Department of Conservation
By email: KaikouraMarineReview@doc.govt.nz

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Submission on Kaikōura / Te Tai o Marokura Marine Management Review

SUBMITTER DETAILS

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Introduction

The Department of Conservation (**DOC**) and Fisheries New Zealand **(FNZ)** are leading a review of management measures under the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 (**Kaikōura Act**). The purpose of the review is to examine the "operation and effectiveness" of the Kaikōura Marine Guardians and the marine management measures put in place by the Kaikōura Act.[1] These include:

- Hikurangi Marine Reserve
- Ōhau New Zealand Fur Seal Sanctuary
- Te Rohe o Te Whānau Puha Whale Sanctuary
- Te Taumanu o Te Waka a Māui Taiāpure
- Oaro-Haumuri Taiāpure
- Mangamaunu Mātaitai
- Oaro Mātaitai
- Te Waha o te Marangai Mātaitai
- Specific regulation of amateur fishing under the Fisheries (Amateur Fishing) Regulations 2013.

To inform the review, the agencies have released the Kaikōura / Te Tai o Marokura Marine Management Review Discussion Document (**Discussion Document**).

[1] Kaikōura (Te Tai o Marokura) Marine Management Act 2014, section 7

The Environmental Defence Society (**EDS**) has recently completed an in-depth project on reform of the oceans management system.[2] As part of that work we canvassed a range of place-based marine management approaches including those at Kaikōura. We also undertook detailed case studies of the Marlborough Sounds, Otago coast and the Bay of Islands. These highlighted the key biogeographic features of the marine areas, their historical and current uses and values, key environmental challenges being faced, current responses and potential ways to strengthen integrated management to better address environmental threats. As we outline below, such an approach could usefully frame the current review.

In summary, EDS's submission is that the following changes should be made to the current management approach:

- The review should start with an holistic assessment
- The Kaikōura Marine Guardians should be given an expanded mandate and greater resourcing and support
- More scientific support should be provided for the management of the Taiāpure and Mātaitai Reserves
- The boundaries of the Hikurangi Marine Reserve should be expanded to protect a broader range of habitats associated with the Canyon area
- The boundaries of the Ōhau New Zealand Fur Seal Sanctuary should be adjusted to align with the location of current colonies
- The boundaries of the set net exclusion area should be expanded to include the entire Hector's dolphin habitat
- Greater protection from entanglement in fishing pots should be provided for cetaceans
- The Kaikōura Marine Guardians should be tasked with preparing a regional fisheries plan for Te Tai o Marokura.

Context

Kaikōura is a marine biodiversity hotspot and iconic area. It is where the colder waters of the Southland Front meet the warmer East Cape Current supporting both cold water and more temperate marine species.[3] The waters are highly productive due to upwellings associated with the Kaikōura Canyon which runs perpendicular to the coastline. The Canyon was found by NIWA scientists in 2010 to be "one of the most productive benthic (ocean floor) deep-sea habitats yet described".[4]

At least 45 algal species and 120 invertebrate species have been recorded in the intertidal zone of the Kaikōura Peninsula and 200 fish species in the wider area. The extensive reef systems are notable for their rich seaweed forests and diversity and abundance of species. Marine mammals are abundant in the area including New

[2] https://eds.org.nz/our-work/policy/projects/oceans-reform-project/

[3] Te Korowai o Te Tai o Marokura, 2008, *Kaikōura coastal and marine values and uses: A characterisation report*, Te Korowai o Te Tai o Marokura, Kaikōura, page 12

[4] https://niwa.co.nz/oceans/kaikoura-canyon-survey

Zealand fur seals, dusky dolphins (with an estimated 2,000 along the Kaikōura coast), sperms whales, Hector's dolphins, visiting orca and migratory humpback whales. There is also particularly diverse seabird fauna.[5]

It is important that this extraordinary marine area is managed well, and EDS supports the aspirations behind the Kaikōura Act. We set out below our submissions on ways the current operation of the legislation, and marine management in the marine area more generally, could be improved.

The review should start with an holistic assessment

The purpose of the management measures (as set out in the Kaikōura Act) is "to assist the preservation, protection, and sustainable and integrated management of the coastal and marine area and biological diversity of Te Tai o Marokura."[6] As acknowledged in the Discussion Document, "the measures were designed to work together as a package" and therefore "it's important to also consider how the area is being managed as a whole".[7] The extent to which the measures combined have resulted in "sustainable and integrated management" is therefore one of the key matters that needs to be assessed as part of the review.

Unfortunately, the Discussion Document does not provide any dedicated consideration of this key matter. There is also no discussion of how well the different management measures are, or are not, working together to achieve this. This is disappointing given that it was the *integrated package* of customary and non-customary tools that was identified as the particular strength of the approach taken in the Kaikōura Marine Strategy.[8]

Unhelpfully, the Discussion Document has taken a reductionist view, assessing each management measure in isolation from others. It has also excluded assessment of the amateur fishing regulations on the basis that these "are already regularly reviewed" by FNZ.[9] This further cements the siloed approach where it appears to be assumed that fishing regulations have no relevance to the operation of the other management measures being applied in the area (including the Mātaitai and Taiāpure) or to achieving sustainable and integrated management of the marine area as a whole.

EDS submits that the starting point of the review should be an assessment of the extent to which Te Tai o Marokura, and its biological diversity, is being effectively managed in a sustainable and integrated manner. This first requires a review of the current state of the health of fisheries, marine habitats and biological diversity within Te Tai o Marokura, identification of current and likely future pressures on them (including climate change),

[5] Te Korowai o Te Tai o Marokura, 2008, *Kaikōura coastal and marine values and uses: A characterisation report*, Te Korowai o Te Tai o Marokura, Kaikōura, pages 16, 18, 20 and 21
[6] Kaikōura (Te Tai o Marokura) Marine Management Act 2014, section 3(b)
[7] Discussion Document, page 19
[8] Peart R, D Koolen-Bourke and S Sidibe, 2024, *Restoring the sea: The role of marine spatial planning, Environmental Defence Society,* Auckland, pages 28-29
[9] Discussion Document, page 2

and assessment of the extent to which current management measures are effectively addressing these. This would then enable any weaknesses or gaps in the current approach to be identified and remedied.

The Kaikōura Marine Guardians should be given an expanded mandate and greater resourcing and support

The Kaikōura Marine Guardians provide a critical role in supporting integrated management of Te Tai o Marokura and applying deep local knowledge of the area. We note that an independent expert has been commissioned to evaluate how the Guardians have been operating since the group was formed[10] but that this review has not been made publicly available to help inform those submitting on the review. We request that DOC and FNZ release this report under the Official Information Act (this should be treated as a formal request under that Act).

From the summary of key findings of the review in the Discussion Document, and EDS's work in the area, we have concluded the following:[11]

- The Guardians have played an important role in some areas, particularly during the post-earthquake period
- The focus of the Guardian's advice has been largely reactive
- Agency support for the Guardians has been mixed
- The low level of resourcing and infrequent meetings has hindered the Guardian's effectiveness
- The Guardians do not have adequate access to timely scientific evidence (due to this not being provided by agencies and the lack of a budget to commission research itself)
- The role of the Guardians needs to be clarified and relationships with other entities in the area strengthened.

EDS understands the Guardians has no dedicated budget to apply to its work or to commission scientific investigations. In addition, the body is only permitted to meet four times a year "unless exceptional circumstances arise that necessitates a special meeting".[12] This makes it hard for the group to form cohesive working relationships between members, to proactively investigate issues and gain momentum in solving them, and to strengthen relationships with other groups and individuals in the area.

Notably, the Fiordland Marine Guardians which has been more proactive on a range of issues, and recently received the Ocean Guardian Award at the New Zealand Seafood Sustainability and Innovation Awards 2025,[13] has an annual budget of some $80,000 provided by the Ministry for the Environment. We also note that unlike the Fiordland body, the Kaikōura Marine Guardians does not have a role in advising on resource

[10] Discussion Document, page 5
[11] Discussion Document, page 6
[12] Kaikōura Marine Guardians, *Terms of reference (2024-28)*, clause 11.2
[13] https://www.mpi.govt.nz/about-mpi/our-work-at-mpi/mpi-scholarships-and-awards/new-zealand-seafood-sustainability-and-innovation-awards-2025

management matters. This means that it cannot take a fully integrated perspective on addressing all pressures on the marine environment.

EDS submits that the Kaikōura Marine Guardians should be:

- Properly resourced with an operating budget of a similar quantum to that provided to the Fiordland Marine Guardians
- Supported by the provision scientific information and research on the state of the marine environment and species and habitats of interest (preferably through a direct budgetary allowance)
- Enabled to meet more frequently, such as six or eight times a year
- Given an expanded mandate to also include resource management issues relevant to the marine environment.

More scientific support should be provided for the management of the Taiāpure and Mātaitai Reserves

The Discussion Document states that baseline monitoring was undertaken at Te Taumanu o Te Waka a Māui Taiāpure in 2017, which indicated that customary stocks within the area "were in a depleted state". A blue cod tag-recapture study was undertaken the same year which also indicated depletion.[14] Given these findings it is concerning that, eight years on, no further surveys in the area have been undertaken. In addition, the Discussion Document does not refer to any monitoring undertaken in the other customary management areas (ie the second Taiāpure and three Mātaitai Reserves).

In this context, Ngāi Tahu has identified the desirability of undertaking benthic surveys of all the Taiāpure and Mātaitai Reserves every five years as well as mapping of "critical customary fisheries habitats both inside and outside the boundaries".[15] EDS supports this proposition and submits that scientific support should be provided, on request, to enable this to happen.

The boundaries of the Hikurangi Marine Reserve should be expanded to protect a broader range of habitats associated with the Canyon area

The Discussion Document notes the unusual shape of the Marine Reserve which is very narrow near the coast and has "very little canyon wall, canyon ridge/gully, or canyon rim habitat and associated distinct communities" included within it.[16] Monitoring has demonstrated that such narrow boundaries are likely impeding the full benefits of marine protection being achieved.

The Discussion Document notes that monitoring "has shown mixed responses to the reserve's protection".[17] Although providing valuable protection to several common reef

[14] Discussion Document, page 14
[15] Discussion Document, page 15
[16] Discussion Document, page 8
[17] Discussion Document, page 7

species monitoring found no differences in intertidal invertebrates and seaweed between sites inside and outside the Marine Reserve. More female kōura/rock lobster were found inside the Marine Reserve, but the abundance of males was the same as outside, indicating the Reserve is not large enough to protect them. There were also fewer pāua inside the Marine Reserve than outside (although they were larger).[18]

This can be compared to the Long Island-Kokomohua Marine Reserve to the north where rock lobsters are 11.45 times more abundant within the reserve than outside it and pāua are also more abundant.[19] It indicates that the boundaries of the Hikurangi Marine Reserve are likely suboptimal.

EDS submits that the boundaries of the Marine Reserve should be expanded to ensure the full range of habitats associated with the Canyon area are protected along with associated marine species.

The boundaries of the Ōhau New Zealand Fur Seal Sanctuary should be adjusted to align with the location of current colonies

As the Discussion Document explains, due to the Kaikōura earthquake and subsequent reconstruction of State Highway 1 much of the Sanctuary is now occupied by road.[20] This means it is no longer providing protection for fur seal colonies as intended when it was established. The current boundaries are clearly not tenable and need to be adjusted to align with the current location of fur seal colonies.

The boundaries of the set net exclusion area should be expanded to include the entire Hector's dolphin habitat

Despite current set net bans off the coast of Kaikōura, Hector's dolphins are still being caught in commercial set nets with two dolphin deaths reported in November 2024 and a further beachcast dolphin found with signs of entanglement. The effectiveness of the commercial set netting ban along the Kaikōura coast needs to be reviewed, and its boundaries expanded to protect all Hector's dolphin habitat, to ensure that dolphin bycatch does not occur in the future.[21]

Greater protection from entanglement in fishing pots should be provided for cetaceans

The entanglement of whales in fishing pots is becoming an increasing issue on the Kaikōura coast as whale populations recover (see Figure 31 below reproduced from Pierre, Howe and Dunn[22]). The most frequent occurrence is humpback whales

[18] Discussion Document, page 8
[19] Peart R, 2024, *Restoring the Marlborough Sounds,* Environmental Defence Society, Auckland, page 59
[20] Discussion Document, page 12
[21] DOC Hector's and Māui dolphin incident database
[22] Pierre J P, J R How and A Dunn, 2022, *Whale entanglements with New Zealand pot fisheries: Characterisation and opportunities for management*, JPEC Limited, Lower Hutt

becoming entangled in rock lobster pots. Effective measures need to be implemented to better address this threat.

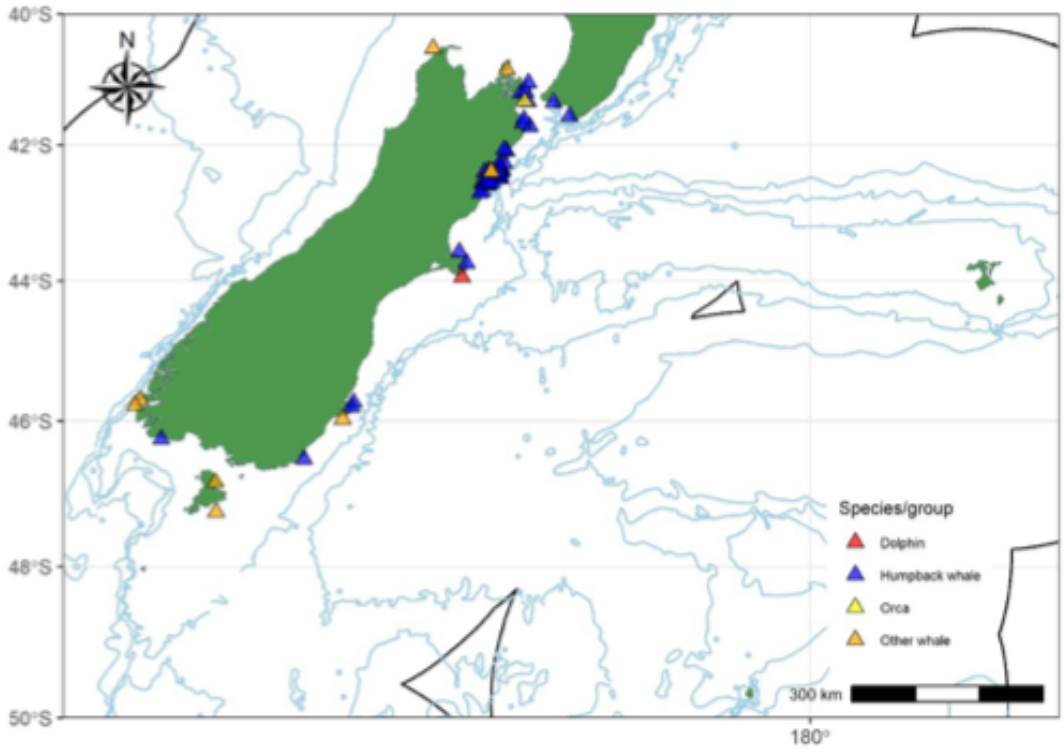

Figure 31. Cetacean entanglements recorded from southern New Zealand, 2 July 1980 – 14 March 2022. Taxa involved in each entanglement event are listed in Appendix 1.

The Kaikōura Marine Guardians should be tasked with preparing a regional fisheries plan for Te Tai o Marokura

It is important that an ecosystem-based approach is applied to the management of fisheries in Te Tai o Marokura. The fact that close to 1,000 fur seals starved during the 2023/24 summer highlights issues with the health and productivity of the marine area. Fur seals are generalist feeders, so their inability to find food indicates the paucity of marine life in the area compared to previous seasons. EDS submits that the Kaikōura Marine Guardians should be tasked with preparing a regional fisheries plan, for approval by the Minister under section 11A(1) of the Fisheries Act 1996, to provide an ecosystems-based framework for the management of fisheries in the area.

Conclusion

This review of the Kaikoura Act is timely. A lot of excellent work has been undertaken over the past 10 years to better manage the Kaikōura marine environment. However, it is also clear that there are some weaknesses in the current approach which need to be addressed. EDS has set out ways in which this could be achieved.