



Kapiti Marine Reserve Conservation Management Plan

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Department of Conservation
Te Papa Atawhai

Kapiti Marine Reserve Conservation Management Plan

May 1998

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1. Foreword

Kapiti Marine Reserve was established in 1992 in response to growing public concern about the depletion of the unique marine environment around Kapiti Island. The reserve addresses this concern by restricting activities which could adversely affect the marine habitat. The reserve is part of a growing network of marine reserves throughout New Zealand which should eventually protect examples of the full range of our marine habitats.

Marine reserves benefit the public in a variety of ways. They present a range of recreational and educational opportunities, and sometimes they are simply places to enjoy nature in a setting that is free from exploitation – the experience available in reserves on land. Other benefits are more far-reaching. When marine reserves are allowed to return to a natural state unmodified by direct exploitation and pollution, they allow scientists and resource managers to assess the effects of a range of human activities upon the marine environment generally. Marine reserves are important as biological reference points, or “living laboratories”.

The Kapiti Marine Reserve was established in accordance with the Marine Reserves Act 1971 (MRA) which was originally administered by the Ministry of Agriculture and Fisheries “for the purpose of preserving the area in its natural state as a habitat of marine life for scientific study”. The Act is now administered by the Department of Conservation. There is a public perception that the focus of the Act has moved from scientific study to environmental and conservation considerations. That change in focus will require amending the legislation.

This draft Conservation Management Plan is a statutory document which implements the Conservation Management Strategy. Its purpose is to guide the day-to-day management of a reserve and provide strategic direction for management. The plan achieves this through detailed management objectives, and methods for implementing those objectives.

A Conservation Management Plan is generally a statement of intent and does not override the provisions of legislation, general policy and agreements. The objectives of this plan express the department’s overall management intentions for Kapiti Marine Reserve for the next 10 years. Achievement will be determined by the availability of resources and the level of community support. The plan does not establish a promised level of funding. Nonetheless, the stated objectives are underscored by a commitment to endeavour to obtain the necessary funding and support.

This draft Conservation Management Plan has been prepared by the Department of Conservation in consultation with the Wellington Conservation Board (which has delegated this role to the Kapiti Marine Reserve Committee), the Wellington Regional Council, the Ministry of Fisheries and the Ministry of Transport.

This plan was approved in March 1998 and will be effective for ten years, but may be reviewed at any time before 2007 as a result of changes in circumstance or legislation.

Allan Ross
Conservator
Wellington Conservancy

2. Preparation and structure of the plan

PREPARATION

The special nature of Kapiti Marine Reserve has meant that a Conservation Management Plan (CMP) is required, in addition to Wellington Conservancy's Conservation Management Strategy (CMS), to address the specific needs of the marine environment.

In terms of Section 8 of the Marine Reserves Act the purpose of a Conservation Management Plan under that section "is to establish objectives for the management of a marine reserve or reserves". Section 8 then imports the provisions of the Conservation Act relating to the CMP process (with any necessary modifications).

Under the Conservation Act 1987, Conservation Management Plans shall be prepared if:

1. Their preparation is required by a Conservation Management Strategy (Section 17E(2))
or
2. There is no operative Conservation Management Strategy and the Minister of Conservation requires their preparation (Section 17E(3)).

In the case of the Kapiti Marine Reserve, a Conservation Management Plan is required by the Wellington Conservancy Conservation Management Strategy 1995-2005.

The process for the development of a Conservation Management Plan is set out in Section 17 of the Conservation Act 1987 and is summarised as follows:

1. An initial notice is sent out asking for suggestions and comments.
2. Preparation of a draft Conservation Management Plan.
3. Release of the draft Conservation Management Plan for formal public comment (submissions).
4. Summary of submissions.
5. Hearings on submissions (if required).
6. Amendments to the draft Conservation Management Plan considered by the Conservation Board (amendments prepared by the Department).
7. The Conservation Board considers and revises the draft.
8. If the Conservation Board feels the draft needs further consideration, the board may send the draft to the New Zealand Conservation Authority for consideration, or request that the Director-General revise the plan.
9. When satisfied with the Conservation Management Plan, the Conservation Board shall approve it.

While the expectation is that the plan will be relevant to the management of the reserve throughout that period, it may be amended at any time by the Director-General in consultation with the Wellington Conservation Board (to be advised by the Kapiti Marine Reserve Committee). Where a substantial change is intended, the public submission process must be followed. However, where the change will not materially affect the objectives or policies of the plan the amendment may be approved by the conservation board without formal public input.

STRUCTURE

The intention of this plan is to guide the management of the reserve by providing objectives, and methods for implementing those objectives. Sections 3, 4 and 5 of the plan provide a foundation for these objectives and methods. Section 3 sets out the legislative context within which the plan must operate, and Section 4 provides background information on the reserve. Drawing on both these sections, Section 5 is a management philosophy which provides a framework for the plan's objectives and methods.

There are four distinct parts to the management of the reserve and objectives and methods are provided for all of these (Sections 6, 7, 8 and 9).

- Section 6: Iwi and community relations.
Incorporating the concerns of iwi and of the wider community into the management of the reserve.
- Section 7: Managing the effects of human activity and providing for public access within the reserve.
This includes controls on scientific study, recreational and commercial activities, and the provision of public access facilities.
- Section 8: Advocacy.
This involves influencing activities outside the reserve which could affect the reserve environment, promoting the reserve as an area for recreation and public education, and promoting public safety within the reserve.
- Section 9: Monitoring, research and habitat manipulation
This involves scientific study, monitoring of the marine environment, and the active enhancement of endangered species.

Section 10 of the plan is a glossary of planning and scientific terms used, and the Appendices to the plan are set out in Section 11.

3. Legislative context

3.1 CONSERVATION ACT 1987

The Wellington Conservation Management Strategy (CMS) 1996–2005

The Wellington Conservation Management Strategy (CMS) is a 10 year strategy established in accordance with the Conservation Act 1987 which addresses the management of natural and historic resources by the department in the Wellington Conservancy.

The purpose of a Conservation Management Strategy is “to implement general policies and establish objectives for integrated management of natural and historic resources, including any species managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, or the Conservation Act 1987, and for recreation, tourism, and other conservation purposes”.

The Wellington CMS sets out objectives for the department’s management role within the reserve and actions which will enable the department to achieve those objectives (see Appendix 1).

The special nature of this reserve has meant that a Conservation Management Plan (CMP) is required, in addition to CMS, to address the specific needs of the marine environment. The preparation of a CMS for the Kapiti Marine Reserve is one of the actions required by Section 10.2 of the CMS.

3.2 THE MARINE RESERVES ACT 1971 AND THE MARINE RESERVE REGULATIONS 1993

The reserve was established in accordance with the Marine Reserves Act 1971 (MRA). The short title of the Marine Reserves Act is “An Act to provide for the setting up and management of areas of sea and foreshore as marine reserves for the purpose of preserving them in their natural state, as a habitat of marine life for scientific study”. As stated in the Foreword, there is a public perception that the focus of the Act has moved from scientific study to conservation considerations. That change in focus will require amending legislation.

The reserve is administered by the Director-General of Conservation as required by Section 9 of the Marine Reserves Act.

Restrictions on the behaviour of persons within marine reserves and provision for scientific study are set out in section 171 of the Marine Reserves Act and the Marine Reserve Regulations 1993 (see Appendix 2).

Insignificant alterations to the boundaries of the marine reserve may be made by the Minister of Conservation promoting an Order in Council, but in general a boundary alteration (or addition or deletion of areas) would require the full public consultation process that the reserve went through when it was first established.

3.3 THE RESOURCE MANAGEMENT ACT 1991

The reserve area is also administered by Wellington Regional Council in accordance with the Resource Management Act (RM Act). The purpose of the Act is:

“to promote the sustainable management of natural and physical resources by managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.
- b. Safe-guarding the life-supporting capacity of air, water, soil, and ecosystems.
- c. avoiding, remedying, or mitigating, any adverse effects of activities on the environment” (Section 5).

The RM Act requires the preparation of regional coastal plans to guide management of the coastal marine area (the area up to mean high water springs) in accordance with the policies in the New Zealand Coastal Policy Statement. These plans provide for the management of activities such as the occupation of space, discharge of contaminants, effects of activities including the avoidance of mitigation of natural hazards, and activities in relation to the surface of water. The reserve is identified as an Area of Significant Conservation Value in the Wellington Regional Coastal Plan. Generally development within the reserve is classed as a discretionary or non-complying activity.

3.4 LEGAL DESCRIPTION AND CLASSIFICATION

Reserve name: Kapiti Marine Reserve.

Legal Description: All that land comprising 2167 hectares, more or less situated in the Wellington District, being part seabed and being more particularly shown marked “A” and “B” on SO Plan 36790 (see map on page 7).

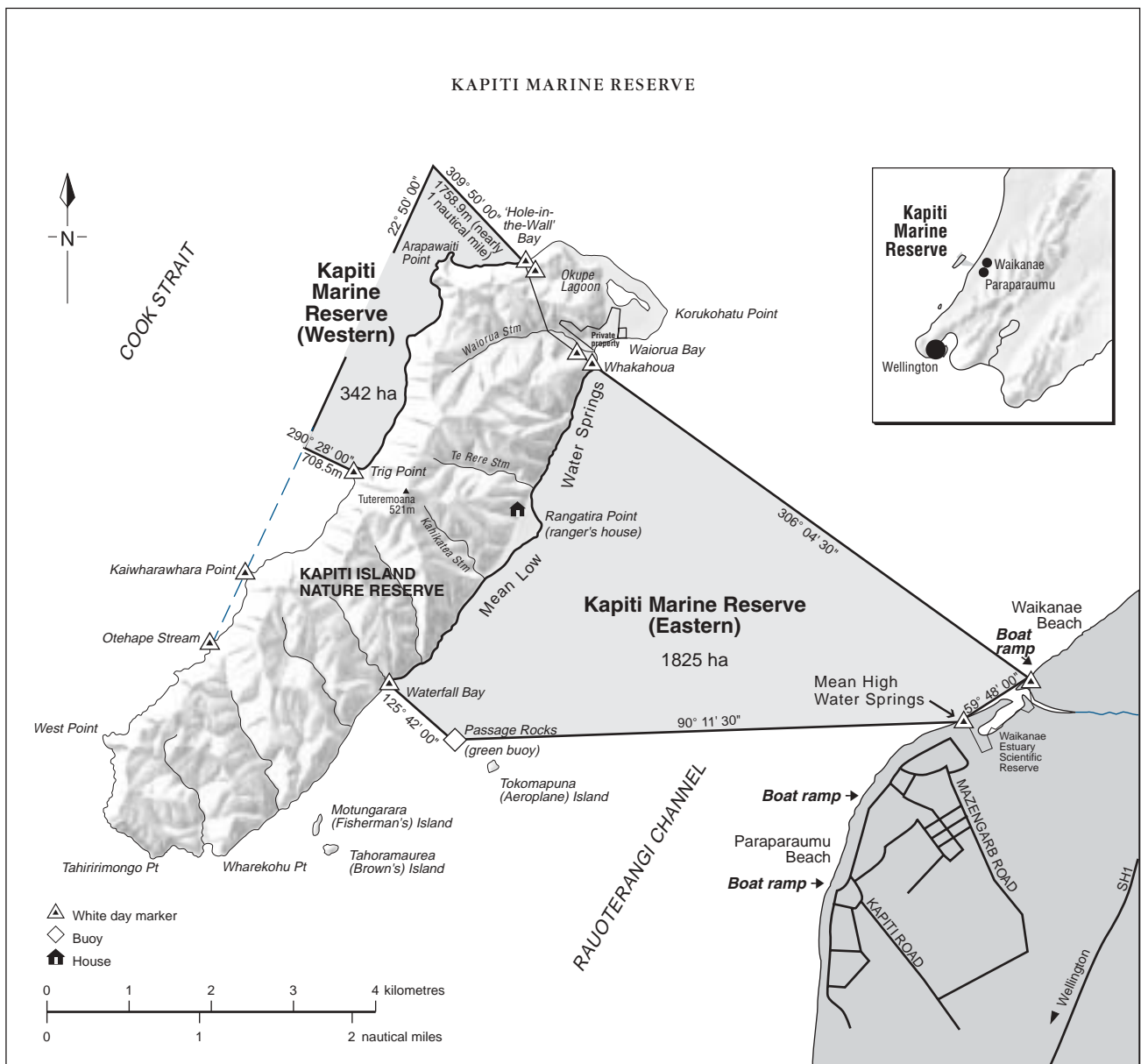
Classification: Marine Reserve under the Marine Reserves Act 1971.

4. Background

4.1 THE RESERVE ENVIRONMENT

Kapiti Marine Reserve comprises two areas - the eastern reserve situated between Kapiti Island and the mainland (1825 hectares), and the western reserve on the north-western end of Kapiti Island (342 hectares). Together these two portions cover an area of 2167 hectares (see map below). The boundary of the reserve adjoining the mainland is a line between two points along mean high water springs on boundaries to the north-west and south-west of Waikanae Estuary. The boundary along the Kapiti Island shoreline is set on the mean low water springs tide line.

The reserve provides protection for examples of a wide range of southern North Island marine habitats, a mixture of northern and southern species and areas of outstanding underwater scenery. It is greatly influenced by the changing balance



between the warm, relatively saline Durville Current which travels southwards through the Taranaki Bight and the colder Canterbury Current which travels northward through Cook Strait. This phenomenon results in a distribution overlap of species of cool temperate (southern) waters and warm temperate (northern) waters. The area is also believed to be unique on New Zealand's west coast in that it contains four distinct seabed habitat zones in close proximity (ecological survey by Baxter, 1987 - Appendix 6). The NIWA survey, conducted in 1992 went into much greater detail, identifying 14 habitat types within three of those zones, close to Kapiti Island. They are given in detail in Appendix 6, with their relationship to Baxter's zonal divisions.

The Eastern Reserve

Two of these habitat zones exist within the eastern reserve:

1. Silt, sand and gravel bottom habitat occurring up to a depth of 80 metres is common in the eastern reserve. These areas are subject to strong currents. Common species include worms, shellfish, gurnard, goatfish and skate. Seaweed is uncommon. Partly-sheltered shallow sand habitat exists adjacent to Waikanae and Paraparaumu Beaches and around the Waikanae River mouth (Habitat Zone 2, Baxter).
2. Narrow boulder-rock reefs with sand patches occur on the western side of the eastern reserve. These areas are sheltered by the island, but subject to strong tidal currents. There is moderate seaweed cover, and common species include spotties, eagle rays, goatfish, blue cod and tarakihi (Habitat Zone 3, Baxter).

The eastern reserve also provides a link of protection between Kapiti Island Nature Reserve and Waikanae Estuary Scientific Reserve which adjoin the marine reserve.

The Western Reserve

The habitat of the western reserve is different again. It is notable for extensive reefs of spectacularly large boulders which occur adjacent to the rocky headlands. These areas are exposed and water clarity is very high. There is a wide diversity of underwater plants and animals including luxuriant seaweed cover, and a wide range of bottom dwellers such as sea sponges, butterflyfish, butterfly perch and red moki are common (Habitat Zone 4, Baxter).

Arapawaiti Point on Kapiti Island, within the western reserve, has a winter colony (haulout) of New Zealand fur seals. Although not a breeding colony, significant numbers of female and juvenile animals are seen in addition to the more commonly sighted males.

Bryozoan beds within the western reserve and rhodolith beds within the eastern reserve are unique to the region. Such bottom-dwelling communities are susceptible to damage from anchors and some fishing methods.

4.2 HISTORIC AND CULTURAL HERITAGE

Kapiti Island and its waters are steeped in history. It has a long association with Maori, to whom it is of deep spiritual significance. The island, the waters surrounding the island and the adjacent mainland coastal strip have been occupied by various groups at different times in its history. Amongst the original inhabitants were the Ngati Kahungunu, Rangitane, Muaupoko and Ngai Tara. The occupation of this whole district by its former inhabitants was displaced in the early 1820s by the arrival of the Ngati Toarangatira from Kawhia, the Te Ati Awa from Taranaki and the Ngati Raukawa tribe of central Waikato. These three tribes come together as a confederation who work together for the common good of their people. The water surrounding Kapiti Island has been referred to by local elders as “he puna kai” (the spring well of food) or “he kapata kai” (the food basket). It is this perception of the area that has prevailed up until recent times. As a food resource for the tribes the reserves held around the bosom of Kapiti were harvested using a system of Rahui based on tikanga and local knowledge of the seasonal fluctuations of specific species.

One of the best known stories of the local iwi groups was the heroic swim of Te Rau o te rangi, also known as Kahe, one of the two Ngati Toa women known to have signed the Treaty of Waitangi. It is said that Kahe was warned by her slave that the attack upon Waiorua was imminent. Kahe, who was a strong swimmer, elected to swim the Otaheke channel that separates Kapiti Island from the mainland, in order to summon help from relatives at Wharemauku, Mataihuka, Whareroa and Wainui. Having been prepared for the crossing by the aged tohunga Te Whataupoko, and with her young daughter Ripeka fastened to her back upon a raupo raft, Kahe set out silently into the dark waters of the channel. Otaheke is a reference to the swiftness of the current that sweeps through this occasionally treacherous body of water and it is this current that dragged her to the southern extremity of Wharemauku. Both mother and daughter survived that arduous swim and the channel has been known ever since as Te Rau o te rangi in honour of that brave woman.

In colonial times shore whaling was carried out in the vicinity of the reserve. Large numbers of whales were captured as they passed through Te Rau o te rangi Channel. Signs of industry can still be seen on the island in the form of try-pots and ruins of fireplaces.

4.3 USE AND ACCESSIBILITY

Recreational activities within the reserve include snorkel and scuba diving, underwater photography, sightseeing and sailing. However, the number of people involved in these activities is not known. Commercial operations within the reserve to date are limited to charter trips for dive parties or to view marine mammals, or simply to access the nature reserve on Kapiti Island. There are, at the time of writing, two main charter operators, both of whom are also licensed under the Marine Mammals Protection Regulations to conduct marine mammal viewing operations.

Some areas of marine habitat within the reserve need to be accessed by boat because they are at least six kilometres from the mainland coast. This limits the

number of people using the reserve. Activities are also highly weather dependent because of the reserve's exposed location. Access to both the island and the marine reserve are, on occasion, prevented by adverse weather conditions. Commercial operators currently launch from the beach at Paraparaumu, using long boomed trailers and tractors.

5. Management philosophy

The outcomes sought for the reserve and the approach which will be adopted to achieve those outcomes are set out in this management philosophy. In doing this it provides a broad framework for the management objectives set out in Sections 6, 7, 8 and 9 of the plan. The philosophy is consistent with the provisions of the Marine Reserves Act and the Conservation Management Strategy.

5.1 NATURAL RESTORATION OF THE RESERVE

The marine ecosystems around Kapiti have been modified by over 150 years of recreational and commercial fishing activities and by the effects of land clearance on Kapiti Island and the on mainland about Kapiti District. It is not possible to restore these habitats to their original state nor is it the intention to manipulate them greatly by direct intervention. Therefore the intention is to accept the reserve's modified state, monitor changes in species composition and density, perhaps intervening if rare or vulnerable species are moving to local extinction.

Because of ecological relationships it is expected that the reduced disturbance (especially the prohibition on fishing) will affect a wide range of species within the reserve, not just those directly affected by human activity. The understanding is that eventually the areas protected by the reserve may reach a more natural ecological balance, with perhaps increased biodiversity, compared with adjacent unprotected areas.

5.2 COMMUNITY SUPPORT

A high level of community support for the management direction is sought. The Marine Reserve Committee has been appointed by the Minister of Conservation to provide a community focus by encouraging visitor support, a local sense of ownership and pride in the reserve. The committee was set up to (among other things) carry out such duties and functions as delegated to it by the Wellington Conservation Board, and to provide the Director-General with local information to aid the management of Kapiti Marine Reserve. The committee should also be seen as the interface between the wider community and the department, where the community can express its views on management direction.

Through the committee it is also intended to maintain a co-operative working partnership with tangata whenua to conserve and manage the reserve, and to use educational opportunities presented by the reserve to explain customary Maori tikanga relating to the sea.

The integrity of the reserve is dependent upon the public complying with the legislation and regulations pertaining to Kapiti Marine Reserve. Whilst regular patrols by staff and honorary rangers will be needed it is hoped that the necessity for law enforcement will diminish as more people accept the reserve concept and the rules it entails.

5.3 OPEN ACCESS

The reserve shall be available to all to experience and enjoy the marine environment. Public access will only be restricted in cases where it is necessary to protect specific marine flora and fauna, or to avoid disturbing temporary scientific experiments. Displays, brochure information, and interpretation panels may be provided to enhance the public appreciation of the reserve's values for those unable to dive within the reserve.

6. Iwi and community relations

Background

The Kapiti Marine Reserve Committee was established to provide public input into the management of the reserve. Half of the places on the committee are representatives nominated by the following iwi while the other positions are representatives of community, scientific and local interest groups. This balance reflects the special relationship of Maori to the Kapiti area, and provides for the department's responsibility to "give effect to the principles of the Treaty of Waitangi" under Section 4 of the Conservation Act 1987. Iwi who nominated these representatives were Ngati Toa Rangatira, Ati Awa ki Whakarongotai and Ngati Raukawa ki te Tonga.

The role of the committee is to:

- Advise on objectives and implementation to be included in this conservation management plan for the reserve and approve the plan under delegated authority from the Conservation Board
- Provide advice about the plan's implementation to the department
- Provide local information to aid management of the reserve
- Advise on conservation matters related to the marine reserve (CMS p127)

In addition to its responsibilities towards the committee, the department intends to consult with tangata whenua and community and interest groups generally regarding the management of the reserve (CMS p129 - Implementation 8 and 9).

Objective

The department shall maintain a co-operative working relationship with the Kapiti Marine Reserve Committee, and will promote the involvement of tangata whenua and community and interest groups in the management of the reserve.

Implementation

1. Ensure that the advice of the Kapiti Marine Reserve Committee is directed to and sought by the Minister of Conservation, the Director-General and the Wellington Conservation Board in order to influence the management of the reserve.
2. Provide administrative support and technical advice to Kapiti Marine Reserve Committee.
3. Investigate community involvement opportunities in management to increase public understanding and appreciation of the conservation values of the marine reserve.
4. Consult with iwi, the local community and other interest groups, involve them in the Kapiti Marine Reserve Committee and have regard to their interests.
5. Be open to opportunities for involvement of iwi in monitoring or compliance activities.

7. Managing the effects of human activity and providing for public access within the reserve

7.1 GENERAL CONTROLS

Background

The Marine Reserves Act provides for the control of human activity within the reserve through existing regulations, through provision for creating new regulations and through the general management powers of the Director-General.

1. Section 171 of the Marine Reserves Act and certain sections of the Marine Reserve Regulations 1993 prohibit specific activities, regulate conduct, and provide for the punishment of offences. These provisions encompass most of the foreseeable activities which could adversely affect the reserve (e.g. damaging or disturbing the seabed or any flora and fauna). Regulations are used to control the use of vessels within the reserve. The regulations also provide for scientific study which affects the marine habitat. The right to dive and anchor in a marine reserve is affirmed subject to the provisions relating to closure for scientific access. Closure for purposes other than scientific study is not provided for. Anchoring in cases of emergency within a closed area is specifically provided for in the Act (see Appendix 2 for the full list of offences and restrictions).
2. The Governor-General has the power to make new regulations (Section 24) (see Appendix 3)
3. The powers given the Director-General to administer, manage and control marine reserves in Section 9 to 12 enable directives to be issued, and for those to be advertised by way of public notice and information leaflets. However, such directives cannot be enforced. If the public chooses to ignore them then no offence is committed. Any directives which are made must be in accordance with the objectives of this plan.

This plan is only intended to give guidance for the creation of directives and new regulations (2 and 3 above). The restrictions included in the existing legislation are independent of this plan and only mentioned here as background information.

Damage to the reserve can result either from a blatant disregard of restrictions or from the cumulative impacts of activities such as diving and anchoring. The existing provisions and regulations enable the department to take action against those few individuals who do blatantly offend (e.g. fishing within the reserve). Cumulative impacts of visitors to the reserve have not yet been observed. However, damage may become apparent as marine life and ecosystems start to thrive and greater numbers of people come to enjoy certain parts of the reserve. For example, sensitive communities of bryozoans (lace corals) and rhodoliths (calcareous algae) could be damaged by anchors or through accidental contact by divers.

Whitebaiting is allowed within a small portion of the reserve at the Waikanae River

mouth (this was implemented by gazette notice when the reserve was established). This was to accommodate those few occasions when the whitebaiting area spreads into the reserve during low tides, and for longer periods when the coastal sediment dynamics shift the river mouth into the reserve.

Certain activities within the reserve may also require resource consent in accordance with the Wellington Regional Coastal Plan.

Objective

To ensure that any adverse effects of recreational activities within the reserve are of a minor and temporary nature, and that they do not compromise the integrity of the marine environment.

Implementation

1. Monitor the more popular sites within the reserve to check for evidence of visitor pressure on sensitive communities.
2. Initiate and advertise directives discouraging public activity in particular parts of the reserve where it is necessary to protect the marine habitat.
3. Consider whether new regulations are needed to preserve the reserve environment.

7.2 COMMERCIAL ACTIVITIES

Background

Large numbers of visitors taken to specific locations within the reserve could foreseeably have an adverse cumulative impact on the habitat in these areas. This may become an issue as marine life and ecosystems start to thrive and greater numbers of people come to enjoy certain parts of the reserve.

There are no restrictions on the operation of commercial ventures in a marine reserve. Additional regulations will be required if it becomes necessary to enforce restrictions to reduce any cumulative impacts on the marine environment (e.g. by restricting the number of commercial operators, the number of visitors, or by imposing conditions or other management controls). In the absence of regulations the Director-General could seek a voluntary agreement among commercial operators to control potential impacts. This could be a viable option given that it would be in the interests of commercial operators to protect the reserve environment.

Objective

To ensure that the effects of commercial activities in the reserve do not compromise the integrity of the marine environment.

Implementation

1. Monitor the effects of commercial ventures on the marine habitat.
2. Where necessary seek to establish voluntary agreements with commercial operators to control any adverse effects on the marine reserve.

3. Where adverse effects can not be controlled by voluntary agreements consider whether new regulations ought to be recommended.

7.3 SCIENTIFIC STUDIES REQUIRING AUTHORISATION FROM THE DIRECTOR-GENERAL

Background

Scientific study, which might involve the disturbance of the reserve environment, requires the approval of the Director-General. One intention of this plan is to set out the conditions and circumstances under which these activities should be granted approval.

Activities requiring approval include the use of structures such as rafts or enclosures, destructive sampling, or manipulation of invertebrate and algal communities. It includes any handling of flora, fauna, rocks or sediment but excludes photography or visual assessment. Applications to undertake scientific study in the marine reserve must fulfil the information requirements set out in Appendix 4 and assessed in terms of the criteria set out in this section.

Currently permission may be required from the Ministry of Fisheries for the taking of fish, aquatic life and seaweed (whether for scientific purposes or not) in accordance with section 64(1)(a) of Fisheries Act 1983. However, after October 1998 the removal of these organisms which is authorised under the Marine Reserves Act 1971 will be exempt from the Ministry of Fisheries permitting requirements (Section 89(2)(e) of the Fisheries Act 1996, which comes into force in October 1998).

Areas of the reserve can be closed to public access to provide for scientific study in accordance with regulation 12 of the Marine Reserve Regulations 1993. Applications for closure of any part of the reserve will be assessed in accordance with Appendix 4. Similarly, moorings and rafts may be provided to facilitate scientific study. These will be removed once their need has been fulfilled.

Structures such as rafts may also require a coastal permit in accordance with the provision of the Resource Management Act, and an approval from the Maritime Safety Authority.

The department's role in promoting scientific study is dealt with in Section 9.2 of this plan.

Objective

To ensure that the adverse effects of scientific study within the reserve are of a minor and temporary nature and that they do not compromise the integrity of the marine environment.

Implementation

1. Consider applications for scientific study within the reserve only where all the information requirements set out in Appendix 4 have been fulfilled.
2. Ensure that the methodologies and research apparatus or structures have been designed to ensure minimum damage or detrimental effect to the target species, incidental species, habitats, or the reserve as a whole.

3. Only grant approval for scientific study where the adverse effects on the reserve environment will be no more than minor.
4. Only permit moorings, rafts, exclosures, enclosures or other structures to carry out the scientific study for the duration of the project.
5. Impose any conditions necessary in each permit for scientific study to ensure that adverse effects are avoided or minimised.
6. Restrict public access to protect scientific studies only where it is shown that there is a risk of damage or disruption to the experiment through either intentional or unintentional human disturbance.
7. Ensure that the duration of closure of any part of the reserve is limited to the minimum time needed to carryout the scientific study.
8. Process to completion all applications for scientific study within 6 weeks of receipt, unless further information is required.
9. Ensure that the results of any scientific studies are made available for the purposes of public information and marine reserve management.

7.4 VISITOR SERVICES

Background

There are two permanent buoys at Kapiti Island at present. One marks Passage Rocks (the reef between Kapiti and Tokomapuna islands) and is owned and serviced by Marine and Industrial, and the other is the department's emergency boat mooring in Rangatira Bay. Neither of these is intended as mooring buoys for public use. However, there have been instances where the navigation buoy has been illegally used for mooring, and has shifted off the reef.

In future the department will install public moorings, when and where necessary, to protect fragile ecosystems and communities from anchor damage. Examples of such communities include the bryozoan mats and the rhodolith beds. However consideration will be given to the proximity to the Kapiti Island Nature Reserve, as moored vessels increase the risk of reinvasion of Kapiti by rats.

The department has no plans to install any access facilities on the mainland side of the marine reserve.

Objective

To maintain public access throughout the reserve while protecting sensitive features and biotic communities from damage.

Implementation

Install public moorings, when and where necessary, to protect fragile ecosystems and communities from anchor damage (no further mooring facilities will be provided within 300 metres of Kapiti Island Nature Reserve).

7.5 COMPLIANCE AND LAW ENFORCEMENT

Background

Over-fishing in the area prior to the creation of the reserve was the principal factor in changing the natural abundance of certain species (Ministry of Fisheries). While the protection afforded by the reserve is allowing the area to recover to its natural state, this recovery will be disrupted if fishing continues to occur illegally. The reports of illegal fishing within the reserve suggest that most pressure is upon “desirable” fish and shellfish that are commonly hunted for food, though trophies may also be sought. Species most commonly taken include blue cod, paua, kina and rock lobster. As marine life within the reserve boundaries increases, so too will the temptation to fish there illegally.

Compliance and law enforcement (CLE) within marine reserves is primarily the responsibility of the Department of Conservation. An interim compliance law enforcement operations plan for the reserve was prepared in 1994, setting out the operational procedures for the department’s law enforcement operations. This plan will be reviewed when resources are available. The CLE plan is confidential because it contains sensitive information.

Any observation of infringements of the reserve regulations should be reported to the Wellington Conservancy office of the Department of Conservation using either the day time or after hours emergency numbers (see the blue pages in the front of the phone book).

Objective

To stop illegal fishing and disturbance within the reserve to protect and preserve the area’s marine life and marine habitat.

Implementation

Respond to and investigate all suspected offences within the reserve in accordance with the confidential compliance and law enforcement plan.

8. Advocacy

8.1 EXTERNAL ACTIVITIES INFLUENCING THE MARINE RESERVE ENVIRONMENT

Habitats and species within the reserve are sensitive to activities on its periphery. Controlling these activities will help to restore the reserve to a more natural state.

Voluntary Buffer Zones

Background

In 1993 MAF (now Ministry of Fisheries) Central Region moved to protect aggregations of juvenile fishes from bulk fishing methods by negotiating voluntary measures with fishing operators. The result is a large no-trawl zone out to the 20-metre depth contour along the Kapiti-Horowhenua shoreline, and around much of Kapiti Island including Kapiti Marine Reserve. This agreement is renegotiated annually, and is preferred by the fishing industry to the relative inflexibility of fisheries regulation. This method provides a buffer zone around the marine reserve. Reports of trawling within the voluntary no-trawl zone should be faxed to the Central Region Office of the Ministry of Fisheries (03) 546-9327, giving the name and number of the vessel, its general description, and the time and date of the observation. The Ministry will take the matter up with the company concerned.

Objective

To promote the concept of a buffer area around the marine reserve to enhance the habitat within the reserve and prevent false alarms of illegal fishing.

Implementation

1. Advocate to ensure that areas on the periphery of the reserve are managed in sympathy with marine reserve values.
2. Promote voluntary buffer areas around the reserve, e.g. voluntary no-trawl zones, in association with the Ministry of Fisheries and commercial fishers.
3. Support other forms of marine protection that will provide or extend the buffer zone around the marine reserve.
4. Complaints regarding commercial fishing within the buffer zone to be forwarded to the Ministry of Fisheries.

Resource Management Act Advocacy

Background

Resource consent is required from Wellington Regional Council for most activities which could adversely affect the reserve (e.g. the discharge of contaminants, deposition of substances or the disturbance of the seabed). In most cases these applications will be publicly notified or the Minister will be identified as an affected party. This gives the department the opportunity to use the statutory planning process provided for in the RM Act to influence activities outside the reserve which

could adversely affect the reserve environment. Consent is required from the Minister of Conservation where the activity is a restricted coastal activity.

Partially-treated wastewater (from an overloaded treatment plant) currently being discharged from the Waikanae River and Ngarara Stream is one activity affecting the reserve which will require resource consent. The impact which these discharges are having upon the reserve is unknown. Kapiti Coast District Council is currently assessing its options for the future treatment and disposal of wastewater from the Kapiti Coast.

Objective

To protect the values of the reserve through the statutory planning processes provided for in the RM Act.

Implementation

Respond to resource management applications where necessary, to ensure that areas on the periphery of the reserve are managed in sympathy with marine reserve values.

Waikanae River Mouth Cutting

Background

The Wellington Regional Council (WRC) has the responsibility for river maintenance for the purpose of flood control. Periodically the mouth of the Waikanae River (as with all rivers on the Kapiti/Horowhenua coast) migrates south, forming an oxbow, with a sandspit to the north. This sandspit is immediately adjacent to the marine reserve (see map on page 7). Because of the restrictive effect that such features have upon the discharge of floodwater, and the close proximity of urban development to the Waikanae Estuary, it sometimes becomes necessary for the WRC to cut through the sandspit, straightening the river to improve flood water discharge. This is a controlled activity requiring resource consent under the Regional Coastal Plan. Standards are set out in the plan to ensure that disturbance to the flora and fauna of the Waikanae Estuary from this activity is minimal and short-term.

Objective

That the disturbance to flora and fauna of the Waikanae Estuary resulting from cutting of the river mouth is minimal and short term.

Implementation

Consult with the Wellington Regional Council regarding the development of the Waikanae Floodplain Management Plan seeking the inclusion of conditions which ensure that the disturbance to the flora and fauna of the Waikanae Estuary resulting from the cutting regime is kept to a minimum.

Oil Spills

Background

The department has an advisory role under the National Oil Spill Response Strategy, and the Regional Oil Spill Response Plan, in addition to its responsibilities under

the Wildlife Act and the Marine Reserves Act. The lead agencies in the event of oil spills are nationally, the Maritime Safety Authority, and locally, the Wellington Regional Council. The regional response plan has been formulated by the Wellington Regional Council, overseen by the Maritime Safety Authority, and lists, among other things, the priority areas for protection should an oil spill emergency occur. The conservancy has contributed to the Regional Oil Spill Response Plan in an advisory capacity, and continues to do so in regard to the capture and treatment of oiled wildlife, and in supporting the Regional Oil Spill Advisory Group. Kapiti Marine Reserve is listed as a priority site in the draft Oil Spill Response Plan.

Objectives

That the damage to the marine environment caused by oil spills in the vicinity of the reserve is kept to a minimum.

Implementation

1. Ensure that the reserve is treated as a priority site if threatened by an oil spill, in accordance with the draft Regional Oil Spill Response Plan.
2. Ensure that the lead agencies are fully aware of the habitats and species (both permanently and seasonally within the reserve) which are sensitive to oil pollution.

8.2 PUBLIC AWARENESS

Background

A 10-year public awareness strategy for Kapiti Marine Reserve was prepared by the department and approved by the Kapiti Marine Reserve Committee in 1994. This plan replaces the public awareness strategy, but the intent of its objectives and implementation mechanisms has been retained.

A baseline ecological survey of Kapiti Marine Reserve was conducted in 1992. This provided the information to monitor and evaluate ecological changes to the reserve. Anecdotal evidence suggests that improvements are occurring, but this information is not sufficient to demonstrate the benefits of the reserve. Scientific evidence is required to support efforts to promote the benefits of the reserve and to foster public interest in establishing further reserves. It would do much to shore up support from the community groups, iwi, and individuals who have supported Kapiti Marine Reserve largely on good faith.

Until scientific data becomes available, the primary emphasis of public awareness will be to promote compliance with the regulations that protect the reserve. Boundary markers, information signs and brochures are the primary awareness tools to achieve this, supported by press releases and direct communication with interest groups such as boating and fishing clubs.

Information signs have been established by the department adjacent to boat launching points, at boating clubs, at Waikanae Estuary Scientific Reserve and Kapiti Island Nature Reserve. Boundary markers have been installed to assist boat operators to accurately assess their position relative to the reserve. A brochure and information sheet provide information on compliance, including maps showing the bearings of the reserve boundaries.

The support and involvement of the community is essential to the success of conservation measures in the reserve. The department will develop its relationships with *tangata whenua* and other community groups, such as boating and fishing clubs and conservation organisations. These groups, as well as individual volunteers will be encouraged to assist in management of the reserve.

The department supports the use of the reserve for education and recreation activities that do not harm the natural values. The department will promote compatible education and recreation opportunities and will interpret the ecology of the reserve and its associations with *tangata whenua*.

Objective 1

To promote compliance with regulations that protect the reserve.

Implementation

1. Maintain information signs at strategic locations.
2. Maintain boundary markers in accordance with the Marine Reserve Boundary Marker Guidelines.

Explanation

The national guidelines were prepared by the department in conjunction with the Maritime Safety Authority (MSA) after it was discovered that the original boundary markers, designed in accordance with MSA design criteria, were inadequate for use by small craft operators. (The original MSA criteria were based on the needs of shipping, given the normal elevation of a ship's bridge above sea level, and the use of binoculars for viewing navigational marks.) The original markers were white, 2.4 metre equilateral triangles. The upgraded markers are coloured "Dayglo" yellow, and 3 metre equilateral triangles.

3. Publish and distribute information to visitor information centres, relevant organisations and retail outlets
4. Supply news stories and feature articles to news media and to relevant organisations for inclusion in newsletters.

Objective 2

To develop public understanding of the ecology of Kapiti Marine Reserve and the ecological benefits of marine protected areas.

Implementation

1. Supply news stories and feature articles to news media and to relevant organisations for inclusion in newsletters.
2. Participate in events and opportunities e.g., Sea Week, Conservation Week to promote the reserve
3. Publish and distribute interpretative information.

Explanation

Ecological interpretation can be incorporated into compliance publications.

4. Interpret features of the reserve at appropriate on-site locations.

Explanation

Ecological interpretation can be incorporated into compliance signs.

Objective 3

To foster community support for the reserve.

Implementation

1. Maintain relationships with community groups, including iwi, fishing groups and conservation organisations.
2. Encourage individuals, iwi and community groups to participate in approved conservation initiatives within the reserve.
3. Collate information on the ecological associations and processes, as an aid to management (including position of reserve boundaries) and for education purposes.
4. Encourage appropriate recreational use of the reserve.
5. Consider conducting or commissioning a public opinion survey to measure support for and opposition to the reserve (and reasons for this).

Objective 4

To interpret *tangata whenua* history and relationship with the reserve.

Implementation

1. Consult with *tangata whenua* to identify appropriate means of explaining their history and relationship with the reserve.
2. Ensure that *tangata whenua* retain discretion over release of information on matters significant to them.
3. Incorporate appropriate interpretation of Maori history and values in other public awareness activities, such as information sheets, interpretation signs, displays, programmes etc.

8.3 PUBLIC SAFETY

Background

There is an element of risk involved in all recreational use of the coastline and this is no different in the reserve. However, the possibility of accidents and emergencies within the reserve may increase as the values of the reserve progressively attract greater numbers of visitors.

The general health and safety of visitors to the reserve is not the department's responsibility and is outside the jurisdiction of this plan. As in other areas of the coast, users of the reserve are primarily responsible for their own safety. The reserve is subject to the marine safety controls set out by the Maritime Safety Authority, and the police have primary responsibility for search and rescue operations. The department can be called in if necessary to help with search and rescue operations.

The department's responsibility for safety in the reserve is limited to two areas: to ensure that any facilities it provides in the reserve can be used safely; and to "ensure visitors are aware of hazards and encourage them to take appropriate precautions to minimise the risks" (CMS p253). There is currently one boat ramp on Kapiti

Island and two permanent buoys near the island (see Section 7.4, visitor services). These facilities are not intended for public use. Additional moorings may be installed in the future to protect fragile ecosystems and communities from anchor damage (see Section 7.4).

All structures are required to comply with the provisions of the Health and Safety in Employment Act 1992.

Objective

That facilities provided within the reserve are safe, and that visitors are aware of the hazards within the reserve and take appropriate actions to avoid them.

Implementation

Incorporate information on marine safety in information leaflets provided by the department.

9. Monitoring, research and habitat manipulation

9.1 MONITORING AND RESEARCH CARRIED OUT BY THE DEPARTMENT

Background

Marine reserves provide significant opportunities for the scientific study of ecosystems and species assemblages *in situ* without many of the human impacts of non-reserved areas. The information gained from this work will expand our knowledge of naturally functioning marine life, habitats and ecosystems, and of the differences between disturbed and undisturbed marine environments.

Information gained about the positive effects of the reserve on the marine ecosystem are also very valuable in ensuring support from those community groups, iwi and individuals who have supported it. This support has largely been given in good faith, and it is important that tangible results are produced to prove that the effort is not in vain.

A baseline survey of the marine reserve was conducted in 1992. This survey identified extensive human-induced changes to some communities, as well as previously unknown communities such as rhodolith beds (calcareous algae). The lack of previous records makes it impossible to quantify the degree of modification. It is assumed that the rate of modification has increased in modern times, as a result of population increase and public use.

Since 1992 there has been no continuation or repeat of the initial survey. Despite this, observations recorded during fish monitoring (following aerial rat poisoning operations on Kapiti Island Nature Reserve) in 1996 were encouraging. The NIWA team noted that blue moki and butterfish had become more common within the marine reserve, and that both the numbers and sizes of blue cod within the reserve had increased dramatically. However, further monitoring is important to record increases in the size and abundance of key species, and to record the presence of any rare communities which may have become established since the previous survey, as well as to increase our knowledge of the area and possibly identify previously unknown species.

Species lists of the intertidal and subtidal species of Kapiti Island have been compiled by NIWA (A Survey of the Marine Habitats and Communities of Kapiti Island, NIWA 1993).

Currently permission may be required from the Ministry of Fisheries for the taking of fish, aquatic life and seaweed (whether for scientific purposes or not) in accordance with Section 64(1)(a) of Fisheries Act 1983. However, after October 1998 the removal of these organisms which is authorised under the Marine Reserves Act 1971 will be exempt from the Ministry of Fisheries permitting requirements (Section 89(2)(e) of the Fisheries Act 1996 which comes into force in October 1998).

Objective

To ensure that adequate baseline population and marine habitat monitoring is undertaken for the purpose of recording the effects of reserve management, and to guide visitor management policy.

Implementation

1. Conduct an ecological monitoring programme on a continuing basis, using units of the baseline survey, with the methodology depending on the degree of accuracy required and indicator species used.
2. Update the NIWA species list as appropriate.
3. Collate information on the ecological associations and change, as an aid to management and for education purposes.
4. Monitor, when necessary, the more popular sites and the sensitive biological communities within the reserve, using previous survey data for comparison, to check for evidence of visitor pressure.

9.2 MONITORING AND RESEARCH CARRIED OUT BY OTHER ORGANISATIONS

Background

In addition to work carried out by the department, marine reserves provide a significant opportunity for public institutions to carry out scientific study in a unique and relatively unmodified marine environment. This is one of the principal objectives of the Marine Reserves Act. The types of scientific study permitted within the reserve will only be restricted and controlled where they have an adverse effect on the marine environment (e.g. the taking of specimens). Areas of the reserve can be closed to public access to provide for scientific study (in accordance with regulation 12 of the Marine Reserve Regulations 1993). The authorisation of scientific study within the reserve and closure of the reserve is dealt with in Section 7.3 of this plan.

It is the department's objective to foster scientific research within the reserve. Accordingly, if management issues highlight specific research needs, the department will circulate these to science providers generally, and to universities in particular, as potential graduate student research projects.

Objective

That interested parties carry out research within the reserve on a regular basis with the purpose of increasing our knowledge of the marine environment.

Implementation

Maintain a schedule of the types of scientific study which should be sought to better understand and manage the reserve, and circulate this to appropriate science providers.

9.3 HABITAT MANIPULATION

Background

The plant and animal communities within the reserve have been modified by over 150 years of recreational and commercial fishing activities and by the effects of land clearance on Kapiti Island and the mainland about Kapiti District. The intent of management is to generally accept its modified state, allowing the area to restore itself naturally by controlling human activity. Occasional habitat manipulation may be required in order to protect and preserve identified species. Such manipulation would only follow from the monitoring of ecological change and provision of scientific advice on options to influence this change.

Objective

While generally allowing the natural restoration of the reserve, to ensure that rare or vulnerable species within Kapiti Marine Reserve are protected from local extinction where it is practicable by intervening with appropriate management.

Implementation

Undertake habitat manipulation or population enhancement where protection and preservation of rare and vulnerable species are shown to be warranted.

10. Glossary

Amenity values Those natural or physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes (Resource Management Act 1991).

Area of Significant Conservation Value (ASCV) An area of the coastal marine area identified in the Regional Coastal Plan because of its significant conservation values. There are five ASCVs in the Wellington region.

Advocacy Work done to promote conservation to the public and outside agencies by the department. Advocacy work includes a range of methods to inform and educate the public and visitors on conservation issues.

Coastal marine area The area of foreshore and seabed between the outer limit of the territorial sea and mean high water springs.

Conservancy The department divides New Zealand into 13 administrative units called conservancies.

Conservation The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations (Conservation Act 1987)

Conservation board There are 17 regional conservation boards, each with up to 12 appointed members. Their functions include overseeing the preparation of conservation management strategies and national park management plans for their conservancy, approval of conservation management plans, advising the NZ Conservation Authority or the Director-General of the Department of Conservation on conservation matters (Conservation Act 1987 s6M).

Conservation Management Strategy (CMS) Conservation Management Strategy for Wellington 1996-2005, Wellington Conservancy, Department of Conservation.

Ecology The study of organisms in relation to one another and to their surroundings (NZ Pocket Oxford Dictionary).

Ecosystem A biological system comprising a community of living organisms and their environment involved together in the process of living. There is a continuous flow of energy and matter through the system. The concept implies process and interaction. Ecosystems may be small or large, simple or complex.

Environment Includes ecosystems and their constituent parts, all natural resources, physical resources and the social, economic, aesthetic and cultural conditions which affect the environment or which are affected by the environment (Environment Act 1986).

Fauna Animal life of a given place or time (Collins Concise Dictionary).

Flora Plant life of a given place or time (Collins Concise Dictionary).

Iwi Tribe, people (Waitangi Tribunal Report [Wai 27] 1991).

Haulout A fur seal colony used by non-breeding animals usually seasonally, but sometimes year-round by immature animals.

MSA Marine Safety Authority.

Oxbow An old loop of a river, cut off when the river change courses.

SO Plan Survey Office Plan, giving the boundaries and legal description of a piece of land.

Tangata whenua People of a given place Waitangi Tribunal Report [Wai 27] 1991).

Appendix 1

EXTRACT FROM CONSERVATION MANAGEMENT STRATEGY FOR WELLINGTON

Objectives for the management of Kapiti Marine Reserve (p128)

1. Protection and preservation of marine life and marine habitat in the Kapiti Marine Reserve.
2. Provision for scientific research within the marine reserve.
3. Monitoring the effect of the establishment of the reserve on marine habitats and flora and fauna.
4. Encouragement of recreational enjoyment of the reserve.
5. Increased public awareness of the reserve and of its values and place in conserving New Zealand's marine environment.
6. Co-operative working relationship with tangata whenua to conserve and manage the reserve.

Appendix 2

OFFENCES

Marine Reserves Act 1971

Section 18(1) Offences

- (1) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$250,000, or to both, who, without lawful authority or reasonable excuse, takes or removes from a marine reserve for commercial purposes any marine life.
- (2) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000 or to both, who, without lawful authority or reasonable excuse, discharges or causes to be discharged or deposits, whether directly or indirectly, in or into a marine reserve any toxic substance or pollutant or other substance or article of any kind injurious to marine life.
- (3) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$10,000 or to both, who, without lawful authority or reasonable excuse
 - (a) Introduces in or into a marine reserve any living organism; or
 - (b) Wilfully damages or wilfully injures any marine life, or wilfully damages the foreshore or seabed, or any of the natural features in a marine reserve; or
 - (c) Uses in a marine reserve any explosive; or
 - (d) Takes or removes from a marine reserve any marine life, mineral, sand, shingle, or other natural material or thing of any kind.
- (4) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000 or to both, who, without lawful authority or reasonable excuse
 - (a) Discharges any firearm in or into a marine reserve; or
 - (b) Erects any structure in or over a marine reserve; or
 - (c) Wilfully interferes with or wilfully disturbs in a marine reserve any marine life, foreshore or seabed, or any of the natural features.
- (5) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,500 or to both, who, without lawful authority or reasonable excuse
 - (a) Deposits or throws in or into a marine reserve any rubbish, except in a place or receptacle approved and provided by the Director-General; or
 - (b) Uses, sells, or otherwise disposes of, or is in possession of, any marine life, mineral, gravel, sand, or other substance or thing whatever knowing the same to have been removed unlawfully from a reserve; or
 - (c) Fails to comply with any requirement of a ranger under section 18 (1) of this Act; or
 - (d) After being required under section 18 (1) (b) of this Act to give his or her name and residential address or to produce evidence of any of those particulars
 - (i) Gives an untrue or fictitious name or address, or gives such a general description of his or her place of abode as is illusory for the purposes of discovery; or

- (ii) Gives false evidence of his or her full name and address; or
 - (e) Impersonates or falsely pretends to be a ranger; or
 - (f) Obstructs, threatens, or attempts to intimidate a ranger, or uses language that is abusive or threatening to a ranger, or behaves in a manner threatening to a ranger, while the ranger is acting in the exercise of his or her powers or the discharge of his or her duties under this Act, or
 - (g) Gives, or agrees to give, or offers to any such ranger any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by that ranger, or being a ranger accepts or agrees to accept or solicits any such gift or consideration.
- (6) A person shall be deemed to have taken or removed marine life for commercial purposes if he or she is found in possession of an amount exceeding 3 times the amateur individual limit (if any) prescribed in respect of that marine life in regulations made under the Fisheries Act 1996.

Marine Reserves Regulations 1993

PART 1 CONDUCT WITHIN RESERVES

1. Title and commencement

- (1) These regulations may be cited as the Marine Reserve Regulations 1993.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation

In these regulations, unless the context otherwise requires,-

“The Act” means the Marine Reserves Act 1971

“Director-General” means the Director-General of Conservation

“Marine reserve” or “reserve” means a marine reserve constituted under section 4 of the Act

“Unspecified scientific study” means scientific study where any of the purposes of the study and the duration of the study are not specified before the date of commencement of the study, whether it is because any relevant details are not known or because of any other reason whatever

“Vessel” means any craft designed to manoeuvre on the water, whether or not it has any means of propulsion and regardless of that means of propulsion.

3. Application

These regulations shall apply to all marine reserves, subject to any specific regulations made under the Act in relation to specific reserves.

4. Diving

- (1) Subject to the Act and to subclause (2) of this regulation, any person may dive in any part of a reserve.

(2) No person shall, without lawful authority, dive in any area that has been closed to the public under regulation 12 of these regulations. (i.e. closed for scientific study).

5. *Anchoring*

(1) Subject to the Act and to subclause (2) of this regulation, any person may anchor in any part of a reserve in such a manner that damage to the reserve does not occur or is kept to the minimum practicable level.

(2) No person shall, without lawful authority, anchor any vessel

(a) In any area that has been closed to the public under regulation 12 of these regulations or

(b) Within 100 metres of any buoy moored in accordance with the regulation.

6. *Use of vessels within marine reserve*

No vessel shall be operated in a reserve at a speed in excess of 5 knots, if the vessel

(a) Is within 30 metres of any other vessel or person in the water or

(b) Is within 200 metres of the shore or

(c) Is within 200 metres of any vessel that is flying flag "A" of the international code of signals (being the flag to indicate that a diver is below).

7. *Exclusion of public from areas closed for scientific study*

No person shall, without lawful authority, enter any area of a reserve that has been closed to the public under regulation 12 of these regulations.

8. *Certain scientific study prohibited without approval of Director-General*

Except with the approval of the Director-General granted under regulation 10 or regulation 16 of these regulations or under the Act, no person shall undertake in a reserve scientific study that

(a) Involves conduct that would constitute an offence against the Act if it were not authorised by or under the Act (whether by the Director-General or otherwise) or

(b) May require the closure of any specified part of the reserve of the public.

9. *Application to undertake specified scientific study*

(1) An application for approval to undertake any specified scientific study shall be made in writing to the Director-General, not later than 2 months before the intended date of commencement of the study or not later than such other date during that 2-month period as the Director-General may allow, and shall specify

(a) The name of the applicant and the address where he or she can be contacted and

(b) The name of the person who will supervise the study and the organisation authorising or sponsoring the study (if any) and

(c) A descriptive title of the study and a description of how it is to be undertaken and

(d) The proposed area of the study, including a map showing the boundaries of the proposed area and

(e) The intended date of commencement of the study and its estimated duration; and

- (f) Whether or not there is likely to be any disturbance to the environment, the nature of the disturbance, and the time it is likely to take to overcome the disturbance and
 - (g) The name of every other person or persons who will be present and participating in the study in the reserve at any time.
- (2) The Director-General may require any applicant to provide further details of the scientific study proposed and his or her ability to conduct the study.

10. *Approval for specified scientific study*

- (1) The Director-General may approve an application for scientific study after having regard to the following matters:
- (a) Maintaining the general well-being of the reserve and preserving with the minimum of disturbance the marine life and natural features of the reserve
 - (b) Co-ordination of the study with previously approved studies and other applications for study to avoid conflicting or competing studies within the reserve
 - (c) The time required to correct by natural processes any disturbance to the reserve or the marine life in the reserve
 - (d) The contribution that the study would make to a better understanding of marine processes or the scientific discipline appropriate to the study
 - (e) The maintenance of order in the reserve and the public rights of access and navigation as outlined in section 23 of the Act.
- (2) The Director-General shall advise the applicant whether or not the application is approved.
- (3) Any conditions imposed under the Act by the Director-General on any approval given under this regulation shall be specified in writing by the Director-General.

11. *Reports to Director-General*

- (1) It shall be a condition of every approval given under regulation 10 of these regulations that the applicant furnish progress reports on the study to the Director-General at such intervals as are specified by the Director-General.
- (2) The applicant shall furnish a final report and a copy of any published paper on the study to the Director-General.

12. *Protection for areas under scientific study*

- (1) The Director-General may restrict or close to public access or use any area within a reserve for the purposes of scientific study, if the Director-General considers that restricted access or closure is desirable because of the nature of the study.
- (2) Where access to an area is restricted or not permitted under subclause (1) of this regulation, the Director-General shall direct the person responsible for the study to advise the public by notice in whatever manner the Director-General considers reasonable and practicable in the circumstances, including notification on a newspaper circulating in the vicinity of the reserve, that access to the area where the study is taking place is restricted or not permitted.
- (3) Any such advice or notice shall specify
- (a) The location of the area involved and

- (b) The reasons why access is restricted or not permitted to the public and
 - (c) The dates between which access is restricted or not permitted to the public.
- (4) Where an approval given under regulation 10 of these regulations is surrendered, or is withdrawn under regulation 14 of these regulations, the person to whom the approval was given shall remove or withdraw any notice given by him or her under subclause (2) of this regulation.
- (5) Any area of a reserve to which public access is restricted or not permitted in accordance with this regulation shall be four-sided and marked at each corner by a bright yellow moored buoy not less than 1 metre in diameter. There shall be written on the buoy the words “area closed by the Director-General of Conservation for scientific study” and the dates of the period during which the area will be closed.

13. *Participants in scientific study to carry identification*

- (1) Every person participating in a scientific study approved by the Director-General shall, while engaged in the study in the reserve, carry such form of identification as shall be specified by the Director-General.
- (2) On completion of any scientific study or on being notified of any withdrawal of approval under regulation 14 of these regulations, any form of identification issued by the Director-General shall be surrendered to the Director-General by the person responsible for the study.

14. *Withdrawal of approval for scientific study*

- (1) The Director-General may withdraw any approval given under regulation 10 of the regulations at any time if the Director-General is satisfied that any person participating in the study has committed an offence under the Act, or a breach of these regulations, or has not complied fully with any conditions of the approval to undertake the study.
- (2) Where the Director-General has withdrawn approval for any particular study under subclause (1) of this regulation, the Director-General may refuse, for a period specified by the Director-General, to consider any further applications for approval for scientific study within the reserve by or involving any person who was involved in the study for which approval was withdrawn.

15. *Register of scientific study*

- (1) The Director-General shall cause to be kept for every reserve a register in which shall be entered particulars of scientific studies approved under regulation 10 of these regulations.
- (2) The register shall include details of
 - (a) The title and a brief description of the study and its objectives and
 - (b) The dates or projected dates of commencement and completion of the study and
 - (c) The name of the person or persons responsible for the study.
- (3) The register for a reserve shall be made available for public inspection at the Conservancy Office of the Department of Conservation with jurisdiction over the reserve during ordinary office hours on the days when the office is open for business.

16. *Approval for unspecified scientific study*

- (1) Any person wishing to undertake unspecified scientific study that is required by regulation 8 of these regulations to be approved by the Director-General shall comply with the provisions of this Part of these regulations, as modified by this regulation; and those provisions shall, with the necessary modifications, apply to such applications and to approvals granted under this regulation.
- (2) In the case of unspecified scientific study, the Director-General
 - (a) May waive any requirement in paragraph (c) or paragraph (d) or paragraph (f) of regulation 9 (1) of these regulations
 - (b) Need not have regard to the matters specified in paragraph (b) or paragraph (d) or paragraph (e) of regulation 10(1) of these regulations
 - (c) Need not comply with regulation 15 of these regulations.
- (3) The applicant shall
 - (a) Specify the period for which the approval is required and
 - (b) Wherever practicable, describe the work to be carried out and
 - (c) Where applicable and where practicable, provide an estimate of the quantities and volumes of marine life and inorganic matter intended to be taken.
- (4) The Director-General may approve applications for unspecified scientific studies to be carried on for up to 2 years but shall not approve more than one application for a reserve at any one time.
- (5) The Director-General may from time to time renew approvals for unspecified scientific studies.
- (6) In giving any approval for unspecified studies, the Director-General shall not allow building or placing of any structure within a reserve.

17. *Offences*

- (1) Every person commits an offence against these regulations who contravenes or fails to comply with any of regulations 4, 5, 6, 7 and 8 of these regulations.
- (2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$2,500.

18. *Revocation*

The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 and the Poor Knights Marine Reserve Bylaws 1989 are hereby revoked.

Appendix 3

THE GOVERNOR-GENERAL'S POWER TO CREATE NEW REGULATIONS

The Governor-General's regulation making power in the Act (section 24) enables regulations to be made to give full effect to the Act. This general power is supplemented by the particular power to make regulations to:

- provide for the management, safety, and preservation of marine life and reserves
- provide for the keeping of order in any reserve
- authorise the Director-General to exclude the public (including commercial operators) from any specified part or parts of any reserve
- prescribe the conditions on which persons shall have access to or be excluded from any reserve or part of any reserve
- prescribe the conditions on which persons may remain within any reserve

Appendix 4

SCIENTIFIC STUDY REQUIRING APPROVAL FROM THE DIRECTOR-GENERAL

Each applicant is required to provide a report which includes the following information

- (a) A full description of the OBJECTIVE of the study
- (b) A full description of the proposed METHODOLOGY, LOCATION, EQUIPMENT and TIMING of the study. Where these may have an impact on the study area or species, please note alternative methods which may be employed
- (c) A full description of the researcher, supervisor and other people associated with the study, noting their familiarity with the methodology, apparatus, species, etc. concerned
- (d) A full description of the SPECIES, HABITAT, or other features to be investigated, including reference to previous and/or current relevant study
- (e) A consideration of the likely impacts of the research proposal on the target species, incidental species, habitats or site, with particular reference to effects on population size, species viability, or habitat/site modification
- (f) An assessment of the overall value of the project
- (g) A description of the effect of the project on other scientific research and/or recreational activity currently undertaken within the proposed study area (especially if areas need to be closed to public access)
- (h) List any other permit or authority required from another government or non-government organisation. (Check Resource Management Act requirements.)
- (i) Applicants must identify logistical and operational support requested from the Department of Conservation e.g. accommodation, transport, field communications, etc.
- (j) Where closure of part of the reserve is sought to avoid disturbance of the scientific study, a full description is needed of the reasons for closure and the duration of closure.

N.B. The department will refer this application to appropriate specialists for their assessment and comment.

RESEARCH REQUIREMENTS

- (a) The department requires the applicant to furnish progress reports at 4-monthly intervals. The copy of the final report along with any published paper is to be forwarded to the regional conservator.
- (b) The letter of approval for the study must be in the possession of the applicant at all times whilst in the field conducting the study, and available to be shown to a departmental officer, if required.

- (c) Each person participating in the study shall make themselves familiar with any bylaws and/or regulations pertaining to the study area, and observe these at all times.
- (d) The applicant is to adhere to any conditions imposed by statutory authorities under for example the Wildlife Act, Reserves Act, Conservation Act, Marine Mammals Protection Act, Marine Reserves Act, Resource Management Act, Historic Places Act.
- (e) The department reserves the right to withdraw the approval for any particular study at any time, by notifying the applicant either in writing, or verbally, if appropriate.
- (f) If, in the opinion of the regional conservator, the concurrence of the appropriate Maori tribal authority is required before the research is undertaken, then this must be obtained in writing and a copy appended to the application, when submitted, before the proposal can be approved.
- (g) All equipment introduced to the area as a result of the study must be removed and disposed of by the applicant at the completion of study.
- (h) The applicant or any member of the party shall make all current or archival photographs or documents held by them available to the Department of Conservation for inspection and/or copying on request.
- (i) The maintenance of any structures and/or additional moorings that may be required for the research project is the responsibility of the applicant and should undertaken in accordance with the Health and Safety Act.

The department must be advised of any variations to research objectives and methodology in writing. These will be reviewed and the applicant advised before commencing. Failure to do so may result in revocation of the permit.

Appendix 5

APPLICATION TO CONDUCT SCIENTIFIC RESEARCH ON AREAS ADMINISTERED BY THE DEPARTMENT OF CONSERVATION

This is a separate document inserted into the printed version of the plan. It is not included in the pdf file.

Appendix 6

HABITAT TYPES WITHIN KAPITI MARINE RESERVE

The NIWA Habitat Survey, published in 1993, identified 14 habitats, each dominated by different organisms.

The following habitat types were found in reef habitat in the western reserve (within Baxter's Habitat Zone 4, see map overleaf):

- (I) *Carpophyllum maschalocarpum*
- (II) *Ecklonia radiata*/ *Carpophyllum maschalocarpum*
- (III) *Ecklonia* forest
- (IV) Cobble/red algae flats
- (V) Bryozoan bed
- (VI) *Glossophora*/*Carpophyllum flexuosum*
- (VII) Sponge garden.

The following habitat types were found off the north end of Kapiti Island, outside the reserve but within the voluntary no-trawl zone (within Baxter's Habitat Zone 1, see map overleaf):

- (VIII) Sheltered *Ecklonia*
- (IX) Bryozoan/sponge assemblage.

The following habitat types were found within the eastern reserve, (within Baxter's Habitat Zone 3, see map overleaf):

- (X) *Ulva* zone
- (XI) Horsemussel bed
- (XII) Sheltered *C. flexuosum* forest
- (XIII) Rhodolith beds
- (IIa) Sheltered *Ecklonia*/*C. flexuosum* forest.

Baxter's Habitat Zone 2 (see map overleaf) was not included in the survey, which concentrated mainly on resident reef species.

THE FOUR DISTINCTIVE HABITAT ZONES FOUND AROUND KAPITI ISLAND

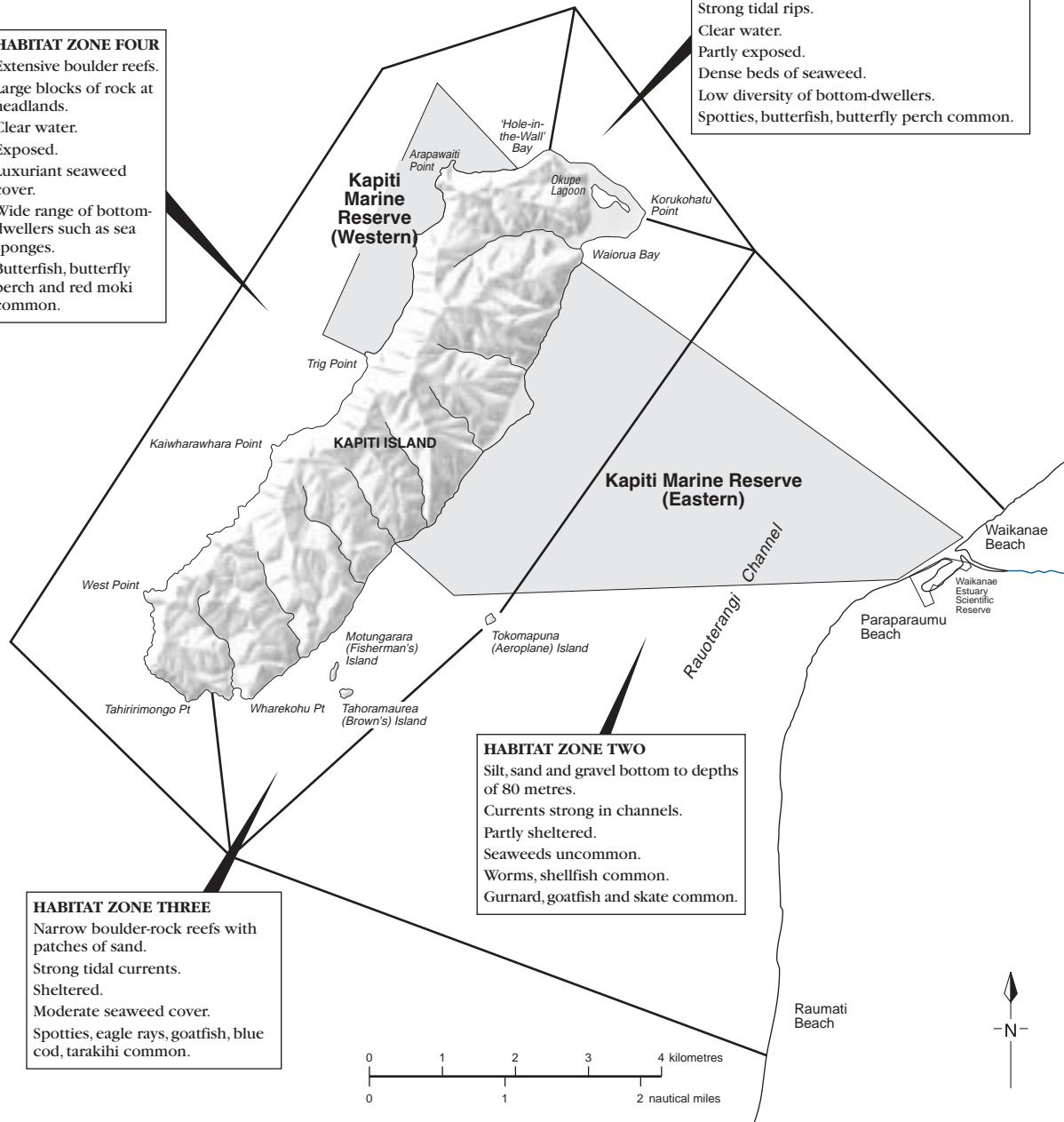
(from Baxter, A. S. 1987: *Kapiti Island - Subtidal Ecological survey. Ministry of Agriculture & Fisheries.*)

HABITAT ZONE FOUR
 Extensive boulder reefs.
 Large blocks of rock at headlands.
 Clear water.
 Exposed.
 Luxuriant seaweed cover.
 Wide range of bottom-dwellers such as sea sponges.
 Butterflyfish, butterfly perch and red moki common.

HABITAT ZONE ONE
 Reefs of rounded boulders.
 Strong tidal rips.
 Clear water.
 Partly exposed.
 Dense beds of seaweed.
 Low diversity of bottom-dwellers.
 Spotties, butterflyfish, butterfly perch common.

HABITAT ZONE TWO
 Silt, sand and gravel bottom to depths of 80 metres.
 Currents strong in channels.
 Partly sheltered.
 Seaweeds uncommon.
 Worms, shellfish common.
 Gurnard, goatfish and skate common.

HABITAT ZONE THREE
 Narrow boulder-rock reefs with patches of sand.
 Strong tidal currents.
 Sheltered.
 Moderate seaweed cover.
 Spotties, eagle rays, goatfish, blue cod, tarakihi common.



Appendix 7

SCIENTIFIC STUDIES WITHIN KAPITI MARINE RESERVE

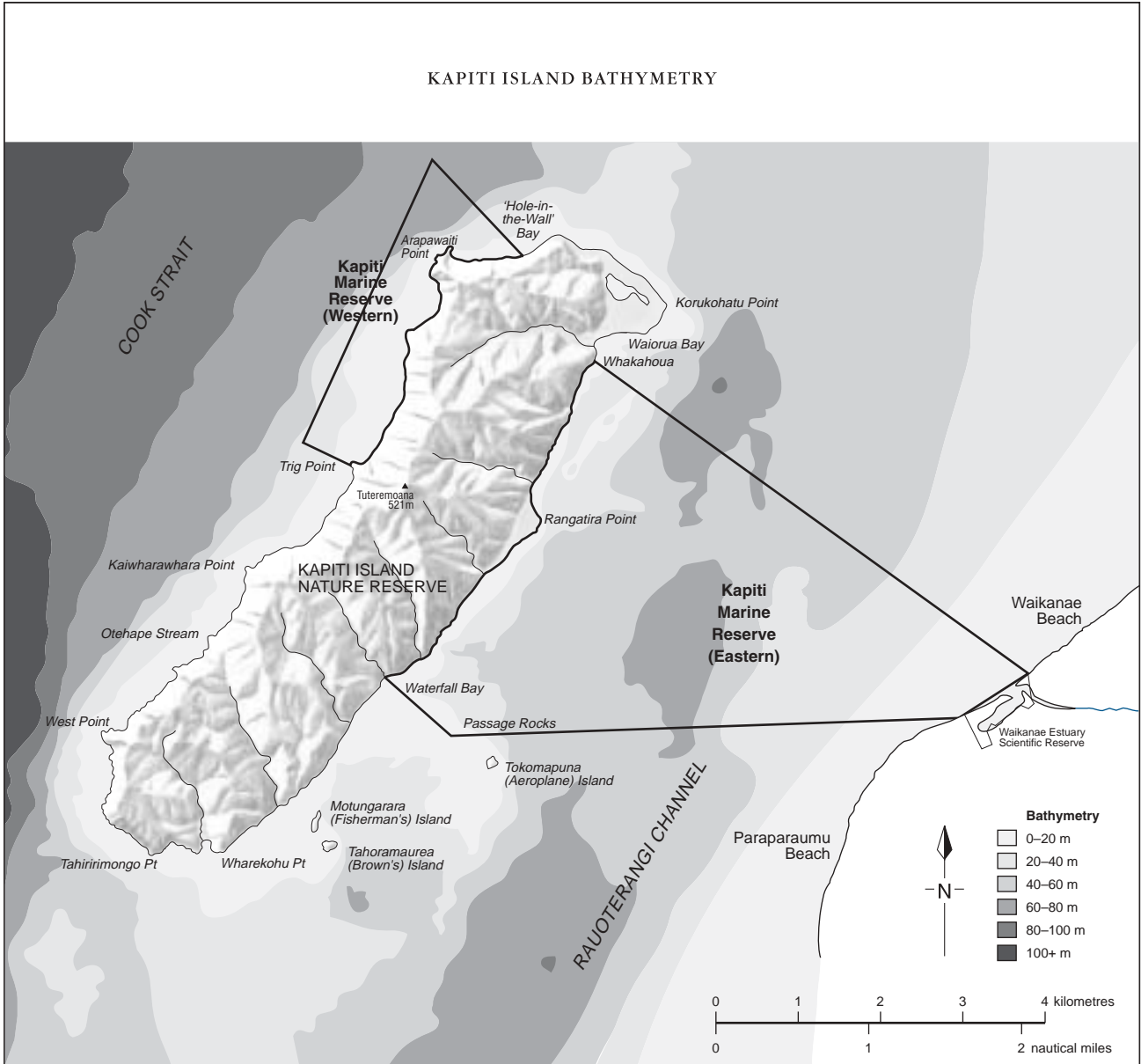
There has been some initial scientific work conducted in the marine reserve since its establishment, not including the initial NIWA survey. These investigations are listed below:

- In 1995 Bay of Plenty Polytechnic students conducted a follow-up survey of limited scope, as part of their studies for a Certificate in Marine Studies. They suggest that there has been some increase in rock lobster and paua numbers in parts of the marine reserve, but their study had insufficient statistical power to quantify this
- In late 1996 NIWA conducted a survey of two reef fish species in an attempt to detect any adverse effects resulting from accidental poison introduction from rat eradication operations (using Brodifacoum) in the adjacent Kapiti Island Nature Reserve. No problem was detected, but it was observed that butterflyfish and blue moki (both highly-exploited fish species) were now common in the marine reserve, and that the size of blue cod had approximately doubled
- In late 1996 Wellington Conservancy processed permits allowing Victoria University's Geography Department to conduct sampling and experiments in the nature reserve and part of the marine reserve. A condition of the permit was that the regional conservator was to be given a copy of the research report. At the time of writing neither the study nor the report has been completed

Scientific use of the reserve is also expected to increase once the recovery of marine biota is recognised by the scientific community.

Appendix 8

KAPITI ISLAND BATHYMETRY



Appendix 9

KAPITI MARINE RESERVE INFORMATION SHEET

Kapiti Marine Reserve



Photos: sea perch (above), finger sponge (top), a diver surveying the reserve (right). Photos by Malcolm Francis, NIWA.

Marine reserves are areas of sea in which all marine life is protected. The waters around Kapiti Island are nationally significant recreation, education, ecological and scientific resources containing some of the finest underwater scenery in the greater Wellington region. Kapiti Marine Reserve was established in 1992 under the Marine Reserves Act 1971. The reserve is administered by the Department of Conservation with the support of the local community working through the Kapiti Marine Reserve Committee.

When Kapiti Marine Reserve was established, an extensive scientific survey of the environment was undertaken. NIWA conducted further surveys in 1999/2000 which indicate a clear increase in the numbers and sizes of some species. With further recovery time we will see even greater changes in the ecology of the area.

When you visit the reserve, please do not disturb or endanger any plant or animal life, or remove any material. Fishing and shellfish gathering is not permitted, nor is the disposal of any harmful substance or refuse. Removal of any rock, sand, shell or marine life is also prohibited.

Full-time and honorary rangers patrol the reserve. Penalties for offences committed within the reserve can be severe. Imprisonment of up to 3 months, a fine of up to \$250,000 and forfeiture of any equipment used in committing an offence may be imposed.



See overleaf for a map and diagrams of reserve boundaries.

MORE INFORMATION

Department of Conservation

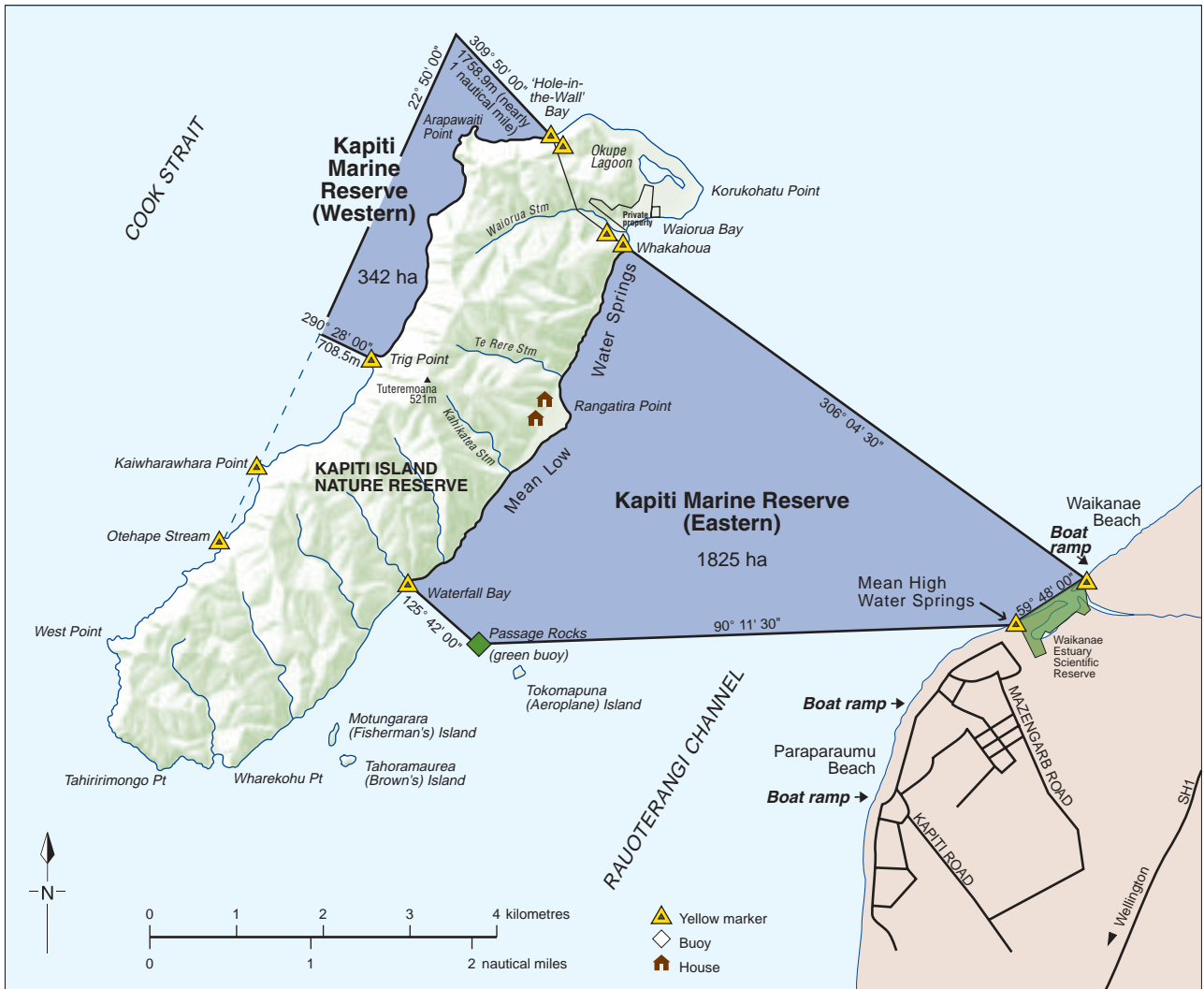
- Kapiti Area Office
P.O. Box 141,
WAIKANAE.
Ph 04 296 1112



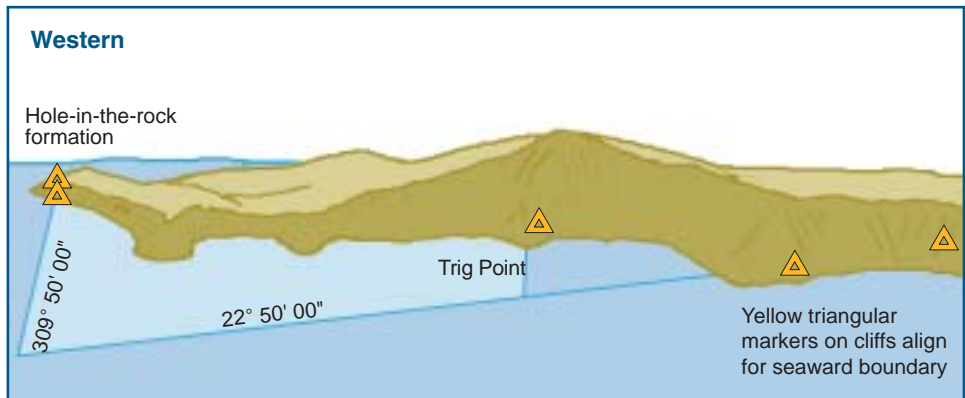
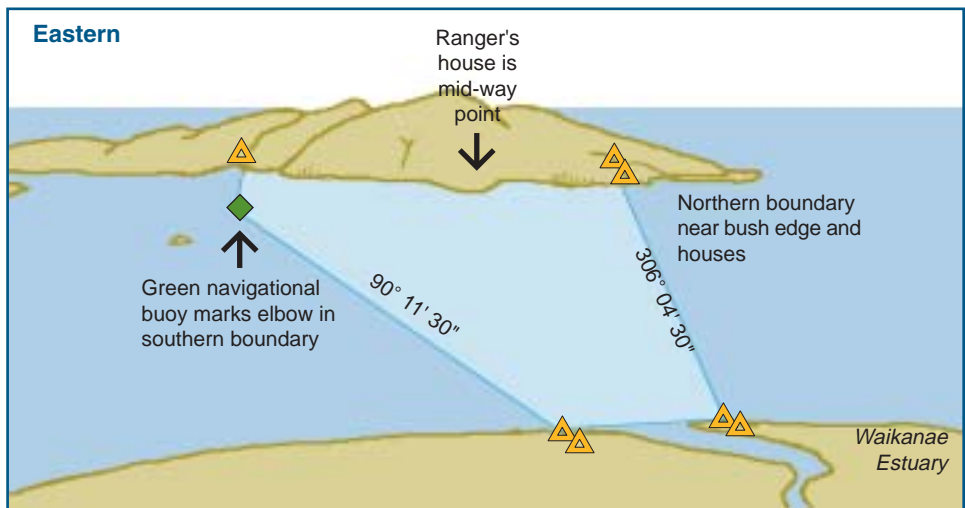
Find out first
Stay on established tracks and use existing facilities
Take care of your gear
Remove rubbish
Dispose of toilet waste properly
Be careful with chemicals
Respect our cultural heritage
Catch only the food you need
Consider plants and animals
Consider other people
Toitu te marae a tane
Toitu te marae a tangaroa



Department of Conservation
Te Papa Atawhai



Beach boundaries are Mean Low Water Spring on Kapiti Island and a straight line between Mean High Water Spring points each side of Waikanae Estuary.



All marine life, habitat, objects and structures are protected

You can look and enjoy but please do not take

The Marine Reserves Act 1971 will be enforced