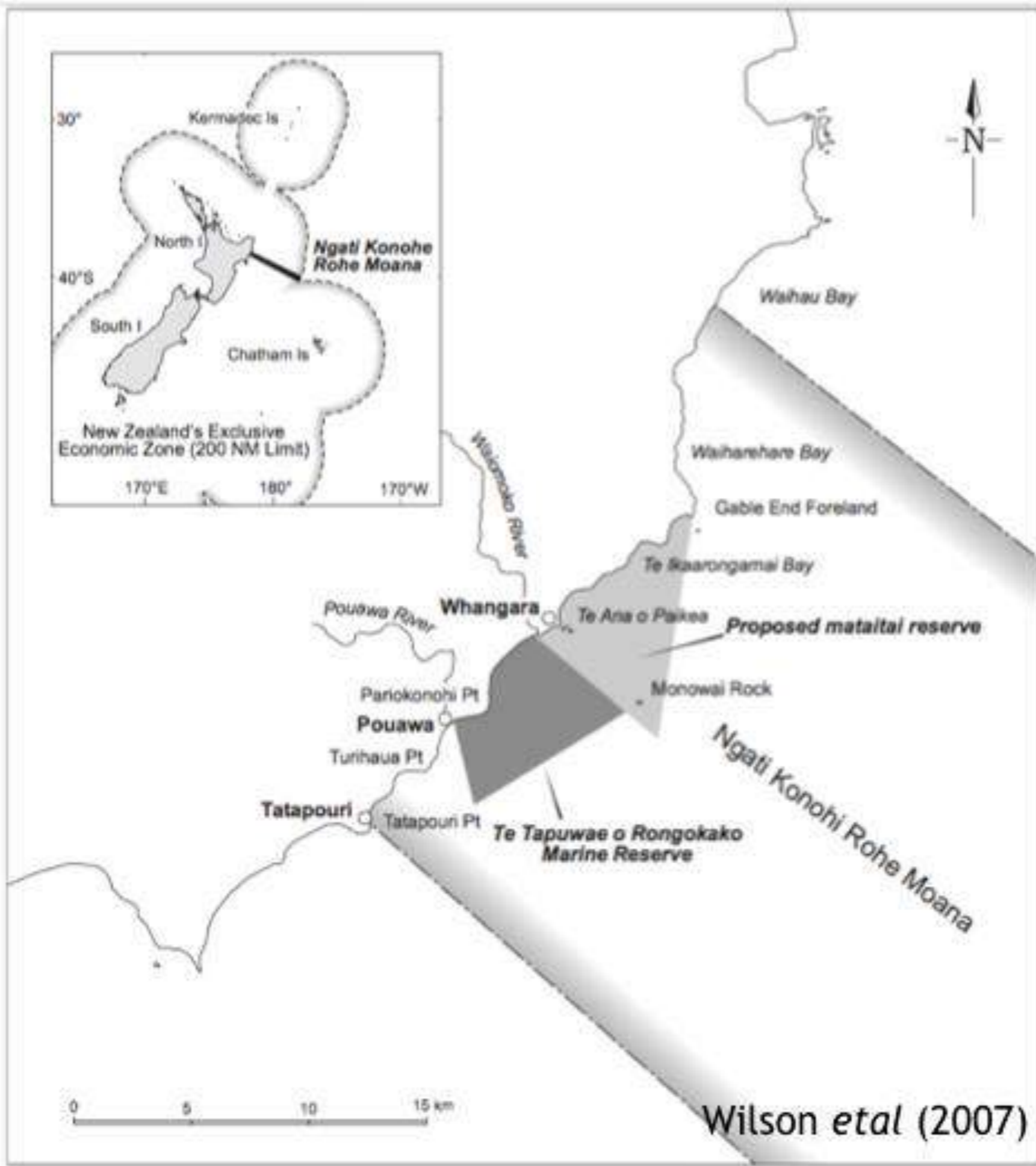


What Governs Our Marine Environment

Marine area has been around these main statutes

- Fisheries Act
- Marine Reserves Act
- Wildlife Act
- Marine Mammal Protection Act
- Conservation Act
- Resource Management Act
- Petroleum and Minerals Act
- Takutai Moana Act
- EEZ Act
- Marine protection Area Act**

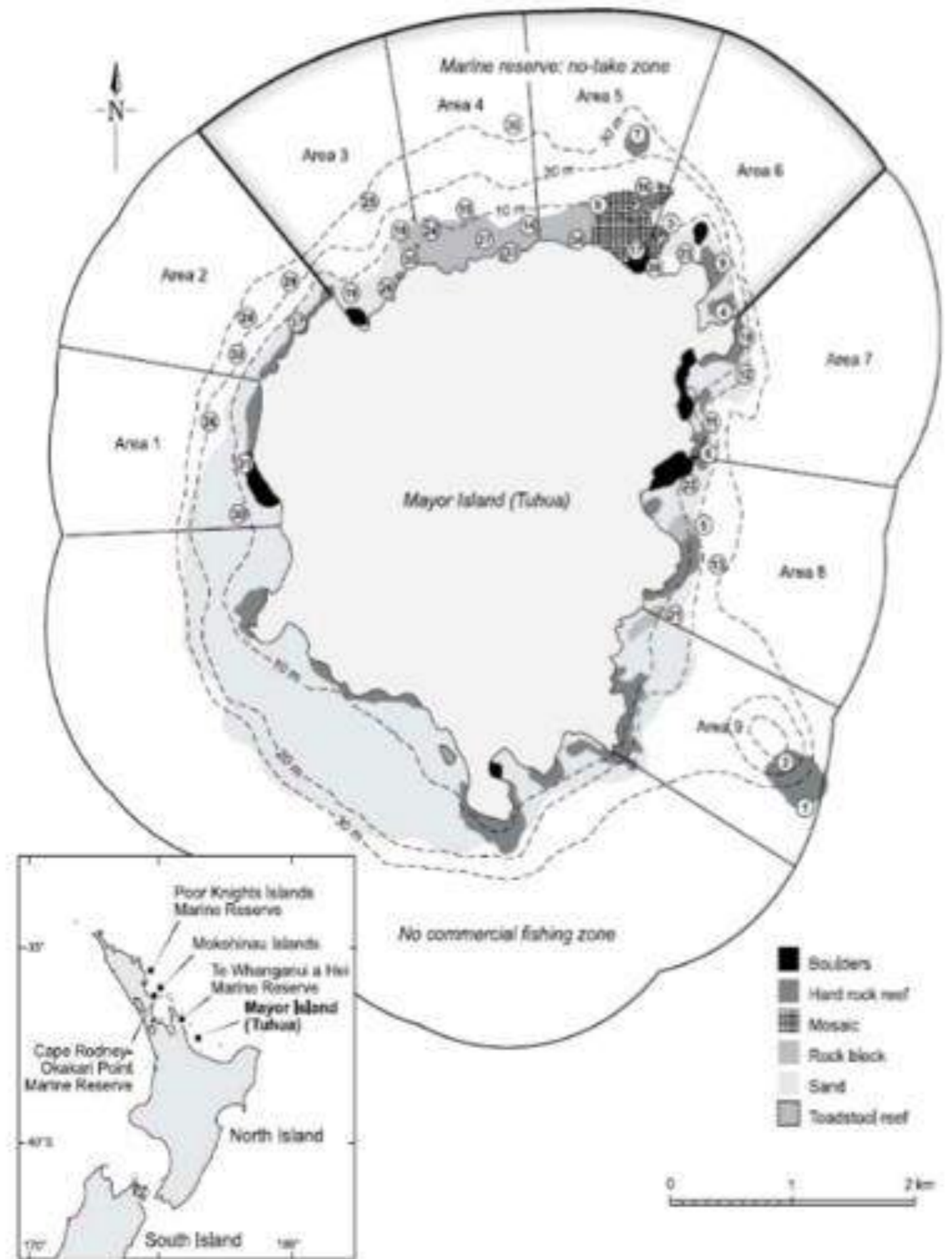




Wilson et al (2007)



Morrison & Gregor (2012)



SAVE ASTROLABE REEF

EXHIBITION / FUNDRAISER / AWAENESS RAISER OF TEMPORARY CLOSURE APPLICATION



ZEUS GALLERY - 35 Chapel St (cnr Marsh and Chapel st)

7-10pm Thursday 10 March

Open tender

To allow the continued restoration and healing of the reef after the Rena
Create a basket in the bay for everyone to enjoy in the future.

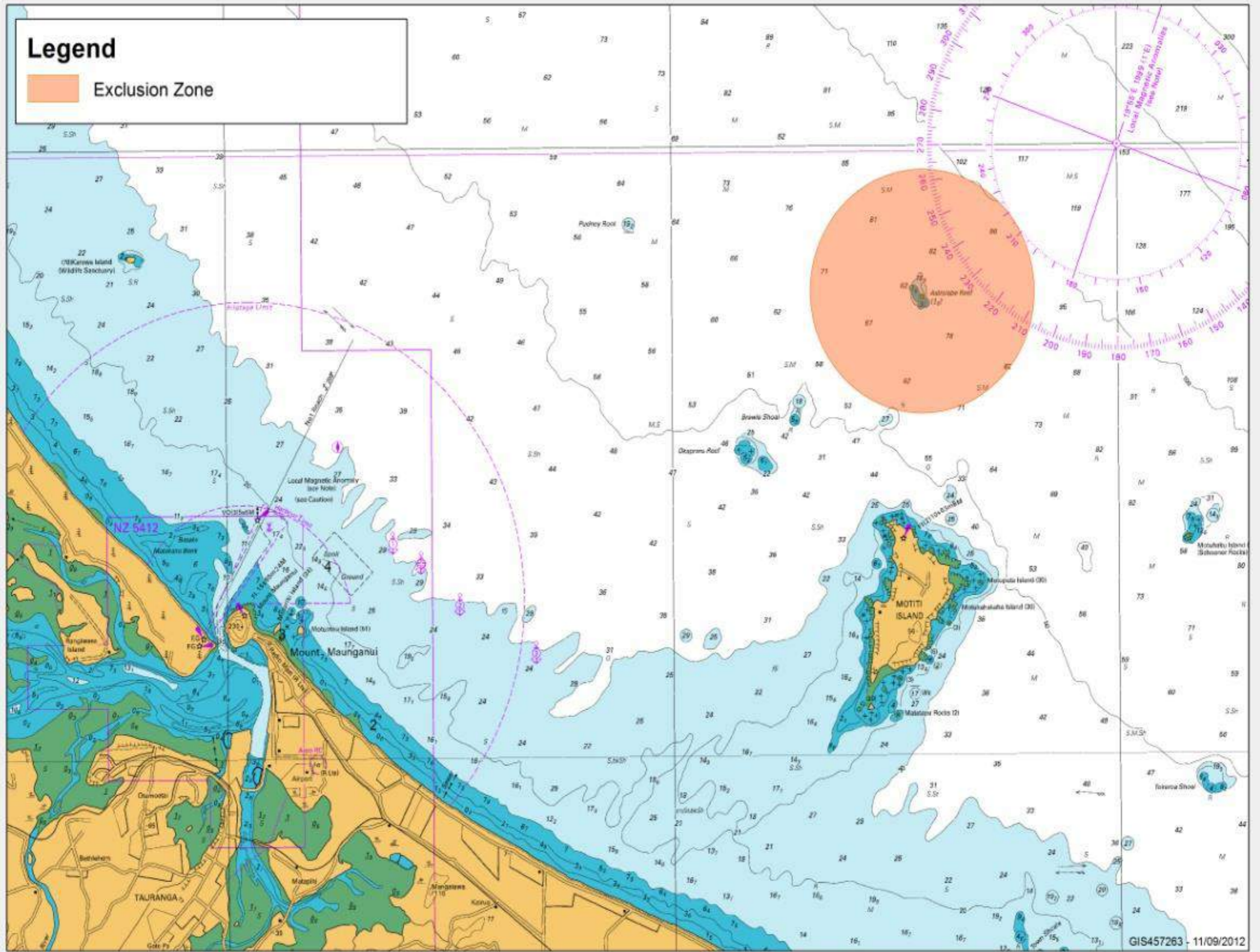
The exhibition will be a selection of photographic print and artworks sold by
open tender with the proceeds going towards marine protection.



ZEUS GALLERY
PICTURE FRAMING ART SPACE

Legend

 Exclusion Zone



FA s186 Decline

- s186A could not provide for values outside of the purpose Fisheries Act
- We then took an **RMA Declaration 2015** to empowering the Regional Authority to protect Community values of the NZCPS, RPS and RMA.
- We won the grounds for;
 - Intrinsic Values
 - Landscape
 - Culture not provided for in the FA
 - Biodiversity and Habitat

MRMT, s186A Application (2015)

J Smith EnvCourt decision (2016)

Limits of the Fisheries Act

- The purpose
 - Only controls fishing activities
- The commercial Stakeholders
- The customary Regs
- Recreational Regs
- It can not express values beyond its purpose.

Figure 1: Reported commercial landings for the SNA1 stock

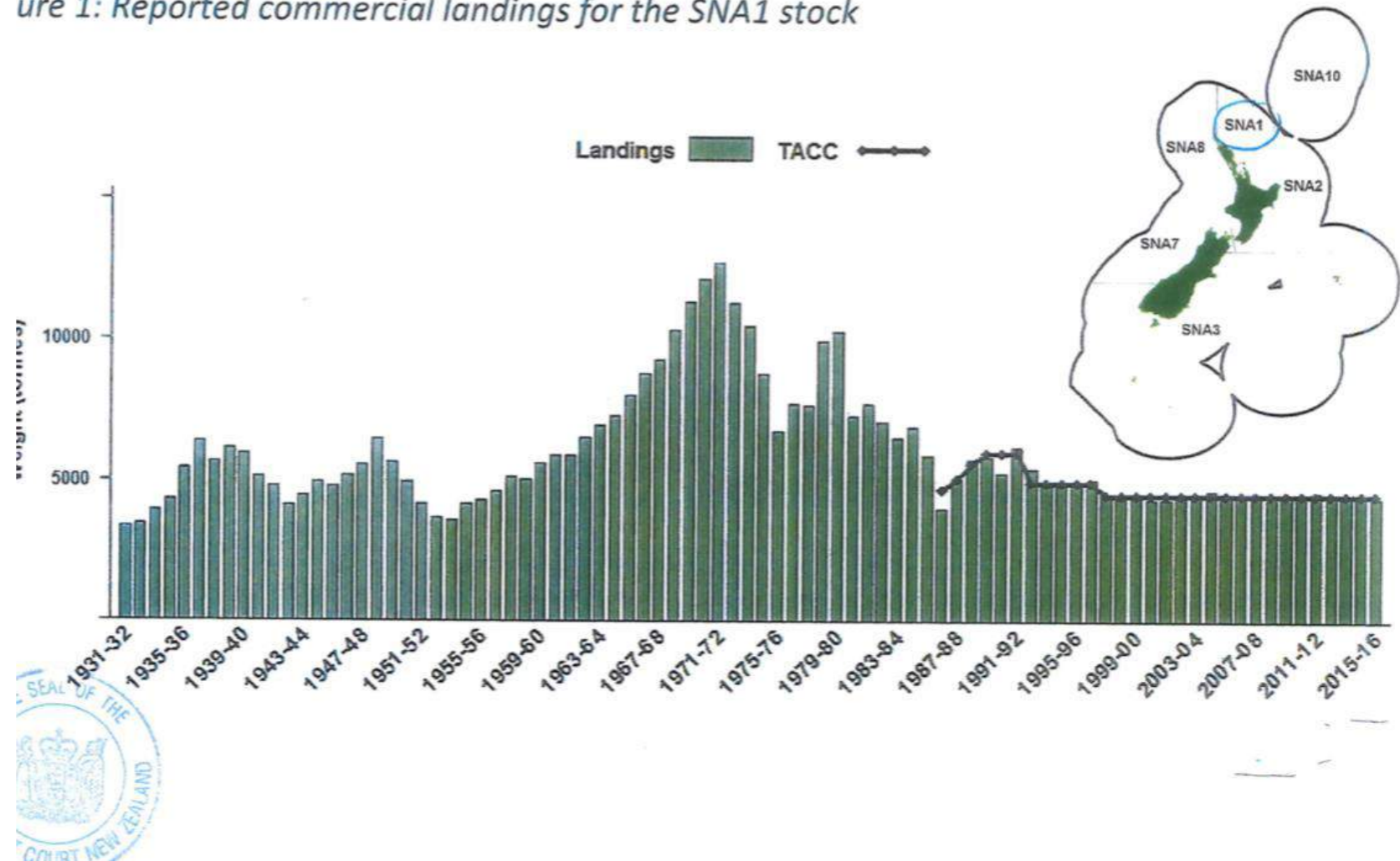
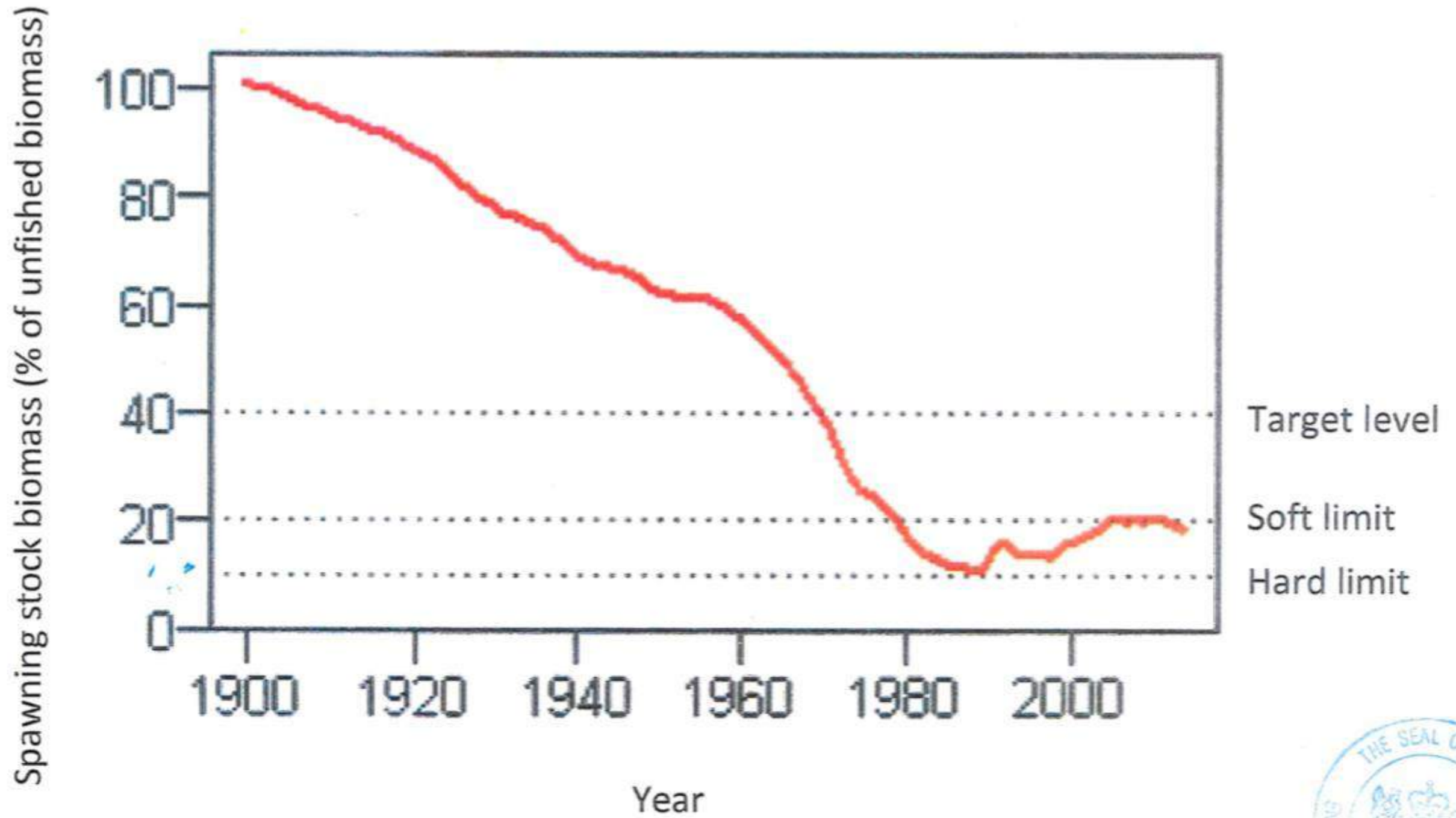
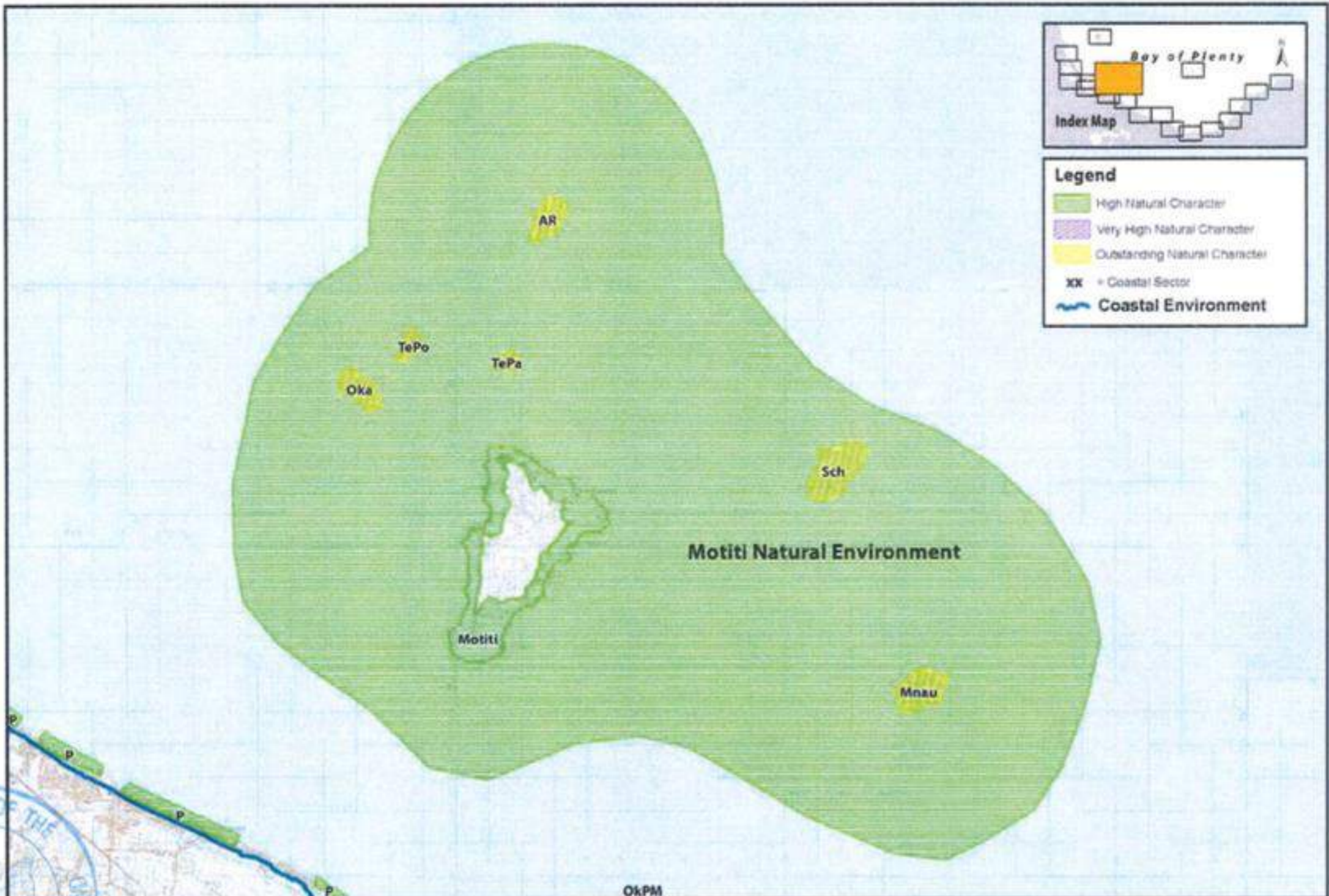


Figure 2: Trajectory of SNA1 abundance (1900- Present) from 2015 stock assessment model





Scale = 1:160000



REGIONAL POLICY STATEMENT (GIS-458847, December 2014) **Map 21a of 35**

Coastal Environment & Natural Character

© Bay of Plenty Regional Council 2014
 © Licensed from Land Information New Zealand Ltd.
 UNWIN COPYRIGHT RESERVED 458847

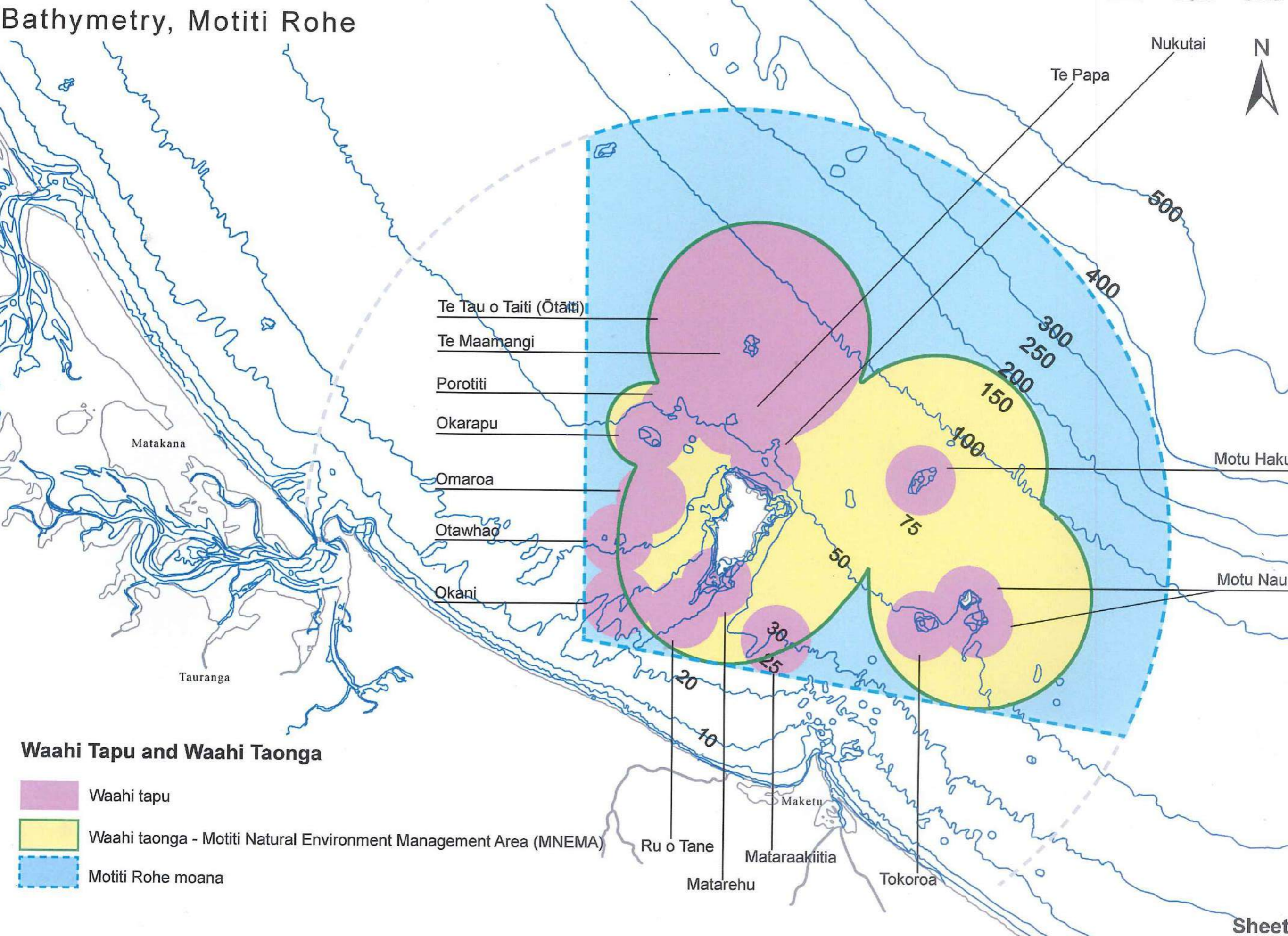
Attorney General v Trustees of the Motiti Rohe Moana Trust [2017] HC

- Court held control of fishing was permissible under the RMA to manage effects not subject to FA control, e.g:
 - intrinsic values,
 - wahi tapu,
 - navigation,
 - natural landscape
 - maintain indigenous biodiversity
- these likely fall outside the injunction against Councils control over fisheries resources: s.30(2) RMA.



This map is derived from the New Zealand Topographic Database and is subject to the Crown Copyright. It is reproduced here for informational purposes only. © 2017 Bay of Plenty Regional Council.

Bathymetry, Motiti Rohe



BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC 067

IN THE MATTER of the Resource Management Act 1991
AND of appeals pursuant to clause 14 of the First
Schedule to the Act
BETWEEN MOTITI ROHE MOANA TRUST
(ENV-2015-AKL-134)
NGĀTI MĀKINO HERITAGE TRUST
(ENV-2015-AKL-140)
AND NGĀTI RANGINUI IWI INCORPORATED
SOCIETY
(ENV-2015-AKL-141)
Appellants
AND BAY OF PLENTY REGIONAL COUNCIL
Respondent

Court: Environment Judge JA Smith
Environment Judge DA Kirkpatrick
Environment Commissioner ACE Leijnen
Environment Commissioner SK Prime
Environment Commissioner M Pomare

Hearing: at Mount Maunganui, 27 November to 1 December and
4-7 December 2017

Appearances: RB Enright and RG Hazen for Motiti Rohe Moana Trust (MRMT) and
Royal New Zealand Forest & Bird Protection Society Inc (Forest & Bird)
(s 274 party)
JM Pou for Ngāti Mākino Heritage Trust (Ngāti Mākino), Ngāti Ranginui
Iwi Incorporated Society (Ngāti Ranginui)
MH Hill for Bay of Plenty Regional Council (the Regional Council)
JM Prebble and NC Anderson for Attorney-General for Ministry of Primary
Industries (MPI)
ME Casey QC and SJ Ryan for Lowndes (s 274 party)
VJ Hamm and KJ Jordan for Motiti Avocadoes, s 274 party
Port of Tauranga, Ford Landholdings, Te Tumu Kaituna 14 Trust, and Te
Tumu Landowners Group) abide the decision of the Court
No appearance for Federated Farmers NZ Inc or Department of
Conservation

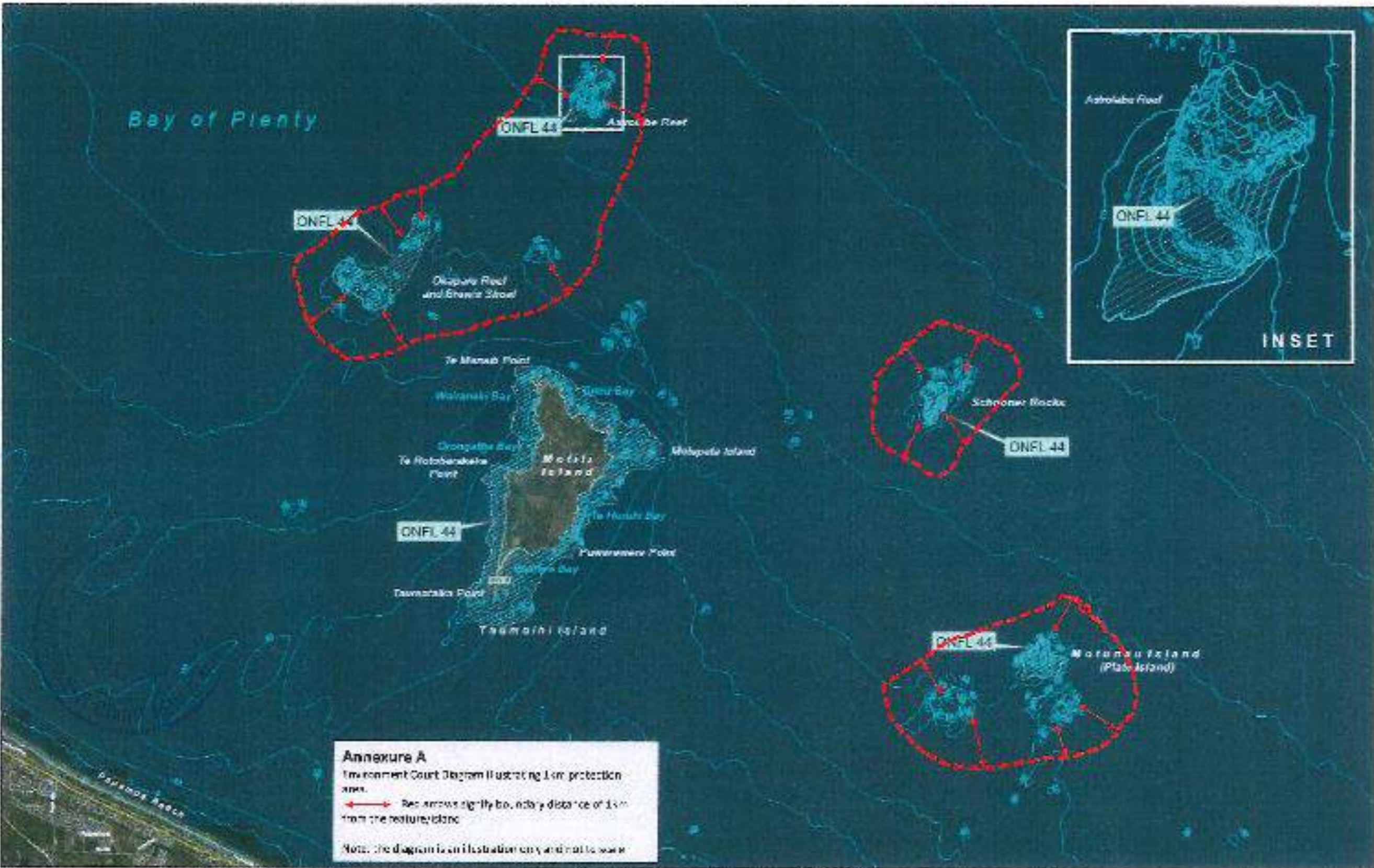






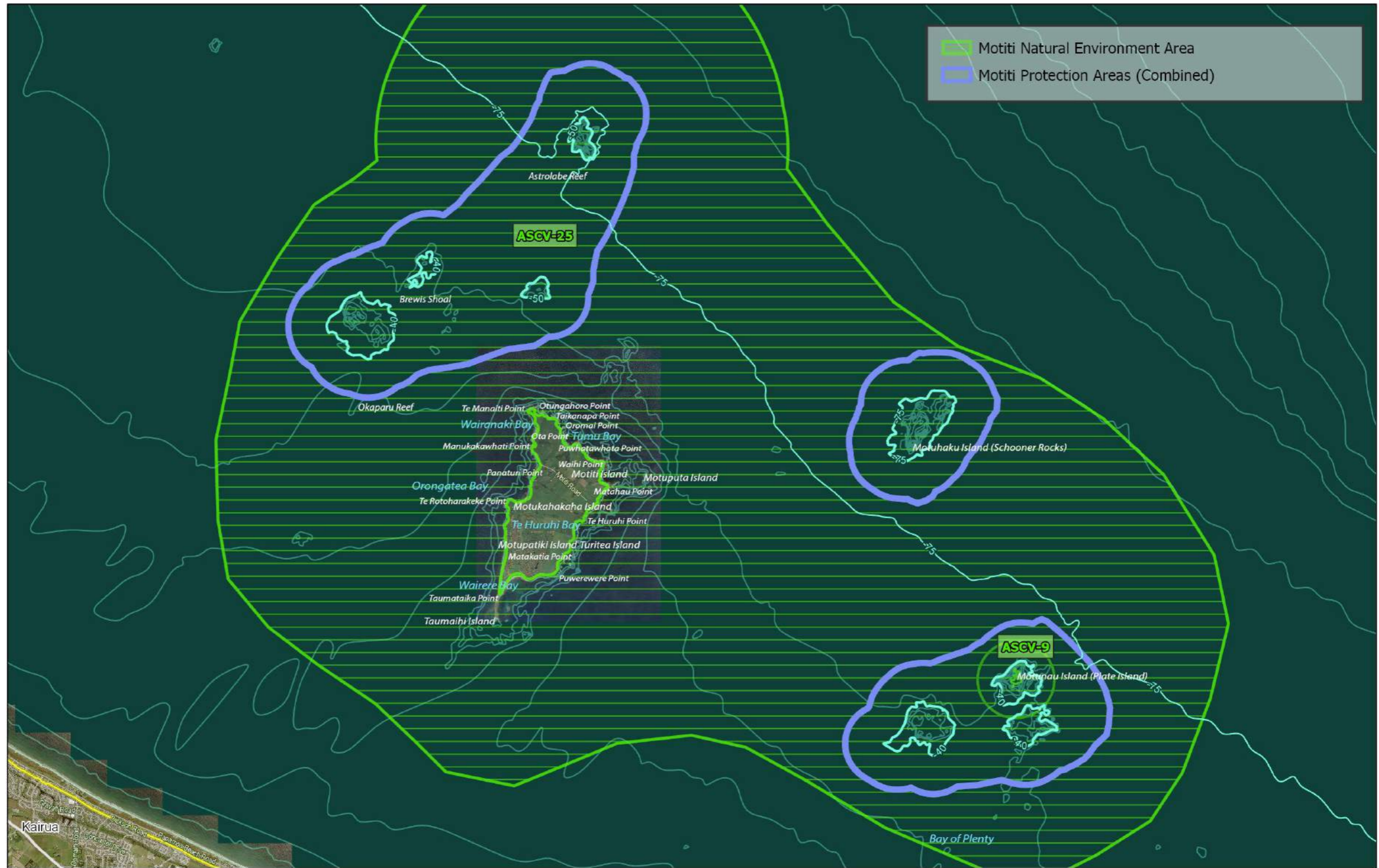
Darryl Torckler (2015)

Bay of Plenty



Annexure A
 Environment Court Diagram illustrating 1km protection zones.
 ——— Red arrows signify boundary distance of 1km from the feature/island.
 Note: the diagram is an illustration only and not to scale



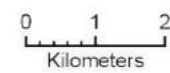


▨ Motiti Natural Environment Area
 Motiti Protection Areas (Combined)



Proposed RCEP data as of published date April 2016
Projection Information
 This map is in the New Zealand Transverse Mercator and uses both Coastal 2014 aerial photography and RDAM 2011 aerial photography.
Copyrights
 © Sourced from Land Information New Zealand data. CROWN COPYRIGHT RESERVED.
 © Bay of Plenty Regional Council 2013

43d_Motiti Natural Environment Area - Motiti Protection Areas



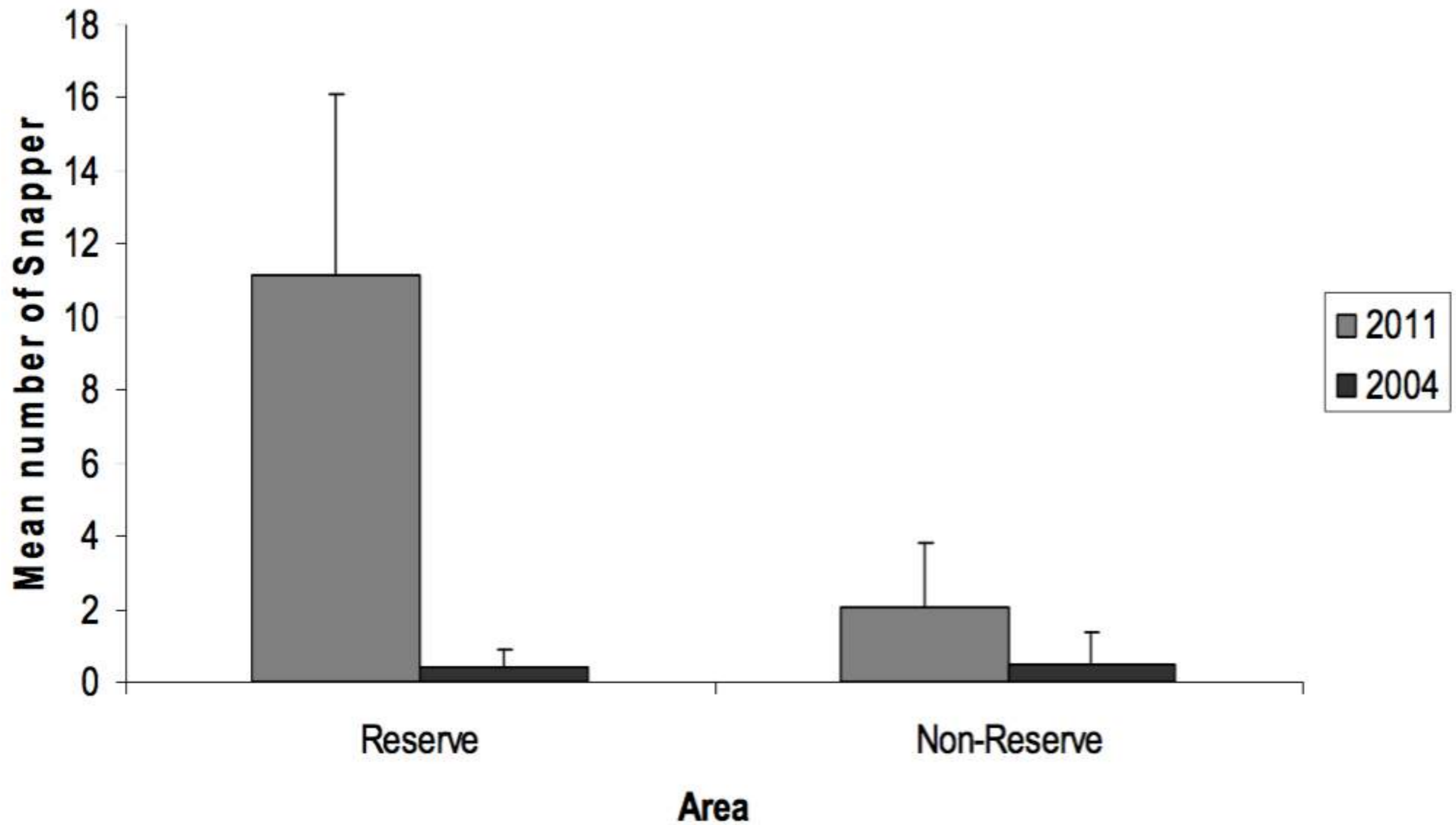
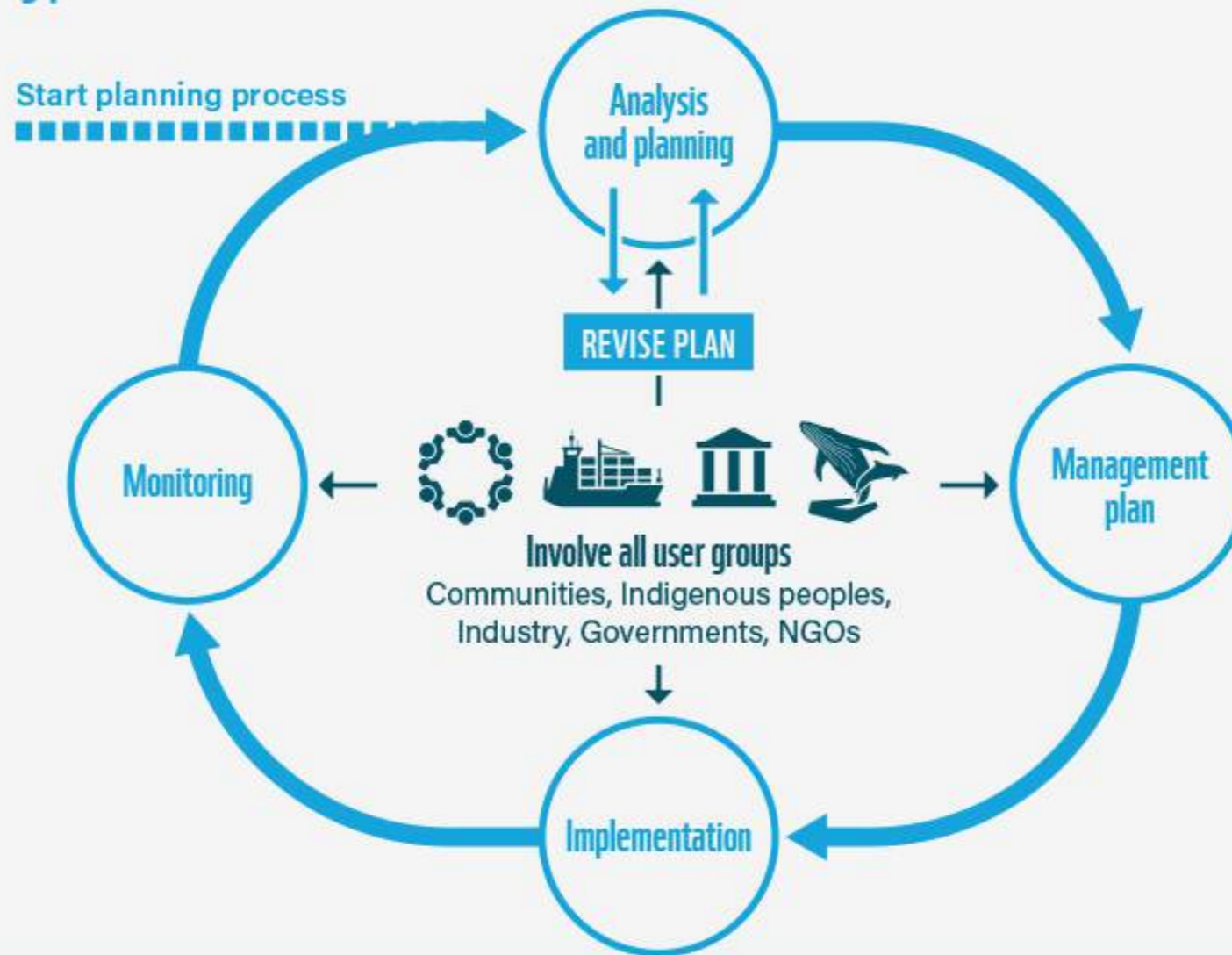


Figure 7: Mean number of snapper inside and outside Tuhua Marine Reserve recorded from 23 BUV drops April 2011 and March 2004.

Ocean planning process

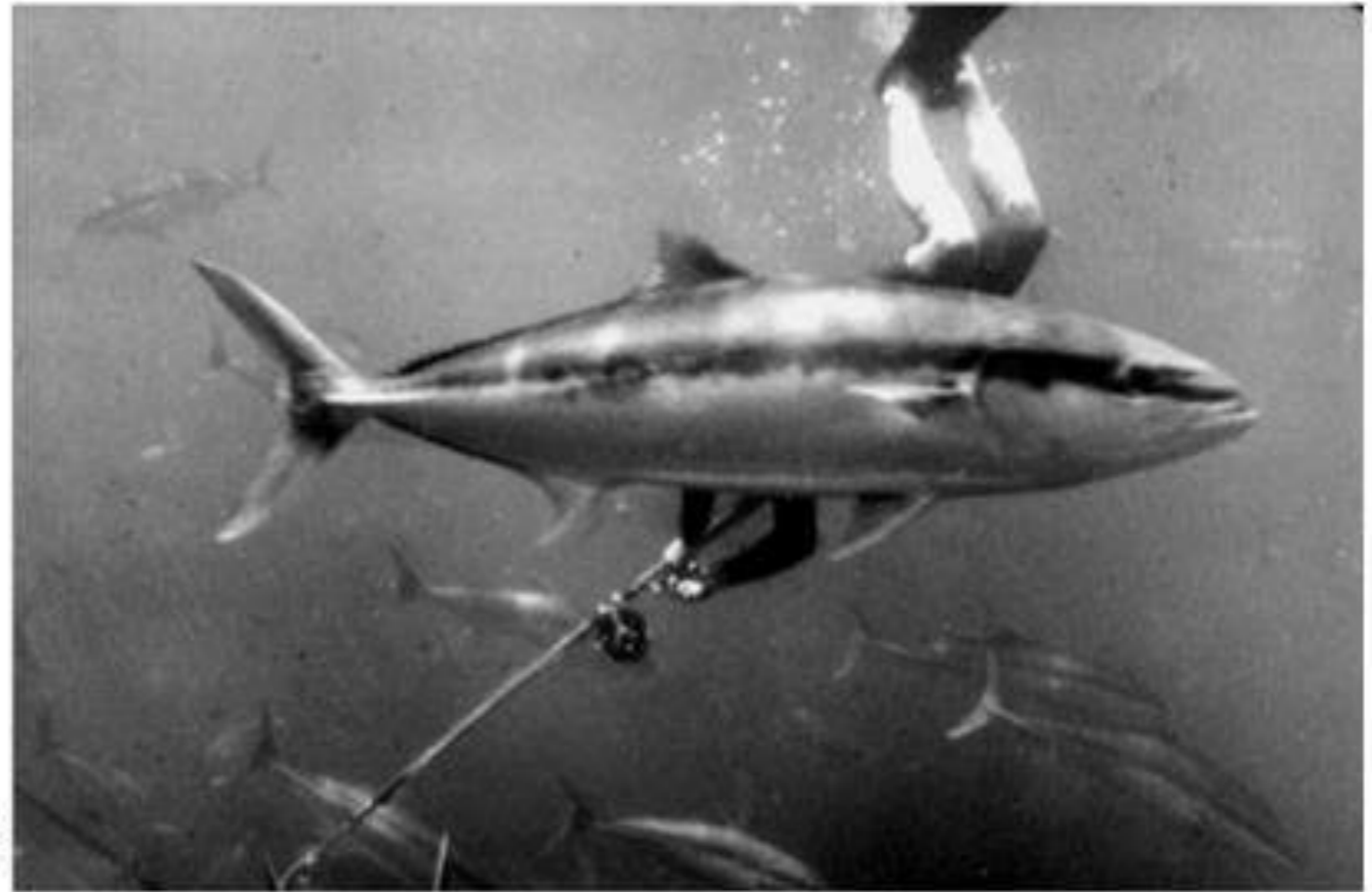


Interface of RMA and Fisheries Act

- **2016 Environment Court** declaration stating that controls on fishing are possible in regional plans to avoid,
- **MPI appeal to High Court** that Env Court did not properly interpret and consider the interrelationship between
- **2017 High Court** decision Council could control fishing to manage effects not controlled under FA eg for the m
- **MPI applied to the Court of Appeal** for leave to appeal the High Court decision - 2019.

Historic Reference Restoration

- Need to determine Historic Ref points
- Indicators are more specific
- Difficult to achieve if there are ecological components missing



1970's Hauraki Gulf - Wade Doak

Ecoscape Restoration

- New Progressive
- Takes landscape approach
- Intrinsic Focus
- Not limited by the extinction of Spp.
- Pathway to future management



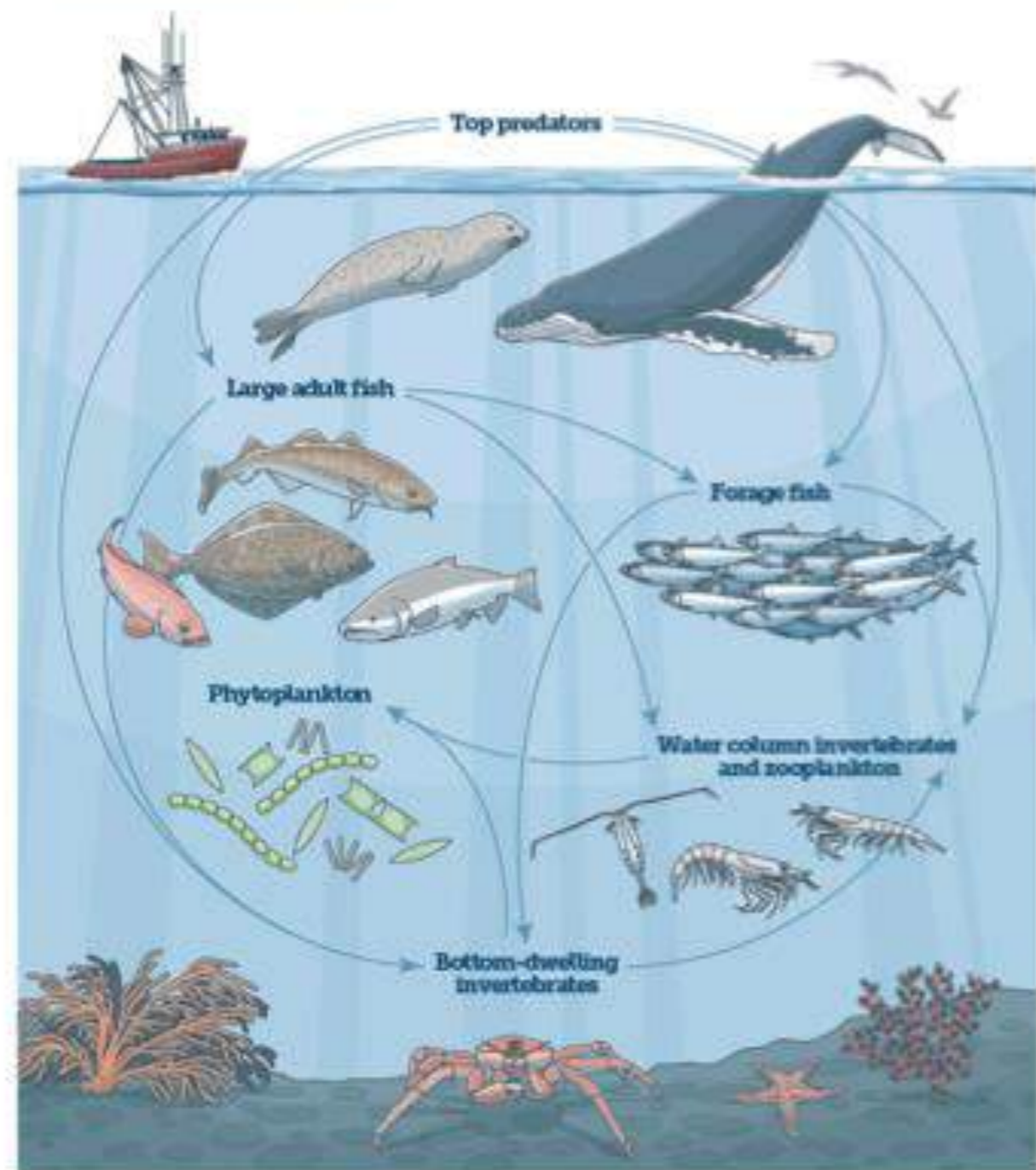
Telesetsky. A (2013)

Ecosystem Based Management

- Growing accepted management strategy
- Current definitions are evolving
- Has been problematic in implementation of whole system approaches

UNEP (2011)
Ellis, *etal.*(2011)

The Bering Sea Food Web

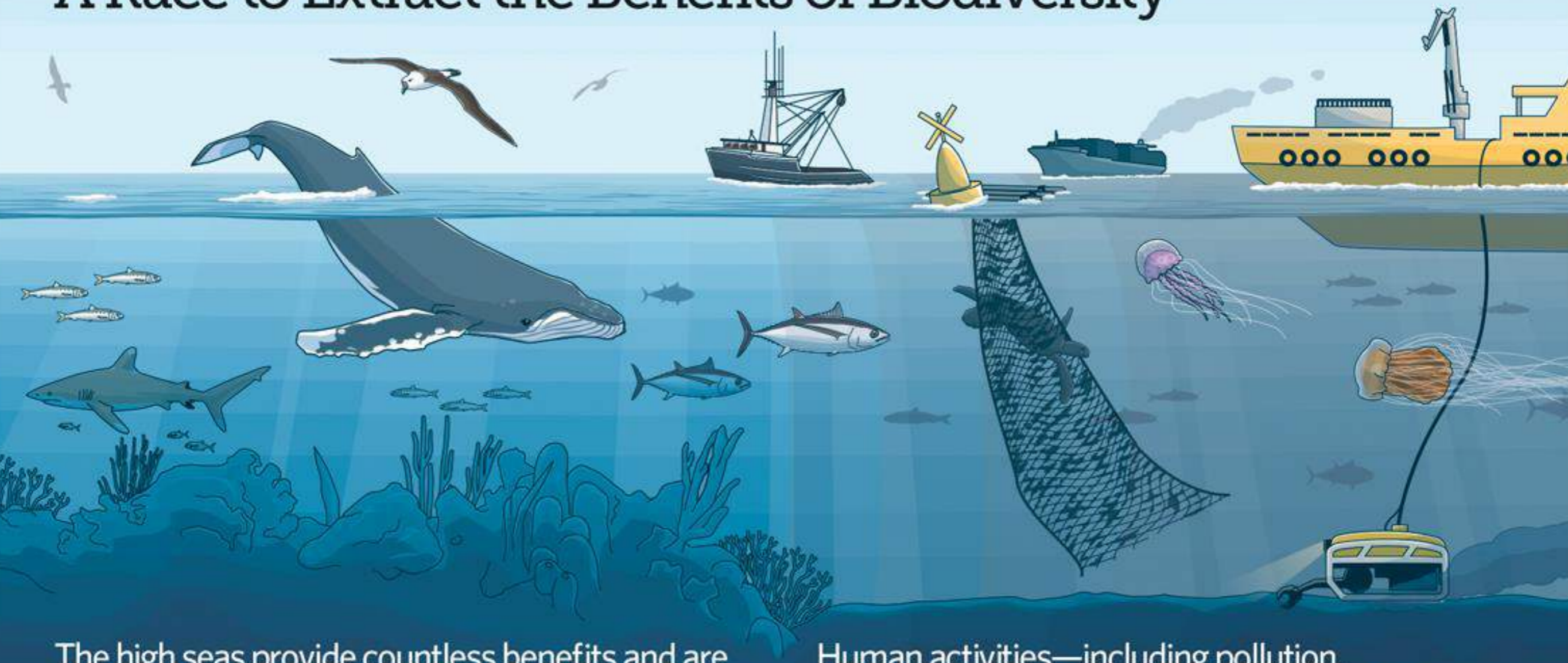


A pathway to success for restoration

1. Develop a strategy
2. Know your subject
3. Be issue driven
4. Be propositional
5. Understand your limitations
6. Understand the stakeholders
7. Understand the governance / regulatory frameworks
8. Network - find the allies
9. Costs, benefits and risk assessment
10. Implementation
11. Review
12. Refine the approach




A Race to Extract the Benefits of Biodiversity



The high seas provide countless benefits and are home to some of the ocean's most interesting and valuable species.

Human activities—including pollution, overfishing, mining, geoengineering, and climate change—have negative impacts.

A photograph of a diver in a green mask and snorkel swimming underwater. The diver is surrounded by a large school of blue fish. The water is clear and blue. The diver is in the upper right quadrant of the frame, and the fish are scattered throughout the scene.

*“When one tugs on a single thing in nature,
He finds it attached to the rest of the world”*

- John Muir

Leigh marine reserve (2006)