

Te Angiangi Marine Reserve Operational Plan

The Te Angiangi Marine Reserve Advisory Committee April 2003

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VISION STATEMENT

Mauri of marine habitats restored, the marine reserve treasured by the community, providing opportunities for scientific study and for the public enjoyment of a natural marine environment

2.0 Background and Context

2.1 RESERVE DESCRIPTION

Legal Description

Te Angiangi Marine Reserve is described in the Marine Reserve (Te Angiangi) Order 1997 as:

All that area comprising 446 hectares more or less being Part Pacific Ocean adjoining the Central Hawke's Bay District, shown marked "A" on SO Plan 10734 lodged in the office of the Chief Surveyor for the Hawke's Bay Land District.

Physical Description

Location

Te Angiangi Marine Reserve is located on the Central Hawke's Bay coast, approximately 30km east of Waipukurau and Waipawa. It covers an area of approximately 446 hectares (1.3 square nautical miles); extending 1 nautical mile offshore from the mean high water springs mark between Blackhead and Aramoana beaches. At the northern and southern boundaries, depth generally does not exceed 24m, but maximum depth at the seaward boundary is over 36m.

Geology

The shore of Te Angiangi Marine Reserve is composed of extensive intertidal mudstone platforms, interspersed with fine sand. The private land adjacent to the shore consists of hills of tertiary mudstone, which have been cleared of coastal vegetation for the purpose of farming.

A distinctive feature of the marine reserve is the large pool known as Stingray Bay. This bay is almost completely cut off from the open sea at low tides, forming a sheltered 'lagoon'.

Subtidally, the reserve contains reefs of siltstone, as well as a 'boulder bank', with large boulders lying on a siltstone substrate. Beyond the reefs, the substrate consists of fine sands.

Ecological Description

Intertidal

The intertidal platforms of Te Angiangi Marine Reserve are characterised by extensive beds of *Hormosira banksii* and patches of the eelgrass *Zostera muelleri*. A distinctive feature of the platforms is the golden limpet *Cellana flava*, which is particularly abundant along this stretch of coast. Other common invertebrates include the cat's eye *Turbo smaragdus*, the spotted top shell *Melagraphia aethiops* and the horn shell *Zeacumantus subcarinatus*. Within the many rock pools on the platforms, a variety of triple fin fish and juvenile reef fish can be found. The common triple fin *Forsterygion lapillum*, the weedfish *Ericentrus ruber* and juvenile spotty *Notolabrus celidotus* are just some of the species recorded from these pools. The intertidal platforms are intersected by a network of cracks and crevices, which have been repopulated by paua

Haliotis iris. Intertidal populations of paua species had been severely depleted prior to the protection of the area.

Subtidal

The immediate subtidal area comprises of the shallow mixed algal zone which is dominated by the brown algae *Carpophyllum maschalocarpum*, *C. plumosum* and *Cystophora retroflexa*. Commonly observed fish species within this zone include the spotty *Notolabrus celidotus*, banded wrasse *N. fucicola*, marblefish *Aplodactylus arctidens* and dwarf scorpionfish *Scorpaena papillosa*.

Below the shallow mixed algal zone, there is a transition to *Ecklonia radiata* forest, with patches of *Carpophyllum maschalocarpum*. The sub canopy of seaweed consists of encrusting and turfing algae such as *Corallina officinalis*. Small algae such as *Glossophora kunthii*, *Pterocladia lucida* and *Caulerpa brownii* are also present. Characteristic reef fish within the *Ecklonia* forest include butterflyfish *Odax pullus*, spotty *Notolabrus celidotus*, banded wrasse *N. fucicola* and marblefish *Aplodactylus arctidens*.

Below the depth of 12m, the *Ecklonia* canopy begins to thin and encrusting invertebrates become more dominant. At 15-18m, large colonies of the hydroid *Symplectoscyphus johnstoni* forma *johnstoni* are commonly recorded.

A boulder bank area is located in the north-eastern sector of the marine reserve, between 13 and 36m in depth. The dominant alga of the boulder bank is *Ecklonia radiata*, which is restricted to the tops of boulders at depths over about 14m. The substrate is covered by small red algae such as *Plocamium costatum* and a variety of sponges, hydroids, bryozoans and compound ascidians. The fish fauna of the boulder bank contrasts that of the shallower reef zone. Whereas the dwarf scorpionfish *Scorpaena papillosa* is common in shallower parts of the reserve, the sea perch *Helicolenus percoides* inhabits the boulder bank. Other common species of the boulder bank include the red-banded perch *Hypoplectrodes huntii* and the scarlet wrasse *Pseudolabrus miles*. A distinctive feature of the boulder bank fish fauna is the large, midwater schools of butterfly perch *Caesioperca lepidoptera*.

The East Coast of the North Island is well known for its high recruitment rates of crayfish, or rock lobster *Jasus edwardsii*. This species is a conspicuous and key component of rocky reefs within and outside Te Angiangi Marine Reserve and is an important fishery species outside the marine reserve. The rock lobster plays an important role in influencing the distribution and abundance of its prey species, such as kina *Evechinus chloroticus*, and has been suggested to contribute to major changes in habitat distribution in at least one New Zealand marine reserve (Babcock *et al* 1999).

Fine sands surround the boulder bank and also comprise the substrate of the outer marine reserve. Little is known about the fauna of this habitat, but it is likely that it is inhabited by suspension feeding bivalves, hermit crabs, whelks and fish such as gurnard *Chelidonichthys kumu* and the spotted stargazer *Genyagnus monopterygius*.

Birds

Many different types of bird are observed feeding on the intertidal platforms of the marine reserve. Kingfishers, gulls, herons, variable oystercatchers, pied stilts and eastern bar-tailed godwits are some of the more commonly seen species.

Marine Mammals

The marine reserve is regularly visited by a wide variety of marine mammals. During summer, pods of common and bottlenose dolphins are often observed and there have been reports of dusky dolphins and orca. Seals are also occasional visitors to the reserve. All marine mammals are protected under the Marine Mammals Protection Act 1978.

Historic Heritage

Whetu and
Dick H. to
supply info.

The hapu that claims manawhenua-manamoana over this part of the coast is Ngati Kere, but the area has been used historically by several different hapu. The name 'Te Angiangi' was chosen by Ngati Kere to honour local history. When Ngati Kahungunu settled the region, Central Hawke's Bay was divided between Te Aomatarahi and Taraia. Te Aomatarahi, a descendent of Porangahau, was given the lands east of the Tukituki River and mana whenua passed to his descendants Tu Mapuhiarangi and Te Angiangi. The area covered by the mana of Te Angiangi included what is now the marine reserve.

Use and Accessibility

Te Angiangi Marine Reserve is readily accessible to the public from either end of the reserve via roads at Aramoana and Blackhead. The reserve is being increasingly used by those living in the local vicinity (rural land owners, residential accommodation and people staying at camping grounds) and those who travel to visit the area.

Members of the public enjoy swimming, snorkelling and diving in the more sheltered parts of the reserve (Stingray Bay and Shelley Bay). Walking along the length of the reserve, exploring along the rocky inter-tidal platforms and generally enjoying the coastline is also popular. Dogs are exercised along the marine reserve. Although horses and motor vehicles can be ridden or driven along the sand at the top of the rock platforms, they not permitted onto the rocky inter-tidal platforms below mean high water springs. Some of the boating community (recreational and commercial) also utilise the reserve as a site to launch and retrieve boats. Any right of access to or upon the foreshore or part of the foreshore comprised in any marine reserve or any right of navigation is not restricted by the Marine Reserves Act.

2.2 PROCESS OF APPLICATION AND ESTABLISHMENT OF THE RESERVE

Following a series of meetings and surveys conducted in 1988, the then Hawke's Bay Conservancy of the Department identified several preferred locations for marine reserves in Hawke's Bay. These sites were further refined by a preliminary assessment and then focused attention on Mangakuri, Paoanui Point and Tuingara Point.

In September 1989 a number of sites between Paoanui and Tuingara Points were suggested for a reserve site by local Maori, Pourerere bach owners and the Department. All sites were strongly opposed by local commercial rock lobster fishers, on the basis that 30 –35 % of their catch is taken between these two points. Fishers suggested an alternative marine reserve site between the mouth of the Mangakuri River and a point approximately 4 km south of Mangakuri.

In 1989, the Department surveyed the inter-tidal platforms and associated sub-tidal habitats between Kairakau and Whangaehu (Creswell and Warren, 1990) and as a result four alternative sites were proposed between Paoanui and Blackhead Points. After consultation with the Minister of Agriculture and Fisheries (MAF) and Taiwhenua o Tamatea, a pamphlet called “Marine Reserves: Four Alternatives for Southern Hawke’s Bay” were distributed seeking public feedback on the proposals.

Submissions received generally indicated support for a reserve in central Hawke’s Bay although a preferred site was not identified. Results of survey submissions were circulated to 58 key groups and individuals. Conservancy staff attended meetings with iwi, Napier Scuba Club, MAF Fisheries Central staff, Central FISHMAC and the spokesperson for Aramoana campgrounds. Departmental staff attended a public hui called by Ngati Whatuiapiti at Mataweka Marae to discuss the marine reserve investigations. No consensus was reached on an acceptable site but the Department was asked to form a committee of representatives from iwi and other affected groups to discuss issues further.

The committee met at Pourerere on the 1st September 1991 and expressed support for a site between Aramoana and Blackhead, excluding the reef system adjacent to the Aramoana camp grounds. The Department agreed to prepare an application for a marine reserve and to evaluate the proposed boundary change. Independent advice was sought on how continued fishing in the excluded reef area would affect populations of reef fish and rock lobster within the proposed reserve. Based on this advice an application was lodged for a marine reserve with original boundaries.

After consideration of objections to the application that were received by the Department, it was decided that the northern boundary of the reserve be amended. This was undertaken primarily in order to answer the concerns regarding the safety of children wishing to fish and explore the reefs adjacent to Aramoana. In October 1997, Te Angiangi Marine Reserve, as shown in Figure 1, was formally established.

2.3 ROLES AND RELATIONSHIPS

Department of Conservation

The Department is responsible for the administration, management and control of the marine reserve (S. 9 Marine Reserves Act). This must be undertaken in accordance with the Hawke’s Bay Conservation Management Strategy and in such a way as to give effect to the principles of the Treaty of Waitangi (S. 4 Conservation Act 1987). The Department also provides administrative and secretarial support to the Marine Reserve Committee.

Te Angiangi Marine Reserve Committee

Te Angiangi Marine Reserve Committee is an advisory committee established by the Minister of Conservation (S. 56 Conservation Act 1987) to provide advice to the Department on a range of matters. This may include providing the Director-General with local information to aid the management of Te Angiangi Marine Reserve and identifying issues to be addressed in the event of the preparation and implementation of a non-statutory plan.

The Committee have been delegated functions from the East Coast Hawke’s Bay Conservation Board in relation to the marine reserve. These functions are those that

are normally exercised by the Conservation Board. The Committee has the ability to assume delegated Board responsibilities in relation to the development of statutory Conservation Management Plans and to more generally advise on any conservation matter relating to Te Angiangi Marine Reserve (including a change in status or classification of Te Angiangi Marine Reserve).

The Committee is made up of representatives from the following groups:

- Ngati Kere
- Whatuiapiti
- Taiwhenua o Tamatea
- Commercial fishers
- Campground users
- Local communities at Aramoana, Pourerere and Blackhead
- Landowner adjoining the marine reserve
- East Coast Hawke's Bay Conservation Board

East Coast Hawke's Bay Conservation Board

The East Coast Hawke's Bay Conservation Board is not directly involved in the management of the reserve having delegated this mandate and responsibility to the Committee.

However, the Board maintains an active interest in how the Committee exercises these delegated functions and has a representative of the Board appointed as a member of Te Angiangi Marine Reserve Committee. In addition, the Board receives copies of correspondence of the Committee including any correspondence that the Committee has with the Minister, Director-General, or New Zealand Conservation Authority.

The East Coast Hawke's Bay Conservation Board retains the role in the development of Conservation Management Strategies, which includes the development of provisions relating to the management of marine reserves within the conservancy.

Tangata Whenua



I Ouepoto ki Akitio-tenei te panui o te tangata whenua no te rohe o Te Angiangi.

The primary mana whenua-mana moana over this part of the coast is held by Ngati Kere, hapu iti of Ngai Te Whatuiapiti, hapu nui of Ngati Kahungunu.

The local hapu and iwi lent their authority to the establishment of Te Angiangi. They continue to support the development of the reserve.

Maori have long regarded the sea as tapu (sacred). This is because it is vital to the life of Maori. It provides an extensive source of kai (food) which sustains life and plays an important role in the maintenance of the mana of the people.

There are many laws of tapu and Rahui which reinforce the belief that the sea is an extremely valuable resource which must be treated with care and respect.

These tribal waters remain the garden of the descendants of Te Whatuiapiti.

Regional Council and Territorial Authority

Hawke's Bay Regional Council and the Central Hawke's Bay District Council have responsibilities under the Resource Management Act 1991 for the natural and physical resources that lie within the boundaries of the marine reserve and in land adjacent to it.

Councils also have local government responsibilities under other legislation such as the Local Government Act 1974.

2.4 LEGISLATIVE CONTEXT

Conservation Act 1987

The Conservation Act sets out the functions of the Department and provides for the development of Conservation Management Strategies and Conservation Management Plans. Under the Conservation Act there is a requirement to give effect to the principles of the Treaty of Waitangi (Section 4).

The Conservation Management Strategy (as outlined below) gives some policy direction to the management of Te Angiangi Marine Reserve. The Operational Plan will provide more specific direction and guidance than the Conservation Management Strategy and must not be inconsistent with it.

The Hawke's Bay Conservation Management Strategy (CMS) 1994 - 2004

The Hawke's Bay Conservation Management Strategy (CMS) is a ten year strategy which applies to all land administered by the Department in the Hawke's Bay.

The purpose of a Conservation Management Strategy is to *"implement general policies and to establish objectives for the 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, and*
- *the Conservation Act 1987,*
- *and for recreation, tourism, and other conservation purposes".*

(Conservation Act 1987, Section 17)

The Hawke's Bay CMS sets out the management issues, objectives and implementation actions for the Department's management role within the marine reserve.

The sections of the CMS relevant to Te Angiangi Marine Reserve management (2.6, 3.2.4) are reproduced in full in Appendix 2.

Marine Reserves Act 1971

Te Angiangi Marine Reserve was established under the provisions of the Marine Reserves Act. The purpose of the Act is *"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 the habitat of marine life for scientific study".*

Marine reserves are to be managed in a way to ensure that reserves are preserved and marine life protected and preserved as far as possible, with the natural habitat of the reserve maintained. Subject to these requirements, marine reserves are also to be managed to ensure that the public has the freedom of access and entry to the reserve.

The reserve is administered by the Director General of the Department as required by Section 9 of the Marine Reserves Act. Sections 10 and 11 further define the powers of the Director-General. Restrictions on the activities of persons within marine reserves are set out in Section 18 of the Act.

Marine Reserves Regulations 1993

These regulations regulate the conduct of persons within marine reserves and includes regulations addressing the following activities in the marine reserve; diving, anchoring and use of vessels. The regulations also provide for scientific study in the reserve and the management of that research.

Resource Management Act 1991

The purpose of this 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; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating, any adverse effects of activities on the environment”.* (Section 5 Resource Management Act 1991).”

In relation to Te Angiangi Marine Reserve, the Resource Management Act is administered and implemented through Regional and District Plans by Hawke’s Bay Regional Council and Central Hawke’s Bay District Council. Section 74(2) (b) of that Act states that *“A territorial authority shall have regard to any management plans and strategies prepared under any other Act”*. Councils will therefore have to have regard to the Conservation Management Strategy 1994 – 2004 whilst preparing or changing a district plan. S.66 of the Resource Management Act relates to regional councils obligation to have regard to any management plan and strategies prepared under any other Act whilst preparing or changing a regional plan.

The Regional Coastal Environment Plan has been prepared by Hawke’s Bay Regional Council to guide the management of the coastal marine area in accordance with the New Zealand Coastal Policy Statement and the Resource Management Act. Therefore any activities undertaken in the Te Angiangi Marine Reserve (below mean high water spring) must comply with the provisions of the coastal plan.

Newly promulgated regulations (Resource Management (Marine Pollution) Regulations 1998) control dumping, incineration and discharge in the marine environment.

New Zealand Coastal Policy Statement (NZCPS)

The NZCPS has been developed in accordance with the Resource Management Act to state policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The NZCPS is implemented through regional policy statements, regional plans and district plans which must not be inconsistent with the provisions in the statement.

Maritime Transport Act 1994

The Minister of Transport and the Maritime Safety Authority are responsible for the administration of the Maritime Transport Act 1994.

The Maritime Safety Authority (MSA) has the responsibility for the overall co-ordination of planning and response to marine oil spills and the investigation of accidents, incidents or mishaps resulting in serious harm to people, property or the environment.

The responsibility for the prevention, containment and clean up of oil spills and spill of other toxic substances is shared between site owners/vessels owners, regional councils and MSA.

In the event of an oil spill threatening the marine reserve, or a ship wreck, management of the incident is firstly the responsibility of the ship owner or manager who must notify the MSA (first tier response). Regional Councils are required to prepare a second tier response (regional marine oil spill contingency plan that is approved by the MSA).

The Department has a functional role in:

- advising on national and regional priorities for the protection and care of important and sensitive areas and species (i.e. coastal and marine areas with significant conservation values which are at risk from oil spills);
- advising and implementing measures for the care and rehabilitation of wildlife;
- undertaking, in the event of an oil spill, the care of wildlife and advising on the care of foreshore biota.

Fisheries Regulations

Commercial fishing is prohibited within the marine reserve as is removal of any marine life without a permit. Fishing regulations for areas adjacent to the marine reserve may be promulgated under the Fisheries Act 1996 s.297 by the Governor General following a recommendation by the Minister of Fisheries. Any regulations that are established under s.297 must be consistent with the purpose of the Act, that is to provide for the utilisation (which includes conserving) of fisheries resources while ensuring sustainability (s.8). Therefore, regulations should only be sought in the event that recreational or commercial fishing activities along the boundary were shown to compromise the sustainability of the reserve and species protected by it. To date no fishing regulations around the marine reserve have been established.

Treaty of Waitangi

The Marine Reserves Act itself does not refer to the Treaty of Waitangi or require that regard be given to the principles of the Treaty. However, the functions of the

Department are directed by the Conservation Act 1987. This Act requires that effect be given to the principles of the Treaty of Waitangi (S. 4) when the Department is exercising its functions. These functions include the administering and management of marine reserves under the Marine Reserves Act. Therefore, the Department is required to manage the marine reserve in such a way as to give effect to the principles of the Treaty of Waitangi (S. 4 Conservation Act 1987).

Other legislation

Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 legislation includes the provision to enable the establishment of mataitai reserves.

The Maori Fisheries Act 1989 provides for the creation of taiapure and mataitai reserves.

The Department has no direct input into the creation of these types of traditional fisheries reserves. It is important to note that these reserves are quite distinct from the concept of marine reserves in that fisheries reserves focus on fisheries management, whereas marine reserves provide for the preservation of the marine ecosystem; including fish, seabed, water, living and non-living things.

However, there is an increasing interest in exploring options to integrate the location and management of marine, taiapure and mataitai reserves so that they support and compliment each other.

3.0 OPERATIONAL PLAN AND PURPOSE

3.1 Purpose

The purpose of the operational plan is to provide guidance to the Department in the management of Te Angiangi Marine Reserve.

This operational plan is a non-statutory document and must not be inconsistent with any legislation or statutory management strategies or plans. The operational plan acts as an extension to the policies in the Conservation Management Strategy and provides more specific guidance for the management of the reserve.

As a non-statutory policy this plan does not legally bind the Department. However, the Department will adhere to the provisions in good faith. In the event that the Te Angiangi Marine Reserve Committee are unsatisfied with the Department's management of the reserve, there is opportunity to raise the matter directly with the Minister of Conservation or the Director General. The operational plan has been developed in consultation with Te Angiangi Marine Reserve Committee.

An operational plan (rather than a conservation management plan) has been developed because an operational plan:

- provides an effective mechanism for the advice provided by Te Angiangi Marine Reserve Committee to influence the management of the reserve;
- contains specific policy to guide the Department in the management of the reserve and would provide more detailed guidance, clarity and certainty than is currently contained in the Conservation Management Strategy;
- is an efficient use of the Department's resources through expedient and cost effective development of the operational plan;
- may be used as the basis for policy development for the Conservation Management Strategy or Plan in future and provide interim guidance to the Department prior to statutory policy development;
- an operational plan reflects a diverse range of community views through the involvement of the committee.

4.0 Scientific Research

Te Angiangi Marine Reserve has been established to preserve an area of New Zealand's coastal environment and provide opportunities for scientific study of marine life. In addition to this general purpose, the marine reserve is to be administered and maintained so that it is preserved in its natural state. The public have the right to access and enter the reserve subject to necessary conditions and restrictions.

In accordance with S.11(b) of the Marine Reserves Act 1971, the Director General of the Department may authorise *“the taking for scientific purposes any specimens of marine life or material in any reserve, and prescribe the conditions of such taking and retention or disposal of those specimens or their return to any reserve.”*

The Department is strongly supportive of appropriate scientific research. Prior authorisation for scientific research within the reserve will be required before any is undertaken. This includes activities that would otherwise be an offence.

This section details how applications for scientific research will be considered by the Director General and the role that Te Angiangi Marine Reserve Committee has in considering scientific permit applications. Any monitoring or scientific research undertaken by the Department does not require a scientific permit. This is considered to be part of the overall control and management of the reserve for which the Director General is responsible.

In addition to the need for scientific permits, any research undertaken may require coastal permits to be obtained from Hawke's Bay Regional Council in accordance with the Regional Coastal Plan. Generally, Marine Reserve Regulations 1993 regulate the conduct of persons and provides for scientific studies in marine reserves. Approval may also be needed from the Maritime Safety Authority that have responsibility for the regulation of surface water activities, preventing and dealing with pollution of the sea, and navigation and safety within the coastal marine area. Similarly, a fisheries permit is also required under the Fisheries Act to 'take' fish life including activities such as measuring and returning marine life to the sea.

4.0 Objective

4.0 (a)

Scientific research is undertaken in a manner compatible with marine reserve protection and preservation.

4.1 ASSESSMENT OF APPLICATIONS

4.1 (a)

To consider applications for scientific study within the marine reserve provided the conditions and information requirements for applications set out in Appendix 3 have been fulfilled.
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Explanation: In order to assess applications, the Department will require applicants to submit specific information for appraisal. The process of accessing an application is outlined in Appendix 3.

4.1.(b)

To refer all applications for scientific permits to Te Angiangi Marine Reserve Committee with the Department's recommendations for their consideration.

Explanation: Every application received will be considered by the Committee. The Department will provide recommendations to the committee for the Committees consideration.

4.1 (c)

To take into account the following when assessing applications for scientific permits:

1. advice from Te Angiangi Marine Reserve Committee;
2. the purpose of the research and the need for the research to be undertaken in the reserve;
3. the impacts of research on the marine reserve species and habitats, and on the natural and historic features of the reserve including assessing:
 - (a) the effects of damage, injury, disturbance, taking or removal of marine life and/or material from within the reserve;
 - (b) the effects on the natural and historic features and waahi tapu sites within the reserve ;
 - (c) the effects of discharge or disposal of any substance associated with or incidental to the research;
 - (d) the location and impacts of any structure associated with the research;
 - (e) any other effects of activities described as offences in section 18I of the Act that may be undertaken as part of the scientific research;
4. any restriction of public access to, or enjoyment of the marine reserve;
5. the creditability, integrity and expertise of the application and the ability to successfully undertake research.

Explanation: The primary purpose of establishing marine reserves is to preserve areas of marine life for scientific study. Setting aside an area where marine life is undisturbed offers a unique research opportunity and research in marine reserves is encouraged. However, permits will still be required and effects assessed accordingly.

4.1.(d)

To ensure that methodologies, research structures and research techniques have been designed; and any necessary conditions imposed to:

- avoid or minimise any adverse effects on the marine reserve;
- take into account the public's perception of, and ability to appreciate the marine reserve.

Explanation: If authorisation is given for a scientific application, conditions may be imposed as necessary.

4.1 (e)

To provide for the restriction of public access to specific areas within the marine reserve 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.

Explanation: Public access should only be limited where strictly necessary.

4.2 PROMOTE SCIENTIFIC RESEARCH

4.2 (a)

To proactively encourage and facilitate scientific research in the marine reserve, where appropriate, through:

- provision of advice to applicants during the development of proposals;
- contributing the Department's expertise to the scientific project;
- assisting applicant's efforts to secure funding;
- facilitating involvement and assistance of relevant agencies and individuals where appropriate;
- providing information to relevant agencies regarding the scientific research opportunities that exist within the marine reserve.

Explanation: The Department will promote scientific research within the reserve where possible.

LEGISLATION and OTHER GUIDANCE

Marine Reserves Act Section 3

SOP: Marine Reserves – Procedures for Survey and Monitoring

A Resource for Implementing Best Practise in Biological Survey and Monitoring in Marine Reserves

5.0 Visitor Management

5.1 VISITOR MANAGEMENT - COMMERCIAL ACTIVITIES

Marine reserves present an attractive area for recreation particularly once the recovery of marine species has commenced. The Marine Reserves Act 1971 provides the public with freedom of entry and access to reserves subject to any necessary conditions and restrictions for the preservation of marine life or welfare in general of the reserve (S. 3(2)(d)).

Marine reserves also present an opportunity for commercial operators who may offer goods and services to members of the public visiting the reserve. The Marine Reserves Act 1971 does not contain provisions to restrict or regulate the operation of commercial activities in a marine reserve. Freedom of access to the public as provided for by the Act may be utilised by private individuals and commercial operators alike. Whether commercial operators should be able to do business in an area in which tangata whenua have specifically relinquished customary harvest opportunities is not currently addressed by statute. The scenario of commercial operations in marine reserves may be addressed as part of the review of the Marine Reserves Act 1971.

Many of the possible adverse effects that may be caused by commercial operators are managed under legislation other than the Marine Reserves Act 1971. Although the Marine Reserves Act 1971 does not provide for the issuing of concessions to control commercial activities, as does the Conservation Act 1987 for terrestrial public conservation land, the following may be used to regulate commercial operations:

Commercial operators are subject to the:

- Hawke's Bay Conservation Management Strategy Section 3.2.4 Marine Reserves (appendix 2).
- Offence provisions of the Marine Reserves Act 1971.
- Particular powers of the Director-General under the Act that allow the taking of *such steps as may be necessary to ensure the continued welfare of any reserve in the interests of scientific study of marine life and for the enjoyment of the reserve by the public (S. 11).*
- Any regulations developed under S. 24 of the Act by the Governor-General. Regulations may be made generally, or with respect to a specified marine reserve, for the administration of the reserve and to give effect to the provisions of the Act. Examples of regulations previously promulgated are Marine Reserve Regulations 1993 which apply to all marine reserves.
- Commercial operators are also subject to other statutes whether undertaking activities inside or outside the reserve, such as Marine Mammals Protection Act 1978, Wildlife Act 1953, Resource Management Act 1991 and Maritime Transport Act 1994. Operators must also comply with plans developed in accordance with these statutes, such as the Regional Coastal Plan developed under the Resource Management Act 1991.

It is recognised that commercial operators may play a role in providing information to the public on the reserve. Operators may also fulfil an advocacy role in dealing with

clients and other members of the public and monitor the compliance with the Act and regulations of those using the reserve. Therefore, a close working relationship between commercial operators and the Department is in the best interests of all parties, and the integrity of the reserve.

5.1.1 Objective

5.1.1 (a)

Commercial operators' activities undertaken in a manner compatible with the preservation of the marine reserve and the public's enjoyment of the reserve.

5.1.2 Policies

5.1.2(a)

To establish good working relationships with commercial enterprises operating in the marine reserve and to:

- a) provide advice on the best practise to avoid adverse effects of activities on the reserve;
- b) provide information to operators to ensure the accuracy of information passed onto clients and members of the public by operators;
- c) encourage operators to monitor public compliance with marine reserve legislation when operating in the vicinity of the reserve.

Explanation: Co-operation between the Department and commercial operators will minimise impact of commercial activities on the marine reserve. A working relationship between the Department and operators may include the provision of advice on legal obligation that operators have when working in the marine reserve and the establishment of voluntary agreements between the operators and the Department related to commercial activities.

5.1.2(b)

To advise Te Angiangi Marine Reserve Committee of any commercial operators that the Department is aware of operating in the reserve.

Explanation: The Committee's functions include, where necessary, to raise with the Minister matters relating to Te Angiangi Marine Reserve for which a report to the Director-General should be sought in terms of S10(a) Marine Reserves Act 1971 and to provide the Director-General with local information to aid the management of Te Angiangi Marine Reserve. To assist the committee in this function, the Department will advise on use of the reserve by commercial operators.

5.1.2(c)

To monitor the effects of activities of commercial operators in the marine reserve to determine if these actions are causing significant adverse effects.

Explanation: It may be necessary for the Director- General to take appropriate steps in accordance with S.11 of the Act should commercial operator activities compromise the reserve. Monitoring will ensure that timely action is taken if required.

5.2 RECREATIONAL USE AND VISITOR IMPACT MANAGEMENT

Freedom of access and entry to the reserve by the public is specifically provided for by the Marine Reserves Act 1971 S. 3 (2) (d). However, public use of reserves must be consistent with preservation of the reserve as far as possible in its natural state, with marine life within reserves protected and preserved, and the value of marine reserves as natural habitat for marine life as far as possible maintained (S. 3 (2)).

In some circumstances, the Director – General may establish conditions and restrictions on public access to ensure that visitors do not damage the natural features of the reserve. The Marine Reserves Act 1971 provides for this control of human activity within the reserve through the general management provisions of the Director-General (S. 11) or through seeking the gazettal of regulations (S.24). Marine Reserve Regulations 1993 have already been established for this purpose. Section 18I of the Marine Reserves Act 1971 and provision in the Marine Reserve Regulations 1993 prohibit specific activities, regulate conduct and provide for punishment of offences. These provisions encompass most of the foreseeable activities that could adversely affect the reserve.

The Department's approach to visitor impact management will vary depending on the type of activities undertaken and the extent to which, and how activities impact upon the reserve. The legislation that may be used to control effects of activities, and the range of agencies with jurisdiction within the reserve, will also influence the management approach to each visitor impact.

It is acknowledged that some of the visitor issues addressed in policy below (vehicles, horses, dogs and litter) are not confined to the marine reserve. The adverse effects of some of these visitor activities extend well landward of the mean high water springs boundary of the marine reserve to which this operational plan must be restricted. The beach above mean high water springs is in private ownership or managed as recreation and esplanade reserves and is therefore beyond the provisions of this plan.

5.2.1(a)

To manage the reserve in accordance with the Marine Reserves Act 1971 and regulations and to allow public access and entry to the reserve consistent with these provisions.

Explanation: The Department is not responsible for providing or facilitating for entry to reserves per se, but to allow the public to gain entry and access consistent with the Act and regulations. Functions of the Department include responsibilities for educational and promotional material relating to conservation, and fostering recreation where this is not inconsistent with the conservation of natural resources (S. 6 Conservation Act 1987).

5.2.2 Anchoring and Boating in the Reserve

Anchoring may impact upon the reserve. The anchor chain may sweep and scour an area as the vessel rotates around the anchor point with changes in wind direction and water current. The act of anchoring and uplifting the anchor may also damage marine life on the seafloor and reef systems. Anchor damage is likely to be less substantial and more transient on a sandy seafloor compared to rocky areas.

Marine Reserve Regulations 1993 provide for anchoring and use of vessels in the marine reserve (S. 5 and 6 respectively). Anchoring is only permitted on the condition that no damage occurs, or that damage is kept to a minimum practical level. The Marine Reserve Act 1971 S. 23 provides for anchoring anywhere within a marine reserve in times of stress or emergency.

5.2.2(a)

To promote the practise of responsible anchoring techniques amongst the boating communities anchoring in the reserve, through advocacy and provision of advice and information.

Explanation: Correct anchor techniques can minimise damage to reefs and will be encouraged. Anchoring in itself will not be encouraged in the reserve but where this occurs the Department will advocate procedures that will reduce damage.

5.2.2(b)

To monitor the reserve for impact of anchoring and to consider the establishment of designated anchoring sites and/or mooring buoys should unacceptable levels of anchor damage occur.

Explanation: Establishing specific anchoring areas or mooring facilities will not prevent the occurrence of all damage as a result of anchoring but will minimise the area in which this occurs.

5.2.3 Diving

Diver disturbance includes touching animals, detaching plants and disturbing rocks and corals. Damage may be as a result of deliberate actions by the diver or accidental impact due to inexperienced divers or rough sea conditions. The cumulative effects of damage by divers may be potentially significant particularly as the marine reserve recovery shall result in a more attractive dive site to visitors.

Marine Reserve Regulations 1993 specifically provides for diving within the reserve.

5.2.3(a)

To reduce the potential impact of divers in the reserve through the preparation of a diver care code and by promoting environmentally aware diving practises.

Explanation: The Department will encourage good diving practise amongst those recreating in the reserve including the promotion of correct buoyancy control, awareness of fins, minimising touching and rubbish removal.

5.2.4 Human Trampling of Marine Life

If a marine reserve is heavily visited, it is possible that the cumulative effect of people walking on rocky areas as they explore the area will impact on the reserve. Significant damage is likely to result from human trampling if large numbers of visitors visit the reserve. Monitoring and data collection on rocky inter-tidal reef areas within the reserve has been undertaken in 1990 and 1994. This data serves as baseline information by which the impact of visitors in these areas can be assessed. The research may be repeated in the future to evaluate the extent to which recreational

activities are impacting on the reserve. This may be an issue that the operational plan may need to address in future.

5.2.4(a)

To establish good communication channels with schools:

- to encourage co-ordination of school field trips to the marine reserve with the Department; and
- to provide opportunity for staff interpretation of the reserve where possible; and
- to encourage children's exploration of the reserve in a way that minimises impacts on the marine life in the reserve.

Explanation: The marine reserve is heavily utilised by schools, with many children making day trips to the reserve as part of science and conservation studies. In some cases the Department is able to offer interpretation and expand on the features of the reserve. If prior arrangements have been made, a staff member may accompany the school in their exploration of the reserve. This offers benefits to the school and its pupils. Staff are also able to encourage children to explore the marine reserve with sensitivity to their potential impacts on the reserve.

5.2.5 Litter

Litter within the marine reserve not only impacts on the aesthetics of the area, consequently diminishing the enjoyment visitors derive from the reserve, but may also adversely affect marine life within the reserve.

The offence provisions of the Marine Reserve Act 1971 S. 18I outline restrictions related to deposition or discharge into marine reserves. Provisions of the Litter Act 1979, the Resource Management Act 1991 and Resource Management (Marine Pollution) Regulations 1998 will also apply within the reserve.

5.2.5(a)

To ensure that the reserve remains free from litter by:

- Advocating that visitors to the reserve take responsibility for their litter and remove it from the reserve on their departure for appropriate disposal;
- enforcing litter provisions as appropriate.

Explanation: The Department promotes an environmental care code and 'pack in, pack out' policy. This will be included on signage associated with the reserve and promoted through Department staff liaising with users of the reserve.

5.2.6 Boat Launching, Vehicles on Rocky Platforms and Vehicles on the Beach

The impact that vehicles have on the beach and the reserve will depend on the location and manner in which they are driven. Vehicles may impact on wildlife and marine mammals protected by the Wildlife Act 1953 and the Marine Mammals Protection Act 1978, although generally vehicles pose risk to these species above mean high water springs, for example, nesting birds and basking seals.

Vehicles may also impact on those species within the reserve that are protected by the Marine Reserves Act. For example, the weight of vehicles driven on the foreshore may damage shell fish burrowed beneath the surface. If vehicles are taken onto rocky

platforms, crushing and damage of marine life (crustaceans, algae and plant life and other inter tidal species) may occur and the rock itself may be broken and crushed.

Vehicles driven erratically on the beach may reduce the enjoyment of the area by visitors and could in some cases endanger members of the public. The marine reserve and adjoining beach area is in a natural and rural setting and the presence of vehicles in the area may be seen as an intrusion. Generally, vehicles are driven on the beach (above mean high water springs and outside the marine reserve) but members of the public may also attempt to drive on areas of the beach below mean high water springs during low tide periods and also onto rocky platforms.

OPTIONS TO ADDRESS IMPACTS

Marine Reserves Act

Any right of access, or navigation, to or upon any foreshore or part of the foreshore within a marine reserve remains unaffected by the Marine Reserves Act 1971 (S. 23).

Under this Act it is an offence to “*wilfully interfere with or wilfully disturb in a marine reserve any marine life, foreshore or seabed or any natural features*” or “*takes or removes from a marine reserve any marine life, mineral, sand, shingle, or other natural material or thing of any kind from the reserve*”.¹

Use of vehicles on rocky platforms and along the beach area below mean high water springs could therefore be considered an offence under S. 18I (3)(b) Marine Reserve Act 1971. In the event that this became necessary, offence provisions could be used to control the use of vehicles in the marine reserve.

In addition, ability exists for the Director- General to “*take such steps as may be necessary*” (S. 11) and for the Governor - General to establish regulations (S. 24) to control activities in the marine reserve exists.

Marine Mammals Protection Act 1978 and Wildlife Act 1953

Provisions in the Marine Mammals Protection Act 1978 and Wildlife Act 1953 both provide for the protection of species and outline offences and penalties under the Act. The Department enforces these provisions both within the reserve and above mean high water springs.

Resource Management Act 1991

Through the Hawke’s Bay Regional Coastal Plan, the Hawke’s Bay Regional Council have established provisions that prohibit the use of vehicles on intertidal rock platforms along some areas of the coastline including areas within the reserve

An advocacy approach is favoured as it is generally the attitudes of the driver of the vehicle that will determine the extent to which vehicle use causes damage.

5.2.6(a)

¹ The definition of taking "in relation to any marine life, includes taking, catching, fishing, killing, or pursuing by any means or device; and, in relation to any plant, includes uprooting and transplanting; and also includes any attempt at taking; and "to take" has a corresponding meaning.

To raise awareness with members of the public of the damage that may result from vehicles operated in the coastal environment and of their potential impact within the marine reserve.

Explanation: Many people may be unaware of the damage they are causing through the use of vehicles. Education may assist in reducing vehicle use on beaches.

5.2.6(b)

To advocate the practise of considerate and responsible behaviour when vehicle use occurs within the marine reserve, and to make vehicle drivers aware of the provisions in relation to vehicles use within the coastal marine area and in the reserve through:

- the provision of advice and information to members of the public; and
- signage for the reserve.

Explanation: Drivers of vehicles will be informed of the impacts of vehicle use on the reserve and their responsibilities under the provision of the Regional Coastal Plan and statute such as Marine Mammals Protection Act 1978 and Wildlife Act 1953.

5.2.7 Horses

The impact that horses have on the beach and the reserve will depend on the location in which they are ridden and the manner in which riders control their mounts. Horses may impact on wildlife and marine mammals protected by the Wildlife Act 1953 and the Marine Mammals Protection Act 1977 although generally horse use would only impact on these species above mean high water springs, for example, nesting birds and basking seals. It is possible, although unlikely that horse use would harm species protected by the Marine Reserves Act 1971.

In addition, horses ridden in an erratic or inconsiderate manner within the reserve may reduce the enjoyment of the area by visitors and could in some cases endanger their safety. Horses are generally exercised on the beach (above and below mean high water springs), although they often enjoy swimming or playing in the waves. Fouling of the area may also occur.

Any impacts of horses on the marine reserve is generally due to the actions of the rider of the horse as opposed to the horses per se. The attitude of the rider and their ability and/or willingness to adequately control their mount will directly affect the extent to which horses cause adverse effects.

Horses do not pose a significant risk to marine species that are sought to be protected in the marine reserve; fish, shellfish, crustaceans, plant life etc. Horses are more likely to cause risk to species outside the marine reserve protected by the Wildlife Act and the Marine Mammals Protection Act. There are no current bylaws established for council managed reserves adjoining the marine reserve to control the use of horses in this area.

Marine Reserve Act 1971

The offence provision of the Marine Reserve Act 1971 may be applied to control adverse effects of horse use in the unlikely event that they occur. Options to use S. 11 and S.24 for controlling this activity also exist although it is unlikely that the effects of horses would be such that these provisions would be promulgated.

5.2.7(a)

To encourage responsible actions of horse riders within the marine reserve by raising awareness with members of the public to the impacts of horses ridden inappropriately within the coastal environment and marine reserve.

Explanation: It is recognised that horses do not generally pose risk to species protected by the Marine Reserves Act 1971. Problems with horses are associated with wildlife and marine mammals, the public's perception and the safety and enjoyment of the area. Where horses pose a risk to indigenous species the provisions of the Marine Mammals Protection Act 1978 and the Wildlife Act 1953 will apply.

5.2.8 Dogs

The impact that dogs have on species on the beach and in the reserve will depend on the level of control the owner exercises over their pet. Dogs may harm or disturb wildlife and marine mammals protected by Wildlife Act 1953 and Marine Mammals Protection Act 1978, although they are less likely to pose a threat to species protected by the Marine Reserves Act 1971. In addition, dogs in the reserve may also reduce the enjoyment of the area by visitors, particularly if dogs are not well controlled or they are fouling the area. Dogs are generally exercised on the beach, although dogs often enjoy swimming.

The Department may establish controlled dog areas over land administered under the Foreshore and Seabed Endowment Revesting Act 1991 and restrict access of dogs to the marine reserve. This would not be appropriate in this case as generally, species most at risk from impacts of dogs are exposed to that risk above mean high water springs and outside the marine reserve. The Department does not have the ability to establish restrictions for dogs above mean high water springs. Central Hawke's Bay District Council has the ability to control dogs on council managed reserves adjoining the marine reserve although no bylaws have been established.

Responsibility for the control of dogs rests with individual dog owners. Dog owner/handler obligations are specified in the Dog Control Act 1990.

5.2.8(a)

To raise awareness with members of the public to the damage that dogs may cause within the coastal environment and the marine reserve if dogs are not adequately controlled.

5.2.8(b)

To encourage the practise of responsible behaviour among dog owners exercising their dogs in the marine reserve through advocacy and provision of information.

Explanation: Dog owners may not be aware of the damage that dogs may cause when not adequately controlled. By making owners aware of the impacts their pets may cause, and of their legal responsibility under the Dog Control Act 1990, Wildlife Act 1953 and Marine Mammals Protection Act 1978, owner compliance with these statutes will be enhanced.

5.3 VISITOR MANAGEMENT - VISITOR SAFETY AND FACILITIES

SAFETY

There is an element of risk associated with most recreational pursuits. This is particularly so when recreational activities are undertaken in a dynamic environment over which an individual does not have full control. The coastal environment is one in which weather and coastal processes are continually changing. However, while these factors increase potential risk to visitors, this diversity is an integral part of the attraction of the coastal environment and Te Angiangi Marine Reserve.

The general health and safety of visitors to the reserve is the responsibility of the individual and those in their care. As for other areas of the coast, users are primarily responsible for their own health and safety. However, the Department will provide information and advice to visitors and commercial operators of known hazards and on safety issues in the marine reserve where opportunity allows.

Legislation has been established to provide for peoples safety which applies throughout New Zealand and within the marine reserve including for example, maritime safety legislation, Health, Safety and Employment Act 1992 and the Building Act 1991.

FACILITIES

Facility provision associated with the reserve such as parking, toilet facilities and information and interpretation signs facilitate the use of the reserve by the public. Generally, these services are by necessity located outside the boundaries of the marine reserve but in near vicinity to the reserve. The reserve is readily accessible to the public at both the northern and southern ends of the reserve at Blackhead and Aramoana.

This operational plan guides the management of the marine reserve by the Department. However, although visitor facilities are located outside the marine reserve they are pivotal to the management of the reserve. In addition, the Department has the mandate under the Conservation Act 1987 “*to prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation (S. 6(d))*” and “*to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism (S. 6 (e))*”. For these reasons this operational plan will address the issue of provision of facilities associated with the reserve.

5.3.1 Objectives

5.3.1(a)

Visitor access and enjoyment of the reserve is encouraged and enhanced through the provision of facilities and safety information.

5.3.2 Policies

5.3.2(a)

To promote safe practises by commercial operators and scientific practitioners working within Te Angiangi Marine Reserve through:

- a) advocacy;
- b) provision of advice and information;
- c) conditions on permits as appropriate.

Explanation: The Department generally encourages safe practise within the reserve using a non-regulatory approach. In the case of scientific permits, conditions may be established to provide for the safety of the public and integrity of the research through appropriate methodology selection and control of access to the research site.

5.3.2(b)

To incorporate advisory information on marine safety into information leaflets and interpretation panels developed for the marine reserve.

Explanation: The Department will inform visitors of safety considerations applicable to recreating in the marine reserve when providing or distributing information on the reserve.

5.3.2(c)

To facilitate the development of facilities to:

- a) enhance awareness of the boundaries of the reserve;
- b) advise of the conditions and restrictions that the public must adhere to when utilising the reserve;
- c) encourage compliance with the Act and regulations;
- d) enhance visitor appreciation and enjoyment of the reserve;
- e) raise awareness of natural and historic features of the reserve.

Explanation: Development of such facilities may be done in co-operation between the Department and other organisations such as Councils. This will be an important aspect in the process of facility provision for the marine reserve. See the public awareness section for additional guidance on signage.

5.3.2(d)

To consult with Te Angiangi Marine Reserve Committee and have regard to their views and advice when developing specific proposals for visitor facilities.

Explanation: The details of visitor facilities for Te Angiangi Marine Reserve are not included in the operational plan and will need to be established as separate proposals. As representatives of tangata whenua and the wider community, the Committee will be closely involved in developing project details for visitor facilities associated with the reserve. Additional consultation may also be required if resource consents are necessary for the visitor proposed facilities.

6.0 Public Access, Awareness and Relationships

6.1 PUBLIC ACCESS

The Marine Reserve Act 1971 provides for public freedom of access and entry to reserves. Members of the public should be able to enjoy the features of the reserve provided that activities are consistent with the preservation of marine life and the welfare of the reserve.

Public support for the marine reserve is important to the success of the reserve through strengthening public compliance with provisions of the Marine Reserve Act and regulations when recreating in the area. Securing and enhancing public support, and providing information that will enable visitors to gain maximum benefit and enjoyment from their visit to the reserve, is an important role for public awareness work.

6.2 PUBLIC AWARENESS

A wider public awareness of the marine reserve, its features, attributes and the regulations that must be observed when in the reserve are essential components of public awareness policy.

Public awareness has been focused on the development of pamphlets, signage and releasing news items raising public awareness of the gazettal of the new reserve and of the type of restrictions that the public must adhere to when recreating in the reserve.

Following gazettal of the reserve, Departmental staff were proactive in raising awareness of the marine reserve itself through liaison with visitors, focused on promotion and advocacy. Staff roles have since been broadened to include compliance work. Other public awareness work undertaken by the Department, such as promoting the marine environment and conservation generally through Sea Week and Conservation Week, has also utilised the opportunity to promote the reserve. This involves work with schools which provide a valuable avenue for the distribution of information into the wider community.

Guidance for public awareness work undertaken by the Department is outlined in the National Public Awareness Strategy. This strategy is currently under review. The Department is also in the process of developing a national strategy on public awareness for marine reserves specifically. The Conservancy intends to develop an East Coast Hawke's Bay Conservancy Public Awareness Strategy once national directions have been established.

6.2.1 OBJECTIVES

6.2.1(a)

The public are aware of Te Angiangi Marine Reserve's values, features developments, and management requirements and the national importance of the network of marine reserves.

6.2.1(b)

The information is of a high quality and directed through the appropriate channels determined by the target audiences.

6.2.2 POLICIES

6.2.2(a)

Ensure that information on the marine reserve is accurate, up to date and highlights the values, features, developments and management requirements.

Explanation: The public should be informed of the attractions as well as the restrictions and regulations, of the marine reserve in order to gain maximum benefit from their visit. The public should also be made aware of the national importance of the marine reserves network. Such information will help to enhance positive attitudes towards the protection of marine areas. The more the public know about and understand responsible use of the marine environment, the less likelihood there is of inadvertent abuse and the greater the likelihood of improving understanding and reducing the frequency of offending in the marine reserve.

An interpretation kiosk is located at the Stingray Bay and it is important that the facility provides relevant and accurate information.

To ensure that information on the marine reserve is up to date, the results of the regular monitoring performed by the Department should be distributed in formats appropriate to each target audience, for example, for the scientific community an electronic e-mail of raw data would suffice, however, if the information was aimed at the local community, the raw data could be written up as a media release for a local newspaper, for example the Central Hawke's Bay Mail or Hawke's Bay Today.

6.2.2(b)

Any public awareness resource shall acknowledge the commitment of tangata whenua and the community to the establishment and input into the management of the reserve, where appropriate.

Explanation: Where appropriate, the commitment of tangata whenua and the community shall be recognised in any public awareness resource produced. Such information shall only be included after consultation with the Marine Reserve Committee.

6.2.2(c)

During the development stage of producing any information for public awareness, careful planning shall be taken to ensure that the information is channelled through the most effective avenues determined by the target audiences

Explanation: It is important to determine, at the early stages of the development of a public awareness resource, who is the target audience and what is the most effective way of getting that information across. The target audiences that have been identified are the community, local schools, visitor centres, and the National Aquarium in Napier. The level of language, how it is presented, most appropriate media, key people to contact etc are all matters that need to be considered.

6.2.2(d)

Any public awareness projects shall take into consideration the capacity of the marine reserve (and facilities) to cope with the increase of visitors.

Explanation: It is important that the planning for any public awareness projects that will attract extra visitors to the area takes into consideration the current carrying capacity of the area and the facilities that are available. Development of such facilities such as toilets should keep pace with demand and public awareness adjusted (e.g. increase emphasis on care code messages, take care with timing of public awareness activities) if visitor numbers reach levels that impact adversely on the marine reserve.

6.2.2(e)

Ensure all resources relating to Te Angiangi marine reserve follow any relevant national standard and are of the highest quality possible.

Explanation: A high level of professionalism is required to gain credibility and attract people to the concept of marine reserves. All resources that are created for public awareness should be of a high standard. In some areas, where there is a lack of expertise, the services of a professional may be required.

6.3 PUBLIC INVOLVEMENT IN MANAGEMENT OF THE RESERVE

The local community will have an interest in, and ability to contribute ideas and knowledge regarding the management of the reserve. Public involvement may include an interest in the operational and day to day management of the reserve, the management of the reserve at a policy level (such as development of operational or conservation management plans) through to a desire to participate at national level issues such as the review of the Marine Reserves Act 1971.

The Department welcomes offers of assistance with operational management of the reserve. Public involvement in management may include assistance with monitoring the reserve and offers of assistance and use of vessels, for example when deploying boundary markers. Public support and involvement in management may also include assistance in compliance work when individuals notify the Department of activities of concern within the reserve or make themselves available for honorary ranger positions.

The contribution that the community has to make to the management of Te Angiangi Marine Reserve at a policy level has been recognised and provided for through the establishment of a Ministerial appointed advisory committee. The importance of community contribution to management of the marine reserve has been reflected in the composition of the committee, which includes:

- Tangata whenua representatives from Ngati Kere, Taiwhenua o Tamatea and Whatuiapiti;
- Commercial Fishers Representative;
- Private land owners whose properties adjoin the reserve
- Representatives of the communities living at Pourerere, Aramoana and Blackhead
- An East Coast Hawke's Bay Conservation Board representative.

Policy is contained through out the operational plan that provides for the input and advice of the Te Angiangi Marine Reserve Committee into all aspects of management related to the reserve. Generally this forum will adequately provide for community input into management of the reserve, as members of this committee are representatives of wider groups and generally liaise with the public as part of their role. Involvement of the community in other policy matters such as conservation management strategies, conservation management plans and any resource consents associated with the marine reserve is provided for through legislation.

There should also be opportunity for the public to become involved in specific issues of their own initiative (rather than through Committee members) where implications of proposals are significant. For example, public input has been sought for the review of the Marine Reserves Act 1971. Generally these types of issues will be managed at a national level. However, where national issues arise that are related to the marine

reserve, it is recognised that public input beyond that provided for through the Marine Reserve Committee should be provided for.

6.3.1 Policies

6.3.1(a)

To utilise offers of assistance from interested members of the public for involvement in management of the marine reserve where ever possible.

Explanation: The Department has legal obligations, for example in relation to safety, that may in some cases mean that offers of assistance may have to be declined. Generally however, public input into the management of the reserve at an operational level is welcomed and encouraged.

6.3.1(b)

To promote opportunities for the general public to contribute to management issues related to the reserve where these issues are of regional or national significance.

Explanation: These processes will generally be driven at a national level. The Department will use its discretion when seeking opportunities for public involvement in issues that affect the marine reserve but which also have wider application.

Cross reference

Policies which provide for the involvement of the Marine Reserve Committee in the management of the reserve are 4.1(b), 4.1(c), 5.1.2(b), 5.3.2(d), 8.1.2(a), 9.1.1(b), 9.1.2(c), and 9.1.3(a).

7.0 Cross Boundary Issues

7.1 GENERAL POLICY

The Director General may mark the boundaries of the marine reserve. However, in demarcating an area to be administered as a marine reserve it must be recognised that effects of activities and processes will not necessarily cease at the boundary of the reserve. For example, ocean currents will carry discharges into and through the reserve regardless of marked boundaries. Statutory determined boundaries often do not reflect the dynamic environment in which they are established.

Description of surrounding area

The Angiangi Marine Reserve is relatively isolated compared to some marine reserves that are located in close proximity to significant urban development or infrastructure such as ports. However, there is a growing presence of residential activities and developments including new and existing campground facilities and existing and proposed residential development. The balance of the land adjoining the reserve is managed as farm land and esplanade reserve. These communities of people form an important support structure for the marine reserve by advising visitors to the reserve of regulations associated with the reserve, and on occasion assisting the Department with compliance tasks.

There is no evidence to date that these residential activities are adversely affecting the reserve. Monitoring is being undertaken by the Council to determine that sewage discharge into the marine reserve and adjoining coastal marine area is not occurring.

A number of recreational and commercial vessels travel through the water of the reserve, and utilise the boat ramp at Shelley Bay, and provided no marine life is removed from the reserve, there are no adverse effects arising from this activity. Rights of access and navigation through marine reserves are provided by the Act. Additional provisions are also made for vessels in stress or emergencies (S. 23).

Jurisdiction

The land beyond the marine reserve boundary is beyond the jurisdiction of this operational plan. Any impacts that occur on the marine reserve as a result of land management activities or community use of an adjoining area may not be constrained under the Marine Reserves Act. Note that some offences listed under the Marine Reserves Act Section 18I provide for activities that may impact on the reserve.

However, other agencies such as the Hawke's Bay Regional Council and Central Hawke's Bay District Council do administer environmental management legislation such as the Resource Management Act, with the purpose to promote the sustainable management of natural and physical resources. There are provisions for public input into the development of regional and district plans and this opportunity may be used by the Department to advocate for the conservation of natural and physical resources including areas gazetted as marine reserves.

Legislation also defines the roles and responsibilities of how individuals or agencies with have the authority to manage land, must conduct themselves in their interaction with neighbours, for example fencing requirements and trespass restrictions.

The Department will continue to advocate for sound environmental practises through Resource Management Act provisions to ensure that the reserve is not adversely affected by activities or processes outside the boundary of the reserve. This operational plan serves to guide the Department in its actions and does not constrain the Committee's ability to advocate in a similar way.

7.1.1 Policies

7.1.1(a)

To be proactive in advocating, and utilising opportunities afforded by statute to seek that the Te Angiangi Marine Reserve is not adversely affected by activities and processes occurring beyond the boundary of the marine reserve.

Explanation: The Department interacts formally and informally with a range of individuals and organisations. Co-operation, maintaining effective working relationships, and sharing of information, along with exercising opportunities afforded by statute should be undertaken to ensure that marine life in the reserve is protected from the adverse effects of activities outside the reserve.

7.1.1(b)

To develop and maintain good neighbourly relations with adjoining landowners and to exercise responsibilities in accordance with statutory provisions.

Explanation: The Department currently enjoys excellent neighbourly relations with the landowners adjoining the reserve. Recognition that neighbour support for the reserve is pivotal to the success of the reserve is reflected in the membership of the Te Angiangi Marine Reserve Committee which includes representatives from landowner and occupier groups.

7.1.1(c)

To maintain markers along the boundary of the marine reserve except where it is more practical that;

- a) in the interests of the safety of mariners; or
- b) prohibitive costs of installing and maintaining markers require; that

the seaward boundary of the reserve remains unmarked.

Explanation: While establishing markers identifies boundaries and contributes substantially when seeking compliance with, and enforcing provisions of the Act, it is not a requirement. Generally landward boundaries are more easily defined than those seaward. In some circumstances it may be difficult to maintain the markers (for example rough seas).

LEGISLATION

Marine Reserves Act 1971 Section 22, 23
Conservation Act 1987
Conservation Management Strategy 3.2.4

7.2 FISHING REGULATIONS

The establishment of fishing regulations adjoining marine reserves is generally not considered necessary. Marine reserve boundaries are generally selected to ensure the viability of marine reserve. Therefore, there is not usually a need to promulgate fishing regulations to act as ‘buffers’ around reserves.

Te Angiangi Marine Reserve is a unique exception in this regard as boundaries that were originally proposed were adjusted and a recommendation was consequently made that fishing regulations be established along that adjusted boundary line. The exclusion of a triangular area from the northern end of the reserve and the associated debate on the establishment of fishing regulations in this excluded area has been ongoing since the Minister of Conservation first sought concurrence from the Minister of Fisheries for the then proposed Te Angiangi Marine Reserve.

The Minister of Fisheries provided concurrence to the establishment of Te Angiangi Marine Reserve following negotiations with the Minister of Conservation. This concurrence was given on 17th September 1996 on the condition that the boundaries of the marine reserve were amended to exclude a triangle at the northern end of the marine reserve. The removal of this area from the reserve was subject to a recommendation that “restrictions on fishing activities in the excluded triangular area under the *Fisheries Act 1983* need to be implemented”. At that time the Minister of Fisheries indicated that determining what fishing activities would be allowed in this area may depend on further discussion with stakeholder groups.

However, following concurrence, the Fisheries Act 1996 was enacted. Consequently, any consideration of fishing regulations had to be considered under this more recent legislation. Subsequent proposals to introduce fishing regulations has resulted in officials recommending that no such regulations be enacted for the area adjacent to the marine reserve. The reasoning behind this recommendation is that the Ministry of Fisheries can not implement these regulations under the statutory framework of the Fisheries Act 1996. The previous, now superseded 1983 statute, allowed for a more liberal interpretation in relation to fishing regulations.

Until clarification and agreement of how the Fisheries Act 1996 may be interpreted is achieved, progress will not be made on the promulgation of fishing regulations in the excluded triangular area at the northern end of the reserve. This does not alter the position of the Department, which is supportive of the establishment of fishing regulations.

7.2.1 Policy

7.2.1(a)

To support the establishment of fishing regulations, should the Department be successful in facilitating reconsideration of the proposal for fishing regulations in the northern triangle adjoining Te Angiangi Marine Reserve.

Explanation: In the event that the decision on fishing regulation is revisited, the Department will advocate for the establishment of regulations.

Marine Reserves Act 1971
Conservation Act 1987
Fisheries Act 1996
Conservation Management Strategy 3.2.4

8.0 Compliance and Law Enforcement

8.1 General

The Marine Reserves Act provides for the protection and preservation of marine life in established reserves and for the maintenance of the reserve as a natural habitat for marine life. Although members of the public may have freedom of access and entry into the reserve, this is subject to the provisions of the Act and any conditions and restrictions that may be necessary to protect the reserve and marine life.

The Director General is responsible for the administration, management and control of marine reserves. The Director General must also ensure that compliance with Marine Reserves Act provisions is achieved and that the law with respect to the reserve is appropriately enforced.

Generally, members of the public are willing to comply with the rules for marine reserves and conduct themselves in accordance with legislation when recreating in the reserve. However, there are instances when individuals intentionally or ignorantly commit an offence in the reserve. The Department therefore has a role to ensure that the provisions of the Marine Reserve Act are complied with.

The Act outlines activities that are considered to be an offence under the Act. Within a marine reserve it is an offence to (without lawful authority/permit):

- take any plant or animal (alive or dead);
- wilfully damage or injure marine life;
- erect any structure in, or over a marine reserve;
- wilfully interfere with or disturb marine life, foreshore or seabed, or natural features;
- discharge any firearm in, or into the reserve;
- litter;
- discharge any substance or article injurious to marine life in, or into the reserve;
- introduce any living organism that does not naturally occur in the reserve.

In addition to warranted staff, those empowered to act as rangers in the marine reserve include:

- every member of the police;
- persons appointed as Fisheries Officers under Fisheries Act 1983;
- persons appointed as warranted officers under the Conservation Act 1987 (Section 17(7)).

Members of the public may be appointed as honorary rangers for a period not exceeding 3 years. The general powers of rangers and powers of seizure are specified in section 18 and 18A of the Marine Reserves Act.

Rangers have an important role in enforcing the Marine Reserves Act, raising public awareness of the reserve itself and may be required to appear in a Court of Law when seeking prosecutions for offences committed in the reserve. Such a role is often technical, legally complex and in most cases will require important community relations and communication skills. Honorary rangers will therefore only be appointed in specific circumstances.

8.1 Objectives

8.1(a)

Public are aware of and comply with the legislation and regulations administered by the Department that apply to the Marine Reserve.

8.1(b)

Effective working relationships established and maintained between Department and other agencies with responsibilities within the marine reserve.

8.2 COMPLIANCE AND LAW ENFORCEMENT

8.2.1 POLICIES

8.2.1(a)

To undertake compliance and law enforcement activities in accordance with the Compliance and Law Enforcement Action Plan.

Explanation: Details of the Departments responsibilities and initiatives are outlined in this Action Plan which has been approved by Te Angiangi Marine Reserve Committee.

8.2.1(b)

To be proactive in providing information and advice to the public regarding the statutory restrictions associated with the marine reserve and activities that may be lawfully undertaken within the marine reserve.

Explanation: This information will make the public aware of their obligations when recreating in the reserve and enhance compliance with marine reserve requirements.

8.2.1(c)

To foster opportunities for education of the public of the values and benefits of marine reserves.

Explanation: Supporting the public in developing a better appreciation of marine reserves will contribute to enhanced understanding of reasons for regulations and compliance.

8.2.1(d)

To encourage the co-operation of users of the marine reserve and those living in close vicinity to the reserve to monitor compliance with the Marine Reserve Act provisions and to report breaches of these provisions.

Explanation: Cultivating community awareness, support and commitment to the marine reserve is essential if protection and preservation of the marine reserve is to be achieved.

8.2.1(e)

To encourage a co-operative approach between the Department and other agencies with responsibilities within the marine reserve

Explanation: New Zealand Police, Fisheries Officers, Hawke’s Bay Regional Council and the Department all have complimentary roles in protecting marine life from illegal activities of members of the public. Co-ordination and co-operation between agencies will increase the effectiveness of compliance and law enforcement activities of all organisations and is therefore encouraged.

8.3 HONORARY RANGERS

8.3.1 Policies

8.3.1(a)

To appoint honorary rangers (in accordance with 17(1) of the Marine Reserves Act) only in the following circumstances:

- where there is a need for additional compliance and enforcement rangers;
- where there is sufficient resources to train and supervise honorary rangers;
- following consideration of advice on the appointment of honorary rangers from the Te Angiangi Marine Reserve Committee;
- provided that suitable members of the public with the ability and willingness to proactively undertake honorary ranger functions and ability to successfully complete training requirements are available for appointment.

Explanation: Honorary rangers have an important role to play in the successful management of the marine reserve and are given significant responsibility, general powers and powers of seizure under the Act. Exercising the functions of rangers is an onerous, difficult and often confrontational task and suitable volunteers will only be appointed where necessary and where the Department is in a position to adequately train and support rangers. Assessing the suitability of person may include undertaking vetting check as outlined in appendix four.

8.3.1(b)

To consult with tangata whenua when considering appointing honorary rangers for Te Angiangi Marine Reserve

Explanation: In addition to considering the advice of the Marine Reserves Committee, the opinion of tangata whenua will be considered when appointing honorary rangers.

LEGISLATION AND OTHER GUIDANCE

Marine Reserves Act 1971 Section 17, 18, 18A
Te Angiangi Marine Reserve Compliance and Law Enforcement Action Plan
SOP Vetting (QD C1060)

Note: The Department of Conservation] SOP QD C1060 details how the Department (with the applicants permission) may check for any criminal convictions recorded on Police records.

9.0 Implementation, Monitoring and Review

9.1. IMPLEMENTATION

The Department is required to administer and manage the reserve consistent with relevant legislation, the Hawke's Bay Conservation Management Strategy and Te Angiangi Marine Reserve Operational Plan.

Implementation of the plan will be undertaken during both the day to day management, and the strategic decision making (and management) associated with administration of the reserve by the Department. The plan is also implemented through the Conservancy's annual business planning process.

Decisions on day to day management and strategic management of the reserve will be guided by policy in this plan. This plan will also guide decision-making by the Department, both on how the reserve should be managed on a daily basis and into the future. Some of these decisions may have resource implications that will be identified in the business plan.

The business plan, prepared under S. 41(2)(d) of the Public Finance Act 1989, covers a 12 month period from 1 July to 30 June each year. The business plan implements conservancy work priorities established by the conservation management strategy, annual conservation directions, the purchase agreement and Strategic Business Plan. This operational plan will assist in focusing the conservancy effort and funds allocated for Te Angiangi Marine Reserve.

9.1 1 Policies

9.1.1(a)

The Department will undertake decisions, and prepare annual business plans and attendant work programmes relevant to Te Angiangi Marine Reserve taking into account the provisions of this plan.

Explanation: The Department management of the reserve will be guided by this plan and the conservation management strategy. National priorities established through annual conservation directions and the purchase agreement may alter during the term of this plan, and will also be taken into account when implementation decisions are made.

Te Angiangi Marine Reserve Committee also has a role in advising the Department on the management of the reserve. Terms of reference state the functions of the committee include:

To provide the Director-General with local information to aid the management of Te Angiangi Marine Reserve including:

- *means of fostering community support for Te Angiangi Marine Reserve;*
- *the provision of effective public information and education on Te Angiangi Marine Reserve;*
- *advice on specific applications to carry out scientific study in Te Angiangi Marine Reserve;*
- *advice on the appointment of honorary rangers for Te Angiangi Marine Reserve;*

- *advice on the commercial opportunities provided by Te Angiangi Marine Reserve, and possible licensing of commercial operations based on Te Angiangi Marine Reserve should the Marine Reserves Act 1971 be amended to permit this.*

In relation to functions delegated by the East Coast Hawke's Bay Conservation Board under the Conservation Act 1987 S. 6M (1) (d) (ii), the Committee may also:

- *advise on any conservation matter relating to Te Angiangi Marine Reserve (including a change in status or classification of Te Angiangi Marine Reserve 6M(d)(ii)).*

The Committee has exercised these functions through their involvement in the development of the operational plan. The Committee's advice will also be sought on how the plan is implemented.

9.1.1(b)

To seek the advice of Te Angiangi Marine Reserve Committee regarding the implementation of Te Angiangi Marine Reserve Operational Plan where additional guidance and clarification is required.

Explanation: Additional advice from the Committee will be sought as necessary.

REGULATIONS

9.1.1(c)

To consider seeking the establishment of regulations under S. 24 of the Marine Reserve Act 1971 as a means to manage the marine reserve if it is considered essential for marine reserve management.

Explanation: Regulations may be developed to assist the Department in the management of the reserve. This will only be considered when other avenues of management such as education, advocacy and enforcement of existing provisions of the Act and other regulations fail to address issues of concern. It is noted that the establishment of regulations may only be undertaken by the Governor-General (S. 24 (1) Marine Reserves Act 1971). The Department may only advise on (not require) the development of regulations.

9.2 MONITORING

Monitoring involves the systematic collection of data over time and analysis and interpretation of that data. The results of this analysis will allow decision makers to be informed about the consequences of marine reserve management, visitor use and changes that may be occurring in the environment. This assists in making informed decisions on future actions, including the review of the operational plan.

The types of monitoring that may be undertaken in relation to Te Angiangi Marine Reserve include:

- biodiversity monitoring;
- visitor and recreational impact monitoring;
- commercial activity monitoring;
- visitor enjoyment and appreciation monitoring;

- effectiveness of policy within the operational plan.

The Department is currently undertaking biodiversity monitoring within the reserve. This monitoring is undertaken in accordance with Te Angiangi Marine Reserve Monitoring Plan that focuses on data collection and analysis of species and habitat within the reserve.

Monitoring of visitor and recreational impacts and the impacts of commercial activity within the reserve was undertaken in 1990 and 1994. This data serves as baseline information by which the impact of visitors in these areas can be assessed. The research may be repeated in the future to evaluate the extent to which recreational activities are impacting on the reserve. Given the numbers of visitors (both recreational and commercial) currently using the reserve, monitoring of effects of these activities is not considered to be necessary at present. Should biodiversity monitoring suggest that adverse effects are occurring that could be attributed to visitor impacts (reduced density or altered size structures of species population, loss of habitat, changes in competition and predation or behavioural changes exhibited by marine species – McCrone 2001) then monitoring may be repeated.

The relevance of the policies in the operational plan to the management of the reserve will also require periodic evaluation to determine if a review of the operational plan is required – 9.1.3: Review section.

Monitoring visitor enjoyment and appreciation of the reserve will be considered as a component of public awareness work for the reserve – 6.1 Public Awareness section.

9.2.1 Policies

9.2.1(a)

To undertake biodiversity monitoring within the marine reserve in accordance with the Te Angiangi Marine Reserve Monitoring Plan.

Explanation: Standard procedures and methodologies are being used to monitor the reserve in a nationally consistent manner that also recognises the need to provide for regional and local circumstances.

9.2.1(b)

To utilise current research and monitoring work being undertaken within the reserve, both in contributing to national research, and in providing a contribution to management of the reserve by (including but not limited to):

- i. making information available to the scientific community and interested parties;
- ii. utilising information wherever possible to assist in decision making regarding the management of the reserve.

9.2.1(c)

To ensure that Te Angiangi Marine Reserve Committee are advised on the Department's monitoring and research activities within the reserve including the provision of information on scientific and monitoring activities, techniques and results.

Explanation: Monitoring data is expensive to collect. The Department will encourage the use of the information collected from the reserve and will also report the results of monitoring to Te Angiangi Marine Reserve Committee. It is recognised that monitoring undertaken in the reserve by parties other than the Department will also be

valuable in assisting management and compliment Department work. Refer to 4-Scientific Use.

9.2.1(d)

To initiate monitoring of the impacts of recreational and/or commercial use on Te Angiangi Marine Reserve where:

- recreational and/or commercial use of Te Angiangi Marine Reserve has increased to a degree that impacts may be expected to be occurring; and
- biodiversity monitoring suggests that significant changes within the reserve attributable to recreational and commercial use are occurring.

Explanation: Where necessary baseline monitoring for rocky intertidal platforms will be repeated to evaluate the extent to which visitors may be impacting on the reserve. This may become necessary as the reserve has the potential to become a key visitor attraction in the region.

9.2.1(e)

To monitor the level of compliance with marine reserve regulations and the effectiveness of law enforcement action taken.

Explanation: This monitoring will assist the Department in identifying areas for improvement, or alternative techniques for encouraging and enforcing public adherence to marine reserve legal requirements.

9.3 REVIEW

It is important that the operational plan remain relevant and effective in providing policy guidance on management of the marine reserve. It will therefore require regular review and possible amendment to ensure that it remains a relevant document. The operational plan may be amended or reviewed (in part or in whole) in response to a range of factors, ensuring that it is consistent with legislation and statutory documents and applicable to the issues that arise in relation to the reserve.

9.3.1 Policies

9.3.1(a)

To amend or review the operational plan in the following circumstances:

- to take account of increased knowledge or changing circumstances; or
- when Te Angiangi Marine Reserve Committee or the Department advises an amendment or review is required.

Explanation: A review of the operational plan may be required for example, in response to the results of monitoring data, changing use patterns, review of the Conservation Management Strategy or amendment to the Marine Reserves Act 1971. The operational plan must not be inconsistent with the conservation management strategy or legislation. Therefore changes to statutory documents and legislation may trigger a subsequent amendment or review of the operational plan. The Committee or Department may also suggest amendment to the plan.

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