

**Environmental Management Strategy for New Zealand Fisheries
Informal Stakeholder Workshop**
Wed 17 July 2002, Wellington

Notes on the workshop by Trevor Ward

This set of notes records some of the main points that arose at the meeting. [*I have also included some personal comments not raised at the workshop, shown like this.*]

Overall

1. the workshop appears to have provided an important measure of support for the overall approach of proceeding to develop an EMS to deal with the environmental issues in NZ fisheries, and specifically the focus on use of 'standards' as their main approach.
2. Many of the stakeholders informally expressed their support for an EMS, albeit most had questions and concerns about the detail, including issues of feasibility (*technically possible in policy and science terms*) and achievability (*capacity and resources exist or could be conceivably secured*).
3. Some stakeholders also were concerned about the broader policy context of the EMS, since it both directed and responded to a number of MFish and other government initiatives that were yet to be proven feasible and achievable, or were yet to be fully scoped into workable constructs, or were controversial in some stakeholder circles.

Specific matters raised and briefly discussed

1. Risk assessment:
a concern was raised about using risk assessment as the basis for the EMS, but this appeared to arise from a misunderstanding about the type of risk assessment intended to be used.
2. Alternatives considered?:
Some concern was expressed that the model for the EMS was simply handed down without an explanation of how this approach was chosen from a range of alternative approaches. One of the alternatives that appeared to be proposed included decision analysis approaches like those used in the Australian ESD process, although this is also based on a risk assessment process not unlike that being discussed for the NZ EMS.
[The approach intended in NZ is distinctly superior in that it will cater for possibility of including interactions amongst factors of different types and levels, and it will impose a single consistent model on the process, neither of which are easy to achieve]

in the Australian ESD process, hence highly complicating downstream management response systems.]

3. The centrepiece of the EMS is the development of standards of environmental process and performance to be applied to fisheries, supported by associated targets and performance measures and protocols. The process for devising standards, and the associated targets etc, was agreed to be crucial for the success of the EMS. *[This should be the product of a targeted stakeholder participation process informed by scientific experience in indicator development and biodiversity performance assessment systems.]*
4. Issue focus?:
Rather than structured by fishery, the EMS process should be organised and applied around issue, ecotype and fishing method. *[This seems a rather unusual suggestion, and not likely to be highly effective, but is most likely to be an attempt to undermine the needs for fishery plans, a most contentious matter to this stakeholder.]*
5. Statutory basis?:
The language of the EMS should be explicitly linked to, and well grounded, in the language of the Act, viz: 'avoid, remedy or mitigate' as opposed to 'adverse effects'.
6. Industry support:
Specific concern was raised that the 'minimum standards' to be proposed in the EMS may be very high by current industry practices. Specific role for industry is not covered in the EMS, and industry achievements and existing activities are not identified. This could be a basis for identifying how much higher the standards may need to be pushed. *[The clear implication here is that industry will argue that it is already meeting the highest possible environmental standards, and so the current level of performance is where the EMS benchmark should be set. This will no doubt be a position taken by the hoki fishery because of their MSC endorsement.]*
7. Matters for targets:
The DOC threatened species classification system was not well regarded as the only basis on which species should be identified as a matter for target in the EMS. There is a need to broaden out the basis for identifying the matters for which standards are to be set.
8. Societal values:
societal values will cover a very broad range of matters, and this necessitates a process to be able to determine these, evaluate them and enable them to be usefully engaged into the EMS process.
9. Goalposts?:
there was some concern expressed about how specific aspects of Maori concerns would be dealt with in terms of establishing the goal posts. One of the issues of concern was the question of how much area would continue to be lost to MPAs; was there to be a limit and how would this be determined

and implemented? [*this concern has two obvious aspects – the institutional and law aspects about sustainability etc, but also how the boundaries of any specific MPA are to be chosen and what form of management will be applied. And clearly, the question of MPAs is broader than fisheries*].

10. Feasibility and achievability

The fishing industry expressed their concern that, if they were to have imposed on them a new set of requirements by MFish, that these requirements were matched to the availability of tools and procedures to enable them to properly discharge any such responsibilities. [*The industry has expressed concern in other fora about the achievability of environmental requirements such as assessing the effects of fishing on ecosystems and habitats, given the technical complexity of such problems and the high cost of conducting relevant research. These are matters that can be addressed, albeit not with a high level of resolution in the first instance. Initially, this is a problem of standard development, since feasibility and achievability are key criteria, amongst others, in determining matters for standards. The procedures for developing EMS standards might be informed by approaches to environmental indicator development in Australia and elsewhere (I can provide citations to several of my contributions to this topic), and perhaps of more relevance, Environment Australia and AFFA are currently heavily engaged in developing standards and protocols for natural resource management and a national plan of action for water quality and salinity management (I sit on an ad-hoc technical reference panel); contact "Lyndel Sutton" <Lyndel.Sutton@ea.gov.au>.*]

11. The SEAFIC representative raised the important question of how the EMS would interact with the established processes of the QMS, and if so there needed to be clear signals and consultation at the earliest time to ensure that industry support would be forthcoming.

12. Program 2:

The important point was made that resolving habitat issues will require more than MPAs and area-based tools. [*This leads directly to the question of the EMS applying to more than the species and habitats, and involving other representations of biodiversity such as ecosystems and populations. The message is that while the Programs may have specific title and areas of focus, the EMS as a whole will need to ensure that it looks broadly at biodiversity and has standards for some aspects of the broader concepts*].

13. Program 4:

A mythical Program 4 was suggested to take account of the needs of future generations, although this would seem to be already well catered for in the other Programs if they are broadened to cover the issues discussed elsewhere in the workshop. [*It might be helpful to commission and publish a discussion paper that links current societal values and the needs of future generations to the putative provisions of the EMS in terms of fisheries 'sustainability'*].

14. Program 3:

while conceptually more difficult than species and habitats, there are ecosystem level values and services that might be considered as matters for

targets. [*One that immediately springs to mind is, for coastal fisheries, the matter of source-sink relationships and scales of coastal connectivity in benthic communities of gulfs and estuaries that might relate to the separation distances of MPAs; or the matter of assemblage level biodiversity in the sense of providing for ecosystem functioning. Clearly feasibility and achievability will again be key criteria, but some forms of standards will likely be achievable even though they will initially be coarse.*]

15. External support:

An argument was put that it was useful to continue to have external and independent expertise from the broader NZ and overseas community involved in the EMS process and particularly standards setting, to provide for a broader base of normative behaviour.

16. Statutory basis:

Some discussion supported the need for the EMS to have the status of hard law, rather than a policy document that had flexibility in its interpretation and implementation.

17. Costs/resourcing:

Most stakeholders appeared to agree with the contention that a plan for costing and resourcing the EMS, and specifically the roles and responsibilities of the respective agencies and industry, was essential to have developed and discussed early in the process.

18. Working group vs external group:

There was only minimal discussion on this point, possibly because few had a clear view of what was the intended role for such a group. No clear direction was provided. [*My only question about this is that a working group may imply that setting of standards is largely a technical issue that is to be dealt with, whereas it will actually need to be well-grounded in both technical matters as well as community views and related industry matters, and so this may suggest some other form of group is needed. Despite the concerns about devolution and possible capture of such a group, both of which can be managed, I would still lean towards a mainly external group. There may be other existing models in MFish or NZ that can give guidance here.]*

Potential Action Areas for MFish

1. refine the Strategy document to separate implementation matters from the content of the strategy.
2. Develop an implementation plan, including notional costing/resources and transitional arrangements
3. Develop a conceptual model of how the strategy would be implemented within MFish, across government, and showing the intended roles of the industry and specific stakeholder sectors.

4. Commence engagement with key technical stakeholders and NZ science providers to explore strategies to assist resolve the technical issues associated with setting of standards.
5. Engage strongly with the current initiatives on MPAs to identify fishery objectives where possible.