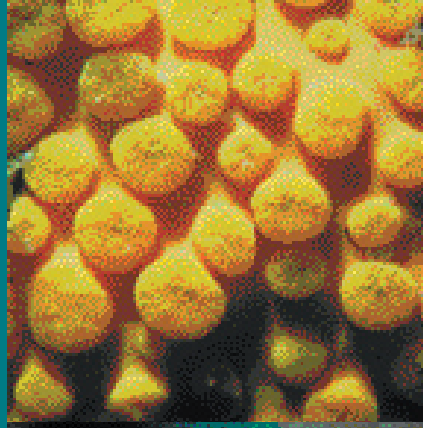

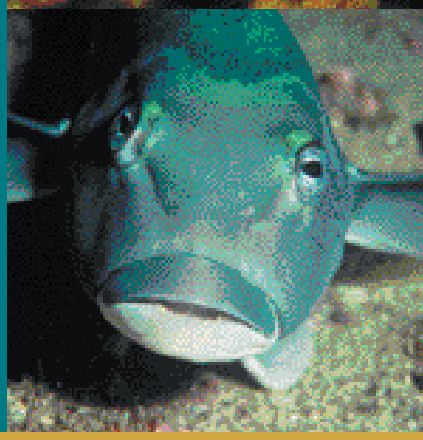

Marine Protected Areas

Policy and Implementation Plan

Biodiversity
OUR LIVING TREASURE
HE KURA TAIAO

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Front cover photos (from top) Blue cod, close up of head, South Westland, February 1996 (photo: Paddy Ryan); Feather star on Black coral; Sponge; Finger sponge and seaweeds, near Arapwaiti Point, Kapiti Island Marine Reserve, December 2000 (photo: Malcolm Francis).

Foreword

New Zealand has a biologically rich and complex seascape. Our marine environment covers some 480 million hectares of ocean and our Exclusive Economic Zone is the fourth largest in the world. More than 15,000 marine species have been found in this sea. Because New Zealand is so isolated, a particularly high proportion of species is found only here.

The Government, as a signatory to the United Nations Convention on Biological Diversity, is committed to maintaining and preserving the natural heritage of both our lands and waters, and is doing so through the New Zealand Biodiversity Strategy. An aim of the Strategy is that marine habitats and ecosystems will be maintained in a healthy functioning state, and degraded areas will be allowed to recover.

A full range of New Zealand's marine habitats and ecosystems will be protected. The Marine Protected Areas Policy and Implementation Plan (MPA Policy) will be a key means of achieving this, and is a project led by the Ministry of Fisheries and the Department of Conservation.

In the past, the approach to marine protection has been fragmented. The MPA Policy does much better. It provides an integrated process, including regional consultation, for establishing a network of marine protected areas around New Zealand.

This new process is designed to be inclusive and transparent. We want regional councils, marine users, tangata whenua and those with an interest in marine biodiversity to all be involved. Implementation will be underpinned by a commitment to minimise the impact of new protected areas on existing users of the marine environment and Treaty settlement obligations.

Planning for marine protection will be science-based, using a consistent approach to habitat and ecosystem classification, and an inventory of marine protected areas to determine gaps in the network. This will drive priorities for protection. Consideration of threats would influence further priorities.

The resulting network will be comprehensive, by protecting both representative areas and areas that are outstanding and rare. A range of management tools will be used, including marine reserves, Fisheries Act tools, and tools under the Resource Management Act.

The aim is to have 10% of New Zealand's marine environment with some form of protection by 2010. These protected areas will provide an invaluable store of genetic diversity that will contribute to maintaining the health of the wider marine environment. They will also provide opportunities for recreation, marine tourism, scientific research and education, and will enhance New Zealand's environmental performance.

Hon Chris Carter,
MINISTER OF CONSERVATION

Hon Jim Anderton,
MINISTER OF FISHERIES

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Executive Summary

This document sets out the policy and implementation plan to protect New Zealand's marine biodiversity by establishing a comprehensive and representative network of Marine Protected Areas (MPAs).

The Government is committed to ensuring that New Zealand's marine biodiversity is protected, and the MPA Policy is a key component of this commitment. The MPA Policy objective is to:

Protect marine biodiversity by establishing a network of MPAs that is comprehensive and representative of New Zealand's marine habitats and ecosystems.

Key components of the MPA Policy are:

i. A consistent approach to classification of the marine habitats and ecosystems

Classification of marine habitats and ecosystems will help to ensure the MPA network is representative. The policy is based on an approach to classification that incorporates best available scientific information and which is approved by Ministers. This consistent approach to classification will be applied to the marine environment as part of the MPA planning process.

ii. Mechanisms to co-ordinate a range of management tools

These include: a protection standard that will be used to assess whether individual management tools or a combination of management tools provide sufficient protection to a site for it to be designated as an MPA; and planning processes that enable a multi-agency approach to MPA planning for both nearshore and offshore MPAs.

iii. Inventory to identify areas where MPAs are required

An inventory will be taken of existing marine areas that have some level of protection, and the extent to which those areas cover representative habitats and ecosystems (based on the classification of habitats and ecosystems) will be assessed. The protection standard will be used to determine whether existing areas have sufficient protection to be designated as MPAs. The inventory of MPAs will be continually updated as new areas are protected.

iv. A nationally consistent basis for planning and establishing new MPAs

The MPA Policy outlines processes for MPA planning that are based on a common approach to habitat and ecosystem classification and which are directed by the priorities identified in the inventory process. Planning for offshore MPAs will be implemented at a national level, while planning for nearshore MPAs will be implemented at a regional level. Both the nearshore and offshore processes will be designed to allow for constructive engagement with tangata whenua, user groups, and the public to ensure that MPA planning is inclusive, without compromising biodiversity protection objectives. Both processes will be underpinned by a commitment to minimise the adverse impacts of new MPAs on existing users of the marine environment and Treaty settlement obligations.

Commonly Used Terms

Biological diversity (biodiversity): The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (Convention on Biological Diversity). Components include:

Genetic diversity: The variability in the genetic make up among individuals within a single species. In more technical terms, it is the genetic differences among populations of a single species and those among individuals within a population.

Species diversity: The variety of species – whether wild or domesticated – within a particular geographical area. A species is a group of organisms, which have evolved distinct inheritable features and occupy a unique geographic area. Species are usually unable to interbreed naturally with other species due to such factors as genetic divergence, different behaviour and biological needs, and separate geographic location.

Ecological (ecosystem) diversity: The variety of ecosystem types (for example, forests, deserts, grasslands, streams, lakes, wetlands and oceans) and their biological communities that interact with one another and their non-living environments.

Ecosystem: An interacting system of living and non-living parts such as sunlight, air, water, minerals and nutrients. Ecosystems can be small and short-lived, such as water-filled tree holes or rotting logs on a forest floor, or large and long-lived, such as forests or lakes.

Habitat: The place or type of area in which an organism naturally occurs.

Management tools: Management tools are mechanisms that, directly or incidentally, establish a protected site and/or manage threats to the maintenance and or recovery of the site's biodiversity at the habitat or ecosystem level. Direct management tools can therefore include marine reserves, fisheries restrictions, and mechanisms to reduce adverse impacts of land-based activities or shipping. Incidental management tools could include cable protection zones or marine mammal sanctuaries.

Protection standard: The protection standard provides the guidance for assessing whether a tool, or a combination of tools, provides for the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state at a particular site. The standard is described in Planning Principle 2. Stage One of the implementation process provides for independent scientific advice to better define the components of a protection standard and verify that the standard proposed for use in the implementation of the MPA Policy will achieve the Government's biodiversity objectives in all circumstances.

Biogeographic region: An area that is defined according to patterns of ecological and physical characteristics in the seascape. Biogeographic regions will form the basis of MPA nearshore planning.

Introduction

New Zealand Commitment to Marine Biodiversity

1 Marine biodiversity is among the great taonga (treasures) of Aotearoa/New Zealand. The geological isolation, range and complexity of habitats, and number of major ocean currents that influence New Zealand have created diverse marine communities. The Government, recognising both the environmental importance of marine biodiversity and the value that it provides to all New Zealanders, has made an explicit commitment to ensure its protection.

2 The New Zealand Biodiversity Strategy (NZBS) reflects the commitment by the Government, through its ratification of the international Convention on Biological Diversity, to help stem the loss of biodiversity worldwide.

3 The NZBS establishes the strategic framework for action, to conserve and sustainably use and manage New Zealand's biodiversity. The strategy provides statements of desired outcomes and objectives for different aspects of biodiversity management. The strategy also lists a number of actions that, when combined with existing management measures, will achieve the objectives and outcomes.

4 The following are the desired outcomes for Coastal and Marine Biodiversity in 2020:

a) New Zealand's natural marine habitats and ecosystems are maintained in a healthy functioning state. Degraded marine habitats are recovering. A full range of marine habitats and ecosystems representative of New Zealand's marine biodiversity is protected.

b) No human-induced extinctions of marine species within New Zealand's marine environment have occurred. Rare or threatened marine species are adequately protected from harvesting and other human threats, enabling them to recover.

c) Marine biodiversity is appreciated, and any harvesting or marine development is done in an informed, controlled and ecologically sustainable manner.

d) No new undesirable introduced species are established, and threats to indigenous biodiversity from established exotic organisms are being reduced and controlled.

5 There are seven objectives under the Coastal and Marine Biodiversity theme, and of direct significance to the Marine Protected Areas (MPA) Policy is Objective 3.6, which is to:

Protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection.

Contribution of other Marine Management Initiatives to Marine Biodiversity Protection

6 The Marine Protected Areas (MPA) Policy is intended to guide the development of a comprehensive and representative network of MPAs using a number of marine management tools. The network will significantly contribute to meeting Objective 3.6 and the NZBS outcome that natural marine habitats and ecosystems are maintained in a healthy functioning state. However, it is just one of a wide range of management initiatives designed to protect marine biodiversity. The other initiatives include effects-based management of the coastal and marine area under the Resource Management Act 1991 (RMA), management for sustainable utilisation of fisheries under the Fisheries Act 1996 (Fisheries Act), protection of marine mammals and threatened species under conservation legislation, and management of marine incursions under the Biosecurity Act 1993 (Biosecurity Act).

7 Three other major initiatives relating to marine management and their relationship to the MPA Policy are outlined below.

8 A New Zealand Oceans Policy will provide the overarching framework for all decisions made about the marine environment to ensure they are both coherent and consistent with stated priorities. The need for a comprehensive marine biodiversity management regime was identified in the NZBS (Objective 3.2, Action (a)). The Oceans Policy may influence the approach taken to matters such as the protection of marine biodiversity, including the MPA Policy. Such influences will be considered once the Oceans Policy is completed.

9 The Ministry of Fisheries is also implementing the Strategy for Managing the Environmental Effects of Fishing (SMEEF)[1]. The SMEEF is being implemented to deliver on the general obligation to avoid, remedy or mitigate the adverse effect of fishing on the aquatic environment. Under the SMEEF, the Ministry will identify habitats or species at risk from fishing, and establish environmental performance standards, which will inform the delivery of management interventions. Where fishing affects the maintenance of marine biodiversity, the MPA network will assist in addressing Fisheries Act obligations. Conversely, any sites protected in the course of implementing the SMEEF will be considered for contribution to the MPA network on the basis that they are representative of a particular habitat or ecosystem and they meet the protection standard.

10 The New Zealand Coastal Policy Statement (NZCPS) – a mandatory national policy statement under the RMA – is currently under review. The primary role of the NZCPS is to provide national guidance to local government on day-to-day coastal planning matters. Local authorities are required to give effect to the NZCPS when preparing policy statements and plans and assessing resource consent applications. In relation to marine protection, the NZCPS could provide more specific policy guidance on managing effects such as sedimentation, discharging, and dumping on sites that form part of the MPA network, and on the types of values at the national, regional and local level that would merit some form of marine protection.

1 For more information see www.fish.govt.nz

MPA Policy

11 The MPA Policy has been designed to contribute to NZBS Objective 3.6 and is a direct response to the following two "priority actions" under that objective:

Action 3.6(a): Develop and implement a strategy for establishing a network of areas that protect marine biodiversity, including marine reserves, world heritage sites, and other coastal and marine management tools such as mātaitai and taiāpure areas, marine area closures, seasonal closures and area closures to certain fishing methods.

Action 3.6(b): Achieve a target of protecting 10 percent of New Zealand's marine environment by 2010 in view of establishing a network of representative protected marine areas.

12 Action 3.6(b) will be important as an indicator of progress towards achieving marine biodiversity protection. However, the ultimate extent of protection will be determined by what coverage is required to establish a comprehensive and representative network of marine protected areas.

MPA Policy Objective

13 To address the objectives and actions of the NZBS, the objective of the MPA Policy is to:

Protect marine biodiversity by establishing a network of MPAs that is comprehensive and representative of New Zealand's marine habitats and ecosystems.

MPA Definition

14 For the purpose of the MPA Policy, an MPA is defined as:

An area of the marine environment especially dedicated to, or achieving, through adequate protection, the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state.

15 For a site to "adequately protect" marine biodiversity, the MPA Policy requires that management measures applied to that site meet the protection standard that is outlined in Planning Principle 2.

MPA Policy Scope

16 The MPA network will protect representative examples of the full range of marine habitats and ecosystems, and also outstanding, rare, distinctive or internationally or nationally important marine habitats and ecosystems.

17 The MPA Policy seeks to co-ordinate the implementation of existing marine management tools in order to develop a comprehensive and representative network of MPAs, including a process to assess existing area-based management tools for inclusion in the MPA network. At the outset, existing marine areas will be assessed to determine whether they meet the protection standard and can therefore be included in the MPA network.

18 The MPA Policy covers New Zealand's entire marine environment including internal waters[2], the territorial sea (coastline to 12 nautical miles) and the exclusive economic zone (12 to 200 nautical miles).

2 The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand – as defined in the Territorial Sea and Exclusive Economic Zone Act 1977.

19 MPAs will be established to protect biodiversity and are therefore not an attempt to provide for comprehensive marine management – sites will be protected specifically for the purpose of protecting marine habitats and ecosystems rather than for achieving other marine management objectives.

20 Biodiversity protection will be at the habitat and ecosystem level, not individual species (e.g. marine mammals). However, where measures protecting particular species have the effect of achieving biodiversity protection at the habitat and ecosystem level, they could be included as part of the MPA network.

21 The MPA network can include vertically stratified (i.e. sections of water column) MPAs, where the protection standard has been met. For example, an MPA could protect benthic habitat from bottom impacting fishing methods while allowing use to continue higher in the water column.

22 The MPA Policy does not directly address protection of marine historic or cultural heritage, or protection for non-extractive use (e.g. diving) or values, tourism or recreational opportunities. Such issues will be considered following the development of the Oceans Policy.

23 The MPA Policy covers the processes through which the Government will establish future marine reserves. Marine reserves proposals can still be advanced independently by community groups, but, where possible, will be brought into the Government's planning process. The Marine Reserves Bill, currently with a Select Committee, is intended to provide that the agreement of the Director-General of Conservation be required for the development of independent marine reserves applications.

24 The MPA Policy contributes to the Fisheries Act requirement to maintain marine biodiversity but does not fully meet the requirement to avoid, remedy, or mitigate the adverse effects of fishing on the marine environment. The MPA Policy does not seek to manage the sustainable utilisation of fisheries or other natural resources.

MPA Policy Responsibilities

25 The Ministry of Fisheries (the Ministry) and the Department of Conservation (the Department) are jointly responsible for developing and implementing this MPA Policy. A number of other Government agencies will be involved in the policy implementation, such as Maritime New Zealand (MNZ), Biosecurity New Zealand and the Ministry for Economic Development (MED). Local government, tangata whenua and stakeholder groups will also be involved in the policy implementation.

Integrating Marine Management Tools to Build an MPA Network

26 Integral to achieving the MPA Policy objective is the need to use a combination of marine management tools. There is considerable scope for using a combination of management tools to achieve biodiversity outcomes, including addressing the effects of land-based activities on the marine environment. The extent to which each agency can implement particular management tools to achieve the MPA Policy objective is constrained by the legislation that it has the mandate to deliver. However, the implementing principles in this policy are designed to provide the guidance across agencies to enable a good level of integration of legislative tools, so that the objective can be achieved in an effective and efficient way.

27 Many management tools have the effect (either intended or incidental) of protecting marine habitats and ecosystems. In developing the MPA network, all management tools will be considered and assessed with respect to the protection standard and the classification approach.

28 Before proceeding to establish new MPAs within a region, an inventory will be taken of existing marine areas with some level of protection within that region and the extent to which they cover representative habitats and ecosystems (based on the classification approach)[3]. The protection standard will be used to assess whether existing protected areas offer sufficient protection to be designated as MPAs. The inventory of MPAs will be continually updated as new areas are protected, including areas protected under the MPA planning process as well as through other processes. The inventory will contribute to the national priorities by enabling identification of habitats and ecosystems that require new MPAs.

29 The tools that are expected to form the main body of the network (either as stand-alone tools or in combination with other tools) are described below:

Marine Reserves

30 Marine reserves will be used under the MPA Policy to contribute to the network via:

a) Selection as the most appropriate tool(s) in the MPA planning process; and

b) Selection to meet the Government decision that marine reserves will be used to protect:

(i) representative examples of the full range of marine communities and ecosystems that are common or widespread;

(ii) outstanding, rare, distinctive, or internationally or nationally important marine communities or ecosystems; and

(iii) natural features that are part of the biological and physical processes of the marine communities and ecosystems referred to in (i) and (ii), in particular those natural features that are outstanding, rare, unique, beautiful, or important.

31 Under the Marine Reserves Act 1971 (Marine Reserves Act), a broad range of activities and their effects within a reserve can be managed, controlled or excluded, including marine farming, fishing, minerals activities, other extraction, structures, public access and recreational uses, anchoring, point discharges, research, bioprospecting, and commercial tourism.

32 Marine reserves are a core tool in the development of a representative network of MPAs. The Marine Reserves Act currently provides for the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study. Marine reserves can currently only be applied out to 12 nautical miles. As recommended in the NZBS (Objective 3.6, Action (c)), the Marine Reserves Act is being reviewed in order to better provide for the protection of marine biodiversity.

33 Cabinet has made decisions on the purpose of marine reserves in relation to conserving biodiversity. Those decisions have been included in the Marine Reserves Bill. Under the Bill, marine reserves will preserve and protect areas in the marine environment for the conservation of marine biodiversity. That is, those areas identified in paragraph 30 above.

34 The MPA Policy provides the primary framework through which marine reserves will be established.

35 Where marine reserve proposals, approved by the Director-General of Conservation, are advanced independently of the MPA planning process and meet the MPA protection standard, those sites will be included in the MPA network through the inventory process.

3 Existing marine reserve applications will be progressed outside of the MPA planning process, but will be included in the MPA network via the inventory.

Fisheries Act Tools

36 Fisheries Act tools will be used under the MPA Policy to contribute to the MPA network via selection as the most appropriate tool(s) in the MPA planning process.

37 The Fisheries Act contains tools to manage the actual and potential adverse effects of fishing on the marine environment. These tools include regulatory powers to:

a) prohibit all fishing in particular areas; and

b) prohibit particular fishing methods.

38 All of these regulatory tools could be used to protect representative sites of marine biodiversity and therefore contribute to the MPA network – provided the tools are used in a manner consistent with the Fisheries Act, i.e. to address either actual or potential adverse effects of fishing on the environment, and are implemented in a manner consistent with the statutory requirements.

39 The development by the Ministry of plans to manage particular fisheries may also introduce management tools to address the impacts of fishing on marine biodiversity. Where these management tools meet the protection standard, they may be included in the MPA network.

40 The Fisheries Act also contains provisions for a range of customary fisheries management tools. These tools are discussed in a section below.

Resource Management Act Tools

41 The RMA sets up a framework for coastal management. The framework includes the New Zealand Coastal Policy Statement (NZCPS), which sets out national priorities for the coast, and Regional Policy Statements and Coastal Plans and District Plans, which must give effect to the NZCPS policies. Biodiversity protection is a function of both regional and district councils.

42 RMA tools can contribute to the network by:

a) establishing protected areas in coastal plans; and

b) contributing to the management of existing marine protected areas.

43 In preparing second generation coastal plans, regional councils, through the use of a zoning tool, can identify areas of high marine biodiversity, and develop methods, including rules, to ensure that these areas are protected from adverse environmental effects. Plans can also specify prohibited activities. This would ensure that resource consent applications would be unable to be approved for activities with significant adverse effects on marine biodiversity values.

44 In regions where MPAs have been established, no significant adverse effects on these areas could be included as assessment criteria for resource consent applications. Regional coastal plans can also contain objectives, policies and rules to ensure that the effects of activities such as structures, marine farms, and discharges are avoided in areas already protected. Other regional plans, such as soil, freshwater and sedimentation plans, can contain controls to ensure that non-point discharges do not impact on established marine protected areas.

45 RMA tools are only available out to 12 nautical miles.

Special Legislation

46 Special legislation has been used to protect the marine environment in some circumstances. These sites restrict particular activities (e.g. marine dumping, bottom impacting fishing methods), and may include a “no fishing” area. Some of the restrictions in an area may already be in place under other legislation like the Fisheries Act. Examples of areas established by special legislation include the Sugarloaf Islands Marine Protected Area and Fiordland (Te Moana o Atawhenua) Marine Area. It may be that parts of existing parks with the greatest restrictions in place, rather than the whole park, protect biodiversity to a sufficient level to be included in the network.

Wildlife Refuges, Sanctuaries and Management Reserves

47 Wildlife refuges, sanctuaries and management reserves may contribute to the network, including via selection as the most appropriate tool.

48 Wildlife refuges, sanctuaries and management reserves can be established under the Wildlife Act 1953, and are targeted at protecting particular species and their habitats in a defined area. Nevertheless, they could count towards the network if the measures to protect the wildlife have the effect of protecting the marine habitats and ecosystems in the area.

Other Conservation Areas

49 National Parks and other conservation areas under the Reserves Act 1977 can include intertidal areas. National Parks and some types of reserves provide a high level of protection and could count towards the network if they are of sufficient size. Nature reserves in particular may contribute to the network because they protect the area per se, not just the wildlife attributes. Reserves could contribute to the network by selection as the most appropriate tool in the MPA planning process.

Customary Fisheries Management Tools

50 The purpose of mātaitai reserves is to provide for customary fishing use and management practices. The purpose of taiāpure is to better recognise iwi management rights over areas important for spiritual needs or customary food gathering. Neither can be proposed primarily for biodiversity protection. Nevertheless, sustainable utilisation of fisheries resources and protection of marine biodiversity are not mutually exclusive. If tangata whenua so wish, it is possible that these tools could be applied in such a way that they can contribute to the MPA network.

51 As with any potential MPA, the management measures in the taiāpure or mātaitai reserve would need to meet the protection standard in order to be recognised as part of the network.

52 Tangata whenua may wish to consider having all or part of a taiāpure or mātaitai reserve recognised as part of the MPA because a greater sense of ownership may be provided than would be the case for a management tool initiated by the Crown.

Marine Mammal Sanctuaries

53 Marine mammal sanctuaries could contribute to the network where the measures to protect against the threats to a marine mammal have the effect of protecting the marine biodiversity of the habitat or ecosystem in the area. This may be the case particularly where sanctuaries are combined with other management tools like fisheries restrictions. Marine mammal sanctuaries are provided for under the Marine Mammals Protection Act 1978.

Cable Protection Zones

54 Cable protection zones prevent all marine-based activities that may threaten cables. They could therefore also prevent most marine-based activities that may threaten habitat and ecosystem biodiversity (except for cable laying and maintenance activities). If the protection is sufficient to meet the protection standard, such areas could contribute to the MPA network. Cable protection zones are established under the Submarine Cables and Pipelines Protection Act 1996.

Crown Minerals Act

55 The Department and the Ministry will engage with the Ministry of Economic Development to consider the way in which tools under the Crown Minerals Act 1991 (CMA) may contribute to the MPA Policy. This collaboration will ensure that activities under the CMA are managed in ways that minimise adverse impacts on MPA planning or establishment. CMA mechanisms can also be used as part of the suite of management measures to address threats to a particular MPA site.

Maritime Transport Act

56 The Maritime Transport Act 1994 (MTA) has a range of management tools that, if used alone, will not offer sufficient protection to meet the protection standard. However, the MTA tools (e.g. shipping controls, anchoring restrictions) could be used to bolster other management measures. For protection outside of the territorial sea, Maritime New Zealand (MNZ) is able to work with the International Maritime Organisation.

57 Where MTA management tools are identified as being required to meet threats to biodiversity within proposed MPAs, MNZ will be involved in the planning process.

Biosecurity Act

58 The Biosecurity Act has a range of tools that, if used alone, will not offer sufficient protection to meet the protection standard. However, the Biosecurity Act tools (e.g. controls on movement of pests) could be used to bolster other management measures. The Biosecurity Act is administered by the Ministry of Agriculture and Forestry/Biosecurity New Zealand.

59 The main tool within the Biosecurity Act relevant for MPAs is the controlled area notice provision. The purpose of a controlled area notice is to enable the institution of movement and other controls to achieve certain biosecurity objectives relating to unwanted organisms and pests. The limitation of this provision is that it relates to pests and unwanted organisms which are defined under the Act – so a controlled area cannot be instigated to protect an area from the introduction of organisms generally. Also, the controlled area notice can only be applied within the 12 nm limit.

60 Actions to manage biosecurity issues in marine protected areas may also be undertaken under other legislation including the Marine Reserves Act.

61 Where biosecurity management tools are identified as being required to meet threats to biodiversity within proposed MPAs, Biosecurity New Zealand will be involved in the planning process.

Implementing Principles

62 The principles set out in this section will guide the implementation process to establish a network of representative MPAs under this policy, and ensure the management tools adequately provide for the maintenance or recovery of biodiversity.

63 These implementing principles are organised as follows:

a) network design principles – to guide the design of the MPA network; and

b) planning principles – to guide MPA planning and management.

64 Each principle is followed by a brief explanation to guide interpretation and application of the principle.

Network Design Principles

65 Development of the representative network of MPAs will be guided by the principles set out below.

Network Design Principle 1: The MPA network will protect examples of the full range of natural marine habitats and ecosystems.

66 The sites included in the MPA network should be representative of all marine environment areas (at the agreed scale) and should cover centres of endemism and rare habitats or ecosystems.

Network Design Principle 2: MPAs should be designated based on a consistent approach to classification of habitats and ecosystems.

67 To establish a representative MPA network, decisions are needed by Ministers on the classification approach to be used, including the scale or scales at which marine habitats and ecosystems will be classified and the extent to which other biological and physical information may be used to assist classification. The classification approach may be reviewed in response to new information on the marine environment or classification systems.

68 A transparent process will be used to determine and review the classification approach.

Network Design Principle 3: The MPA network should be viable.

69 The marine environment is subject to ongoing stresses both natural and human-induced. A viable network will be more likely to withstand and recover from such impacts, increasing the likelihood of sustainably achieving the overall network. Viability will depend on matters including: the nature of the protection; the presence of replicate MPAs protecting particular habitat and ecosystem types; connectivity between MPAs; the nature of actual or potential threats to a particular habitat; and the amenability of those threats to mitigation using MPA management measures.

70 Where possible, MPA network planning should be designed to ensure the maintenance of ecosystem processes. The number of replicate MPAs included in the network will usually be two. However, in circumstances where a habitat or ecosystem is particularly vulnerable to irreversible change, more replicates may be established as a national priority.

71 Agencies will need to work together to respond effectively to external threats (such as sedimentation, incursion of exotic invasive species, or oil spills) to the MPAs.

Network Design Principle 4: National priorities for additions to the MPA network will be developed, and reviewed on an annual basis.

72 National priorities for MPA planning will be set for a five year period and the priorities will be reviewed annually. National priorities will guide and inform biogeographic region and offshore MPA planning.

73 The overall goal is to protect the full range of marine habitats and ecosystems. Prioritisation of actions will therefore be driven by the requirement to protect the under-represented habitats and ecosystems. “Outstanding, rare, distinctive, or internationally or nationally important” habitats or ecosystems will then be considered. Priorities will then be influenced by consideration of threats to under-represented habitats and ecosystems. Progress could also be made quickly where under-represented habitats and ecosystems can be protected with insignificant impact on existing users and Treaty settlement obligations.

74 A transparent process will be used to determine and review national priorities.

Network Design Principle 5: An evaluation programme will be undertaken.

75 Evaluation will focus on the implementation of the MPA Policy. It will:

a) assess progress in achieving the MPA Policy objective; and

b) assess MPA planning processes to ensure consistency with the implementing principles.

76 A stocktake of MPAs will be prepared each year to assess progress against priorities. Protected areas established outside the MPA planning process will be recognised as part of the MPA network provided they are representative of particular habitat and ecosystem types, and their management measures meet the protection standard.

77 The evaluation programme will provide information that will be fed into an annual report to decision makers to enable progress on implementing the network and consistency with the MPA Policy to be measured in a timely manner. The report will also be made publicly available.

Network Design Principle 6: A monitoring programme will be undertaken.

78 The monitoring programme will assess the performance of the MPA network, with respect to its viability, and the effectiveness of the individual MPAs at achieving their own specific biodiversity objectives. Results from the monitoring programme will be made publicly available.

79 For each MPA the monitoring programme will be based on the:

a) site biodiversity objectives – based on the attributes of the habitat and ecosystem; and

b) performance of the MPA management tools.

80 Where monitoring reveals that management tools are not adequately protecting the area, the management tools for that MPA will need to be reviewed.

Planning Principles

81 The planning process to establish new MPAs to contribute to the network will be guided by the principles set out below.

Planning Principle 1: Every MPA should be designated on the basis that it is representative of one or more habitats or ecosystems, and in a manner consistent with the national network priorities and the MPA implementing principles.

82 This will provide clarity about the anticipated contribution of each MPA to the network, guidance on tool selection, and a reference for performance monitoring. The attributes of the habitat and ecosystem that each MPA is protecting will be recorded in the inventory of MPAs.

Planning Principle 2: The management tool(s) used at a site must be sufficient to meet the protection standard.

83 To meet the protection standard, a management tool must enable the maintenance or recovery of the site's biological diversity at the habitat and ecosystem level to a healthy functioning state. In particular, the management regime must provide for the maintenance and recovery at the site of:

a) physical features and biogenic structures that support biodiversity;

b) ecological systems, natural species composition (including all life-history stages), and trophic linkages;

c) potential for the biodiversity to adapt and recover in response to perturbation.

84 Maintenance and recovery include, where feasible, the avoidance of change from human induced pollution, sedimentation, fishing, tourism or visitor-based disturbance, undersea or seafloor commercial activities, or scientific/research activities. The selection of tools for the management regime will require assessing their ability to address such human-related threats and activities.

85 The NZBS contemplates the use of some management tools that allow some level of extractive use in MPAs. Management tools must, however, not allow levels of biological removals or physical disturbance that would breach the requirements outlined above in paragraph 83.

Planning Principle 3: The special relationship between the Crown and Maori will be provided for, including kaitiakitanga, customary use and mätauranga Maori.

86 This principle reflects the need to take into account obligations that arise from Treaty of Waitangi commitments to tangata whenua that are included in marine management legislation and Treaty settlement legislation. Agencies need to ensure effective participation of tangata whenua in relevant processes. Whilst these commitments do not give tangata whenua a veto over MPA proposals, they do mean that where MPAs are being considered for a particular area, tangata whenua should be involved at an early stage.

87 Consideration of the impacts of MPAs on customary use and management practices is an essential part of creating an effective MPA network and avoiding unnecessary conflict.

Planning Principle 4: MPA establishment will be undertaken in a transparent, participatory, and timely manner.

88 Support for MPAs is likely to be increased where affected parties are adequately informed and have confidence in the integrity of the decision-making process. MPA implementation will be undertaken in a manner that constructively engages tangata whenua, regional councils, other government agencies and particular interests whose use of marine areas will be affected by MPAs, in addition to groups with an interest in marine biodiversity. These processes will be undertaken in a transparent manner that informs and allows for participation and input from the public.

89 In addition, agencies will meet any statutory consultation and participation obligations associated with implementing their management tools.

90 The establishment process will be documented to aid transparency for stakeholders. Each planning exercise will result in a report that outlines the marine protected area proposals identified.

Planning Principle 5: Adverse impacts on existing users of the marine environment should be minimised in establishing MPAs.

91 MPAs are more likely to be established in a timely and efficient manner where appropriate recognition is given to the rights and responsibilities of users of the marine environment. Gaps in the network may be able to be addressed at a number of different sites, and the protection standard will be able to be met using a variety of management measures.

92 Where there is a choice of several sites, which if protected would add a similar ecosystem or habitat to the MPA network, the site(s) chosen should minimise adverse impacts on existing users and Treaty settlement obligations. Where there is a choice to be made among minimum impact sites, selection may also be guided by:

a) accessibility for management and enforcement requirements; and

b) benefits such as educational, diving and tourism opportunities.

93 The tools used to meet the protection standard will be selected primarily on the basis of adequately managing foreseeable threats to the site's biodiversity. A marine reserve will be established to protect at least one sample of each habitat or ecosystem type in the network. A range of management tools may be used to protect further samples provided the tools meet the protection standard and minimise adverse impacts on existing users. Tools selected will be implemented consistent with legislation and Cabinet decisions.

94 The process to consider sites and tools in a region can be undertaken concurrently.

Planning Principle 6: The management tools used to establish MPAs should be consistent and secure in the long term, subject to any necessary changes to allow them to better achieve the MPA Policy objective, taking into account natural dynamics.

95 Many improvements in biodiversity will not happen in the short term. The MPA Policy represents a long-term investment in the marine environment with the expectation that benefits will arise over time. It therefore makes sense to work towards long-term protection. Nevertheless, it may be necessary to adjust the design and/or location of some MPAs in light of changing environmental conditions, improving knowledge and changes in the use of the marine environment.

Planning Principle 7: Best available information will be taken into account in decision-making.

96 Understanding of marine habitats and ecosystem processes is limited, as is information on current uses and the effects of those uses on biodiversity. MPA decision-making will be informed by the best available information. Best available information means the best information relating to ecological, environmental, social, cultural and economic aspects of the marine environment that is available without unreasonable cost, effort or time. Standards will be developed to outline the quality requirements for the use of information in MPA planning.

Planning Principle 8: Decision-making on management actions will be guided by a precautionary approach.

97 Management actions to implement MPAs should not be postponed because of a lack of full scientific certainty, especially where significant or irreversible damage to ecosystems could occur or indigenous species are at risk of extinction. Each agency will need to apply the precautionary approach in a manner consistent with its statutory obligations.

Planning Principle 9: The MPA management regime must be enforceable.

98 Where compliance and enforcement is inadequate, the MPA Policy objective is unlikely to be achieved. The level of enforcement and compliance required will be based on the risk of non-compliance and the impact of that non-compliance on achieving the MPA Policy objective.

Planning Principle 10: MPA research will be effectively planned and co-ordinated.

99 MPA research is important for a number of reasons. These include developing the classification approach, determining whether individual MPAs are meeting the MPA Policy objective, how MPAs should best be designed and managed, and the social and economic impacts of MPAs. MPAs also provide invaluable comparisons or controls for research investigating the ecological structure and function of marine communities, with potential benefits for fisheries and environment management.

MPA Policy Implementation Plan

Introduction

100 The implementation of the MPA Policy will be based on a four stage process, which is described in broad terms below. The process will need to be reviewed following the workshops for Stage One.

Stage One Overview

101 Stage One develops an approach to classification of nearshore and offshore areas to form the initial basis for implementation, and a common protection standard that can be applied to all sites in both areas. Existing management tools and sites will also be mapped for possible inclusion in the MPA network. These tasks will be coordinated nationally by the Ministry and the Department.

Stage One: Preparation for Implementation

Stage One Tasks

102 Task 1: Develop a nationally consistent approach to classification. An expert workshop was convened in December 2005 to provide advice on this. Stakeholders were invited as observers. The workshop was asked to confirm the use of the Nearshore Marine Classification and Inventory's eight biogeographic regions as the first level of classification or offer alternative, biologically justifiable, representations of biogeographic regions. The workshop was also asked to advise on the use of combinations of key ecological drivers (depth, substrate type and energy) as the second level of classification in data poor areas, and on the use of biological information in areas where more data is available. In addition, the workshop was asked to confirm the use of the Marine Environment Classification (MEC) at 20 environment types as the basis for offshore classification and how the offshore classification could be improved by incorporating additional information.

103 Task 2: Refine the protection standard. The process for determining the protection standard may require some science input from a similar workshop. The primary task will be to refine the statement of the protection standard contained in Planning Principle 2. Further consideration is also required to ensure the protection standard is practical and can be applied without unduly onerous data requirements that would unnecessarily delay Stage Two of the MPA implementation.

104 Task 3: Map existing management tools. A geographic information system (GIS) would provide the best tool for managing information on potential and existing MPAs. Such a system would also allow for continued updating of the MPA inventory. An online system that is available to the public and stakeholders could be established by building on the Ministry's NABIS (National Aquatic Biodiversity Information System) database.

Timing and Delivery

105 Tasks 1, 2 and 3 can be completed concurrently. However, they must be completed before Stage Two can commence in any region.

106 The Ministry and the Department will produce a report on the classification approach and protection standard. For the purpose of consultation, this report will be

posted on relevant web pages and sent to those who received this MPA Policy and Implementation Plan. Final recommendations for a classification approach and protection standard will be presented to Ministers for their approval following the consultation period. The mapping of existing tools will also be made widely available.

107 This Stage is to be completed by June 2006.

Stage Two Overview

108 Stage Two involves constructing an inventory of current MPAs by assessing the management tools identified and mapped in Task 3 against the protection standard. These MPAs will then be assessed against the classification approach to identify gaps in the MPA network. Priorities for new MPAs can then be determined based on the principles of the MPA Policy.

Stage Two: Strategic Analysis

Stage Two Tasks

109 Task 4: Develop the inventory of MPAs. The management tools mapped in Task 3 will be evaluated against the protection standard. This will determine which management tools offer sufficient protection to habitats and ecosystems for the sites concerned to be considered MPAs. For efficiency and consistency in the application of the protection standard, this task would ideally be completed in all biogeographic regions simultaneously (subject to sufficient resources being available).

110 Task 5: Identify the gaps in the MPA network. The classification approach will need to be applied in each biogeographic region (or whatever MPA planning units are determined). Those MPAs designated in Task 4 will be compared to the classification approach to determine which habitats and ecosystems are adequately represented and which are under-represented.

111 Task 6: Prioritise habitats and ecosystems for new MPAs. Priorities for establishing new MPAs will be determined based on the gap analysis and the principles of the MPA Policy.

Stage Two Nearshore

112 The identification of gaps in the nearshore MPA network required in Task 5 could be done nationally or on a biogeographic region level (or smaller ecologically appropriate MPA planning unit) consistent with the approved classification approach. If resources allow, conducting this work simultaneously in all regions would provide greater efficiency and consistency. For the completion of Task 5, some additional information may be required to determine the habitat in which the MPA exists.

Stage Two Offshore

113 The spatial boundaries of offshore MPAs can be overlaid on Marine Environment Classification (MEC) classes to determine in which environments MPAs exist. Gaps in the MPA network can then be identified together with potential locations for additional MPAs.

114 Task 6 envisages that the gaps identified in Task 5 will inform the prioritisation of new MPAs; this prioritisation will be consistent with the implementing principles of the MPA Policy. The Department and the Ministry will oversee Task 6 with input from independent science advisors as required.

Timing and delivery

115 Timing for Stage Two will depend on the information requirements and resources committed. Once Stage One is completed, it will be possible to accelerate Stage Two work in some MPA planning units that are determined to be a high priority. Additional resourcing will be required to support the implementation of Stage Two. In the second half of the calendar year it is anticipated that particularly good progress will be able to be made in the offshore area, given that the MEC classification system is more advanced.

Consultation

116 At the conclusion of Stage Two tasks, agencies will circulate a report(s) for consultation by stakeholders. The report(s) will include details on the application of the protection standard, an inventory of MPAs, and details of the process used to identify the gaps in the MPA network. As indicated above, Stage Two can be "rolled out" on a national basis or on an MPA planning unit basis (i.e. biogeographic region or appropriate alternative representation; and the offshore area).

Stage Three Overview

Stage Three: Development of an MPA Network

117 Stage Three involves the identification of new MPAs based on the priorities developed in Task 6. This will be completed using different processes for the nearshore and offshore marine environments.

Stage Three Tasks

118 Task 7: Nearshore implementation. This involves developing an integrated regional approach to planning and establishing new sites in the MPA network. This will use the results of Stages One and Two and be consistent with the Network Design and Planning Principles outlined in the MPA Policy. Regional planning projects commenced in or before 2005 will not be completed before they have been informed by, and therefore are fully consistent with, the MPA Policy and the completed Stage One and Two Tasks. Regional planning will proceed through the use of marine protection planning forums (MPPFs). Within each biogeographic region or ecologically discrete MPA planning unit, MPPFs will be convened by the Ministry and the Department and tasked to:

a) consider the classification and inventory information from Stages One and Two;

b) compile information on existing uses and interests in the area;

c) identify sites and potential tools for area based protection of biodiversity;

d) seek to establish consensus on areas to be set aside as MPAs.

119 Each MPPF will constructively involve and engage tangata whenua, regional councils, marine biodiversity interest groups and the users and stakeholders whose use of marine areas may be affected by MPAs. The Department and the Ministry will service the forums with information, advice, facilitation and guidance. It is expected that relevant agencies will develop and maintain a separate dialogue with tangata whenua to ensure that Treaty obligations are met.

120 MPPFs will be provided at the outset with a written brief on the task to be undertaken. This brief will ensure that a consistent standard of process and outcome is achieved within the MPA Policy requirements, implementing principles, and the national classification approach and priorities. The requirements in Planning Principle 4 for transparency and participation will be met.

121 Task 8: Offshore implementation. This will be conducted through an expert offshore panel with specific expertise and representation of offshore interests. As with Task 7, this panel will use the results of Stages One and Two and be consistent with the Network Design and Planning Principles outlined in the MPA Policy.

Timing and Delivery

122 While some provisional planning for regional nearshore implementation has been conducted, the programme will be confirmed when work on the national classification approach is completed.

123 Regional planning has commenced in a number of places in advance of national classification, notably the West Coast, sub Antarctics and the Hauraki Gulf. These planning projects are able to progress only to a stage where they will need to be informed by the completed work in Stages One and Two.

124 There is a need to ensure that regionally-based planning achieves the objective of a comprehensive and representative network of marine protected areas at the national level. This will require co-ordination and monitoring across regional processes.

125 Task 9: Designate new MPAs. Recommendations will be made to Ministers for new MPAs, both nearshore and offshore. Designation of new MPAs will then follow the statutory processes required to implement the proposed management tools.

Stage Four Overview

Stage Four: Monitoring and Evaluation

10. Monitor and evaluate the MPA network

Stage Four Tasks

126 Task 10: Monitor and evaluate the MPA network. An evaluation of progress in implementing the MPA Policy will be undertaken in line with Network Design Principles 4, 5 and 6. This will measure progress toward achieving the MPA Policy objective and will establish new priorities for future implementation of MPAs.

Timing and Delivery

127 Task 10 will be led by the Ministry and the Department, with assistance from the expert offshore panel and independent science advisors as required. The Ministry and the Department will annually review the results of the monitoring and evaluation.

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