



OIAD-253

John Luke

[fyi-request-19002-3afc7624@requests.fyi.org.nz](mailto:fyi-request-19002-3afc7624@requests.fyi.org.nz)

Dear John Luke

Thank you for your email of 29 March 2022 requesting the following under the Official Information Act 1982 (the Act):

*I have made the request reference OIAD-228. May I kindly ask some follow up questions, based on your response. In your reply, Below is a list of future openings in 2022 in response to your request:*

- *Environmental Protection Authority*
- *Climate Change Commission*
- *Nominating Committee*
- *Fiordland Marine Guardians*

*May I ask you to send me the term of reference (job descriptions) of Nominating Committee and Fiordland Marine Guardians. It's current member and their term of appointments. Also, the full meeting minutes for these two entities since January 2021 to now.*

The Ministry for the Environment has identified nine documents in scope of your request, as listed in the attached document schedule. One document has been withheld in full under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

We are refusing the request for meeting minutes for the Climate Change Nominating Committee under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at:

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katie Mathison', with a horizontal line extending to the right.

Katie Mathison  
**Director – Partnerships and Customers**

### Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1.		Role description for members of Fiordland Marine Guardians	Released in full	-
2.		Membership of FMG from 1 July 2021	Released in full	-
3.	23 February 2021	Minutes from 23 February 2021 FMG meeting	Released in full	-
4.	5 May 2021	Minutes from 5 May 2021 FMG meeting	Released in full	-
5.	9 August 2021	Minutes from 9 August 2021 FMG meeting	Released in full	-
6.	10 November 2021	Minutes from 10 November 2021 FMG meeting	Released in full	-
7.		Nominating Committee for the Climate Change Commission	Released in full	-
8.		Nominating Committee Member Position Specification	Released in full	-
9.	24 February 2022	Minutes from 24 February 2022 FMG meeting	Withheld in full	S 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or

				to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
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## Role Description for members of the Fiordland Marine Guardians

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### Introduction

The Fiordland Marine Guardians is an advisory group established under the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (the Act). The Act came into effect on 21 April 2005. Under the Act the Guardians are required to have no fewer than five members and no more than eight members, to be appointed by the Minister for the Environment. At least five members must be ordinarily resident in the Otago or Southland regions, and one member must be nominated by Te Runanga o Ngāi Tahu.

The purpose of this position description is to provide information to candidates so that they understand what the job requires and to create a benchmark against which the attributes of candidates can be assessed.

### Knowledge and experience

The Fiordland Marine Guardians as a group must have a balanced mix of knowledge and experience in relation to the Fiordland (Te Moana o Atawhenua) Marine Area (FMA).

Each member is appointed in his or her own right and does not represent any particular organisation or group. He or she will be expected to have the following skills:

- knowledge, experience and expertise in one or more aspects relevant to the management of the FMA;
- the ability to work with other members of the Guardians and with agency officials to establish common goals and work cooperatively to achieve them;
- the ability to network and consult effectively with stakeholders and community groups;
- an understanding of effective governance and strategy;
- an understanding of, or interest in developing an understanding of elements of environmental law relevant to the management of the FMA;
- personal integrity; and
- the interest and enthusiasm and time needed to contribute effectively to the work of the Fiordland Marine Guardians.

### Term of appointment

Members will be appointed for a term not exceeding four years. Terms will be staggered so that the terms of all members will not expire in the same year.

## Functions

Under Section 12 of the Act, the Guardians have the following functions:

- (a) to provide advice and recommendations to management agencies<sup>1</sup> and Ministers<sup>2</sup> to achieve the purpose of the Act. This will include:
  - advice and recommendations on the effectiveness of management measures in the FMA
  - advice and recommendations on activities occurring outside the FMA if those activities impact, or are likely to impact, on the FMA
  - advice and recommendations on likely threats to the FMA.
- (b) to facilitate and promote the integrated management of the FMA
- (c) to obtain, share, and monitor information on the state of the FMA.
- (d) to assist management agencies to:
  - prepare and disseminate information about the FMA, including educational information
  - monitor the state of the marine environment [and biological diversity] in the FMA
  - plan for the enforcement of, and compliance with, the management of the FMA
  - to conduct any reviews that they are invited by the Minister for the Environment to conduct; and agree to conduct
- (e) to perform any other functions given to the Fiordland Marine Guardians under the Act.

Advice and recommendations may be given on the Guardians' own initiative or at the request of management agencies or Ministers.

A key role of the Guardians and agencies in the first few years will be the development and implementation of the non-statutory elements of the overall package approved by the Government, including strategies covering monitoring, compliance and enforcement, biosecurity

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<sup>1</sup> The Department of Conservation, the Ministry for the Environment, the Ministry for Primary Industries (Biosecurity and Fisheries) and the Southland Regional Council

<sup>2</sup> Conservation, Environment, Biosecurity, Fisheries

## Membership of the Fiordland Marine Guardians

Name	M/F/X	City/Town	Start of current term	Expiry date of present term
Rebecca MCLEOD (Chair)	F	Dunedin	1 July 2021	30 June 2025
Stewart BULL	M	Invercargill	1 July 2021	30 June 2025
Mark PEYCHERS	M	Nelson	1 July 2021	30 June 2025
John CUSHEN	M	Queenstown	1 July 2021	30 June 2025
Gavin TAYLES	M	Gore	1 July 2021	30 June 2025
Kerri-Anne EDGE HILL	F	Te Anau	1 November 2018	31 October 2022
Alison BALLANTINE	F	Cromwell	1 November 2018	31 October 2022
Peter YOUNG	M	Te Anau	1 November 2018	31 October 2022

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## Minutes

### The Fiordland Marine Guardians/Agencies Group meeting held at Environment Southland Council Chambers, Invercargill on Tuesday 23 February 2021

#### Present:

##### Guardians:

- Rebecca McLeod (Chair)
- Mark Peychers
- Jonathan Clow
- Kerri-Anne Edge Hill
- Jerry Excell
- Pete Young
- Ali Ballantine
- Stewart Bull

##### Agencies and visitors:

- **Department of Conservation** – Richard Kinsey
- **Environment Southland** – Robert Win, Kathryn McLachlan, Mike Trent, Ian Coard, Lyndon Cleaver, Bruce Halligan, George Gericke, Sorrel O'Connell-Milne & Victoria Froude (via Zoom for agenda item 8)
- **MPI** – Stephen Logie
- **MPI Fisheries New Zealand** – Mark Geytenbeek
- **Ministry for the Environment** – Fiona Newlove (via Zoom for agenda item 12a)
- **University of Otago** – Will Rayment (for agenda item 7)
- **Fish Mainland** – Alan Key (for agenda item 10b)
- **FMG Secretariat** – Haydee Wilton (via Zoom)

**Apologies:** Chloe Corne, Donna Shephard, Tony Preston (DOC); Jen Brunton, John Walsh (Biosecurity NZ); John Whitehead (Southland Conservation Board) Tanith Robb, Ali Meade (Environment Southland),

#### 1. Welcome and introductions

- Chairperson Rebecca McLeod welcomed everyone to the meeting and there was a round of introductions of those present.

#### 2. Administrative tasks

##### a) Apologies

- The apologies were noted as above.



#### **b) Confirmation of Minutes – 12 Nov 2020**

- The Guardians confirmed that the minutes were a correct record of the meeting held 12 November 2020.
- Kerri-Anne Edge Hill proposed that the minutes be approved, and Stewart Bull seconded the motion. The motion was passed, with all voting in favour.

#### **c) Disclosure Register**

- **Action 2.1:** Stewart Bull to contact Haydee with some edits to Disclosure Register

#### **d) Budget**

- Rebecca McLeod noted that Fisheries NZ had agreed to contribute \$5,000 towards fisheries sustainability survey.

#### **e) Health and Safety**

- No health and safety issues were raised.

#### **f) Progress on actions**

- The actions were updated - refer to paper on page 9.

### **3. Chair's report**

- Rebecca McLeod tabled the report and it was taken as read.
- Regarding the May meeting in Te Anau, there was a brief discussion about whether opportunity could be taken to hold a workshop or community drop in session regarding recreational fishing, and/or add a trip to Milford to inspect mooring layout.
- It was noted that Rebecca McLeod and Mark Peychers had attended a pre-hearing meeting for the Alpine Group Ltd consent application. The Alpine Group has agreed to provide some additional information, and the Guardians will need to meet again to discuss this and agree their response.
- There was a discussion on the black coral research to be carried out by James Bell and Alice Rogers (Victoria University of Wellington), including possible areas of focus such as the effects of extreme weather events (heat waves, floods etc) on coral resilience and health. There was a discussion about practical ways this research could be supported, such as a collaboration with the University of Otago, or introductions to charter vessel operators whom are interested in supporting research. The broader topic of how the FMG can build practical support for research will be added as an agenda item for the Monitoring Subcommittee meeting in May. The Guardians thanked Richard Kinsey and Chloe Corne (DOC) for their support of marine research in the FMA.

### **4. Matters Arising**

- There was no discussion re matters arising.

### **5. Communications and Engagement**

- Kerri-Anne Edge Hill tabled the report and it was taken as read.
- It was noted that the fisheries sustainability survey had technically closed but was still open for another day. 204 people had already accessed the link and this is considered to be a good response. The next steps are for the Guardians to review the responses alongside the workshop outputs and agree on some recommendations, before visiting Ministers in Wellington.

- Communications sub-committee meetings are planned for March and May. Any agenda items are to be forwarded to Kerri-Anne and meeting invitations will be sent out soon.
- It was noted that discussion around resource consent applications from Takaroa Adventure Charters, Heritage Expeditions and Pure Salt needed to be added to the incoming correspondence register, and that an email to Damian Cloeter (Fisheries NZ) re research ideas needed to be added to the outgoing correspondence register. The Stewart Island News also needed to be added to the communication channels used to advertise the fisheries sustainability survey.
- **Action 5.1: Kerri-Anne, Haydee and Rebecca to discuss how to improve records of incoming/outgoing correspondence.**
- There was a brief discussion about an enquiry received from Crystal Brindle (DOC) re the Guardians presenting a talk re Undaria during an upcoming events week. It was agreed that this would be challenging in light of current uncertainty re the Undaria programme.

## 6. Resource consents – applications in progress

- Bruce Halligan tabled the report and it was taken as read.
- There was a discussion about several applications in the report. It was noted that the Real Journeys application had now been granted subject to a 12 year term, but that the appeal period was not yet complete. Hearings for the Fiordland Cruises and Offspring Travel applications would take place in the next week.
- There was a brief discussion about whether hearings would take place if applications had been changed to meet submitters' concerns. It was noted that there could be changes right up to the hearing date, but that hearings could sometimes be cancelled and applications considered on the papers if everyone withdrew their right to be heard.
- Bruce thanked the Guardians for taking part in the pre-hearing meeting for the Alpine Group Ltd consent application. It was noted that pre-hearing meetings provide an opportunity for submitters and responders to discuss any issues and clarify options but do not always resolve all issues. The Alpine Group had agreed to provide information on several matters raised, but that their response had not yet been received. It was noted that Commissioner McGarry was likely to make a site visit to Fiordland prior to the hearing, and the Guardians expressed their support for her visit.
- There was a discussion about heightened interest in using the coastal space, with more applications being received for Fiordland and other coastal areas in recent months. About 30% of the work of the consents team is currently coastal – a big increase. There was a discussion re the possibility of limiting or prohibiting activities in certain areas, but it was noted that Environment Southland (ES) must follow statutory process and can only consider factors which are in the public arena via the current Coastal Plan. ES is aware of the Guardians' concerns raised in a recent letter and is trying to limit the timeframes for permits to 15 years or less where possible.
- There was a discussion about whether the reform of the Resource Management Act might provide an opportunity to speed up the review of the Coastal Plan, and whether areas could be zoned as had occurred in other areas such as Marlborough. It was noted that zoning is not included in the provisions of current Coastal Plan. There was discussion about whether Taiāpure and/or Mātaītai could provide an effective solution to limiting commercial activity.
- There was further discussion on whether ES decision-making could refer to the need for 'adverse effects to be avoided' as set out in the Coastal Plan/National Policy Statement. It was noted that ES had previously referred to that and had also declined applications due to a lack of information on how they impacted the remoteness/wilderness context.

- It was noted that a coastal permit had been granted for James Bell's research activities and that the fee had been waived despite budget pressures.
- ES noted that concerns had been raised re the number of people that needed to be consulted with regarding consent applications, and how this was extending the length of time it took for consent applications to be processed. ES re-iterated their commitment to appropriate consultation with the Guardians, and it was noted that the Guardians would be concerned if they weren't consulted and hoped that their feedback would be useful to applicants.

## 7. Bottlenose dolphin monitoring and research into habitat use; research into the effects of marine reserves on sharks

- Will Rayment introduced himself and thanked the Guardians for the opportunity to share the findings of recent research at the University of Otago. It was noted that Will is now leading the University of Otago's marine mammal programme in Fiordland due to staff retirement, and that he would welcome the Guardians' suggestions re further research topics (not just about mammals, but marine ecology in general).
- Will gave a powerpoint presentation outlining the key details and findings of research into bottlenose dolphins in Doubtful Sound (since 1990) and Dusky Sound (since 2007). It was noted that the researchers could identify all the dolphins due to their markings, the small size of the dolphin population and the frequency of the research trips. The findings show that the population is going up slightly and that the survival rates are high, despite the calf survival rate dropping in Doubtful Sound for a short period.
- Will outlined Masters student Steph's Bennington's research into bottlenose dolphins' movements and habitat use. It was noted that while there are seasonal changes, dolphin distribution has remained pretty constant over time – including in Dolphin Protection Zones. The research looked into environmental factors (eg water depth, temperature, seabed slope, distance to entrance/wall) and used BUVs to look at prey factors present in the dolphins' preferred habitats. It was noted that looking at both prey and environment factors provided a better explanation for the variation in dolphin distribution, and that this could have implications for spatial management in the future.
- There was a discussion about whether the voluntary code of practice had an effect on dolphin abundance and distribution, and whether there was data which might show what impact tourism was having and how this might inform policy and management. Increasing level of vessel activity in Dusky Sound was discussed, and whether it would be worth considering looking at establishing a Code of Conduct for operators in the southern fiords.
- Will presented the findings of research into the effects of marine reserves on sharks in coastal Fiordland. BUVs were used to quantify the effect of 5 marine reserves and six species of shark were detected. Sevengill sharks were easy to identify and count individually due to markings while a maximum count technique was used for other shark species which were harder to identify. It was noted that marine reserves had no effect on the presence of sevengill sharks, but that mesopredatory sharks were more prevalent in the marine reserves than in the control sites. The research concluded that marine reserves had conservation benefits for smaller sharks, but that the relatively small marine reserves were less likely to benefit sevengill sharks which have bigger home ranges.
- **Action 7.1: Haydee to circulate Will Rayment's presentation on bottlenose dolphins and the effects of marine reserves on sharks.**
- **Action 7.2: Richard Kinsey to circulate DOC report on bottlenose dolphin abundance**

## 8. Fiordland Vessel Carrying Capacity – Draft Issues Overview

- Rebecca welcomed Vicky Froude and thanked her for her paper, which was taken as read.
- It was noted that Vicky visited Fiordland in February and has reviewed many of the relevant documents, but that the paper is still preliminary with more issues to be added and fleshed out.
- There was a discussion about what baselines should be used for assessing issues/impacts on natural character – looking at no vessel use and permitted/consented vessel use. It was noted that Environment Southland has suggested using 2018/19 and 2019/20 levels as they are indicative of activity levels pre-Covid 19, or referring to NZ Coastal Policy Statement (Policy 13) re avoiding adverse effects on outstanding natural character. The Guardians queried whether the baseline would be used as a reference point from now on and suggested that 2010 levels be used as a baseline given that vessel activity increased greatly from 2011/12 onwards. There was a discussion about where to source data on 2010 vessel use (eg sizes and locations) and it was noted that there may be some data from flyovers, cameras on accessways, boat ramp surveys and consents in place at the time. The Guardians agreed to let Vicky know if they had any further suggestions re baselines and data sources.
- There was a discussion on obtaining information on actual vessel use, and it was noted that MPI could provide some information on fishing vessel use and that ES could provide information on consented use vs. actual use. Vicky noted that she would also send operators a questionnaire re actual use.
- There was a brief discussion about vessel anchor damage, the potential value of speaking to Russell Halliday at the Milford Opportunities Project and the difference between natural character and landscape.
- There was a discussion about how the Guardians could provide further input into Vicky's work, and it was agreed that it would be best for the Guardians to talk to Vicky individually.
- **Action 8.1: Vicky to send Rebecca a list of questions that she would like the Guardians' perspective on. The Guardians will then agree and arrange for someone to answer Vicky's queries.**

## 9. Coastal Management Map Project

- Kathryn McLachlan noted that ES had set up an information portal that the Guardians might find useful to refer to when considering consent applications. The information can be accessed under the maps section of the ES website, and provides a map showing relevant consent applications, marine reserves and marine farms etc. Kathryn demonstrated how the portal worked on screen and noted that the locations may not be accurate for older consents but that she is working to get these updated.
- It was noted that Kathryn would welcome feedback on any other information which could be added to the portal, and there was a discussion about potentially adding china shops, dolphin protection zones, consent applications in progress, consent owners and the extent/geographic range of any consents. It was noted that ES could provide a spreadsheet of all consents in an area but that the information may be limited depending on how it has been entered into the system. It was agreed that if information on china shops is already publicly available then these areas should be recognised as no anchoring sites in the maps.
- **Action 9.1: Kathryn McLachlan to send spreadsheet showing all the consents in the Fiordland Marine Area**

## 10. Agency updates

### a) Ministry for the Environment

- Fiona Newlove tabled the report and it was taken as read. Fiona apologised for Haydee not being able to attend the meeting in person due to changing alert levels.
- It was noted that the Ministry had provided advice to Minister Parker regarding the Guardians' appointments, and that he was now consulting with other Ministers and the Chief Executive of Environment Southland. The appointments should be finalised in April or May 2021 if the process runs as planned. Fiona noted that the process had been more protracted than usual due to Covid-19 and the election and thanked the Guardians for their patience and for continuing on in their roles.
- It was noted that the Ministry was also working with other agencies to support Minister Parker in his new Oceans and Fisheries portfolio, and that there are overlaps with the Environment and Conservation portfolios.
- It was noted that the Ministry is looking at the pollution impacts from 'scrubbers' systems on ships and has engaged NIWA to carry out a risk assessment. The assessment will be finalised soon and can be circulated to the Guardians if they are interested.
- The Ministry is keen to support the Guardians to set up a meeting with Minister Parker (and other Ministers) in July 2021.
- **Action 10.1: Fiona and Rebecca to discuss plans and arrangements for proposed July 2021 meetings with Ministers.**

### b) Fisheries NZ

- Mark Geytenbeek tabled the report, and it was taken as read. Mark outlined the recent Fisheries NZ restructure, and it was noted that there was a new Treaty Partnerships directorate. Mark has been seconded to the strategy team but will still retain all current responsibilities. Fisheries Compliance remains part of MPI rather than Fisheries NZ.
- Mark provided an update on the blue cod strategy and highlighted some issues which had been raised, including some anomalies in Banks Peninsula and Otago Harbour, queries re extending the limits to Jackson Bay and issues with transiting between different traffic light areas and filleting at sea. Fisheries NZ is potentially looking at making some technical amendments through regulatory provisions.
- It was noted that Fish Mainland is keen to collaborate with Fisheries NZ on this work.
- It was noted that Fish Mainland had secured MPI funding to develop an app for recreational fishers to voluntarily report blue cod catch. Alan Key (Fish Mainland) outlined how the app would work and it was noted that it would capture quantity, time fishing, and location details to give a Catch Per Unit Effort (CPUE). The second phase of development could allow fishers to photograph fish on a mat with measurements to show their size, which could (with support from Fisheries NZ) allow fishers to then fillet at sea or transit between different traffic light areas, and this would possibly encourage uptake of the app. The app will work offline, be bi-lingual (using Ngāi Tahu dialect) and will require fishers to have read and agreed the fishing rules before they use it.
- It was noted that the app is being trialled, and will provide instant, current information that can be acted on more quickly than manual survey results. The data could be used for trend analysis and use of the app could potentially be made mandatory in red zone areas. The Guardians noted their strong support for the app and there was a discussion about the possibility of including other information within the app such as alerting users to area-specific information as they entered different areas. It was noted that it might



be easier to provide links to relevant information to avoid issues with updating information across multiple platforms. It was agreed that Mark would do a mock-up of the app and bring it to the next Guardians or sub-committee meeting for further discussion.

- There was a brief discussion about communications re the app and it was noted that it would be announced in the April edition of Fishing News. It was noted that there was wide support for an app at the Guardians' recreational fishing hui last year, and that the Guardians should publicly endorse the app as soon as it is announced.
- **Action 10.2: Mark Geytenbeek to provide mock-up of recreational fishing app for discussion at next FMG meeting or sub-committee meeting.**

#### c) MPI Fisheries Compliance

- Stephen Logie tabled and circulated hard copies of his report. He apologised for the lateness of the report and outlined the findings of a recent patrol carried out from 2-7 February 2021 across 8 fiords. 28 vessels were inspected and there was contact with 131 people engaged primarily in fishing, diving, cruising and hunting. It was noted that 5 recreational boat parties received fisheries warnings or infringement notices, and that 9 out of 14 trailer boats did not have clean vessel passes. Many of these boats were from outside the local area so may not have been aware of the clean vessel pass requirement.
- It was noted that the possession of blue cod in an unmeasurable state was an issue with the commercial fishing fleet, and that Stephen plans to work with industry and CRA8 to provide further education on this. It was noted that it could be raised at an industry workshop in mid-March and through the new Chair of CRA8 Jerry Excell. There was a brief discussion about whether measurable state applies if fish are flown out, and Stephen confirmed that filleted fish could be flown out.

#### d) Department of Conservation

- Richard Kinsey tabled the report and it was taken as read. Richard provided an overview of the recent trip to promote research in the Fiordland area, and outlined some of the research carried out on fur seals, seaweeds, kina density and baited video surveys. It was noted that the researchers might be available to present their findings in more detail at the Guardians' meeting in May 2021. Richard was commended for fostering research focus on the FMA and for encouraging new researchers to access the fiords.
- There was a discussion about the use of cameras/BUVs to potentially monitor marine reserves and/or levels of fish stocks, and suggestions for how researcher Alice Rogers could access the stomach contents of fish from Doubtful Sound.

#### e) ES Maritime

- Lyndon Cleaver advised that there was no report but that they are close to having the Cruise Ship Deed of Agreement signed. Lyndon will provide a copy for the Guardians meeting in May.
- **Action 10.3: Lyndon Cleaver to provide the Guardians with a copy of the finalised Cruise Ship Deed of Agreement at or before the Guardians meeting on 5 May.**
- There was a brief discussion about whether boat safety information could be included on the recreational fishing app, and whether this information was already available through the Marine Mate app.

#### **f) ES Biosecurity**

- Robert Win tabled the report and it was taken as read. There was a brief discussion about the number of boats from outside the area without clean vessel passes, and how they are not checking requirements before they launch. It was noted that the Guardians could potentially highlight how many vessels don't have clean vessel passes and provide information to boating clubs outside the area.
- There was a discussion about other biosecurity issues detected recently, including a boat which was cleaned in water in Bluff, and jet skis with fuel containers stored on the back.
- It was noted that there had not been an official announcement re the Kaimahi for Nature funding application on Undaria control yet.
- There was a discussion about sharing biosecurity resources and aligning focus between regional councils in Southland, Otago and Canterbury. It was noted that Environment Southland had already begun to initiate discussions on this matter. It was noted that taking an inter-regional approach might be valuable instead of waiting until a national approach/policy is finalised.
- There was a discussion about the woeful biosecurity facilities at Bluff and that many operators were choosing to go to Port Chalmers instead. Mark Peychers has shared photos of the Nelson haul out and biosecurity facilities with Ali and Rob, in the hope that similar function could be built into the Bluff facilities.

#### **g) Biosecurity NZ**

- It was noted that Jen Brunton had provided a brief update to the paper circulated and that 8 responses had now been received to the Registration of Interest re the development of an Undaria suppression/eradication tool.

#### **11. Farewell Jon and Jerry**

- Rebecca thanked Jon Clow and Jerry Excell for 8 and 13 years of service respectively. Stewart and Rebecca presented them both with a pou pou and noted that they would be missed by the Guardians.
- It was noted that Jon had brought a unique perspective and strong technical abilities to the group, as well as serving on the communications sub-committee throughout his term. Jon thanked everyone for the opportunity to be involved in such a pro-active group.
- It was noted that Jerry also brought a practical approach and diverse and evolving interests in commercial fishing, recreational fishing and tourism to the group, as well as a long family history and networks in Fiordland. He has served on almost every sub-committee except communications. Jerry noted that he felt honoured to be a Guardian and was happy to be able to contribute – he would continue to be involved as needed.

#### **12. Closing remarks**

- It was noted that the next Guardians meeting would be on Wednesday 5 May. Sub-committee meetings may be scheduled to coincide with the meeting so please keep days before and after this meeting free if possible.

**Meeting closed 3.45pm**

2. f) Progress on actions

Date Assigned	No.	Action	Who's responsible	To be completed by	Status
27 May 2019	8.2	Report back to Guardians about options for tool development	Aurora Grant		On hold due to ES resource issues. FMG still keen to progress and ensure consents and planning teams have same information.
23 Aug 2019	8.3	Continue working with Ken Grange regarding prioritisation of research projects	Richard Kinsey	June 2021	Remove this action
27 Nov 2019	8.3	Discuss pou pou with runaka and report their decision at next meeting	Stewart Bull	Feb 2021	Ongoing – awaiting commitment and price from Bubba Thompson.
25 May 2020	2.1	Draft a definition on conflicts of interests and circulate among Guardians, potentially guided by MfE's protocols which Nicky will send to Rebecca.	Rebecca McLeod	May 2021	Ongoing - Rebecca to get MfE protocols from Fiona
26 May 2020	7.2	Collaborate on expanding groper survey to support fisheries management decisions	Richard Kinsey, Mark Geytenbeek	August 2020	Completed
12 Nov 2020	2.1	Haydee Wilton to remove Kerri-Anne Edge Hill's contracts from the disclosure register and correct the spelling of Stewart Bull's role as Tangata Tiaki/Kaitiaki.	Haydee Wilton	Feb 2021	Completed
12 Nov 2020	2.2	Jon Clow to add the meeting protocol at different Covid-19 Alert Levels to the H&S Risk Register	Jon Clow	Feb 2021	Completed
12 Nov 2020	3.1	Rebecca and Haydee to review the induction package for incoming Guardians.	Rebecca McLeod, Haydee Wilton	Feb 2021	In progress
12 Nov 2020	6.1	Bruce Halligan to check whether/when the Guardians were notified re the Fiordland Cruises resource application, and ensure process is in place to inform Guardians of public notifications by email in the future.	Bruce Halligan	Nov 2020	Completed – to be discussed agenda item 6



12 Nov 2020	12.1	Rebecca McLeod to canvass FMG for thoughts on potential fisheries research projects and submit these to MPI by 25 Nov 2020	Rebecca McLeod	Nov 2020	Completed – submission saved in Databox
12 Nov 2020	12.2	Richard Kinsey and Chloe Corne will discuss how to increase publicity of the DOC research trips.	Richard Kinsey	Feb 2021	Completed
12 Nov 2020	12.3	Richard Kinsey will check what is happening with Fiordland Recreation Conservation Trust and potential removal of boat ramp at Deepwater Basin.	Richard Kinsey	Feb 2021	Completed - To be discussed later in meeting

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## Minutes

### The Fiordland Marine Guardians/Agencies Group meeting held at Kingsgate Hotel, Te Anau on Wednesday 5 May 2021

#### Present:

##### Guardians:

- Rebecca McLeod (Chair)
- Mark Peychers
- Kerri-Anne Edge Hill
- Jerry Excell
- Pete Young
- Ali Ballantine (via MS Teams for items 1-8a)

##### Agencies and visitors:

- **Department of Conservation** – Richard Kinsey, Chloe Corne, John Lucas (for agenda items 8b-d)
- **Environment Southland** – Robert Win, Kathryn McLachlan, Lyndon Cleaver, Bruce Halligan (via MS Teams for items 1-8a), George Gericke (via MS Teams)
- **MPI** – Stephen Logie
- **MPI Fisheries New Zealand** – Mark Geytenbeek (for items 5-9)
- **Biosecurity NZ** – Jen Brunton
- **Ministry for the Environment** – Fiona Newlove (via MS Teams for agenda item 8g)
- **FMG Secretariat** – Haydee Wilton

**Apologies:** Jonathan Clow, Stewart Bull (Guardians); Donna Shephard, Tony Preston (DOC); Nadia Freeman, John Walsh (Biosecurity NZ); John Whitehead (Southland Conservation Board); Lucy Hicks, Ali Meade, Ciaran Thayer (Environment Southland).

#### 1. Welcome and introductions

- Chairperson Rebecca McLeod welcomed everyone to the meeting and there was a round of introductions of those present.
- Rebecca noted the recent announcement of funding for the *Undaria* control programme, and acknowledged the efforts of everyone involved in the process, especially Rob Win, Jen Brunton, Richard Kinsey and Ali Meade.

#### 2. Administrative tasks

##### a) Apologies

- The apologies were noted as above.

**b) Confirmation of Minutes – 23 February 2021**

- The Guardians confirmed that the minutes were a correct record of the meeting held 23 February 2021.
- Pete Young proposed that the minutes be approved, and Ali Ballantine seconded the motion. The motion was passed, with all voting in favour.

**c) Disclosure Register**

- Several updates to the Disclosure Register were noted:
  - Mark Peychers is a Director of the Rock Lobster Industry Council
  - Jerry Excell is the Chair of CRA8 and a Surface Water Consent holder
  - Kerri-Anne Edge Hill has a contract with Environment Southland (not marine-related)

**d) Budget**

- Rebecca McLeod noted that the financial year end was approaching and that there was currently an underspend of approximately \$18,000. Planned expenditure includes honoraria, disbursements, a newsletter, fishing survey overview, update and re-print of user guide, governance training and an article in the Fishing Paper.

**e) Health and Safety**

- It was noted that the agreed processes for travel in poor weather may soon be relevant again.

**f) Progress on actions**

- The actions were updated - refer to paper on page 9.

**3. Chair's report**

- Rebecca McLeod tabled the report and it was taken as read.
- It was noted that Nicol Horrell (Chair, Environment Southland) had written to thank the Guardians for presenting at the Council meeting. The letter outlined several options that Environment Southland is considering in response to the Guardians' concerns, including a Council/staff workshop in May re the Bluff haul-out facility and potential amendments to chapters 13 and 16 of the existing Coastal Plan. There was a discussion about whether the amendments would become operative when they were notified (which could be as early as Sept 2021), or if they would only become operative following a submission process (which could take 6 months or more if there are hearings, appeals etc). Clarification from ES that changes would become operative once notified provided there is council sign off. It was noted that Vicky Froude's carrying capacity report was due to be completed by the end of June 2021, but that resource consent applications cannot be delayed while the work is completed as the response timeframes are set out in the RMA. If the report suggests a plan change, any proposed plan changes can be taken into consideration when reviewing applications as soon as the plan change has been notified. There was a discussion about the importance of any proposed plan changes being considered at that point to avoid a 'goldrush' of applications before new restrictions are in place.
- It was noted that the Guardians are working to ensure that their approach to any resource consent applications is consistent and considered.
- There was a brief discussion on the Environmental Defence Society FMA case study proposal and the feedback received to date from partner agencies. It was noted that the goals and scope of the proposal can be adjusted if necessary and that the work may be superseded by developments with the Coastal Plan.
- **Action 3.1: Rebecca to send an update to EDS re progress with case study proposal**

- There was a discussion about the disrepair of Meridian's wharf in Deep Cove which is leased by Real Journeys. Bruce Halligan (ES) has been in touch with Chris Thomson at Meridian about the state of the wharf and will circulate her response. Meridian plans to carry out a structural review of the wharf.
- **Action 3.2: Bruce Halligan to circulate Meridian's response re state of Deep Cove wharf and their consent conditions and follow up with Meridian re the outcome of the structural review.**
- It was noted that local operators have concerns about oil spill response and adhoc fuel transfer operations by Real Journeys and at the hostel wharf in Deep Cove. There were also concerns that the fuel had to go over DOC land and that the hostel wharf hadn't been load tested. It was noted that Allied Fuel has circulated oil spill response kits and ensured processes are adequate. Lyndon Cleaver plans to visit Deep Cove soon to observe the fuel transfer situation and wharves.

#### 4. Conflict of Interest policy

- The draft Conflict of Interest policy was discussed, and it was noted that the policy outlines what a conflict is and how to manage it. All Guardians were likely to have conflicts of interest due to their connections to the area and relevant networks. Guardians should declare conflicts as they arise and then work with Chair to agree on management measures required. E.g. The Guardian could remove themselves from discussion and/or decision-making on topics where they identify a conflict. It was noted that there was an issue with resource consent applications going to limited notification if the Guardians could not comment due to conflicts.
- All voted in favour to accept the new Conflict of Interest policy.
- Haydee to maintain the revised COI register and ensure relevant updates are made as new conflicts are raised.
- **Action 4.1: All Guardians to complete and return the Conflict of Interest declaration and management form to Haydee.**

#### 5. Communications and Engagement

- Kerri-Anne tabled the report and it was taken as read. Two corrections were noted in the report as follows: p. 29 re Excell Blanket Bay resource consent application to be updated to note that a sub-committee of Guardians without conflicts will now consider; and p.31 reference to fisheries sustainability survey to be updated to note that it will be discussed under agenda item 7.
- There was a discussion re the Guardians having a stand at the Boat Show in Invercargill on 7/8 August. It was agreed that it would be useful for the Guardians to have their own stand this year but located close to partner agencies. There was a discussion around the Guardians' availability to staff the stand and it was agreed that the Guardians meeting scheduled for 10 August should be moved forward to 9 August to tie in with the Boat Show.
- **Action 5.1: Haydee to reschedule FMG meeting to 9 August, book stand at the Boat Show and send invitations to the Guardians for the Boat Show dates.**
- There was a discussion about the Guardians submission on the Environment Southland Long-Term Plan. The submission will note that the Guardians support any proposed plan changes which will amend/update the Coastal Plan to better manage commercial surface water activities and their cumulative effects, and that any plan changes are taken into consideration as soon as they are notified.

- It was noted that Otago Regional Council was also inviting submissions on its long-term plan, and it was agreed that the Guardians would make a submission in support of a collaborative approach to marine biosecurity across southern Councils/regions. It was noted that there has been some previous informal work between the Canterbury, Otago and Southland Regional Councils on this matter.
- **Action 5.2: Rebecca McLeod to make a submission to the Otago Regional Council on behalf of the Guardians in support of a collaborative approach to marine biosecurity across southern Councils/regions.**

## 6. Resource consents – applications in progress

- Bruce Halligan tabled the report and it was taken as read.
- Bruce provided an update on the Fiordland Cruises application to add commercial surface water activities to Doubtful Sound (as noted on p.2 of the report). The application was declined by Environment Southland (ES) and the Commissioner agreed. The applicant has now appealed the decision and ES intends to defend its position. The Guardians agreed to participate in the process and show their support for the ES decision. The Guardians have until 10 May to notify that they would like to join the appeal process. It was noted that there could be a mediation process before the appeal went to court but that ES did not favour mediation in this instance. There was a brief discussion to confirm that the Guardians would not necessarily need to engage legal representation, and whether TAMI and DOC could also join the process. TAMI did not submit on this application, but Bruce will check whether they would like to be involved as an affected party.
- **Action 6.1: Bruce Halligan to re-send all information relating to the Fiordland Cruises application to Rebecca and clarify how the Guardians can participate in the appeal process.**
- **Action 6.2: Bruce Halligan to check whether TAMI want to be involved in the Fiordland Cruises appeal process.**
- It was noted that consent applications had slowed down a little, but that there were a few enquiries which would likely translate into applications soon. There was a brief discussion about several applications, including Fiordland Expeditions' application for a floating pontoon, the DOC wharf application, and a potential application from Fiordland Marine Ltd. It was noted that there was no further update on the Alpine Group application and that ES were awaiting further information from the applicant.
- **Action 6.3: Bruce Halligan to check whether there is an application from Fiordland Marine Ltd and let Rebecca know.**

## 7. Recreational Fishing Review – progress report

- Rebecca tabled the report and it was taken as read. There were no questions regarding the report.

## 8. Agency updates

### a) ES Maritime

- Lyndon Cleaver tabled the report and it was taken as read.
- There was a discussion about the updated Cruise Ship Deed of Agreement, and it was noted that it would be operative for the next 10 years or until the new Coastal Plan becomes operative (whichever is sooner). It was noted that the no anchoring zones still needed to be updated, but that this would occur in Coastal Plan review. There was a discussion about future ROV surveys on known Cruise ship anchoring areas and

adding any new no anchoring zones. Kathryn McLachlan noted that it would be useful to get suggestions on which areas to survey/review as these could potentially be prioritised by the monitoring sub-committee. May be more logical to focus on areas where cruise ships can anchor, rather than areas where they can't. It was agreed that the Guardians' user guide does not need to have cruise ship no anchoring areas noted on its maps as cruise ship captains are not the intended audience and these areas (e.g. Pendulo Reach) are too deep for smaller vessels to anchor in.

- Several queries on the Deed wording were discussed, including re s6.2.23 re complying with biosecurity rules and record-keeping requirements (on p.80) and s6.2.16 re ancillary vessels (on p.79). It was noted that there was no change to the limit of 4 ancillary vessels and no limit on the time the vessels can be on the water. These provisions will be reviewed in the new Coastal Plan.
- There was a discussion on when cruise ships will be back in the Fiordland Marine Area (FMA), and it was noted that there was a cruise ship industry meeting with the Minister of Tourism scheduled soon. It was likely that only small vessels will return to the area at first. It was noted that the marine fee had been adjusted by CPI and that the fee cap would be phased out.

#### **b) Fisheries NZ**

- Mark Geytenbeek tabled the report and it was taken as read.
- It was noted that Mark would be able to provide heat maps at the next meeting showing where blue cod are being taken from – with a particular focus on the areas between the heads of the fiords and the habitat lines. Heat maps are the most appropriate way to show the data from ACVs due to commercial sensitivity and privacy.
- It was noted that there were some proposed amendments to the Blue Cod Strategy in relation to zones and fish landing rules but that these don't impact the FMA.
- There was a brief discussion about the recreational self-reporting app which is in development. The app will allow trip tracking and Mark will share a version when he can. A trial version (beta) may be ready to share at the Boat Show in August but the full version is not due for completion until 1 October 2021.
- It was noted that the medium-term research projects in the Fiordland area are still being prioritised, and that the expanded citizen science project noted in the report is not as certain now. There was a discussion about different ways of progressing the project, including potentially funding it as a trial under RDM, and/or incorporating some citizen science aspects into the reporting app for ACVs. It was noted that the Guardians are keen to be involved in the design and to co-ordinate any communications as the project addresses some of the issues raised at the recreational fishing hui held last year.

#### **c) Fisheries NZ Compliance**

- Stephen Logie tabled the report and it was taken as read.
- It was noted that there had been a recent joint agency fisheries and biosecurity compliance patrol carried out in mid-April 2021 across seven fiords. 31 vessels (including 10 trailer boats) were inspected and 160 people were engaged. Several fisheries breaches were detected – a boat from the North Island possessed a dredge and 16 live paua, while several local recreational fishers had filleted blue cod.
- It was noted that new fisheries compliance signs are being prepared for boat ramps and DOC huts in Milford, Doubtful and the southern fiords. The communications sub-committee plan to add a kiosk at Milford Sound with updated signs, and it was suggested that new signs were needed at West Arm and Deep Cove as well. It was



noted that the signs should highlight the different rules in Fiordland and the lack of mobile phone coverage in the fiords and suggest that users should take a photo of the signs to refer back to.

#### **d) Department of Conservation**

- Richard Kinsey tabled the report and it was taken as read.
- John Lucas was introduced as acting Operations Manager at DOC and welcomed to the meeting. It was noted that John is covering the role for Nedra Burns for 10 months.
- It was noted that a monitoring sub-committee meeting took place on 4 May 2021. Kath Blakemore is working on a strategy/plan for the next 10 years and would welcome input from Stewart Bull when he is back.
- There was a discussion about the research on flatworms in kina, and whether there was a high loading in the Fiordland sites compared to other areas. It was noted that there was variance across the sites with flatworm loading in kina quite low in some areas but higher in kina from the inner fiords. This might be related to kina health.
- There was a brief discussion about whether it would be worth revisiting the Clio Rocks research led by Matt Desmond and the tools and technology used in the research.
- The Guardians thanked DOC for their support of the research presented and noted the wide range of topics and institutions involved.

#### **e) ES Biosecurity**

- Robert Win tabled the report and it was taken as read.
- There was a discussion about arrangements for the *Undaria* control programme. Richard Kinsey will be administering the programme for DOC and working with Jen Brunton from Biosecurity NZ. It was noted that ES is currently interviewing for the project co-ordinator role and plans to release a job advertisement for divers shortly. The divers will be short-term employees of ES. There is also an operations workshop scheduled soon to look at how to deal with biomass, monitoring and assessment.
- There was a discussion about the results of the biosecurity compliance patrol carried out in mid-April 2021. Overall there was better compliance, however two boats did not have clean vessel passes and some boats were not cleaned to the right level and will get a warning letter. It was noted that rubberised paint such as Rhinohide does not have an anti-fouling element and there is a need to educate boat users about this. There was a broader discussion about how to increase awareness of the rules and clean vessel pass requirement, and the possibility of ES seeking cost recovery when there are infringements.

#### **f) Biosecurity NZ**

- Jen Brunton tabled the report and it was taken as read.
- It was noted that the *Undaria* technical advisory group had recently met and agreed to monitor Chalky Inlet for the next 5 years – bi-monthly over low growth periods and monthly over high growth periods. Additional techniques such as eDNA sampling is also being considered for sentinel sites.
- There is a Biosecurity sub-committee meeting planned for 21 May.
- There was a discussion about progress on the *Undaria* tool development, and the difficulty of accessing sufficient funding to progress to the next stage in the process. It was noted that the tool would look at how to deal with biomass, with a trial likely to cost \$250,000. Various sources of funding were discussed, including potentially connecting with Bill Day and/or an engineering company. SFFF funding (MPI) was also discussed

but it was noted that it would need to show relevance to commercial fishing and require co-funding.

**g) Ministry for the Environment**

- Fiona Newlove tabled the report and it was taken as read.
- Fiona thanked the Guardians for their patience with the appointments process, which is likely to be completed in June 2021 if all goes to plan.
- There was a discussion re the Guardians' planned meetings with Ministers in July/Aug 2021, and whether joint or separate meetings would be better. It was noted that Fiona would be keen to meet the Guardians while they are in Wellington, and that either MfE or MPI would be happy to host the Guardians at their offices in between meetings. It was noted that Rino Tirakatene (Parliamentary Under-Secretary for Oceans and Fisheries) may be available to meet at his office in Dunedin. Some of the local work is being delegated to Rino by Minister Parker.

**9. Closing remarks**

- There was a discussion about contact from Paul Mitchell regarding a Fiordland research project he's seeking support for. The project will be based in Dusky/Tamatea and include marine and atmospheric components with a central theme of monitoring and detecting change associated with climate change. He has been in touch with a wide range of people and is firming up his plans. It sounds like he has a lot of in-kind support. Guardians' agree to support the project in principle as they do with others, and encourage Paul and the research team to keep in contact as the project is framed up.
- There was a brief discussion about the Southland Yacht Club/ICC boat ramp, and it was noted that ES is doing a business case for new wash-down facilities to expand on ICC's previous plans.
- The next Guardians/partner agencies meeting will be on Monday 9 August 2021.

**Meeting closed 2.20pm**

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2. f) Progress on actions

Date Assigned	No.	Action	Who's responsible	To be completed by	Status
27 May 2019	8.2	Report back to Guardians about options for tool development	Aurora Grant		Portal now available, so this action is completed
27 Nov 2019	8.3	Discuss pou pou with runaka and report their decision at next meeting	Stewart Bull	August 2021	Ongoing
25 May 2020	2.1	Draft a definition on conflicts of interests and circulate among Guardians, potentially guided by MfE's protocols which Nicky will send to Rebecca.	Rebecca McLeod	May 2021	Completed
12 Nov 2020	3.1	Rebecca and Haydee to review the induction package for incoming Guardians.	Rebecca McLeod, Haydee Wilton	Feb 2021	Completed
23 Feb 2021	2.1	Stewart to advise Haydee re any further edits needed to Disclosure Register	Stewart Bull, Haydee Wilton	May 2021	Completed
23 Feb 2021	5.1	Kerri-Anne, Haydee and Rebecca to discuss how to improve records of incoming/outgoing correspondence	Kerri-Anne Edge Hill, Haydee Wilton, Rebecca McLeod	May 2021	Completed
23 Feb 2021	7.1	Haydee to circulate Will Rayment's presentation on bottlenose dolphins and effects of marine reserves on sharks	Haydee Wilton	March 2021	Completed
23 Feb 2021	7.2	Richard Kinsey to circulate DOC report on dolphin abundance	Richard Kinsey	May 2021	Completed
23 Feb 2021	8.1	Vicky Froude to send Rebecca a list of questions that she would like the Guardians' perspective on. The Guardians will then answer Vicky's queries	Vicky Froude, all Guardians	March 2021	Completed. It was noted that Sorrell O'Connell-Milne was leaving ES.

23 Feb 2021	9.1	Kathryn McLachlan to send spreadsheet showing all the consents in the Fiordland Marine Area.	Kathryn McLachlan	May 2021	Completed. Received 30 March via email
23 Feb 2021	10.1	Fiona and Rebecca to discuss plans and arrangements for proposed July 2021 meetings with Ministers	Fiona Newlove, Rebecca McLeod	March 2021	Completed
23 Feb 2021	10.2	Mark Geytenbeek to provide mock-up of recreational fishing app for discussion at next Guardians or sub-committee meeting	Mark Geytenbeek	May 2021	In Progress
23 Feb 2021	10.3	Lyndon Cleaver to provide the Guardians with a copy of the finalised Cruise Ship Deed of Agreement at or before the Guardians meeting on 5 May.	Lyndon Cleaver	May 2021	Completed

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## Minutes

### The Fiordland Marine Guardians/Agencies Group meeting held at the DOC Murihiku/Invercargill office on Monday 9 August 2021

#### Present:

##### Guardians:

- Rebecca McLeod (Chair)
- Mark Peychers
- Kerri-Anne Edge Hill
- Pete Young
- Ali Ballantine
- Stewart Bull
- John Cushen
- Gavin Tayles

##### Agencies and visitors:

- **Department of Conservation** – Richard Kinsey
- **Environment Southland** – Bruce Halligan, George Gericke, Robert Win (from agenda item 2d onwards), Will Pinfold (from agenda item 2d onwards), Kathryn McLachlan (for agenda item 6), Rebecca Robertson (for agenda item 6)
- **MPI** – Stephen Logie
- **Biosecurity NZ** – Jen Geange, Nadia Freeman
- **Ministry for the Environment** – Fiona Newlove (via MS Teams for agenda item 8a)
- **FMG Secretariat** – Haydee Wilton
- **Meridian Energy and Cawthron Institute** – Chris Thomson and Robyn Dunmore (via MS Teams for agenda item 7)
- **University of Otago** – Leah Crowe

**Apologies:** Chloe Corne, Donna Shephard, Tony Preston (DOC); John Walsh (Biosecurity NZ); John Whitehead (Southland Conservation Board); Lucy Hicks, Ali Meade, Ciaran Thayer, Lyndon Cleaver (Environment Southland); Mark Geytenbeek (Fisheries NZ).

#### 1. Welcome and introductions

- Chairperson Rebecca McLeod welcomed everyone to the meeting and there was a round of introductions of those present.
- A special welcome was given to new Guardians John Cushen and Gavin Tayles, along with Leah Crowe (University of Otago) and Nadia Freeman (Biosecurity NZ) who were attending their first Guardians meeting. Will Pinfold (Environment Southland) was also welcomed when he arrived at the meeting.

## 2. Administrative tasks

### a) Apologies

- The apologies were noted as above.

### b) Confirmation of Minutes – 5 May 2021

- The Guardians confirmed that the minutes were a correct record of the meeting held 5 May 2021.
- Mark Peychers proposed that the minutes be approved, and Kerri-Anne Edge Hill seconded the motion. The motion was passed, with all voting in favour.

### c) Disclosure Register

- Rebecca McLeod thanked Guardians for completing Conflict of Interest Declarations from the recently agreed Conflict of Interest policy and noted that interests would continue to be recorded in the Disclosure Register.
- Rebecca asked all Guardians to complete new Conflict of Interest Declarations if they identified further potential conflicts during their terms, and to declare any conflicts when meeting agenda are raised or matters discussed during meetings.

### d) Budget

- Rebecca McLeod noted that the Ministry for the Environment had approved \$9,000 of additional expenditure at the end of the 2020/21 financial year.
- It was noted that the total 2021/22 budget remains the same as in 2020/21, but that some of the budget lines and phasing may change.
- There was a discussion about whether inflation and cost of living should be taken into account, and it was noted that the budget increased by \$20,000 several years ago. The Guardians will consider whether a case should be made to increase the budget in future years.

### e) Health and Safety

- It was noted that Health and Safety responsibilities needed to be re-allocated in light of the end of Jon Clow's term as a Guardian. It was agreed that John Cushen would take over the lead for health and safety matters.

### f) Progress on actions

- The actions were updated - refer to paper on pages 9-10.
- **Action 2.1:** Rebecca to contact Randall Bess to ask that FMG be kept in the loop re the trial of the recreational fishing app, and potentially ask him to present at the Guardians meeting in November.

## 3. Chair's report

- Rebecca McLeod tabled the report and it was taken as read.
- It was noted that Minister Allan's office has now confirmed that she is available to meet with the Guardians at 4.00pm on Monday 8 November. There was a discussion about meeting with Fisheries NZ managers and the new Director-General at DOC. Richard Kinsey (DOC) indicated he could help arrange a meeting with the Director-General.
- There was also a discussion about meeting with Biosecurity NZ managers – either as part of the meeting with Minister O'Connor or separately. It was agreed that it would be useful to meet with Biosecurity NZ officials to emphasise the importance of funding for the testing and development of a tool to treat Undaria on natural substrates.

- Rebecca asked the Guardians to arrange flexible flights for the visit to Wellington. It was noted that the meetings would likely fit within one day, but that the Guardians could stay in Wellington the night before or after if need be.
- **Action 3.1:** All Guardians to arrange flexible flights to Wellington for the meetings with Ministers on Monday 8 November.
- Dates for upcoming Guardians/partner agency meetings were discussed and confirmed. Meetings will take place on 24 Feb 2022 (Te Anau) and 4 May 2022 (Invercargill). It was noted that Stewart Bull would not be available for the 4 May meeting.
- Rebecca farewelled Rob Win (ES) who is leaving to take up a new role at Fisheries NZ. The Guardians thanked him for his work to secure Undaria funding and valuable relationship-building. Rob thanked the Guardians for their support and noted that Will Pinfold will be covering his role in the interim until a new Biosecurity Team Leader is appointed, and will be attending future Guardians' meetings.

#### 4. Communications and Engagement

- Kerri-Anne Edge Hill tabled the report and it was taken as read.
- There was a discussion about the Guardians' annual report and the topics to focus on for the 2020/21 year. It was noted that the report is a requirement under the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 and is useful for keeping Ministers up to date. The primary audience being Ministers and Senior Management in agencies. It was agreed that the focus should be on the biggest threats to Fiordland, encompassing increasing activity/commercial surface water activities, fishing and biosecurity. There was a discussion about the need for agencies to provide new images for the report to Kerri-Anne as soon as possible, particularly of people participating in activities in Fiordland.
- **Action 4.1:** Mark Peychers to draft bullet points on biggest threats to Fiordland topic for annual report and send them on to Kerri-Anne to finalise by 27 August.
- **Action 4.2:** Ali Ballantine to draft Our Year in Review section by 27 August.
- It was noted that the Boat Show was a valuable forum for connecting with new people, and that many people did not know about the User Guide. There seems to be widespread concern about the fishery, but people don't appear to connect that with increasing activity. High numbers of people who have purchased boats recently and intend to visit the FMA. There was a discussion about potential changes to future Boat Show stands, including using a tear-drop banner, video footage, lobsters in tanks/ raffles to help draw attention to the Guardians' stand.
- It was noted that Kerri-Anne needs some additional capacity to help with the Guardians' communications work as Jon Clow has left the Communications and Engagement sub-committee.
- There was a discussion about the launch of the Milford Opportunities Project masterplan, and it was noted that waterborne activities were not mentioned specifically at either the Queenstown or Te Anau launch events. The plan is generally consistent with previous conversations and is positive for Te Anau, but it is not clear whether it considers the wider implications for the rest of the fiords. It was agreed that the Guardians should continue to stay in the loop with the project to ensure this is taken into account.
- **Action 4.3:** Rebecca to set up a meeting with Keith Turner or ask him to attend the next Guardians' meeting.
- There was a brief discussion about the letter received from Paul Mitchell regarding operator concerns about increasing activity in the fiords. Environment Southland also received the same letter. It was noted that the Guardians had already responded to the letter and had nothing further to add at this stage.
- There was a discussion regarding the work of James Nikitene from Blue Cradle. He is focussed on science engagement via community workshops, film-making, community

cruises etc. Rebecca and Rob Win (ES) have met with him and it was noted that he plans to do a cruise in Fiordland on the Strannik from 10-16 October, looking at microplastics and DNA testing with scientists from NIWA, ESR, Cawthron Institute etc. He plans to run a community event in Te Anau to tie in with the cruise, and already has some arrangements in place. It was noted that he is already linked in with Enviroschools, and that Biosecurity NZ and Environment Southland are tentatively involved. Both Kerri-Anne (FMG) and Richard Kinsey (DOC) indicated that they could also potentially support the event.

- **Action 4.4:** Rebecca to introduce Kerri-Anne to James Nikitene to discuss event plans.

## 5. Resource consents – applications in progress

- Bruce Halligan tabled the report and it was taken as read. He thanked the Guardians for their constructive dialogue re their position on consents and noted that the consents team had been made aware of this.
- Bruce provided an update on the Alpine Group floating structure application and it was noted that the application has changed considerably. The application originally noted that the accommodation would be used only in emergencies, but Alpine Group has now indicated that they wish to use it more frequently than this. Bruce noted that this change could not be covered by amendments to the existing application and a new application would likely result. There was a brief discussion about whether there has been a site visit to the barge. It was also noted that the applicant will commission a landscape assessment and that this will be reviewed by ES.
- Bruce provided an update on the Fiordland Cruises appeal re the decision on their application to increase day trip activity in the Doubtful/Patea complex. It was declined by Commissioner McGarry but that decision has been appealed by Fiordland Cruises (not the Fiordland Marine Guardians as stated in error in Bruce's report). Mediation is scheduled for 17 August, with the Guardians involved as a Section 274 Party. If it is not possible to mediate an outcome, the appeal may progress to a formal hearing at the Environment Court.
- It was noted that there doesn't seem to be a goldrush of applications as yet but that there is increased interest, with 4 queries and 2 new applications currently in progress.
- Rebecca McLeod provided some background on the Guardians' decision re an earlier Heritage Expeditions application. At the time Heritage first contacted the Guardians (Oct 2020), they had not considered declining to provide written approval for new applications as a general position (this position was reached in early 2021), hence indicating to Heritage that the Guardians did not have a solid ground to decline to provide written approval. As such, the Guardians proceeded in good faith with this application, but managed to put a number of conditions on the written approval such as decreasing the temporal scope of the consent.
- It was noted that the Guardians have suggested that the Ayto application be reduced in temporal scope to better reflect the number of trips/days currently in operation rather than 365 days a year. This move is to try and reduce the amount of latent efforts in consents in the FMA.
- It was noted that feedback on the Pure Salt application is due by 10 August.
- There was a brief discussion about the expansion of activities in the fiords due to Covid-19. Some operators are now making 3-4 trips a month up from 3-4 trips a year, and there are very few remote or isolated areas left in the FMA.

## 6. Proposed Plan Change to Regional Coastal Plan

- Kathryn McLachlan and Rebecca Robertson from Environment Southland (ES) introduced themselves. They tabled the report and it was taken as read.



- Rebecca Robertson noted that a small plan change was proposed to the Regional Coastal Plan, with a focus on chapter 16.2 and limiting any increase in commercial surface water activities until the Coastal Plan review is complete. The proposed plan change is going to the ES Strategy and Policy Committee for approval soon and if approved, consultation with key stakeholders will take place in September, including with the Guardians, DOC, Te Ao Marama Inc (TAMI), Ministry for the Environment and operators. Public notification would likely happen in November/December, and as soon as this occurred the plan change would take immediate legal effect.
- There was a discussion about whether the Guardians could suggest that the terms of any consents be shortened so that they fall under the new plan change. It was agreed that the Guardians should continue to work closely with TAMI and DOC to make strong and coordinated submissions. It was noted that there is currently some confusion about DOCs position on applications for new surface water consents in the FMA and it was agreed that Rebecca McLeod would follow up with DOC to seek clarification on this. It was noted that the Guardians could raise it at their meeting with the Minister of Conservation or with the new Deputy Director General. There was a discussion about getting feedback from Te Rūnanga o Ngāi Tahu and the Southland Conservation Board on consent applications too. Rebecca McLeod thanked ES for their work on the plan change and there was a brief discussion about whether there would be a goldrush of applications before the plan change.
- **Action 6.1:** Rebecca McLeod will follow up with DOC re their position on new applications for surface water consents in the FMA.
- There was a discussion about the other issues that the Guardians raised at their meeting with ES Councillors in February 2021 – eg the haul-out facility at Bluff and having facilities in place to support the Fiordland Pathways Plan. It was noted that ES had not yet made any commitments on these issues. There is debate within ES about whether the boat ramp/haul-out facility was an infrastructure or biosecurity issue, and accordingly who at ES should be responsible for any work. It was also noted that it is a joint issue for ES and Invercargill City Council, and that the working group with Southport seems to have fizzled out. It was agreed that the Guardians would need to keep raising the issue and that it would potentially be useful to schedule a regular meeting with the ES Strategy and Policy Committee. As it is a biosecurity issues, Kathryn McLachlan (ES) noted that it might be better to raise the issue and meet with the ES Operations Committee. She will check and get back to the Guardians.
- **Action 6.2:** Kathryn McLachlan (ES) to check whether the ES Operations Committee is the most appropriate forum for the Guardians to raise their concerns re the Bluff haul-out facility and facilities to support the Fiordland Pathways Plan (e.g. Synchronlift).

## 7. Meridian annual marine monitoring report

- Chris Thomson (Meridian Energy) and Robyn Dunmore (Cawthron Institute) joined the meeting via MS Teams. They tabled the report and it was taken as read. It was noted that Meridian had consent to discharge water into Doubtful Sound and one of the consent conditions was to provide monitoring reports to the FMG.
- Robyn provided an overview of the physical monitoring report for the 2020/21 year. Across the monitoring year, rainfall was higher in Doubtful Sound than in previous years, but lower in Milford. The surface salinity results were similar to previous years. The temperature data was above average across all sites, and it was noted that the last 5 years have all been warmer than previous years throughout the water column. It was noted that the physical monitoring results over the long-term don't show any changes attributable to the power station. As such, consent has been granted to change the monitoring programme by

reducing the number of moorings used for physical monitoring and frequency of surveys and sites for biological monitoring. Instrumentation was removed from moorings (other than M1 and M4) in June 2021, and these moorings will also be removed soon. It was noted that the M5 mooring in Deep Cove is damaged due to being hit by a vessel. The instrumentation on M1 and M4 was upgraded in 2019 to allow data to be telemetered. It was noted that there was ROV video footage available. Robyn will share the link to these videos if possible. The Guardians agreed to endorse the recommendations in the report.

- The Guardians endorsed the recommendations of the Report for the 2021-22 Monitoring Programme, and noted that ES granted the variation to the Manapouri Power Station consent condition clauses regarding the Doubtful Sound Marine Monitoring Programme changes on 4 June 2021.
- **Action 7.1:** Haydee to send Chris Thomson a copy of the minutes to confirm that the Guardians have endorsed the report's recommendations.
- It was noted that Meridian's 5 year-old wharf in Deep Cove was shut in March 2021 due to structural concerns. Concrete samples and modelling have been undertaken to determine the extent of the issue, and there should be a report available within the next few weeks. The small boat pontoon has been removed and is now closer to the Outdoor Education Trust facilities. Meridian intends to repair the wharf and lodge a consent application in Nov 2021 (6 months before the consent expires in May 2022). There was a brief discussion about the fuel wharf and Chris noted that Meridian were aware of this and that it was a priority.

#### e) Agency updates

##### a) Ministry for the Environment

- Fiona Newlove joined the meeting via MS Teams. She tabled the report and it was taken as read.
- Fiona welcomed the new Guardians to the group and thanked everyone involved in the appointment process. It was noted that the final step in the process was for the Minister to publicly announce the appointments.
- It was noted that there is a lot of resource management reform work taking place within the Ministry and across government agencies. Submissions on the exposure draft closed on 4 August and the next step will be for the draft to go through the select committee process. It was noted that there is still a lot of detail to come, and that there was a lot of interest and discussion about the proposed reforms at the recent Environmental Defence Society conference. The Ministry is working in conjunction with DOC and MPI to look at how the proposed reforms relate to the Coastal Marine Area.
- It was noted that the vision, objectives and guiding principles for the Oceans and Fisheries portfolio have now been agreed. The focus is on healthy oceans eco-systems, with a secretariat hosted by DOC to coordinate work across MPI, MFE and the Ministry for Foreign Affairs and Trade. There is a Cabinet paper on the proposed Oceans and Fisheries work on the MPI website.
- **Action 8.1:** Fiona Newlove to forward link to Oceans and Fisheries Cabinet paper to the Guardians.
- It was noted that there have been several recent media announcements re Oceans and Fisheries reform projects and fisheries-related initiatives such as cameras on fishing boats, Hauraki Gulf Sea Change plan and creating a framework for open oceans aquaculture. The Environmental Defence Society is also looking at the marine management system in New Zealand and plans to set out options and models for improving the system. An interim report on their work will be available soon, with the final report due in December. They want to stimulate debate on the system, and have held some workshops.



- Rebecca thanked Fiona for her work on the appointments and for extending the 2020/21 budget to allow the user guide update.

#### **b) Biosecurity New Zealand**

- Jen Geange tabled the report, and it was taken as read.
- It was noted that a few more inspections had taken place since the report was written, and that there had been some confusion with communications with one boat owner re the difference between a clean and an inspection. An initial inspection found 5 Undaria plants on the boat, and another inspection will probably be needed when it is in Fiordland. There was a discussion about the need to be clearer with future communications, and it was noted that Rob Emmett could potentially provide some further information on what he's found and what that means.
- It was noted that no operational research funding had been secured for the development of an Undaria tool as yet, but that there will be another chance in October. There was a discussion about the Registration of Interest process and the next steps of going to tender then to trial. It was noted that approximately \$250,000 was needed to get to trial stage, and that future funding requirements would depend on what tool is selected. Jen Geange and Nadia Freeman (Biosecurity NZ) will continue to work on budget submissions and funding applications.
- There was a brief discussion about biofouling and risk profiling, and it was noted that several of the Guardians would be interested to see how vessels are being profiled.
- There was a discussion about what will happen when the Jobs for Nature funding runs out for the Undaria project in March 2023. It was noted that the project had been reduced from 4 years to 2 years, which probably did not allow sufficient time to see a reduction in biomass. There was a discussion about the possibility of getting the project and funding extended to cover the original 4-year timescale, and it was noted that this would require roughly another \$1 million per annum. It was also noted that it is an expensive programme and that it will be challenging to meet the Jobs for Nature requirements and show that it is having positive results in the current 2-year timescale. There was a discussion about the data available and possible ways to communicate the results. It was agreed that the Guardians would raise these issues during their meetings with Ministers and senior managers.

#### **c) ES Biosecurity**

- Rob Win tabled the report and it was taken as read.
- Will Pinfold introduced himself and provided an update on the Undaria programme. It was noted that work was underway to procure a vessel and that diver training had just started. The divers will initially get their PADI qualifications then move on to a Certificate of Competence in commercial diving. Training should be completed by the end of September.
- The tender process for support vessels for the programme is well underway.
- The Uni barge at Sunday Cove will be used as an operational base, and helicopter support will be provided by Southern Lakes.
- Work is also underway to assess the distribution of Undaria and disposal options, and biomass removal will start from September/October. It is proposed that the biomass will go into lift bags on boat then be used to fertilise the forest. It was noted that these plans were yet to be discussed with the Conservation Board or Tangata Tiaki.
- **Action 8.2:** Rob Win and Richard Kinsey will arrange for consultation/discussion with the Tangata Tiaki and Conservation Board re the disposal of Undaria biomass.
- It was noted that ES plans to file charges against a vessel for breaching the Fiordland Marine Pathways Plan.

#### **d) Department of Conservation**

- Richard Kinsey tabled the report.

- It was noted that DOC plans to resurvey a selection of long-term monitoring sites in Fiordland and recently put this work out to tender. Two responses were received, and DOC has decided to award the University of Otago the contract when funds are confirmed.
- Kath Blakemore has been delayed with other work but is still working on the Fiordland Marine Monitoring Plan.
- DOC's biosystematics work will be completed soon. There will be an e-guide available to the public, as well as printed copies for charter operators.
- It was noted that DOC had carried out bottlenose dolphin monitoring trips in Doubtful and Dusky Sounds, with new PhD student Leah Crowe (University of Otago). Leah plans to look at other fiords, such as Dagg, Nancy, Chalky & Preservation Inlets, to understand how dolphins are using the whole of the Fiordland Marine Area, any changes in their usage and the reasons for this. It was noted that she is looking to partner with other organisations/people to access the other fiords and there was a discussion about acoustic monitoring and whether it could be carried out via moorings or used to measure vessel noise, and how it had been used elsewhere to monitor whales.
- **Action 8.3:** Leah Crowe will present her research proposal at the next Guardians meeting in November 2021.

**e) ES Compliance**

- A report from the ES Compliance Division was tabled and taken as read. There was no discussion on this report.

**9. Closing remarks**

- There was a discussion about what to do with the old Beneath the Reflections user guides. It was noted that they needed to be marked to show that they are now out of date and could be given away to charter boat clients etc – but not to those who regularly use and rely on the guides out on the water. There was a brief discussion about who had copies of the new user guide and special edition newsletter.
- Pete Young provided an update on recent rubbish clean ups carried out by the Southern Coastal Charitable Trust. 68 cubic metres of plastic was removed at a cost of \$100,000 for the 4-day clean-up, while Pure Salt also did a clean up in Cascade Cove which removed 4-5t of batteries, tyres etc. It was noted that the Trust found using fewer, skilled volunteers to be more efficient and cost-effective and that any fishing equipment found would be recycled if possible.
- **Action 9.1:** Rebecca will write thank you letters to the Trust and two operators involved in the recent rubbish clean-ups.
- **Action 9.2:** Kerri-Anne and Pete will add an article on the clean-ups to the next Guardians' newsletter.
- It was noted that Fisheries New Zealand's new Milford and Deep Cove compliance signage was ready to be printed and should be installed by Christmas. It was noted that the Guardians were still waiting to hear from DOC re kiosk options at Milford.

**Meeting closed 2.25pm**

## 2. f) Progress on actions

Date Assigned	No.	Action	Who's responsible	To be completed by	Status
27 Nov 2019	8.3	Discuss pou pou with runaka and report their decision at next meeting	Stewart Bull	Feb 2021	Ongoing – Stewart will talk to someone else at the runaka.
23 Feb 2021	10.2	Mark Geytenbeek to provide mock-up of recreational fishing app for discussion at next Guardians or sub-committee meeting	Mark Geytenbeek	May 2021	In Progress – recreational fishing app almost ready for trial with Fiordland operators.
5 May 2021	3.1	Rebecca to send an update to EDS re progress with case study proposal	Rebecca McLeod	Aug 2021	Ongoing
5 May 2021	3.2	Bruce Halligan to circulate Meridian's response re state of Deep Cove wharf and their consent conditions and follow up with Meridian re the outcome of the structural review.	Bruce Halligan	June 2021	Completed. Further update received from Meridian – now awaiting technical assessment.
5 May 2021	4.1	All Guardians to complete and return the Conflict of Interest declaration and management form to Haydee.	All Guardians/ Haydee Wilton	Aug 2021	In progress
5 May 2021	5.1	Haydee to reschedule FMG meeting to 9 August, book stand at the Boat Show and send invitations to the Guardians for the Boat Show dates.	Haydee Wilton	May 2021	Completed
5 May 2021	5.2	Rebecca McLeod to make a submission to the Otago Regional Council on behalf of the Guardians in support of a collaborative approach to marine biosecurity across Southern Councils/regions.	Rebecca McLeod	Aug 2021	Completed
5 May 2021	6.1	Bruce Halligan to re-send all information relating to the Fiordland Cruises application to Rebecca and clarify how the Guardians can participate in the appeal process.	Bruce Halligan	May 2021	Completed. FMG have joined appeal as section 274 party and will attend mediation on 17 August.

5 May 2021	6.2	Bruce Halligan to check whether TAMI want to be involved in the Fiordland Cruises appeal process.	Bruce Halligan	May 2021	Completed
5 May 2021	6.3	Bruce Halligan to check whether there is an application from Fiordland Marine Ltd and let Rebecca know.	Bruce Halligan	May 2021	Completed. There was no application from Fiordland Marine Ltd.

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## Minutes

### The Fiordland Marine Guardians/Agencies Group meeting held via MS Teams on Wednesday 10 November 2021

#### Present:

##### Guardians:

- Rebecca McLeod (Chair)
- Mark Peychers
- Kerri-Anne Edge Hill
- Pete Young
- Ali Ballantine
- Stewart Bull
- John Cushen
- Gavin Tayles

##### Agencies and visitors:

- **Department of Conservation** – Richard Kinsey; Rachael McMillan (for agenda item 6)
- **Environment Southland** – Kathryn McLachlan, Will Pinfold; Ali Meade (for agenda item 5); Lyndon Cleaver (until agenda item 6); Bruce Halligan, George Gericke (until agenda item 7);
- **MPI Fisheries Compliance** – Stephen Logie
- **Fisheries NZ** - Mark Geytenbeek, Rob Win
- **Biosecurity NZ** – Jen Geange
- **Ministry for the Environment** – Fiona Newlove (for agenda item 9a)
- **University of Otago** - Leah Crowe (for agenda item 8)
- **Sustainable Coastlines** – Ben Knight (for agenda item 7)
- **FMG Secretariat** – Haydee Wilton

**Apologies:** Chloe Corne, Aaron Fleming (DOC); Lucy Hicks, Rebecca Robertson (Environment Southland), Jenni Stanley (University of Waikato)

#### 1. Welcome and introductions

- Chairperson Rebecca McLeod welcomed everyone to the meeting and noted that Kathryn McLachlan and Rob Win were attending in their new roles of ES Team Leader Marine and Fisheries NZ Analyst respectively.

## 2. Administrative tasks

### a) Apologies

- The apologies were noted as above. It was noted that Lucy Hicks was away until Feb 2022 and that Rebecca Robertson (ES) should be invited to future Guardians' meetings

### b) Confirmation of Minutes – 9 August 2021

- The Guardians confirmed that the minutes were a correct record of the meeting held 9 August 2021.
- Stewart Bull proposed that the minutes be approved, and Kerri-Anne Edge Hill seconded the motion. The motion was passed, with all voting in favour.

### c) Disclosure Register

- It was noted that the Disclosure Register needed to be updated with Rebecca McLeod and Stewart Bull's work as leaders on the University of Otago MBIE Endeavour funded research programme "Natural carbon sequestration in our Southern fiords: A pathway towards carbon neutrality".
- Rebecca thanked Guardians for completing Conflict of Interest Declarations and asked them to update these if they identified further potential conflicts during their terms, and to declare any conflicts when meeting agenda are raised or matters discussed during meetings.
- **Action: 2.1:** Haydee to follow up any outstanding Conflict of Interest forms and work through any queries with Guardians. Haydee to phone Stewart to discuss the Conflict of Interest form.

### d) Budget

- Rebecca McLeod noted that there was \$1,500 available in the budget for governance training and asked Guardians to get in touch with either herself or Haydee if they were interested in completing any training.

### e) Health and Safety

- John Cushen tabled two Health and Safety papers – an outline of health and safety considerations for Guardians to be aware of when working at home or travelling for FMG business, and an associated risk register. It was noted that Guardians should review these and modify to suit their own situations.
- There was a discussion on the need to manage workloads, share the load between Guardians and indicate realistic timeframes for completing agency work requests.
- It was noted that the Guardians may need to consider risks that could arise from public engagement work, particularly with respect to potentially controversial matters. This could include a plan for procedures and security at public meetings. There was a discussion about risks associated with online meetings, social media and ensuring different opinions could be raised and discussed respectfully.
- **Action 2.2:** Haydee to save the new Health & Safety papers into Databox.

### f) Progress on actions

- The actions were updated - refer to paper on pages 8-9.
- There was a discussion about the Bluff haul-out facility and the funding needed to ensure adequate biosecurity facilities.

- **Action 2.3:** Kathryn McLachlan (ES) to advise Ali Ballantine re who the chair of the Operations Committee is, then Ali Ballantine will draft a letter to them following up on the Bluff haul-out facility.
- **Action 2.4:** Rebecca McLeod will check re potential sources of funding at MBIE.

### 3. Chair's report

- Rebecca McLeod tabled the report and it was taken as read.
- There was a discussion about the Guardians' meetings with Ministers Parker and O'Connor and agency staff from Biosecurity NZ and Fisheries NZ on 8 November. It was noted that Minister Parker was supportive of the fisheries review paper. The Guardians also raised the following issues in their meetings: Undaria control programme and tool development; national biosecurity pathways strategy; the RMA and cumulative effects; the Guardians' current and future role re resource management; and the governance of the Milford Opportunities Project.
- Rebecca thanked everyone for their work preparing for the meetings, and it was noted that it was a positive day despite the Minister meetings being online. There was a discussion about whether the Guardians needed to meet with the Ministers and agency staff more frequently online, and when to follow up on the action points from the meetings.
- **Action 3.1:** Rebecca will circulate the notes and actions from the 8 November meetings.
- It was noted that the Guardians were scheduled to meet online with Kay Booth on 16 November.

### 4. Communications and Engagement

- Kerri-Anne Edge Hill tabled the report and it was taken as read.
- It was noted that there was a correction to the paper in relation to resource consents: Real Journeys had 3 consent applications for moorings that were still in discussion, not approved. The Guardians' item for the Top of the South newsletter also needs to be added to the Media & Publications section of the paper.
- It was noted that Rebecca and Mark were preparing a submission on Fisheries NZ national bag limits (due 18 November).
- A fisheries-focussed communications sub-committee will meet briefly in mid-December to discuss engagement re fisheries review. A further meeting will be held in February 2022.
- There was a brief discussion re when and how to follow up on Milford Opportunities Project (MOP) governance and whether ES and the Conservation Board should also write a letter to MOP. John Cushen offered to be Guardian's representative in MOP should the opportunity arise.
- Rebecca thanked Kerri-Anne and Haydee for their work on the Guardians' Annual Report.

### 5. Resource consents – applications in progress

- Bruce Halligan tabled the report and it was taken as read.
- It was noted that a Fiordland Cruises application had been declined and then appealed by applicant. The Guardians supported ES at an Environment Court pre-hearing mediation with the applicant on 17 August, and the appeal had now been withdrawn. ES anticipate that the proposal may come back in amended form at later stage.
- It was noted that Alpine Group Ltd & Stephen William Day had submitted a new application for a Coastal Permit for the barge in Cascade Cove, having withdrawn an earlier application for an amendment. The application is limited notified, with the Guardians, CRA8, Te Ao Marama Inc and Maritime NZ all considered affected parties.



- An application has been received from Invercargill City Council to refurbish/re-engineer the Bluff haul out facility. The application includes basic wash down facilities but no high level biosecurity measures at this stage. The design will allow biosecurity facilities to be incorporated in future but this is not covered by the current application. There was a discussion about how basic facilities would allow discharges to go into stormwater then into the sea, and about potential congestion at the facility. It was noted that ES are aware that the Bluff haul out is an issue for the Guardians but that ES does not have funds to put towards the facility due to the lack of cruise ship levy funding.
- It was noted that there had been a slow down in coastal resource consent applications – ES are now mainly receiving renewals.
- The Guardians queried whether future ES resource consents paper could indicate which applications were new and which were renewals.
- **Action 5.1:** Bruce to forward update on Alpine Group Ltd's Musket Bay helicopter landing application to Guardians Rebecca McLeod, Ali Ballantine and Mark Psychers.

## 6. Milford Opportunities Project

- Rebecca introduced Rachael McMillan from DOC and thanked her for taking time to update the Guardians.
- Rachael shared a presentation on screen to outline what's happening with the Milford Opportunities Project (MOP) and the level of detail and thinking behind the scenes. It was noted that MOP was focussed on planning in 2020 and that the masterplan was presented to Cabinet in June 2021. The focus is now on feasibility testing and trying to get an operational model in place, prepare a business case and skeleton work programme. Rachael is working on dependency mapping and feasibility testing – which will continue over the next 2 years. She is looking at each recommendation and working out what steps need to occur for the recommendation to be implemented, and how these could be sequenced.
- Rachael noted the variables such as climate change impacts and tourism numbers which could affect MOP plans, and the need to consider funding, legal issues, concessions, permits etc. There are also many organisations which are involved or affected.
- The Guardians queried some of the detail and there was a discussion on how the Guardians could engage further with MOP. It was noted that Rachael would like to work with the Guardians re future management of the inland waters of Piopiotahi, as well as the cruise ship and governance recommendations. She noted that there would be a new team set up in 2022 but that she could meet with the Guardians before Christmas and ensure the knowledge/outcomes were transferred to the new team.
- **Action 6.1:** Rebecca will arrange a time for the Guardians to meet with Rachael in early December.

## 7. Litter Intelligence Programme

- Rebecca introduced Ben Knight from Sustainable Coastlines and noted that the marine reserve monitoring includes the Litter Intelligence Programme (LIP).
- Ben noted the purpose of the LIP is to connect people with nature and inspire change, and that measuring litter could help improve the issue. LIP takes a citizen science approach to data collection and 100 litter surveys have now been conducted, including some in Fiordland. The data from the surveys will help inform solutions to the litter issue, and Sustainable Coastlines tries to make the data as accessible as possible via graphics but can also provide it in raw format.



- Ben outlined some background on Sustainable Coastlines' work, including the LEAP (Litter Education Action Projects) education programme, volunteer training in the Pacific, work to inform the regulation of plastics and look at litter flux (how fast it is accumulating and what is in it). It was noted that Sustainable Coastlines had just received their fourth year of MFE Waste Minimisation funding, and that the data needs to be treated with caution as sites for data collection are often selected according to their facilities and accessibility by schools so don't provide a full picture.
- Ben outlined where the survey sites were in Fiordland and noted that unidentifiable plastic was the main type of waste in these areas, with identifiable items largely coming from the fishing and aquaculture industries (potentially from far away sources rather than locally). Other Southland sites have similar litter profiles – it may be moved by the tides.
- The aim is to monitor the litter at least annually. Sustainable Coastlines are just focussed on beach and coastal litter at this point, with no diving or measuring what gets blown inland from the coast.
- It was noted that Sustainable Coastlines had connected with the Southern Coastal Charitable Trust re who to engage with and to try to align with their litter clean up/collection. There was also a brief discussion about Sustainable Coastlines connecting with Blue Cradle and Fiordland College.
- Ben asked the Guardians to share information on the LIP and noted that they were selling seats on their next trip to try to create a sustainable enterprise.

#### 8. Bottlenose dolphins and acoustic soundscape monitoring work in marine reserves

- Rebecca tabled the report and it was taken as read.
- Leah Crowe (University of Otago) joined the meeting, shared a presentation on screen and outlined the two projects. The first project is looking at the contemporary range of Fiordland bottlenose dolphins and whether there are changes in terms of their residence patterns. There are indications that the Doubtful Sound population is becoming less resident, and the project will investigate drivers of dolphin movements and look at dolphin use of the lesser monitored fiords. The findings may have implications for effective spatial management of this species in this region.
- The second project will be carried out by Jenni Stanley (University of Waikato) and will look at underwater soundscapes and acoustic pressures in New Zealand's marine reserves. It is believed that information from soundscapes can help to predict and assess biodiversity and ecosystem health, and ultimately better manage protected areas – which could be particularly helpful within systems that are difficult to sample. More work is needed to link acoustic records to biodiversity assessments underwater, so the project will use additional ecological information collected via baited underwater video and/or visual underwater surveys and compare this with soundscape metrics.
- There was a brief discussion about why the research was being carried out in marine reserves, and it was noted that it was an opportunity to see if those areas were also protected from sound pressures. There was a discussion about how the work might connect to the work that ES are doing on wilderness values.
- Leah would welcome the Guardians' feedback on the projects and would appreciate any assistance to connect or collaborate with other people working in the fiords. Leah and Jenni are about to submit resource consent applications and are hoping to start work in February 2022.
- **Action 8.1:** Rebecca to introduce Jenni and Leah to ES resource consents staff and also Rebecca Robertson at ES so that they can discuss any connections in their work.

## 9. Agency updates

### a) Ministry for the Environment

- Fiona Newlove joined the meeting and gave a verbal update. It was noted that the Guardians' meeting with Minister Parker had gone well and that she expected the Minister's office to be in touch regarding any follow up actions such as his letter to the Minister responsible for MOP. It was noted that Fiona and Haydee would keep working with Rebecca on the issue of how the Guardians can access legal advice.
- Minister Parker's office had just advised that they did not plan to do a press release on the Guardians appointments, and Fiona apologised for the delay with this decision. Haydee will now work with the Ministry's communications team to arrange an announcement, gazette notice and update the FMG website. The Ministry will also start working on the 2022 appointments round and will be in touch with Kerri-Anne, Ali and Pete re whether they intend to seek re-appointment or step down.

### b) Biosecurity New Zealand

- Jen Geange tabled the report and it was taken as read.
- It was noted that there was a new vessel monitoring contract in place and that routine monthly checks started a month earlier. Biosecurity NZ may look to retain the vessel monitoring contract for a further year as ES does not have funding to cover it.
- Biosecurity NZ advertising is now on the Metservice app with information on clean vessel passes.
- It was noted that the Guardians biosecurity sub-committee members are now Ali, Stewart, Gavin, John. Membership of the other sub-committees has also been reviewed and the members are:
  - Monitoring – Kerri-Anne, Pete and Mark
  - Compliance – Pete, John and Stewart
  - Communications – Gavin and Kerri-Anne
  - As Chair, Rebecca is a member of all the sub-committees

### c) ES Biosecurity

- Kathryn McLachlan tabled the paper and it was taken as read. It was noted that there was a change re the compliance action noted in the paper – it would now be taking place in early December. ES had been unable to join the last compliance patrol but hoped to do a day trip to Milford Sound in the new year. Ian Coard has been contracted back to ES to do some work.
- Will Pinfold provided an update on the Jobs for Nature *Undaria* programme. The programme is progressing well but was delayed by the latest Covid-19 outbreak. 13 divers are all trained up now and are applying for their occupational diving ticket. The first trip will take place on 22 November and will focus on getting the team comfortable with their gear, environment and the boat. They will be assessing the *Undaria* before getting into biomass removal. Operational plans, risk registers, health & safety plans, vessel contracts are also being worked on.
- There was a discussion about further funding for the programme, and it was noted that Biosecurity NZ has agreed to lead the strategy for this given how busy ES is. Various monitoring issues and methods for the project were also discussed, and it was agreed that Rebecca and Will would arrange to discuss this further at a later date.

- **Action 9.1:** Rebecca and Will Pinfold to discuss monitoring methods/issues for Undaria programme.
- Communications on the programme were also discussed, and it was noted that ES are currently recruiting for communications staff and hope to boost communications on the programme before Christmas. It was noted that Ali Meade (ES) and Richard Kinsey (DOC) had met with John Lucas (DOC) re the programme, and there was more shared understanding of the programme as a result. There was a suggestion that agencies should share programme messaging and Q&As, so that messaging and support for the programme is aligned as much as possible.
- It was noted that work on the pathways plan would likely progress when Lucy Hicks (ES) returned in February 2022.

#### **d) Department of Conservation**

- Richard Kinsey tabled the paper and it was taken as read. There was a brief discussion about *Undaria* at The Snares, when it was first detected there and whether it had been found in the Auckland and Campbell Islands.
- Richard offered to help the Guardians' reschedule their meetings with Penny Nelson and Minister Allan.

#### **e) Fisheries New Zealand**

- Mark Geytenbeek and Rob Win agreed that the meeting with Minister Parker had gone well. They will follow up with the Minister's office, provide a formal response and then work through the regulatory process. There was a brief discussion about whether there were any ways to shortcut the regulatory process and it was noted that there wasn't much flexibility but that there had been some recent work in Kaikoura which might help to streamline the work.
- It was noted that there is a lot of Fisheries NZ work and consultation taking place now – on cameras on fishing boats, national bag limits and discharges. The national bag limits may have impacts on Fiordland, so Fisheries NZ will come back to the Guardians on that. Cameras may also be trialled on rock lobster vessels in Fiordland.

#### **f) Fisheries Compliance**

- Stephen Logie tabled a paper and apologised for its lateness. He outlined the results of a compliance patrol undertaken from 18-23 October, and it was noted that compliance was generally very good with only a few electronic monitoring issues to follow up. It was noted that the patrol had the rare opportunity to look at some long line boats and that there was a fair amount of commercial vessels coming and going from fiord entrances.
- Fisheries Compliance has also put some new recreational fishing signs up at Kisbee Lodge and other DOC huts. It was suggested that any Milford signage should be temporary in nature, and that this would be discussed at the next Guardians' communications sub-committee meeting.

### **10. Closing remarks**

- Rebecca noted how busy the year had been for the Guardians and thanked everyone for their work. Kerri-Anne thanked Rebecca for all her work too.
- It was noted that there would be some upcoming work on the Alpine Group resource consent application – this would be coordinated by Mark, Rebecca and Ali.

## 2. f) Progress on actions

Date Assigned	No.	Action	Who's responsible	To be completed by	Status
27 Nov 2019	8.3	Discuss pou pou with runaka and report their decision at next meeting	Stewart Bull	Feb 2021	Ongoing – James York now working on this. Stewart and Rebecca to discuss
23 Feb 2021	10.2	Mark Geytenbeek to provide mock-up of recreational fishing app for discussion at next Guardians or sub-committee meeting	Mark Geytenbeek	May 2021	Action no longer relevant
5 May 2021	3.1	Rebecca to send an update to EDS re progress with case study proposal	Rebecca McLeod	Aug 2021	Ongoing
5 May 2021	4.1	All Guardians to complete and return the Conflict of Interest declaration and management form to Haydee.	All Guardians/ Haydee Wilton	Aug 2021	Almost complete
9 Aug 2021	2.1	Rebecca to contact Randall Bess to ask that FMG be kept in the loop re the trial of the recreational fishing app, and potentially ask him to present at the Guardians meeting in November.	Rebecca McLeod	Aug 2021	Completed
9 Aug 2021	3.1	All Guardians to arrange flexible flights to Wellington for the meetings with Ministers on Monday 8 November.	All Guardians	Sept 2021	Completed
9 Aug 2021	4.1	Mark Peychers to draft bullet points on biggest threats to Fiordland topic for annual report and send them on to Kerri-Anne to finalise by 27 August.	Mark Peychers/ Kerri-Anne Edge Hill	Aug 2021	Completed
9 Aug 2021	4.2	Ali Ballantine to draft Our Year in Review section for annual report by 27 August.	Ali Ballantine	Aug 2021	Completed
9 Aug 2021	4.3	Rebecca to set up a meeting with Keith Turner (Milford Opportunities Project) or ask him to attend the next Guardians' meeting.	Rebecca McLeod	Aug 2021	Completed
9 Aug 2021	4.4	Rebecca to introduce Kerri-Anne to James Nikitene (Blue Cradle) to discuss event plans.	Rebecca McLeod	Aug 2021	Completed

9 Aug 2021	6.1	Rebecca McLeod will follow up with DOC re their position on new applications for surface water consents in the FMA.	Rebecca McLeod	Sept 2021	Completed
9 Aug 2021	6.2	Kathryn McLachlan (ES) to check whether the ES Operations Committee is the most appropriate forum for the Guardians to raise their concerns re the Bluff haul-out facility and undaria pathways plan.	Kathryn McLachlan (ES)	Aug 2021	Operations Committee is the most appropriate forum. Kathryn McLachlan will check who chairs the Operations Committee. Ali Meade is the best contact at ES.
9 Aug 2021	7.1	Haydee to send Chris Thomson a copy of the minutes to confirm that the Guardians have endorsed the report's recommendations.	Haydee Wilton	Aug 2021	Haydee still to do.
9 Aug 2021	8.1	Fiona Newlove to forward link to Oceans and Fisheries Cabinet paper to the Guardians.	Fiona Newlove (MFE)	Aug 2021	Haydee to check with Fiona
9 Aug 2021	8.2	Rob Win and Richard Kinsey will arrange for consultation/discussion with the Tangata Tiaki and Conservation Board re the disposal of Undaria biomass.	Rob Win (ES)/ Richard Kinsey (DOC)	Aug 2021	Letter has been written but not sent. Richard Kinsey to follow up on this.
9 Aug 2021	8.3	Leah Crowe will present her research proposal at the next Guardians meeting in November 2021.	Leah Crowe (University of Otago)	Nov 2021	Completed
9 Aug 2021	9.1	Rebecca will write a thank you letter to the Trust and two operators involved in the recent rubbish clean-ups.	Rebecca McLeod	Sept 2021	Completed
9 Aug 2021	9.2	Kerri-Anne and Pete will add an article on the clean-ups to the next Guardians' newsletter.	Kerri-Anne Edge Hill / Pete Young	Oct 2021	To do in next newsletter

Released under the Official Information Act 1982

# APH Organisation Form

All sections must be completed.

## Organisation and Responsible Portfolio

<p><b>Nominating Committee for the Climate Change Commission</b> <b>(Climate Change)</b></p>
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## Brief Outline of the Functions and Responsibilities of the Organisation

<p>The Nominating Committee was established under Section 5F of the Climate Change Response Act 2002. It is a Ministerial advisory committee and nominates candidates to the Minister of Climate Change for appointment as members of the Climate Change Commission.</p>
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## Current Membership

Name	Gender Identity*	Region	Ethnicities (and Iwi if applicable)	Date of original appointment	Expiry date of present term
Dr Rod Carr	M	Christchurch	Pākehā	9 Dec 2019	8 Dec 2024
Dame Therese Walsh	F	Wellington	Pākehā	18 May 2020	17 May 2022
Mike Smith	M	Northland	Māori	18 May 2020	17 May 2023
Dame Juliet Gerrard	F	Auckland	Pākehā	18 May 2020	17 May 2024
Gary Taylor	M	Auckland	Pākehā	18 May 2020	17 May 2025



## Nominating Committee for the Climate Change Commission – Member Position Specification

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### Specific skill requirements in this round

Candidate nominations are sought for the Nominating Committee (Nominating Committee) for the Climate Change Commission (Commission). Currently we are focusing on candidates with:

- knowledge of and networks in te ao Māori and/or Pasifika communities
- executive search or recruitment experience.

### Collective Committee skill requirements

The Climate Change Response Act 2002 (CCRA) states that the Committee must comprise people who, in the opinion of the Minister, have the relevant skills or experience to identify suitably qualified candidates for The Commission. This means that collectively the Committee members should have:

- a sound understanding of the requirements of Commissioners as defined in the CCRA, including climate change mitigation and adaptation, local and central government, public policy, effects of Climate Change (environmental, social, economic and distributional) and knowledge of a range of sectors
- a sound understanding of te Tiriti o Waitangi and te ao Māori
- experience in recruitment/search in one or more of the above sectors
- an understanding of public sector context, specifically how Crown entities fit into the institution of government
- an understanding of the public interest issues involved.

### Functions of the Nominating Committee

The CCRA requires the Minister of Climate Change to establish and maintain a Nominating Committee of at least five members, including the incumbent Chair of the Commission, to nominate candidates for the Commission.

It is the role of the Committee to publicly call for expressions of interest in being appointed and consult any person or group who may have an interest in being a member of the Commission, including iwi and Māori representative organisations, and any person or group that the Minister has identified as having an interest.

The Committee has a vital role to play to ensure the Commission appointments are robust and attract quality candidates. They will thus lend credibility to the appointment process and to the Commission generally.

The Nominating Committee's commitments are based on the expiring terms of the Commission's Board. The Nominating Committee therefore meets on an ad hoc basis.

### Fees

The fees for this Committee are paid in accordance with the Cabinet Fees Framework. The Committee is classified as a Group 4, level 3 body under the Framework. The fees for this class are a maximum daily rate (based on an 8-hour day) of \$395 per Committee member.

### Nominations

Nominations and expressions of interest for this Board are required to be with Ministry for the Environment no later than 5pm on Wednesday 13 April.

Nominations or any queries should be directed to [BoardAppointments@mfe.govt.nz](mailto:BoardAppointments@mfe.govt.nz).