

# Application for a S186A Fisheries Act Temporary Closure

## Te Tau o Taiti /Astrolabe Reef

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*Motiti Island*

January 2016

**Nga Hapu o Te Moutere o Motiti**

*Motiti Rohemoana Trust*

## MOTITI ROHE MOANA TRUST

*Nga Hapu o Te Moutere o Motiti*

*Ma Motiti Mo Motiti*

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25 January 2016

Hon Nathan Guy MP  
Minister for Primary Industries  
Parliament Buildings  
Wellington

N.Guy@Ministers.govt.nz

E te Minita, Tena koe

### **Application for s186A Fisheries Act temporary closure Te Tau o Taiti /Astrolabe Reef, Motiti**

*He Aitua*

The *MV Rena* grounding on Te Tau o Taiti (Otaiti) Astrolabe reef in the early hours of 5th October 2011 was a significant maritime incident with profound impacts on the marine environment and customary fisheries of the Motiti Rohemoana.

*Rahui*

From the outset of the disaster there were widespread expressions and general support for *Rahui* over the site of the incident and surrounding waters. These calls for *Rahui* to contain and protect te taiao me nga tini a Tangaroa and cultural associations were given 'legal effect' by the consequences of the Maritime NZ (MNZ) Notices and the navigation exclusion zone Notices to mariners issued by the Tauranga Harbour Master under Bay of Plenty Regional Council (BOPRC) By-Laws.

*Proposed Astrolabe Wreck Access Plan*

On Friday 15 January 2016 the Motiti Rohe Moana Trust (MRMT, "the trust") was informed by *Rena* Project representatives of the draft Wreck Access Plan (WAP) and proposed "transition" from the exclusion zone following conclusion of salvage works intended to be complete by 10 February 2016 leaving the site in a condition as applied for in the *Rena* resource consent presently in deliberations with the Hearing Report due 26 February 2016.

*s186A Temporary closure of fishing area*

The Minister may impose a closure to give effect to the purpose of the Rahui and customary management practices, particularly to improve fish stocks which are seriously depleted and especially to allow taonga species to recover.

In the circumstances there is **urgent requirement for temporary closure** to preserve and protect the initial - and only - benefit accruing from the Rena disaster, being the consequence of no fishing pressure around Astrolabe Reef due to the navigation exclusion zone. This has allowed four years of recovery for some species (eg hapuku) reported by the salvors as re-establishing back around the reef making them potentially available again and also increasing size of local species. Preliminary observations around Motiti Island are that the exclusion zone is also having a spill-over 'halo' effect improving availability and size of customary species.

The Rena resource consent process has allowed in-depth consideration of the **depleted state of the customary fisheries** - see supporting documentation following and appendices. The Rena hearing process also facilitated extensive **consultation** with all interested parties, including tangata whenua, environmental, commercial, recreational, and local community interests.

Urgent action is required otherwise taonga species will be decimated and viability of recovery will be threatened. In making this decision the Minister should have regard to principles of the Treaty as stated in the *Wai 2391 Motiti Island-Rena Report* 28 November 2014.

In preparing this urgent application to the Minister of Primary Industries the applicants met with the Tauranga Moana Iwi Collective on Friday 22 January 2016 and received support in principle.

This application is made for and on behalf of Nga Hapu o te Moutere o Motiti

By



Umuhuri Matehaere

CHAIRMAN  
**MOTITI ROHE MOANA TRUST**



Te Atarangi Sayers BSc Dip marine science

Co-ordinator  
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## Applicant group

MRMT is a purpose trust established over 6 years ago to address the kaupapa of the Motiti rohemoana, fisheries and resource management. In this role the trust has facilitated engagement of professional advisers to assist the trustees who are born & bred kaumatua and kaitiaki of Motiti.

The trust was established as a legal entity to ensure enduring intergenerational succession for survival of the kaupapa and preservation of the rohe moana. The trustees are elderly and determined to have the rohemoana formally and legally protected as their legacy to the mokopuna.

The trustees are Applicants for Customary Marine Title Recognition Order [CIV-2015-485-767] and an urgency application currently before the Waitangi Tribunal [Wai 2521].

## Purpose

This application is for a S 186A temporary closure made under the Fisheries Management Act 1996 for Te Tau o Taiti (Otaiti) Astrolabe reef.

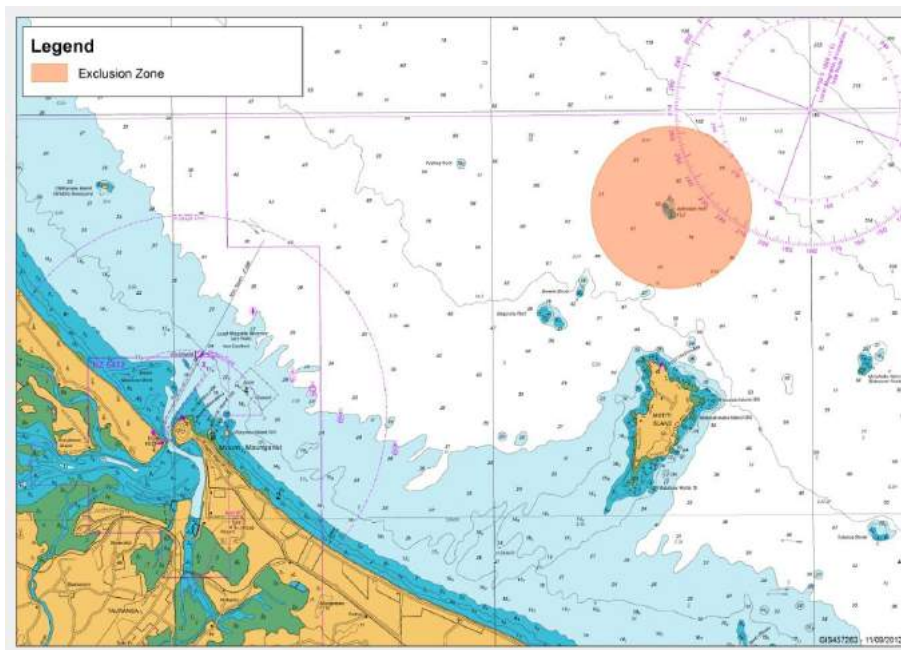


Figure 1: Map of Te Tau o Taiti Rahui area - current exclusion zone

## Background

The reef has held customary significance to Nga hapu o Motiti as well as other Maori groups. The historical importance is related to the stories and customs, and supported by cultural activities in connection with tangata whenua of Motiti (Matheson, 1979).

Motiti Rohemoana Trust was established in 2009 and has been actively engaging in issues related to the Motiti rohe (Figure 2). The aim of the Customary Fisheries Strategy is to rebuild the fishery within the Motiti rohemoa through protecting, preserving, providing sustainable management within the Rohemoana (Appendix 6). Nga hapu o Motiti have aspiration to establish a mataitai reserve within the Rohemoana and desire a collaborative approach to managing marine resources within the Motiti Rohemoana.

As part of our approach to customary management of the fisheries resources around Motiti the Trust investigated options to implementing MPA through the process of customary management planning (Appendix 6).

Otaiti has been identified as marine environment of outstanding natural character (BOP RPS, 2015) as such the environment is of high biological productivity. A 2006 Report by the Department of Conservation conducted an inventory of the marine environment (Freeman, 2006).

Recently the grounding of the *MV Rena* has had a significant impact on the marine environment and ongoing degradation from the efforts to recover and salvage the wreckage (King, 2015). The current process is to abandon the remains of the wreck on Otaiti (Astrolabe Community Trust, 2015). The exclusion zone (Figure 1) will remain in place until the salvage of identified hazardous material risk is below threshold levels (Resource consent application).

This will support and maintain the biomass and biodiversity gains created by a 4 years exclusion zone due to the recovery efforts for MV Rena.

The exclusion zone was put in place by the BOPRC Harbourmaster in accordance with safe ship management bylaws. The impact of this closure has had a positive effect on the biomass of immediate area around Otaiti.

At the time of the *Rena* grounding a customary Rahui was declared for Otaiti. Formal legal effect to the rahui (S186A Closure) would provide for the security of the fisheries in lieu of establishment of maitaitai reserves or a Marine Protected Areas framework.

## Customary Statutory Rights

Nga Hapu o Motiti have always maintained a connection with the waters and marine space around Motiti Island and exercise Mana whenua and mana moana over our Rohe. The Fisheries Act was enacted to promote sustainable utilization of fisheries resources and have regard to kaitiakitanga.

Following the Treaty of Waitangi Fisheries settlement 1992, the Crown and MPI-Fisheries have a duty to recognise the use and management practises of tangata whenua and provide active protection in regarded to customary fishers.

The Fisheries (Kaimoana Customary fishing) Regulations 1998 allow for the establishment of Rohemoana, tauranga kai, mahinga Maitaitai to recognise and provide for customary food gathering by Maori (Kawe, 2014).

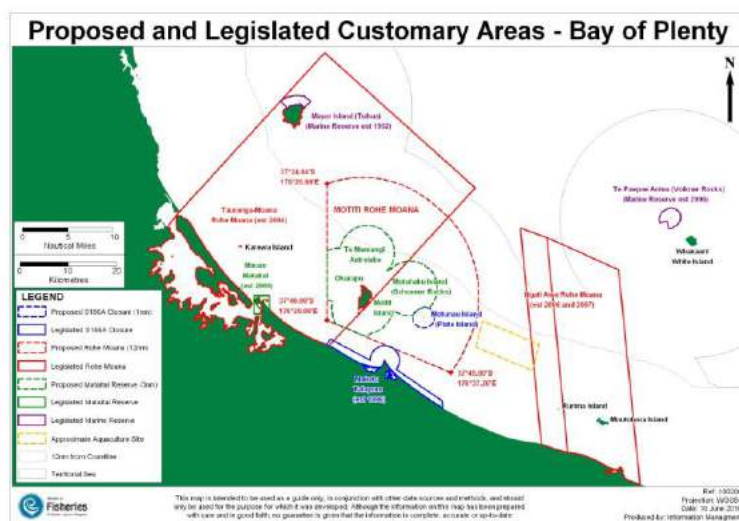


Figure 2: Map of Proposed Motiti Rohemoana, MFish, 2010

Motiti Rohemoana is interested in an integrated approach to managing the marine resources that support kaitiakitanga and good stewardship through management for the betterment of all users of the marine space (figure 3).

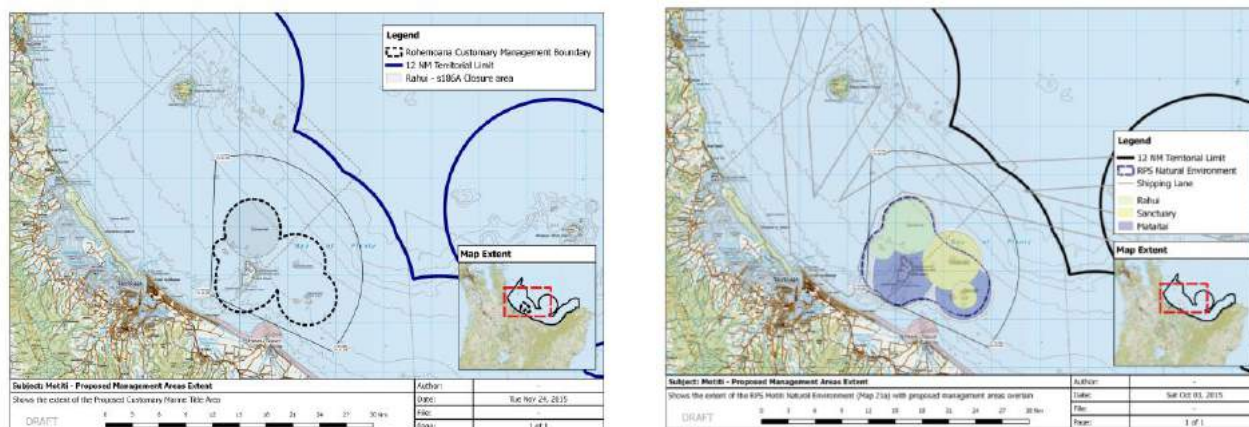


Figure 3: Maps of Rahui area and proposed Motiti Rohemoana MPA designation of marine use zones

## Taonga Species and biological information

The Bay of Plenty has a typical warm northern current that creates a dynamic, complex, diversity of biological interactions. The reef rises up from the Tauranga sea valley and breaks the surface at low astronomical tide. The reef is hard rock encrusted with benthic organisms. large communities of mobile invertebrates typical of Bay of Plenty rocky reef structures (Barter & Dunmore, 2015).

The upwelling creates a biologically productive environment that promotes higher order trophic species, and support juvenile habitat to many vertebrate species. High proliferation of marine fisheries are known to congregate around reef structures such as Otaiti (White, 2014). Identified fisheries of significance to Otaiti are attached in appendix .

Taonga Species are of the utmost importance to tangata whenua (Table 1). These species have seen a substantial decline as they are shared with commercial interest. A case study into **Hapuku** is attached and highlights the decline of the resource in the Bay of Plenty (appendix 3).

Table 1: Tonga Species important to tangata whenua of Motiti (Francis, 2012)

Maori Name	Scientific Name	Common Name
Araara		Trevally
Haku		Kingfish
Hapuku		Groper
Kahawai		Kahawai
Kina		Sea urchin
Koura		Crayfish
Parore		Butterfish
Paua		Abalone

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Pūpū	Whelk, cats' eye, winkle
Kuku	Mussels
Pioke	Rig shark, Lemon shark
Tamure	Snapper
Tarakihi	Tarakihi
Wheke	Octopus
Whai	Stingray
Tupa	Scallops
Takeke	Piper

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### Fishing effort

The fishing effort in the Bay of Plenty is significant (Appendix 2) for both commercial and customarily important species. It is critical to all users and stakeholders of marine resources and environment that they are sustained for future generations.

Fishers will not be disadvantaged any more than what has been for the past 4 years due to the current maritime exclusion zone.

The area will be accessible and available to **no-take** recreational and customary users.

### Length of s186A Closure

The purpose of this application is seeking a temporary closure for **two years** for the area on and around to 3 Nm of Otaiti /Astrolabe reef (Figure ).

### Consultation undertaken

The Rena Resource consent process has allowed for expression of a wide community of stakeholders.

- Bay of Plenty Regional Council
- Astrolabe Community Trust
- Te Arawa ki Tai
- Tauranga Moana Iwi
- New Zealand Dive Association
- Forest and Bird
- Commercial Operators



## References

Barter, P., & Dunmore, R. (2015). *Summary of Sub-tidal Ecological Survey Conducted on Astrolabe Reef: Februray 2015*. Nelson, New Zealand: Cawthron Institute.

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Kawe, T. P. (2014). *Feasibility study for assessment of customary harvest by Kaitiaki in the Te Tai Hauāuru and Tauranga Moana Regions*. Wellington: Ministry of Primary Industry.

Matheson, A. H. (1979). *Motiti Island* . Whakatane: Whakatane District Historical Society .

White, S. E. (2014). *Fisheries and Ecological Effects of the Proposal for Leaving the wreck of MV Rena on Astrolabe Reef*. Auckland, New Zealand: Bioresearchers.

## Appendices

**Appendix 1: Glossary of Maori Terms**

**Appendix 2: Commercial And Recreational Fishing Effort in the Bay of Plenty**

**Appendix 3: Hapuku stock status in the Bay of Plenty**

**Appendix 4: Ecological sub-tidal survey of Astrolabe Reef February 2015**

**Appendix 5: Fisheries Species Overview**

**Appendix 6: Motiti Rohemoana Customary Fisheries Plan**