

Q&A: Kermadec Ocean Sanctuary

1. Where will the Kermadec Ocean Sanctuary be?

The Kermadec Islands lie halfway between the Bay of Plenty and Tonga. The Kermadec Ocean Sanctuary will cover all of New Zealand's Exclusive Economic Zone (EEZ) out to 200 nautical miles from the five Kermadec Islands of Raoul, Macauley, Cheeseman, Curtis and L'Esperance – covering an area of 620,000 square kilometres. The territorial sea around the five islands, consisting of 7500 square kilometres, was established as a marine reserve in 1990.

2. What is the difference between the Kermadec Ocean Sanctuary and the Kermadec Marine Reserve?

New Zealand has sovereign rights in the territorial sea with very few limitations. The rights and obligations in the Exclusive Economic Zone are different but include the rights to manage fishing and minerals resources. These must be exercised with due regard for the rights of other states, such as over navigation and submarine cables.

No fishing or mining applies to both the sanctuary and marine reserve. Ships will be allowed to exchange ballast water in a sanctuary (subject to regulation) but not in a marine reserve. Marine discharges from ships and yachts (subject to regulation) will also be allowed in a sanctuary, but not permitted in a marine reserve. Submarine cables will be allowed in the sanctuary but are generally not permitted in a marine reserve.

3. Who will be responsible for the new Kermadec Ocean Sanctuary?

The Environmental Protection Authority, which implements the EEZ Act, will be responsible for any permitting of activities in the Kermadec Ocean Sanctuary (such as scientific research). The Department of Conservation, which has a presence on the Kermadec Islands and is responsible for managing the nature reserve and the marine reserve will administer the Act which will create the sanctuary. The Defence Force and the Ministry of Primary Industries will assist in enforcement of the Act. Maritime New Zealand will continue to be responsible for managing discharges.

4. How does this Kermadec Ocean Sanctuary relate to the Government's broader work on reforming New Zealand's system of marine protection?

The Kermadec area is one of the most pristine and unique places on earth, and is home to many species that are found nowhere else on earth. This new Kermadec Ocean Sanctuary has arisen out of the work on a new marine protected areas policy. It is being advanced ahead of the broader policy work because of the application before the Ministry of Business, Innovation and Employment from Nautilus Minerals Limited for a prospecting permit which covers areas both within and outside the new sanctuary. Clarity was needed on what areas the Government was prepared to consider for prospecting or not. This announcement provides certainty and enables Nautilus to proceed with an application in the areas to the

south of the new sanctuary, as well as aligning New Zealand's marine protection measures with international initiatives.

5. How does the ocean sanctuary change the current regulatory framework in the Kermadecs area?

The territorial sea out to 12 nautical miles around the Kermadec Islands has been a marine reserve since 1990 and prohibits all fishing and mining. It is unchanged by the new Kermadec Ocean Sanctuary.

The area around the Kermadec Islands Marine Reserve out to the EEZ boundary – 620,000 square kilometres – is currently subject to the Fisheries Act. A benthic protection area (BPA) was created in 2007 under the Fisheries Act, prohibiting bottom trawling and dredging, but this is of little practical significance as these methods are not used in such deep oceans anyway. The main fishing methods are trolling and long-lining for highly migratory species like swordfish, blue shark and bigeye tuna. All fishing would be prohibited in the new sanctuary. The BPA is solely fisheries-related so does not constrain minerals development.

The area is subject to the EEZ and Continental Shelf (Environmental Effects) Act and the Crown Minerals Act. This means any applications for prospecting, exploration or mining is subject to these laws. The new sanctuary prohibits these activities.

6. How does the Kermadec Ocean Sanctuary compare with other such reserves that have been created or proposed by other countries?

Last year the United States announced seven new areas in a Pacific Remote Islands Marine National Monument, totalling 1,058,848 square kilometres. None are individually as large as the Kermadec Ocean Sanctuary and some make provision for limited customary fishing.

The United Kingdom has announced a 834,334 square kilometre reserve around Pitcairn Island. It is larger than the Kermadec Ocean Sanctuary, but it has been proposed that an area will be set aside for customary fishing.

There is discussion around a 720,000 square kilometre marine park around Easter Island in Chile, but the proposal provides for fishing by the local population.

Australia announced the 989,842 square kilometres Coral Sea Marine Reserve in 2012. Around 51 percent of the Reserve will be zoned as a Marine National Park, which is a no-take zone. The remaining zoned areas will be protected to different levels.

The Kermadec Ocean Sanctuary will be the largest contiguous area of ocean in which all fishing will be prohibited.

7. What is the intended category of protection that applies to the Kermadec Ocean Sanctuary?

Under the International Union for Conservation of Nature (IUCN) Protected Areas classification system the Kermadec Ocean Sanctuary would be classified as category I – strict nature reserve/wilderness area. This is the highest category of protection. Impacts of human activities and access will be strictly managed to protect the long-term ecological integrity of the area.

8. How does the Kermadec Ocean Sanctuary relate to our international marine protection obligations?

New Zealand is a party to the United Nations Convention on the Law of the Sea and a party to the Convention on Biological Diversity. This means we have obligations to protect and preserve our marine environment.

Under the Convention on Biological Diversity, we have committed to having 10 per cent of coastal and marine areas conserved by 2020. The Kermadec Ocean Sanctuary contributes to these targets. New Zealand currently has 9.7 per cent of our territorial sea fully protected, but no full protection in our EEZ. The Kermadec Ocean Sanctuary will mean 15 per cent of New Zealand's ocean environment will be fully protected.

9. What fishing is currently taking place in the Kermadecs area and what is its economic value?

The Kermadecs area is one of 10 New Zealand fisheries management areas known as FMA10. A total of about 20 tonnes per year of fish are caught there every year – made up of swordfish (11 tonnes), tuna (bigeye and albacore – three tonnes), and blue shark (2.8 tonnes), with a value of about \$165,000. The quota for these highly migratory species is over New Zealand's entire EEZ and is not specific to FMA10. The catch can be caught in other parts of New Zealand's EEZ.

10. What is the impact of the Kermadec Ocean Sanctuary on the minerals sector?

The legislation will preclude all mining exploration and prospecting activities in this area. There is an opportunity cost for New Zealand of not allowing any potential future development but this is difficult to quantify. The logistics of mining in these very deep, remote waters is difficult and expensive.

New Zealand Petroleum and Minerals is currently considering a 2007 prospecting permit application from Nautilus Minerals Limited, a publicly-listed Canadian company, for an area that includes a small part of the Kermadec Ocean Sanctuary. Forty-four per cent of the application is outside the area to the south. Officials will work with the applicant on revising the area for the application now that the sanctuary announcement has been made.