

Protection Standard – Protection Tools – Subantarctic Forum

At the 4th meeting of the Forum a request was made for advice from officials as to whether Nature Reserves and Benthic Protection Areas meet the Protection Standard as set out in the Policy and the February 2008 Guidelines.

Nature Reserves

The island nature reserves have a boundary at MLWS, and therefore have the potential to provide protection to biota associated with the seabed in the intertidal zone. There would be a general prohibition on taking any biota or other material from on, under or attached to the seabed within the intertidal zone. The taking of specimens from the reserve (intertidal included) would require a permit under sec 49 of the Reserves Act, and the taking or killing of fauna would require an authorisation under sec 50 - otherwise such activities would be offences under sec 94 of the Act. Similarly the taking of plants or other material from the reserve would be an offence under the Act.

As previously advised to the Forum (SAF19), in the case of biota swimming or floating in the intertidal water above the foreshore it would be argued that they were within the reserve, because the water occupies part of the space of the reserve. DOC has successfully used a similar argument to justify controlling swimming and diving in Waikoropupu Springs Scenic Reserve, Nelson Conservancy. While this precedent exists there will be an element of uncertainty.

It may be concluded that the nature reserve status of the intertidal zones for the islands provides high level protection sufficient to meet the protection standard. Because they cover such a limited part of the marine environment and carry uncertainty as noted above, nature reserves would generally need to be accompanied by complementary protection tool in the adjacent waters below MHWS.

Benthic Protection Areas

Drawing from the protection standard (PS) section in the Guidelines¹ officials are agreed that Benthic Protection Areas (BPAs) do not meet the PS of the Policy in respect of providing for the “maintenance and protection of the physical features and biogenic structures that support biodiversity” because certain types of bottom impacting methods (i.e. Danish seine) would be permitted to occur in the area. Our current knowledge does not enable an accurate assessment of the sensitivity of any biogenic habitats that might be sensitive to potting or bottom gillnetting. Whilst the BPAs do not provide sufficient protection to meet the PS they do make a contribution to protection of some elements of marine biodiversity and therefore

¹ ‘Marine Protected Area: Classification, Protection Standard and Implementation Guidelines’ February 2008, Ministry of Fisheries and Department of Conservation, Wellington. NZ

would be considered Type 3 'Other Marine Protection Tools'. As Type 3 marine protection BPAs are recognised as contributing to the New Zealand Biodiversity Strategy 10% target by 2010.