

MARINE PROTECTED AREAS

POLICY STATEMENT AND IMPLEMENTATION PLAN



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MINISTRY OF FISHERIES
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EXECUTIVE SUMMARY

The New Zealand Government is committed to protecting a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection. The Marine Protected Areas (MPA) policy is designed to achieve this objective.

The intent of the proposed framework is to clearly specify the objective of the MPA policy and outline effective and efficient processes for achieving this.

To this end, the processes outlined in this document provide an opportunity for integration of work undertaken by agencies to ensure coordination of approaches to best achieve the Government's MPA objective and target, and to provide opportunities for those interested in, or affected by, MPAs to be involved.

This document is made up of three components. These are:

Policy Statement: The policy statement provides the overarching policy objective the Government seeks to achieve in establishing marine protected areas nationally and sets out principles for implementing MPAs to ensure the objective will be met through good processes.

Implementation Plan: The implementation plan sets out in detail the processes for planning and establishing marine protected area. It also outlines the ways in which processes currently used for existing tools will be applied and integrated to establish a fully representative network of marine protected areas using the tools outlined in the policy statement.

Annual Operating Plan: The annual operating plan outlines details of where the Government is intending to implement the MPA planning approach over the next three years.

The implementation plan will initially apply over a three year timeframe. Implementation processes will however be refined as legislative frameworks change and as new information on biodiversity and management issues become available.

MARINE PROTECTED AREAS – POLICY STATEMENT

This policy statement is structured in two parts. The first provides details of the Government's commitment to marine biodiversity conservation and outlines the scope of the MPA policy. The second part of the statement provides a series of high-level operational principles, which will guide the general approach to the planning of the network and the selection of MPA sites and management tools. This section also discusses integration of the current management tools available to the implementing agencies.

The New Zealand Biodiversity Strategy

The New Zealand Biodiversity Strategy 2000 (NZBS) was established to meet New Zealand's commitments as a party to the Convention on Biological Diversity. The Convention recognised that biological diversity has an inherent value, as well as having ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic value. Maintaining biodiversity is also important for evolution and for the health of the earth's biosphere systems.

The NZBS defines biological diversity – or biodiversity – as the variety of life considered at all levels; from genetic variation within a species to the variety of communities that live in particular habitats and the physical conditions under which they live.

The NZBS establishes the strategic framework for action to conserve and sustainably use and manage New Zealand's biodiversity. The following is the desired outcome for Coastal & Marine Biodiversity in 2020:

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.

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.

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

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

The 10% Protection Target

The NZBS contains an action to:

“Achieve a target of protecting 10 percent of New Zealand's marine environment by 2010 in view of establishing a network of protected marine areas”.

The 10% figure is a target for marine protection planning and implementation over the next 5 years. The amount of New Zealand's marine environment protected will be an important indicator of progress. However, the extent of protection required to achieve the NZ Biodiversity Strategy outcome will ultimately be determined by what is required to ensure adequate protection of marine biodiversity.

The MPA Objective

The primary objective for MPAs is objective 3.6 of the NZBS, 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.

This MPA policy fulfils action 3.6(a) of the NZBS, which is to:

Action (a): Develop and implement a strategy for establishing a network of areas that protect marine biodiversity. Included in the network will be marine reserves, world heritage sites, and other coastal and marine areas such as mātaitai and taiāpure areas, marine area closures, areas subject to seasonal closures and areas with restrictions to certain fishing methods.

The Department of Conservation and the Ministry of Fisheries are jointly responsible for developing and implementing this MPA policy. A number of other groups are also noted as being key players for its successful development and implementation, namely Te Puni Kōkiri (Ministry of Maori Development), regional councils, iwi/hapu, fishing industry and non-governmental organisations.

Definition of Marine Protected Area

For the purpose of this policy, an MPA is defined as:

“an area of the marine environment especially dedicated to or achieving the protection and maintenance of biological diversity at the marine community, habitat and ecosystem level”.

Policy Scope

The scope of the policy is biodiversity protection at the habitat and ecosystem level, not individual species. (However, where measures protecting particular species have the *effect* of achieving biodiversity protection at the habitat and ecosystem level, they could be counted as part of the MPA network).

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

Spatially, the policy covers both the territorial sea (coastline to 12 nautical miles) and the exclusive economic zone (12 to 200 nautical miles).

Finally, the policy seeks to coordinate the implementation of *existing*¹ management tools to protect marine biodiversity.

¹ The Marine Reserves Bill, which has a specific focus on biodiversity protection, is currently before the Local Government and Environment Select Committee. The description of marine reserves as a management tool in this strategy is based on the new Bill rather than the existing Marine Reserves Act.

MPA Implementing Principles

The principles set out in this section will guide the implementation process.

The principles are organised as follows:

- Generic principles – to guide the general approach to management and planning and monitoring;
- Network principles – to assist the design of the network and the monitoring of progress; and
- Site and Tool Selection Principles – to assist MPA site and tools selection and the monitoring of individual MPA performance.

Generic Principles

The approach to planning and implementing MPAs will be guided by the principles set out below. Each principle is followed by a brief explanation.

Generic Principle 1: National priorities for MPA establishment will be developed on an annual basis.

The MPA policy is a national one designed to achieve government outcomes. National priorities, together with the policy's principles, will be used to guide and inform implementation at the regional level. An inventory of MPAs will be prepared each year to guide progress against the priorities.

Generic Principle 2: Roles and responsibilities will be clearly defined.

DoC and MFish will establish clear processes and responsibilities for integrated planning and establishment of MPAs consistent with the statutory requirements of the protection tools to be used as MPAs. The MPA Implementation Plan (Part II) sets out roles and responsibilities.

Generic Principle 3: A consistent approach will be used to assess whether a biodiversity protection measure is likely to offer sufficient protection to contribute to achieving the MPA policy objective.

In order to achieve this objective, the protection offered within the MPA needs to be of a sufficient standard. The site and tool selection principles set out later in this Policy Statement include the requirements to meet this standard in a nationally consistent way.

Generic Principle 4: Property rights, as well as their scope and associated responsibilities, will be respected.

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.

Generic Principle 5: The special relationship between the Crown and Maori will be provided for, including kaitiakitanga, customary use and mātauranga Maori.

This principle reflects the obligations that arise from the Treaty of Waitangi and the various commitments to tangata whenua that are included in marine management legislation. Whilst these rights do not constitute 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.

Generic Principle 6: MPA research will be effectively planned and co-ordinated.

MPA research is important for a number of reasons. These include determining whether individual MPAs are meeting their objectives, 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. The Implementation Plan will outline requirements for the coordination of processes for contracting and reviewing research.

Generic Principle 7: Best available information will guide decision making.

Understanding of marine habitats and ecosystem processes is limited. MPA decision-making will be informed by the best available information. Standards will be developed to outline the requirements for the use of information in MPA planning.

Generic Principle 8: MPA decision making will be guided by a precautionary approach.

Management actions taken under the MPA Implementation Plan to conserve or protect biodiversity should not be postponed because of a lack of knowledge, especially where significant or irreversible damage to ecosystems can 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.

Generic Principle 9: A monitoring and evaluation programme will be undertaken.

A monitoring and evaluation programme will be developed to assess progress towards achieving the MPA policy objective and to assess the effectiveness of the individual MPAs at achieving their own specific objectives. The programme will use the generic, network and site and tool selection principles as a basis for the monitoring framework. The monitoring programme will provide information that will be fed into a formal review process and will also be made available to stakeholders to enable them to participate in the planning processes.

Generic Principle 10: MPA implementation will be undertaken in a transparent manner that constructively engages groups with an interest in marine biodiversity protection.

Consistent with statutory obligations, agencies will have clearly defined implementation processes and will coordinate the implementation mechanisms and their respective consultation processes so that stakeholders can effectively participate.

Network Principles

Development of the representative network of MPAs will be guided by the principles set out below. Each principle is followed by a brief explanation.

Network Principle 1: MPA network design will be based on the protection of biodiversity and ecosystem function.

The complexity and inter-connectedness of the marine environment means that the MPA network needs to be habitat and ecosystem based. Where possible, MPA network planning should be designed to ensure the maintenance of ecosystem processes.

Network Principle 2: MPAs should be distributed based on an agreed classification of environment types.

For the purposes of MPA planning, agreement is needed on the use of classification systems, including the scale or scales at which the marine environment will be classified.

Network Principle 3: The MPA network should protect the full range of natural marine habitats and ecosystems.

In order to meet the biodiversity strategy objective, the MPA network should be representative of all marine environments (at the agreed scale) and should cover centres of endemism, unique or special areas and habitats of particular importance to ecosystem function.

Network Principle 4: The MPA network should be viable.

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 objective. Viability will depend on matters including the nature of the protection, the presence of replicate MPAs protecting similar habitats, and connectivity between MPAs, as well as the nature of actual or potential threats to a particular habitat and the amenability of those threats to mitigation using MPA mechanisms.

Network Principle 5: Priority will be given to establishing MPAs where the most significant biodiversity protection gains can be achieved.

National priorities for MPA planning will be set and reviewed annually. The overall goal is to protect the full range of marine habitats and ecosystems. Prioritisation of actions will therefore be strongly influenced by risks and threats to the habitats and ecosystems that are under-represented in the network.

Site and tool selection principles

S&T principle 1: Every MPA should be designated on the basis of a clearly defined objective, which will be consistent with the network priorities and the MPA principles.

It is important that the intended purpose of each MPA is clearly defined and contained in a management plan. This will provide clarity about the anticipated contribution of the MPA to the network, guidance on tool selection, and a reference for performance monitoring.

S&T principle 2: The location, design and selection of tools for an MPA should be sufficient to meet the standard of protection.

The appropriateness of design and location will require assessing the ability of the MPA to address human-related threats, processes and activities. These may include contamination, sedimentation, fishing, tourism or visitor-based disturbance, undersea or seafloor commercial activities, or scientific/research activities so that the key biophysical aspects of the site are not significantly altered.

Some limited but ongoing modification or use of resources (including fishing) in some protected areas may be possible whilst maintaining the biological characteristics, key components, and processes that are a feature of the habitat or ecosystem.

The protection must be adequate to provide for the maintenance or restoration of:

- the physical features that support biodiversity in an area;
- ecological systems and processes within the area;
- the natural species composition and trophic structure of the area; and
- natural variability potential.

S&T principle 3: The mechanism used to establish MPAs should be consistent and secure in the long-term, subject to any necessary changes to allow them to better achieve objectives, taking into account natural dynamics.

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. Therefore it 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.

S&T principle 4: The MPA management regime must be enforceable.

Where compliance and enforcement is inadequate, the MPA 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 objective.

S&T principle 5: Adverse impacts on existing users of the marine environment should be minimised in establishing MPAs.

Careful design of MPAs incorporating information on use and stakeholder input should ensure that MPAs have the least possible impact on existing users of the marine environment without compromising biodiversity protection objectives.

A 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.

S&T principle 6: The primary criteria for site selection will be meeting the policy objective and national priorities. Once satisfied, consideration may be given to other benefits and costs associated with site and tool selection.

The establishment of an MPA network representing the full range of marine habitats and ecosystems is the objective. In many cases the gaps in the network will be able to be filled at a number of different sites. Where this is the case, selection of the site will analyse the costs and benefits of the proposed MPAs. Additional (non-biodiversity) benefits of one site over another could include increased amenity values through accessible educational, diving and tourism opportunities. However, if providing for the additional benefits increases adverse effects on resource users, in some circumstances this may require considerations of redress.

Integration of Protection Tools

The different tools used for the protection of marine biodiversity are governed by different legislative criteria and processes and are administered by different agencies. The extent to which each agency can work towards the MPA policy objective is constrained by the legislation that it has the mandate to deliver. The principles in this policy statement 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.

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.

Whether a management tools will offer sufficient protection to be classified as an MPA, will be determined using the protection standard (*Se&T principle 2*).

The tools and their scope are outlined below.

Marine Reserves

Marine Reserves legislation is administered by the Department of Conservation. The Marine Reserve Bill currently before Select Committee has biodiversity as its purpose. As such, Marine Reserves are expected to play a key role in MPA implementation.

The Bill provides that marine reserves will be established to protect community and ecosystem biodiversity. Cabinet has agreed that marine reserves will be used to conserve indigenous marine biodiversity for current and future generations by preserving and protecting:

- Representative examples of the full range of marine communities and ecosystems that are common or widespread; and
- Outstanding, rare, distinctive or internationally or nationally important marine communities and ecosystems; and
- Associated natural features, especially outstanding, rare, unique, beautiful or important.

Members of the public can put forward proposals for marine reserves. Whether proposals come from the Department of Conservation itself or from stakeholders, there is typically a large amount of public and stakeholder involvement both prior to and after the formal application process.

Under the Bill, approval from the Minister of Conservation is required in order to establish a Marine Reserve (following consultation with other Ministers). The Minister of Conservation cannot approve a marine reserve proposal if it would have an undue adverse effect on a range of interests, including tangata whenua and customary and recreational fishing. This test will influence issues of MPA planning, as discussed in the Implementation Plan.

Fisheries Act Tools

The purpose of the Fisheries Act 1996 is to provide for utilisation of fisheries resources while ensuring sustainability. Ensuring sustainability includes avoiding, remedying or mitigating any adverse effects of fishing on the aquatic environment. Utilisation is defined as conserving, using enhancing and developing fisheries resources to enable people to provide for their social, economic, and cultural well being.

In addition, the Act's environmental principles provide that:

- associated or dependent species should be maintained above a level that ensures their long term viability;
- biodiversity of the aquatic environment should be maintained; and
- habitats of particular significance for fisheries management should be protected.

Fisheries tools used to contribute to the MPA network need to be used in a manner consistent with the Fisheries Act 1996. Total fisheries closures under the Fisheries Act 1996 protect marine habitats from impacts associated with fishing. Partial fishing closures provide more targeted protection from particular fishing methods (e.g. restrictions on bottom impacting fishing methods), or apply during particular seasons.

In implementing measures to manage the effects of fishing on the environment, MFish takes a risk-based approach, and seeks to use the lowest cost approach capable of achieving the desired outcomes. This means that where an area is a priority for protection but is not impacted on by fishing, a marine reserve is likely to be the choice of tool to use. MFish is implementing Stock Strategies as the basis for managing fishstocks, or groups of fishstocks. This approach is discussed in the Implementation Plan.

In some cases voluntary agreements are used as an alternative to a regulated closure. In considering if such an agreement could also contribute towards the MPA network, the extent to which all fishers operating in the area signed up to the agreement, and could demonstrate an adequate level of compliance would be important, together with the extent to which the restrictions adequately protect the biodiversity values of the site. *Mātaitai Reserves, Taiapure and Section 186 closures* provide for customary Maori use and management practices rather than to protect biodiversity at the habitat and ecosystem level. However, they could potentially have the effect of protecting biodiversity (e.g. if they included a reasonable sized no-take or highly restricted take area). Including such areas in the MPA network would require consultation with, and agreement from the tangata whenua.

Resource Management Act Tools

Areas of significant conservation value are identified in some regional coastal plans. These areas could potentially be identified for MPAs if they fall within the national priorities. Conversely future MPAs could be added to regional coastal plans.

Regional coastal plans must not be inconsistent with the New Zealand Coastal Policy Statement (NZCPS). NZCPS policy 1.1.2 states that it is a national priority to "protect areas of significant vegetation and significant habitats of indigenous fauna" in the coastal environment. 1.1.2 (a) states that councils must avoid adverse effects on vulnerable species or nationally outstanding indigenous ecosystems. 1.1.2 (b) then requires councils to avoid or remedy adverse effects on other regionally outstanding and rare ecosystem types. Zoning has been the key tool in which policy 1.1.2 has been given effect to in regional coastal plans, with areas containing ecosystem types listed in 1.1.2 (a) and (b) having the most restrictive controls in relation to use and development.

RMA tools are vital for controlling activities outside the MPA that will impact on biodiversity in the MPA. For example control of catchment activities including land use and discharges for a river that feeds into an estuary may be as important as controlling activities in the estuary itself.

Marine Parks

Marine parks restrict particular activities (e.g. marine dumping, bottom impacting fishing methods), and may include a small no fishing area. Some of the restrictions in the area may already be in place under other legislation like the Fisheries Act. Examples include the Hauraki Gulf Marine Park and the Sugarloaf Islands Marine Protected 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.

Other tools administered by DoC

Marine mammal sanctuaries are set up under the Marine Mammals Protection Act 1978 (administered by the Department of Conservation) to protect marine mammals. The MPA policy is about protection of habitats and ecosystems, rather than particular species. Nevertheless, 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.

Wildlife refuges, sanctuaries and management reserves are established under the Wildlife Act 1953 to protect particular species and their habitats in a defined area. Establishment of Wildlife refuges, sanctuaries and management reserves would not be influenced by this policy as they are targeted at specific species and their habitats. Nevertheless, where refuges, sanctuaries and management reserves are established, 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.

Both national park and reserves (under the Reserves Act) can include intertidal areas. Some types of parks and reserves provide a high level of protection and could be used to count towards the network if they are of sufficient size.

Cable Protection Zones

Cable protection zones established under the Submarine Cables and Pipelines Protection Act 1996 are another example of a management tool that is not used for the purpose of protecting marine habitats and ecosystems. However, in preventing all marine based activity that may threaten cables, they also prevent most marine based activities that may threaten habitat and ecosystem biodiversity values—except for cable laying and maintenance activities. If the degree of protection is sufficient such areas could contribute to the MPA network.

Integration with wider Environmental Management

Area based marine protection is only one approach to biodiversity protection. Regardless of the management tool used, coastal MPAs are vulnerable to non-point source impacts such as sedimentation, run-off, eutrophication and general pollution. Effective fisheries management and other management tools, such as those under the Resource Management Act, have an important role to play in contributing to the MPA policy objective. Similarly, marine incursions create a significant risk to the achievement of biodiversity outcomes. It is expected that planning and prioritising marine biosecurity work will take into account the location of MPAs. Other risks, such as climate change induced impacts are more difficult to control, and require coordinated action both nationally and globally.

The Oceans Policy project is expected to strengthen integration of different tools that can contribute to marine management objectives, including marine biodiversity protection. In the interim this Policy Statement and the Implementation Plan will encourage consideration to be given to such impacts. The Department of Conservation's role in regional coastal planning will also be used to encourage councils to give consideration to land-based effects on the marine environment, and particularly impacts on MPAs. The Minister of Conservation has committed to the review of the National Coastal Policy Statement within two years.

MARINE PROTECTED AREAS - IMPLEMENTATION PLAN

Purpose

This section outlines the plan for implementing the Marine Protected Areas (MPA) policy. This document sets out a process to develop a network of MPAs and best achieve the objective and principles of the policy.

The implementation plan will initially apply over a three-year timeframe. Departments anticipate that implementation will be refined over this time given altering legislative frameworks and operational realignments occurring within Departments.

Background

Three legislative frameworks contain tools that can be used to achieve the intended objective of the MPA policy – the Fisheries Act, the Marine Reserves Act, and the RMA (as outlined in the MPA Policy Statement). In addition there are a number of tools that indirectly contribute to protection of biodiversity, such as cable protection zones, but the primary purpose of such tools are not biodiversity related. Below the legislation there are various policy frameworks that also influence the operation of Departments and therefore influence the way MPA policy is implemented.

The implementation plan reflects the current and proposed legislative and policy frameworks (as outlined in the MPA Policy Statement). In particular it is noted that the Marine Reserves Act is currently under review that will change the basis for implementing a marine reserve. In addition, MFish has commenced a process of developing stock strategies that will outline how the Government intends to manage its Fisheries Act obligations (including biodiversity obligations) in relation to fisheries and fisheries complexes.

Integration of Departmental Processes

The process for implementing the MPA policy is attached as Annex One. The process contains a number of broad areas of commonality where integration of processes can achieve efficiency gains and provide a coordinated approach to meeting the policy objective for MPAs.

The MPA implementation process consists of three broad components – a policy/standards phase, an operational phase, and monitoring. Monitoring will be undertaken in relation to both the establishment of a network of MPAs and performance of MPAs in protecting biodiversity. In undertaking these three components, MFish and DoC will give effect to the principles outlined in the MPA policy statement. In particular, the implementation plan clearly defines the roles and responsibilities of MFish and DoC in line with generic principle 2.

The implementation process is not strictly linear in nature as depicted diagrammatically in Annex One. A number of initiatives are underway, or will be undertaken, that are not necessarily reliant on any preceding step having been completed.

Policy/Standards Phase

The policy/standards phase consists of:

- Identifying (subsequently updating) existing inventory of MPAs;
- Application of the classification system, agreed information standards, and MPA principles;
- Consideration of information provided by an expert technical group about particular areas; and
- Identifying & reviewing national priorities – includes providing information to Ministers on progress implementing the policy, making refinements to the implementation plan, and identifying specific high priority areas based on new information (in accordance with generic principle 1).

Two key elements will underpin the success of the MPA policy – information on biodiversity and classification systems. The officials group, as part of the policy/standards phase, will develop information standards (see section on “Inter-Agency Coordination”).

The MPA policy statement envisages that best available information will be used to guide decision-making (generic principle 7). The information standards will outline:

- the process for gathering information, including possible information sources;
- what types of information should be gathered; and
- how information should be assessed.

The process for determining priorities should be based on an analysis of existing measures that protect biodiversity against an assessment of environment classes/habitat types. Assessment of the gap between existing protection measures and environment classes/habitat types along with likely existing impacts on those environment classes/habitat types and the sensitivity of those areas to impact will derive priority for action under the MPA.

A priority for development as part of the standards framework is the use of an agreed classification system. The purpose of the classification system is to identify different environment classes within the EEZ and categorise those environment classes in terms of biodiversity. As part of the classification system, agreement is required as to the scale at which marine environments are classified (see network principles 2 & 3). With this framework appropriate sites for protection can be identified.

In the short term, a complete habitat/environment class classification system will not be available. Existing tools, namely the Marine Environment Classification (MEC) and the Interim Near-shore Marine Classification (INMARC), will be used and refined as the information basis is developed over time. In addition, certain decision support tools may be used. Alternate classification systems may be used in future, as they are developed.

Operational Phase

The operational phase consists of:

- Implementation by Departments of legislative and policy tools,
- Coordination of those processes provided by an inter-agency group; and
- Decisions by Ministers on use of best fit tools (where required).

Departments will be responsible for delivering on their respective legislative obligations. For MFish the primary focus is the development of stock strategies. For DoC the primary focus is on the implementation of marine reserves and updating of the New Zealand Coastal policy statement.

In delivering on their legislative obligations, MFish and DoC will be guided by the principles outlined in the policy statement. In particular, Departments will be cognizant of the special relationship between the Crown and Maori (generic principle 5), the role of property rights (as reflected in relevant legislative tests and generic principle 4) and the network and site and tool selection principles. Departments will undertake separate consultation on management tools within their legislatively mandated areas of responsibility. The respective processes undertaken by DoC and MFish will be conducted in a transparent manner (generic principle 10).

MFish Stock Strategies

MFish will shortly commence consultation with stakeholders on the proposed number and grouping of the strategies. Stock strategies will set objectives, consider risk against those objectives and outline the set of the tools the Government will use in each fishery to manage risk of failing to achieve the objectives. A panel composed of subject matter experts will undertake a risk and value assessment. The risk and value assessment will include an evaluation of the effects of fishing on the aquatic environment and lead to the development of appropriate mitigation measures, which will include implementation of measures that meet the site selection principles, and may as a result qualify as contributing to the MPA network. Decisions on the precise location of appropriate measures will be sought to ensure that the most significant biodiversity protection gains can be achieved (network principle 5).

The completion of stock strategies has been staggered to ensure that those fisheries with highest risk and opportunities (in terms of improving fisheries management outcomes, including maintenance of biodiversity) are completed first. The stock strategy project plan (subject to consultation) anticipates that the majority of stock strategies will be developed by August 2005; and hence consideration of areas likely to be high priority for implementation of the MPA policy will have occurred by that date. As part of the development of stock strategies by August 2005, all areas of the EEZ will be encapsulated in those strategies.

Stock strategies will be a living document in that as information and therefore risks change or new risks are identified, consideration will need to be given to altering use of existing tools or implementing new tools to addresses those risks.

Department of Conservation Regional Approach

The Department is developing a regional approach to site selection for marine reserves to satisfy a long held requirement to lift this process to a strategic level. The approach is based on 8 marine biogeographic regions (derived from scientific consensus, as outlined in the draft INMARC report). The initial focus will be on the near-shore to 12 nautical miles in accordance with the mandate of the existing Marine Reserves Act. Other classifications and decision making tools to assist with offshore MPA site selection will be used when the Marine Reserves Bill is passed.

The regional approach envisages a three stage process:

1. Expert groups

Using both the Marine Environment Classification (MEC) and the Interim Near-shore Marine Classification (INMARC) the Department proposes to seek advice from experts drawn from mātauranga Maori and marine science, including biological, ecological and biogeographical expertise. These individuals would be as knowledgeable as possible of the particular region under review. Groups will be convened on a biogeographic regional or sub-regional basis. The task of each group will be to provide advice drawing on all available information relevant to the task of identifying the habitats that can be regarded as best defining the region's marine biodiversity habitats and eco-systems. Particular attention would be given to identifying known areas containing rare and unique marine communities and sites that might be considered as typical or representative of that region. The group would prepare a report for the Department, and it will be made public.

2. Regional consultation with stakeholders

The Department proposes to convene meetings in each region with stakeholders, user groups, conservation interests and tangata whenua, jointly or individually, to begin a process of identifying in consultation with them, priorities for protection and sites within the near-shore marine environment that could meet the requirements and goals of the NZ Biodiversity Strategy and the MPA policy objective. Drawing on the expert group reports and information from user groups and iwi the Department's objective will be to determine how to best fit the needs and aspirations of current use and biodiversity protection. The objective, where possible, will be to seek a consensus on the pattern of use, needs for area protection and identify potential sites for marine reserves. MFish will engage in the regional consultation (within resourcing constraints) to ascertain first-hand the views of stakeholders. Stakeholder views about potential fisheries measures will be used as an input in updating the risk and value assessment as part of the stock strategy(s) for the particular region. Information obtained in the consultation process on possible use of other legislative tools will be directed to the relevant Department. The process will take full account of area protection for biodiversity already existing. The process will also ensure that the marine reserves pre-formal application requirements of current practice and those envisaged in the Marine Reserves Bill are fully met. The process is consistent with the approach that each Department is responsible for delivering on its respective legislative obligations.

3. Statutory process for marine reserves

The Department will proceed into formal marine reserve applications (individual or multiple) based on the information gathered in the above stages, including knowledge of user needs and impacts. It will aim to work towards consensus that has been reached with communities of interests at stage 2, while always mindful of the objectives and goals for marine protection.

As at October 2004 these approaches have not been completed in any region. Some aspects have been trialled in Northland and the South Island, at least to expert group level. These and other pilots will be developed into standard practice which itself may be expected to evolve and be modified in light of experience. Present planning is for the following programme to be followed:

- 2004 – Hauraki Gulf; Fiordland (implementation); and Sub Antarctic Islands
- 2005 – Bay of Islands; Taranaki, Kaikoura; SI West Coast
- 2006 – Northland East Coast; Wairarapa/Wellington; Canterbury; Southland
- 2007 – Bay of Plenty; East Coast; Nelson/Marlborough; Otago
- 2008 – Northland West Coast; Hawke's Bay; Waikato

This programme is expressed for practical convenience as projects that collectively will conform to and ensure coverage of all biogeographic regions. The programme is tentative beyond 2005 and will need to be augmented by investigation of the potential for marine reserves in the wider EEZ on passage of the Marine Reserve Bill and may be refined in response to the assessment of national priorities.

Information obtained from the expert groups and regional stakeholder consultation will help inform and refine the classification system that is used by DoC and MFish in the course of their respective processes.

Coordination of Processes

Each Department will be responsible for undertaking its own analytical process to determine requirements to meet its respective legislative obligations (DoC's regional approach; MFish stock strategies). Those processes will be informed by the classification system, current inventory of MPAs, identified national priorities, and best available information. Separate consultation processes are preferred because delaying consultation or reconsulting on stock strategies to meet, or as part of, the proposed DoC regional timetable would result in MFish being unable to meet its objective of completing the "development phase" of stock strategies by August 2005. MFish is also required to undertake a separate process to provide for input and participation of tangata whenua. In addition, changing legislative accountability under the Marine Reserves Bill changes the role MFish plays in Marine Reserves from one of concurrence to one of consultation. This further reduces the need for MFish to be actively involved in stakeholder consultation related to implementation of Marine Reserves.

However, points of interaction between DoC and MFish are proposed at the operational phase. The Departments propose to share information that arises from the respective process – the mechanism that will be adopted to provide inter-agency coordination is outlined below. In particular, information derived by DoC as part of the regional approach will be provided to MFish to inform the risk and value assessment process for stock strategies and determination of appropriate fisheries interventions. MFish will inform DoC of the proposed fisheries interventions arising out of stock strategies. In particular, the Departments will share information derived through the respective consultation processes. The Departments will also look to assess common information needs and coordinate research requirements to avoid possible duplication (generic principle 6).

The Departments will look to avoid duplicating or overlapping measures in a specific areas and/or environment classes. MFish and DoC will seek to resolve differences over application of the policy statement principles to any particular site, including use of the best-fit tool, prior to formal implementation of a statutory tool. Where the Departments are unable to resolve differences the issue will be submitted to Ministers. The Departments will provide Ministers with appropriate information to enable an informed decision to be made.

Monitoring of MPA Implementation

The officials group will be responsible for all monitoring undertaken as part of the implementation of MPAs. In line with generic principle 9, monitoring will consist of the following aspects:

- maintaining the inventory of MPAs;
- monitoring the integrity and contribution of individual MPAs; and
- monitoring the performance of the MPA network against its objectives.

The inventory needs to be updated on a regular basis. The officials group will be responsible for ensuring this occurs.

Inter-Agency Coordination

A high level of interaction and coordination between DoC and MFish is proposed as part of the implementation plan (generic principle 10). An officials group, consisting of representatives from MFish and DoC will be formed to undertake this role. DoC and MFish will develop terms of reference for the inter-agency group. As an initial guide, it is proposed that the role of the inter-agency group will consist of:

- promoting inter-departmental discussion and exchange of information to inform processes undertaken by respective Departments;
- ensuring consistent application of MPA policy principles and classification system by each Department;
- identifying national priorities on an annual basis;
- assessing common information needs and coordinating research to avoid possible duplication, and where appropriate jointly commissioning research;
- developing monitoring tools and processes;
- discussing outcome of consultation processes;
- assessing use of the best fit tool for high priority areas;
- assessing potential duplication and overlap of tools proposed to be implemented by respective Departments and deficiencies in the MPA network; and
- providing advice to Ministers on tools to be adopted where duplication, overlap or differences arise between Departments over tool selection.

Membership of the inter-agency group will consist of representatives from MFish and DoC. The representatives from MFish will be drawn from the Standards team and staff actively involved in the development of stock strategies. For DoC, representatives will be drawn primarily from the Marine Conservation Unit.

The interagency group will be supported by information provided by a technical group, comprising representatives of the DoC and MFish science personnel and external scientists. The technical working group will be responsible for providing information on biodiversity in different areas and nature and extent of potential threats in those areas, based on existing use. A key role of the technical working group also will be to provide an assessment on potential duplication of tools based on the classification system.

Annual Operating Plan

The process for implementing the MPA policy is likely to change over time given change in legislative, policy and operational frameworks of the relevant Departments. Implementation of measures will occur over a 4-5 year time frame to complete the inventory requirements across all areas.

In the short term, it is anticipated that interaction between relevant Departments will develop as the proposed legislative (Marine Reserve Bill) and policy (stock strategy) tools are implemented. For MFish, the immediate focus over the next year will be the development of stock strategies. The completion of the risk and value assessment as part of stock strategies will form a key component of the information gathering and priority setting component of MPA implementation.

The result is that incremental steps will be achieved over the next one to three years as a number of elements are implemented. Outlined below are tasks identified to progress implementation over the next three years. The implementation process provides a very clear picture that the next three years constitute a transitional phase as processes and officials groups are established, classification system developed, and tools implemented.

Year One (2004/05 financial year) consists of:

- Development of the annual operating plan;
- Passage of Marine Reserves legislation;
- Development of stocks strategies;
- Continuation of current business:
 - progression of existing marine reserve applications;
 - implementation of measures under the Fisheries Act, where identified under existing processes; and
 - continuation of existing near shore marine protection regional approach (as outlined in “Operational Phase” above);
- Development of information standards;
- Agreement on initial classification systems, which are adopted in Departmental processes;
- Preparation of inventory of existing management measures which protect biodiversity within the Exclusive Economic Zone & commence additional information gathering necessary to assist in assessing specific areas;
- Formation of the inter-agency group and technical group and specification of roles and responsibilities;
- Maintaining the inventory of MPAs; and
- Monitoring the integrity and contribution of individual MPAs.

Year Two (2005/06) consists of:

- Development of the annual operating plan, including identification of national priorities;
- Implementation of fisheries interventions and services under stock strategies;
- Continuation of current business for existing marine reserve applications;
- Continuation of DoC regional approach;
- Development of marine reserve proposals under new legislation;
- Operation of relevant groups and application of relevant standards;
- Ongoing refinement of the classification system;
- Assessment of information requirements;
- Maintaining the inventory of MPAs; and
- Monitoring the integrity and contribution of individual MPAs.

Year Three (2006/07) consists of full implementation of the MPA policy:

- Development of the annual operating plan, including identification of national priorities;
- Updating of first generation stock strategies;
- Implementation of MPA tools under marine reserves and fisheries legislation;
- Continuation of DoC regional approach;
- Ongoing refinement of the classification system;
- Assessment of information requirements; and
- Monitoring contribution of individual MPAs and MPA network.

Annex One: Process for MPA Implementation

