

17. Marine Habitat Conservation

Explanation

The main ways to protect marine habitats are the establishment of marine reserves under the Marine Reserves Act 1971 and advocacy under the Resource Management Act 1991.

Under the Marine Pollution Act 1974, administered by the Ministry of Transport, the Department has a responsibility regarding the dumping of materials at sea and responding to oil spills.

Opportunities to protect marine habitats or ecosystems also exist under legislation administered by organisations other than the Department. These include the Fisheries Act 1983, Maori Fisheries Act 1989, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1993 administered by the Ministry of Agriculture and Fisheries. The Department has minimal involvement in protection under these acts.

The Marine Reserves Act is the only legislation which provides for the protection of marine habitats. Marine reserves are areas of sea, seabed, foreshore and internal waters, out to the limits of the territorial sea, which the Department administers for the purpose of “preserving them in their natural state as the habitat for marine life and scientific study”.

The Department is developing a long-term strategy for marine reserves. The intention is to establish and administer a network of marine reserves around the coastline to ensure as far as possible the preservation of representative examples of all types of natural marine ecosystems and features of underwater scenery of distinctive quality, beauty or uniqueness.

Under the Resource Management Act, the Minister of Conservation has statutory powers related to the coastal marine area and the coastal environment. The Department’s involvement in coastal planning and advocacy is provided for in terms of the Minister’s coastal function under the Resource Management Act, and not under the Minister’s or Director-General’s functions under the Conservation Act. [*Refer Section 18, p 173*]

Wellington Conservancy

Kapiti Marine Reserve, established in May 1992, is the only marine reserve in the Conservancy [*refer Section 10.2, p 126*]. The Wellington South Coast Marine Reserve Coalition has put forward a proposal for a marine reserve on the Wellington South Coast. A third has been suggested at Pukerua Bay.

Oil-spill contingency planning is the focus of the Conservancy’s work under the Marine Pollution Act. Wellington Harbour is a major port with two petroleum product terminals, ship bunkering facilities and industrial storage facilities. Oil pollution arising from a ship wreck is also a risk because of the port, maritime traffic and turbulent waters, especially in Cook Strait and the rocky coastline. The Department is a member of the Wellington Region’s Oil

Spill Response Committee, and its roles in case of an emergency are described in the Oil Spill Contingency Plan.

The Department's roles in an oil spill are rescue, treatment and rehabilitation of oiled wildlife, or its humane destruction, provision of advice on national and regional priorities for the care and protection of important and sensitive areas and species, and the care of foreshore biota.

Management Issues

Network of Marine Reserves

The Department's strategy for the establishment of a network of marine reserves in the the Conservancy, is first to identify potential sites, based on existing knowledge. The second phase will be consultation with tangata whenua, Ministry of Agriculture and Fisheries, Ministry of Transport, local government, commercial and recreational fishers and local communities to determine preferred sites for the establishment of marine reserves under the Marine Reserves Act 1971. Sites would then be selected for detailed investigation (phase three). Priority areas for investigation will be determined taking into account the factors listed in Implementation 1, as given below. The fourth phase is for the Department to propose areas as marine reserves. These proposals would be assessed under the Marine Reserves Act 1971. Once a marine reserve has been legally created, several years intensive management effort will be needed to effectively implement management, i.e., boundary markers, interpretative signs, published material, baseline data for monitoring habitats and compliance. The Department considers it will be able to propose one marine reserve in this CMS period.

The Department expects that the identification work done in this CMS period will establish a basis for action on marine reserves in future.

The Marine Reserves Act provides for other organisations to apply for an area to be declared a marine reserve. Advice and assistance to other organisations on the process to follow in applying for a marine reserve, and available information on the marine environment, will be provided.

Management of Marine Reserves

To ensure that marine reserves realise their potential to protect and enhance marine habitats, the Department needs to implement effective reserve management for each marine reserve as soon as possible after its establishment, i.e., mark boundaries, erect signs, assess the state of marine habitats as a base for monitoring, inform local community of fishing restrictions. The Department considers it important that the community be involved in management of reserves.

Public Awareness

The Department considers that implementation and enforcement of marine reserves will depend largely on the acceptance and co-operation of the public. The benefits of and reasons for marine reserves in addition to the established marine reserves need to be explained to the public.

Oil Spills

Large numbers of animals would be affected by a major oil spill. A volunteer network needs to be developed, in consultation with the RSPCA, to respond in an emergency.

Objectives

- 1 Establishment of a network of marine reserves to represent the range of marine habitats and to protect unique areas which exist around the coastline and in the deeper waters of the Conservancy.
- 2 Achievement of wide public acceptance of the marine reserves.
- 3 Protection and preservation of marine life and habitats in the marine reserves in the Conservancy and provision for scientific research in them.
- 4 Management of recreational use to allow people to view the reserves while protecting them from damage by users.
- 5 Prevent or mitigate the effects of marine pollution on marine flora and fauna and marine habitats.

Implementation

- 1 Identify areas for potential marine reserves using existing knowledge, but where information about marine habitats is inadequate, endeavour to gather information.
Potential marine reserves will be identified having regard to section 3(1) of the Marine Reserves Act. The purpose of a marine reserve is to preserve areas containing underwater scenery, natural features or marine life that are special, unique or representative for the scientific study of marine life.
- 2 Consult with tangata whenua, Ministry of Fisheries, Maritime Safety Authority, Ministry of Transport, commercial and recreational fishers, local government, and community interest groups on potential sites for marine reserves, priority areas for investigation and any marine reserve proposals, especially the obvious gap on the Wairarapa coast.
- 3 Select from the identified sites, priority areas to fully investigate. Priority sites for investigations will be selected taking into account the following:
 - Whether the area is representative of marine habitats in the Conservancy and/or contains any special/rare features.
 - Whether the values of the area are threatened.
 - Whether the habitat or ecosystem values of the area are represented within existing areas already protected elsewhere within the Conservancy.
 - Proximity to land areas already protected and potential to create a land/sea continuum of protection.
 - Level and ease of public access.
 - Opportunities for recreational and educational use and for interpretation of the values of an area.
 - Level of public support for a marine reserve.
 - Impact of a marine reserve on existing commercial and recreational use and adjoining land owners.
- 4 Select from areas investigated at least one area to propose as a marine reserve.
- 5 In the short term, focus Department efforts on the management of Kapiti Marine Reserve with advice from the Kapiti Marine Reserve Committee on preparation of a conservation management plan and giving attention to public awareness, compliance, recreation and monitoring of the reserve.

- 6 Provide the following assistance to organisations proposing marine reserves:
 - Information about marine reserves.
 - Advice on interpretation of the legislation.
 - Relevant information about marine habitats.
 - Advice on the process to follow in applying for a marine reserve, especially who to consult.
 - Assistance with the collection of ecological and social information on the coast.
- 7 Increase public awareness of the reasons for and benefits of protection of marine environments and provide opportunities for community involvement in management.
- 8 Seek the support of community volunteers in the management of marine reserves.
- 9 Undertake advocacy and education programmes about the conservation of marine environments and marine reserves, acknowledging the desirability of on-shore interpretation of the marine environment.
- 10 Use opportunities under legislation other than the Marine Reserves Act to advocate for conservation of marine habitats.
- 11 Support, where appropriate, tangata whenua initiatives to create taiapure under the Maori Fisheries Act and mataitai fisheries areas under the Treaty of Waitangi (Fisheries Claims) Settlement Act and advocate recognition of the conservation values and status of such areas.
- 12 Formulate and maintain an oil-spill contingency plan for the rescue and rehabilitation of oiled wildlife.
- 13 Continue to be part of the Regional Oil Spill Response Committee, maintain contact with volunteer organisations and interested individuals, and support development of a volunteer network to respond to emergencies.