

Subantarctic Regional Marine Protection Planning Forum

Terms of Reference

1. Forum Name

Subantarctic Regional Marine Protection Planning Forum (Forum).

2. Planning Area

Planning for marine protection in the region of the Subantarctic Islands will be carried out in two phases:

- Phase One will consider protection options for the territorial seas (within the 12 nautical mile limits) of the Campbell/Motu Ihupuku, Antipodes and Bounty Islands.
- Phase Two will look at the remainder of the Region. The area of the Phase Two will incorporate the area of the EEZ out to the 200 nm limit to the east and south, and will be bounded by Class 178 of the Marine Environment Classification (2005) to the north and west. The approximate area is attached as Appendix 1 (bounded by EEZ and red lines to west and north).

3. Purpose

The Forum has been set up to develop options for marine protection and provide recommendations to Ministers in accordance with the Marine Protected Areas Policy and Implementation Plan (2006) (MPA Policy).

4. Background

The Subantarctic Islands are World Heritage Nature Reserves. The Department of Conservation's (DOC) Subantarctic Islands Conservation Management Strategy (1998–2008) was initiated to contribute to managing these Islands. Part of that Management Strategy includes considering the provision of marine protection to the waters surrounding the Subantarctic Islands.

Marine habitats and ecosystems associated with the islands are also subject to the NZ Biodiversity Strategy (2000), which has a goal of establishing a comprehensive network of protected marine areas representative of the full range of natural marine habitats and ecosystems by 2020.

In 2003 the Subantarctic Marine Protection Project was initiated as a scoping exercise to consider protection of the marine environment within the Subantarctic Bioregion, in particular the Territorial Seas around the Bounty, Antipodes and Campbell/Motu Ihupuku Islands.¹

¹ Marine protection around the Snares Islands/ Tini Heke is not being considered here as The Snares Islands group is located in the Snares Island Marine Biogeographic Region which lies atop the Snares Shelf and drops to the Campbell Plateau in the south and the Solander Trough in the west. This region is influenced and surrounded by the Subtropical Front and the cool Southland Current. Marine protection for Snares Island Marine Biogeographic Region will be undertaken as part of the Offshore Marine Protected Area Planning process. The Auckland, Campbell, Antipodes and Bounty islands are located in the Subantarctic Islands Marine Biogeographic Region, an area influenced by cold water from the Subantarctic Front. That part of the region to 12 nm has been approved by Ministers in January 2008 as a coastal biogeographic region for the purposes of nearshore planning. Source: 'Coastal and Marine Habitat and Ecosystem Classification', Annex to 'Marine Protected Areas: Classification, Protection Standard and Implementation Guidelines', DOC/MFish December 2007

Although this project was initiated well in advance of the MPA Policy, the Minister of Conservation and the Minister of Fisheries (the Ministers) agreed that the process should continue as an advanced planning process, to be aligned to the fullest extent possible with the MPA Policy.

In line with the MPA Policy, the Forum is tasked to provide recommendations for area-based marine protection for the full range of habitats and ecosystems present using appropriate tools.

The overall goal of this process is to ensure lasting protection to the biodiversity resident within the Subantarctic waters of New Zealand. In doing so, the Forum should give due consideration to the implications and interests of all who use, care for and hold mana moana for these marine environments while minimising the impacts of protection on existing users.

5. Subantarctic Regional Marine Protection Planning Forum

The Forum is a non-statutory body set up to consider how marine protection can be achieved within the respective area. The Forum will comply with the MPA Policy, the Marine Protected Areas Classification and the Protection Standard.

Its scope, membership and conduct will be guided by the Implementation Guidelines section of the 'Marine Protected Areas: Classification, Protection Standard and Implementation Guidelines' (DOC/MFish, February 2008) ('the MPA Guidelines') and be consistent with the frameworks provided by that entire paper unless otherwise directed by Ministers.

These Terms of Reference have been approved by the Ministers of Fisheries and Conservation as the written brief to the Forum and the terms of reference.

6. Forum Objective

The Forum is tasked to provide a report to Ministers that recommends areas for marine protection consistent with the MPA Policy. Specifically the Forum will:

- Consider the classification and inventory information
- Consult with existing users and interests in the area
- Identify sites and potential tools for area-based protection of biodiversity
- Seek to establish consensus on proposed areas to be set aside as protected areas
- Consult on protection options and make written recommendations to Ministers

7. Scope

Protected area planning has the principal objective of biodiversity protection. The Forum is limited to protected area planning, and should not be diverted by RMA, aquaculture, or fisheries management issues.

8. Phased Approach

The Forum will be conducted in two phases. The timetable for Phase One is outlined in section 20 of this paper. Phase Two will follow directly after recommendations are made to Ministers about marine protection for Phase One.

Any recommendations for marine protection using the Fisheries Act can be implemented as part of Phases One and Two. However, given the inability to implement marine reserves in the EEZ, the Forum may make interim recommendations for Phase Two that could be implemented when the necessary statutory tools become available or be referred to the Offshore Expert Panel that will consider marine protection in the EEZ from 2013.

9. Forum Chair

The Forum Chair will lead the Forum to a successful outcome. Ministers have approved Mr Paul Beverley, of Buddle Findlay, Wellington, to chair the Forum. The main role of the Chair is to convene and facilitate meetings to ensure the brief provided by Ministers is met and to oversee the development and delivery of recommendations to Ministers.

10. Key expected outcome

Proposed marine protected areas that meet the requirements of the MPA Policy, and any other tools which provide some marine protection, are recommended to the Ministers for their consideration by August 2008. Completion of Phase One will be by August 2008 as detailed below.

Phase Two will commence after recommendations are made to Ministers in Phase One.

11. Role of Agencies

DOC and MFish will provide national policy guidance, planning and technical advice, and participate *ex officio* in support of the Forum. The MPA Policy states that DOC and MFish will service the Forum with information, advice, provision of facilitation and guidance where needed.

12. Forum Membership/roles

The forum is to contain 14 people, including the Chair. Forum members are expected to have strong links to the region, be able to negotiate, compromise and work well with other people, and have the capacity to engage where necessary with their sector of interest to bring that sector's views forward to the Forum.

13. Proposed Forum Membership (Subject to final selection of names and endorsement by Ministers)

- Deepwater Ltd – Richard Wells or Kamila Scapa
- Scampi Quota representative – Andrew Bond
- Crab Co. – Andy Smith
- SeaFIC – Kate Bartram
- TOKM – Craig Lawson or Alan Riwaka
- Ngai Tahu – Nigel Scott
- Southland Kaitiaki Roopu – Gail Thompson (Awarua Runanga)
- WWF – Rebecca Bird
- Forest and Bird – Kevin Hackwell
- Southland Conservation Board representative c/o Rebecca Hiscock (DOC)
- NIWA representative
- Marine Science Society/or independent (possibly John Booth)

- Eco – Barry Weeber

All members of the Forum will have collective responsibility for its decisions and have equal status in discussions. Forum members must be able to attend meetings regularly, engage actively in information sharing, and be actively involved in decision-making. Proxy members are not permitted. Members resigning from the Forum should be replaced from the same sector of interest.

All Forum members must disclose their interests at the time of application, including who they represent, so that it is clear where they may have any conflicts of interest. Forum members must also work to build consensus to meet the MPA Policy objectives for the Subantarctic region.

14. Remuneration of Forum members

The DOC and MFish will reimburse the reasonable and actual expenses incurred for attendance at these meetings.

15. Consultation

The Forum will constructively involve and engage with tangata whenua, regional councils, marine biodiversity interest groups, and the users and stakeholders whose interest in marine areas may be affected by protected areas.

The Forum will customise plans for regional engagement considering the best tools to build links with the community and within associated budgetary constraints. However the Forum must undertake written consultation (allowing a minimum of 40 working days for submissions) on the recommendations being made to Ministers.

The Crown must also meet its obligations under the Treaty of Waitangi, through direct discussion and consultation with iwi where necessary. Formal consultation with tangata whenua will also occur as part of implementing proposed new protected areas through subsequent statutory processes.

16. Report for Ministers

The Forum is tasked to produce a report for Ministers recommending areas for various levels of marine protection, i.e. protected areas and management tools.

Recommendations must be underpinned by a commitment to minimise the impact of new protected areas on existing users of the marine environment and Treaty settlement obligations where there are options for alternate locations to achieve protection of particular habitats. Matters to consider in choosing between minimum impact sites are: accessibility for management and enforcement requirements; and benefits such as educational, diving and tourism opportunities.

The Forum should recommend marine reserve MPAs or other tools that offer sufficient protection to be considered other MPAs in accordance with the approved guidelines for MPA implementation.

The Forum should be mindful of the special qualities of the adjacent terrestrial areas when considering nearshore protected areas. The Subantarctic Islands are Nature Reserves, the highest level of protected area status under New Zealand legislation, with access strictly controlled. These areas are also listed under IUCN criteria as World Heritage sites. The unique, rare and threatened biota of the islands has a

strong relationship with coast and sea, and the nearshore habitats and ecosystems may be judged to have their own distinctive qualities.²

17. Decision making within the Forum

Management actions to implement protected areas should not be postponed because of a lack of information.

The Forum should try to reach consensus on recommendations. However, if consensus cannot be reached, the Forum should provide a range of options for the consideration of Ministers, making clear which options are favoured by which elements of the community/stakeholders and the advantages and disadvantages of each.

18. Secretarial support

Secretarial support will be provided for the organisation of meetings, preparation of the agenda in co-operation with the Forum Chair, preparation of meeting minutes and informing the Forum members of project developments through regular communication channels.

Forum meeting minutes will be distributed to Forum members and ex-officio members for review. Finalised minutes will be forwarded to members and mailing list contacts.

19. Timeline

Forum meetings will be held in accordance with a prearranged schedule; the Forum process will run as detailed below.

20. Sub Antarctic Islands Marine Protection Process – Phase One

February 2008	First meeting of Forum - Information and process outline.
March 2008	Second meeting - Marine protected area discussion
March/April 2008	Third meeting - Marine protected area site selection / development of recommendations to Ministers
April 2008	Ministerial Review of Forum progress*
May 2008	Fourth meeting - Consultation on recommendations and Analysis of submissions
July 2008	Fifth meeting - Finalisation of recommendations report for referral to Ministers by August.
August 2008	Ministerial Review of Forum progress* This will complete Phase One.

² Refer to 'Marine Protection for the New Zealand Subantarctic Islands: A Background Resource Document' DOC/MFish, June 2006. NIWA has identified significant biodiversity differences in the marine environments between the islands and that all four groups have high levels of endemism.

August 2008

Meetings beyond this point will be as a when required in order to conclude Phase Two. A new timetable of meetings to implement Phase Two will be confirmed at this time.

*Ministerial reviews will be carried out periodically to ensure progress with Forum and objectives are being met.

MEC 20-CLASS CLASSIFICATION - SUBANTARCTIC REGION

