

GUIDELINES FOR THE ESTABLISHMENT OF A FISH HABITAT PROTECTION AREA

FISHERIES MANAGEMENT PAPER No. 152



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1. INTRODUCTION

These guidelines are designed to guide the Department of Fisheries staff and community groups (the proponent) on the process for developing a proposal for a Fish Habitat Protection Area (FHPA). The guidelines:

- describe the role and function of Fish Habitat Protection Areas;
- guide proponents in selecting a suitable site for an FHPA;
- describe the process to be used to develop a proposal for an FHPA;
- describe the methodology to be used to develop a management plan for an FHPA;
- ensure consistency between applications.

2. THE ROLE OF FISH HABITAT PROTECTION AREAS

The *Fish Resources Management Act 1994* requires the Department of Fisheries to “protect fish and conserve their environment”. In addition, the Commonwealth has taken a number of initiatives, which have required the Department of Fisheries to change its fisheries management arrangements from a stock basis to an ecosystem basis.

These initiatives include the implementation of Australia’s Oceans Policy, enactment of the *Environment Protection and Biodiversity Act 1999* and the use of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* to control fishing activity. This means fisheries research and management must consider the impact of fishing on the broader environment and the impact of a range of other human activities upon fish and their habitats.

The Department of Fisheries has access to a number of administrative and legislative instruments to assist it to protect marine ecosystems. It may:

- Provide advice and input to the State and Commonwealth Environmental Protection and mining industry approval processes, and the WA State Planning Commission decision making process.
- Regulate fishing activity to minimise its impact upon the environment, and these arrangements are described in detail in a separate publication titled *Fish Protection Measures to Ensure Fish for the Future* (Fisheries Management Paper No. 141, 2001).
- Influence the marine park planning process in a manner which results in the protection of fish habitats and,
- Establish Fish Habitat Protection Areas where there is a need to control the impact human (both fishing and other) activities have on an area considered appropriate for protection.

2.1 What is a Fish Habitat Protection Area (FHPA)?

FHPAs are areas established under section 115 of the *Fish Resources Management Act 1994*, and may be set aside by the Minister for Fisheries for the following purposes:

- the conservation and protection of fish, fish breeding areas, fish fossils or the aquatic ecosystem;
- the culture and propagation of fish and experimental purposes related to that culture and propagation; and
- the management of fish and activities related to the appreciation and observation of fish.

2.2 FHPAs within a marine conservation framework

The World Conservation Union (IUCN) has developed a set of six protected area management categories which are applied to both terrestrial and marine protected areas. The categories, which are summarised in Appendix 1, imply a gradation of human intervention but are not a hierarchical structure as they all contribute to biodiversity conservation.

The Commonwealth Government has developed a strategic plan to establish a national system of marine protected areas which includes representative examples of all marine bioregions within Australian waters. Development of the national representative system of marine protected areas (NRSMPA) will be based on the principles outlined in Appendix 2.

In 1998, the WA Government released *New Horizons - The Way Forward in Marine Conservation and Management* which is its policy for the management of marine protected areas in WA. The policy outlines how the Government will establish a system of marine reserves which are to be managed by the Department of Conservation and Land Management (CALM). It also identifies the possible creation of FHPAs which will be managed by the Department of Fisheries.

CALM proposes to establish a system of marine conservation reserves to:

- preserve representative as well as special ecosystems in the marine environment; and
- put a formal management framework in place to ensure the various marine conservation reserves are managed in an equitable, sustainable and integrated manner.

A review of the marine resources along the WA coast has identified areas which may be suitable for protection as marine nature reserves, marine parks or marine management areas, which would be established under the *Acts Amendment (Marine*

Reserves) Act 1997. CALM is currently progressing the planning for a number of these areas.

Marine nature reserves are most highly protected and meet the IUCN criteria for Category I protected areas. Marine parks and marine management areas are generally multiple use areas which are zoned to provide for varying levels of protection, covering a broader range of IUCN categories.

FHPAs can also be established for a number of purposes and would generally meet the criteria for one or more of the IUCN categories. The focus of the FHPA is generally to either:

- a) protect a specific localised feature, such as a fish breeding area or fish habitat; or
- b) protect a large representative area of recognised conservation value

By establishing a Fish Habitat Protection Area, the Minister for Fisheries is declaring that an area of the aquatic environment has particular values for the protection of fish and their habitats, education, and aquaculture which require a higher level of protection and management than other parts of the marine environment. This protection may involve rehabilitation activities including the replanting of mangroves and seagrasses, and managing river flows and stream banks. It may also involve the management of human activities like dredging, draining of wetlands and fishing or diving near sensitive marine habitats.

Defining an area as a FHPA will also assist to have FHPAs recognised and carefully considered in the context of the Commonwealth, State and local government planning, environmental protection and development approval processes.

2.3 How do FHPAs relate to Marine Parks?

FHPAs established under the *Fish Resources Management Act 1994* are not marine parks, marine nature reserves or marine management areas but may fulfill a similar function in providing for the conservation and protection of fish and fish habitats. The fundamental differences between marine parks, marine nature reserves or marine management areas and FHPAs are:

- FHPAs provide protection for fish, other marine organisms and their habitats, but do not provide protection for components such as sea birds, turtles and marine mammals.
- Unlike marine nature reserves, marine parks and marine management areas declared under the *Acts Amendment (Marine Reserves) Act 1997*, FHPAs are not permanent reserves. The Minister for Fisheries can create or revoke a FHPA by an order in the Government Gazette.
- The Minister for Fisheries may vest the management of a FHPA in a community group which is a body corporate.

2.4 How do FHPAs relate to other fisheries management measures?

Under the *Fish Resources Management Act 1994*, the Department of Fisheries has the power to regulate fishing operations in State waters. Regulation of fishing operations may be undertaken for a number of purposes including conservation, fisheries management and for the preservation of areas for observation and eco-tourism pursuits. Regulations may take a number of forms, including:

- area protection
- gear restrictions
- effort restrictions
- temporal/time closures
- catch limits

These regulations and their purposes are described in more detail in the paper *Fish Protection Measures to Ensure Fish for the Future* (Fisheries Management Paper No. 141, Fisheries WA, 2001).

Where the protection or management of an area can be achieved without the necessity of a FHPA, the Department of Fisheries may prefer to introduce new fishing regulations in preference to establishing a FHPA.

FHPAs can provide a higher level of protection than these regulations, since a FHPA may provide for any matter necessary for the protection or management of the area, and is not limited to the regulation of fishing activities. For example, a FHPA can prohibit or regulate:

- entry to an area by persons, boats, aircraft or other things;
- fishing or eco-tourism operations in an area or any other activity that may affect the area; and
- mooring, jetties, rafts and other constructions in an area.

2.5 Which activities should be managed within a FHPA?

The primary aim of a FHPA is the maintenance of a healthy aquatic ecosystem which supports a diverse range of fish. The main management focus of a FHPA should therefore be on activities which may pose a direct or indirect threat to the health and maintenance of the habitat. For example:

- dredging to maintain navigation channels and dredge spoil disposal;
- land reclamation, clearing of mangroves or seagrass for coastal development; and
- poor waste disposal, water quality management or catchment management practices which may impact on aquatic areas.

Activities that may pose a threat to FHPAs, such as land reclamation or dredging, are often the responsibility of other Local, State or Commonwealth agencies. The

Department of Fisheries will need to consider the roles and responsibilities of other government agencies and work cooperatively with them to ensure that the values of FHPAs are maintained. Where regulation of activities within or adjacent to a FHPA are considered necessary to protect the FHPA values, it may be more appropriate to introduce those regulations under other pieces of relevant legislation, rather than rely on the provisions of the *Fish Resources Management Act 1994*. The development of a Memorandum of Administrative Arrangement with other departments or Local Government may be useful to ensure inter-departmental cooperation and help to raise awareness of fish habitat protection issues.

Management of fishing activities within a FHPA is possible through specific regulations, however it is considered preferable that concerns regarding sustainable fishing levels within the FHPA are dealt with in a broader context of fisheries management statewide.

Site specific fishing regulations would only be introduced in a FHPA if it can be demonstrated that:

- the fishing activity conflicts with the maintenance of the intrinsic values of the area (such as the area's conservation or community education values); and/or;
- a particular species is under threat of localised depletion; and/or;
- the fishing activity poses a safety risk to other legitimate users of the area; and/or
- no feasible or prudent alternative exists.

Regulations controlling recreational or other activities (that is, non-fishing activities such as, boating or jetskiing) in a FHPA can also be proclaimed, but should only be considered where:

- the activity conflicts with the maintenance of the intrinsic values of the area (such as the area's conservation or community education values); and/or;
- the activity poses a threat to the maintenance of healthy fish habitat in the area; and/or;
- the activity poses a safety risk to other legitimate users of the area; and/or
- no feasible or prudent alternative exists.

2.6 The process to identify and prioritise FHPAs

The Department of Fisheries is committed to establishing FHPAs in a strategic manner throughout WA's aquatic environment. In order to achieve this, the Department of Fisheries is in the process of identifying key potential sites for FHPAs on a regional basis through the preparation of Regional Fisheries Environmental Management Reviews (FEMR) and Plans. The FEMR for each region will identify and describe the commercial fisheries, recreational fisheries, pearling and aquaculture activities and the habitats which support them. They will also identify any environmental effects from fishing activities as well as any threats to the fisheries. The Plans will provide recommendations for further fisheries environmental management. The Department of Fisheries will advance proposals for FHPAs on a priority basis, based on the recommendations of the Fisheries Environmental

Management Plans, consideration of adjacent or overlapping marine park proposals and the availability of resources.

Community groups may also nominate areas for establishment as a FHPA. The guidelines below are designed to assist The Department of Fisheries and community groups in developing an FHPA proposal within the context of a strategic plan for management of the marine environment.

3. HOW IS AN FHPA ESTABLISHED?

The process for establishing an FHPA is outlined in sections 115 - 120 of the *Fish Resources Management Act 1994* (see Figure 1). The Minister for Fisheries can, after a community consultation process, create, amend or revoke an FHPA by an order published in the gazette.

The Minister must give at least two months notice of his/her intent to set aside a FHPA and invite comment on the proposal. A minimum of thirty days are allowed for the public to provide comments (s. 118). The Minister must also approve a management plan for the area before the FHPA can be set aside. The notice of intent to set aside an FHPA would generally be advertised concurrently with the public release of a draft management plan which details how the area is proposed to be managed. This enables interested groups and individuals to have a direct say in how the area should be managed.

It should be noted that an FHPA cannot be set aside over a marine nature reserve or marine park (s. 116).

3.1 Roles and responsibilities

The creation of FHPAs is the responsibility of the Fish and Fish Habitat Protection Program of the Department of Fisheries. The Fish and Fish Habitat Protection Program receives guidance and input on broad policy issues from the Fish and Fish Habitat Protection Reference Group, which consists of representatives from the recreational fishing, commercial fishing and conservation sectors, in addition to representatives from the Department of Conservation and Land Management, Environmental Protection and the Department of Fisheries. This group will have an involvement in the process of creating FHPAs through providing advice and comments on proposals.

3.2 Purposes and selection criteria for FHPAs

Under section 115 (2) of the *Fish Resources Management Act 1999*, an area may be set aside as an FHPA for the following purposes:

1. the conservation and protection of fish, fish breeding areas, fish fossils or the aquatic eco-system; and/or

2. the culture and propagation of fish and experimental purposes related to that culture or propagation; and/or
3. the management of fish and activities relating to the appreciation or observation of fish.

Table 1 expands on these purposes in order to develop a clear and concise suite of selection criteria on which to judge proposed FHPAs.

Figure 1: Process for establishing a Fish Habitat Protection Area

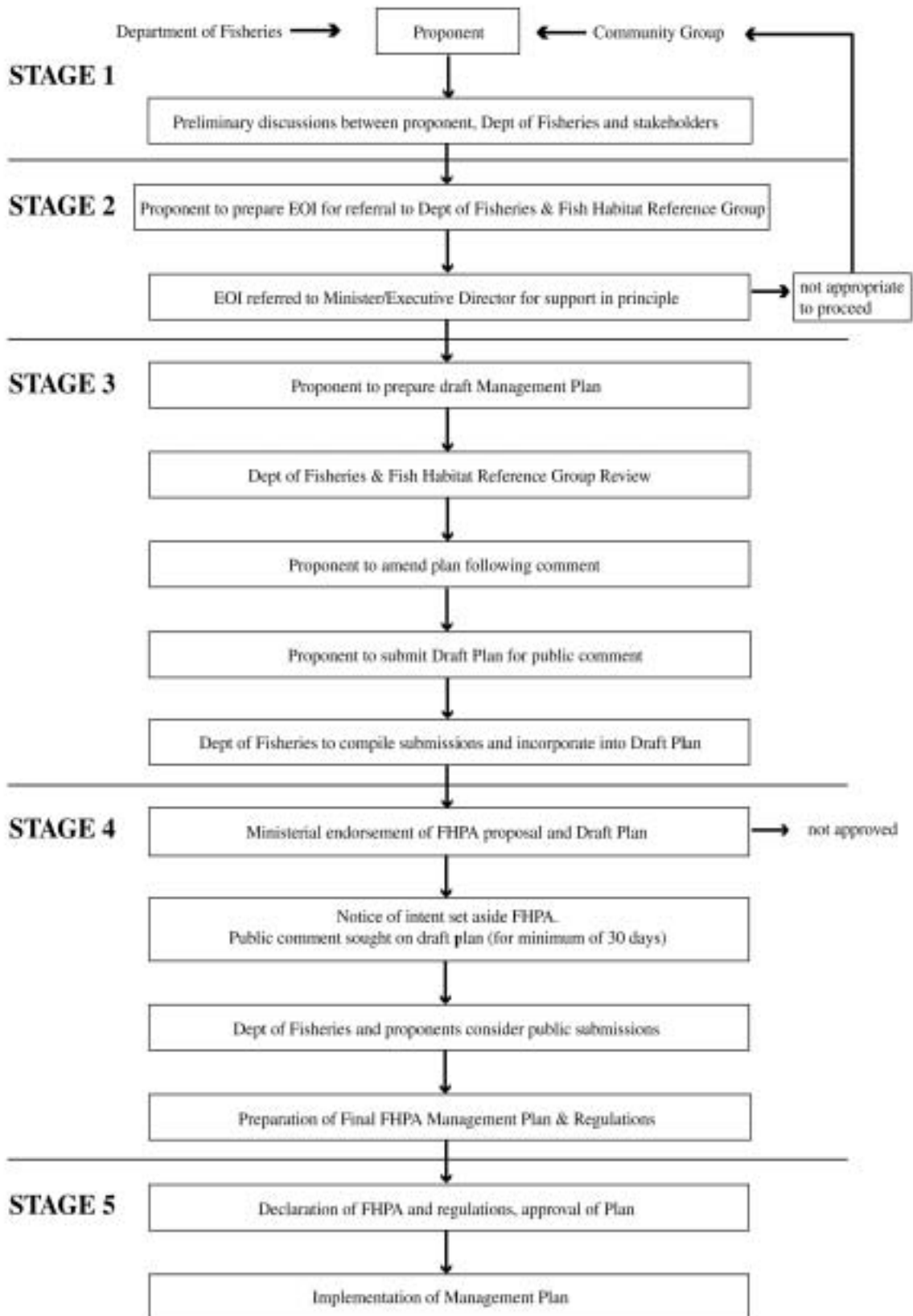


Table 1 Selection criteria for the establishment of FHPAs

Purpose of FHPA		Selection Criteria
1	<i>Fish protection</i>	An area which provides for the protection, conservation, or maintenance of protected, endangered, or threatened species of fish or other aquatic organisms.
	<i>Habitat protection</i>	Areas of significant value for breeding, spawning, feeding, sheltering, or which serve as nursery areas or migration routes for fish and other aquatic organisms.
	<i>Resource protection</i>	Areas of scientific interest or of importance for the economic or biological sustainability of particular aquatic organisms.
	<i>Rehabilitation</i>	Areas of importance for fish and fish habitat, which have been degraded through human impacts, but which have the potential to be rehabilitated.
2	<i>Aquaculture & research</i>	Areas which may be of special value for the culturing and breeding of fish (i.e. a significant source for broodstock) or for conducting aquatic research.
3	<i>Human use & resource sharing</i>	Areas used by commercial and recreational users, where their activities may impact adversely on the aquatic environment or lead to resource-sharing problems.
	<i>Observation & education</i>	Areas of value for public education on various aspects of fish and interpretation of issues associated with fish and their habitats or of value for the observation or appreciation of fish.

3.3 A five-stage proposal process

The Department of Fisheries has developed a five-stage process for the development of a proposal for an FHPA. The staged process has the following benefits:

- it encourages discussions between the Department of Fisheries and the proponent at an early stage in the development of the proposal;
- it ensures that proposals are sound prior to the proponent developing a detailed submission; and
- it ensures consistency between applications.

The five stages are described below.

Stage 1 - Informal discussions

Proponents are encouraged to make informal contact with the Fish & Fish Habitat Protection Program of the Department of Fisheries when considering developing a proposal. The proponent should discuss with the Department of Fisheries the general area being considered, the proposed purpose of the FHPA and the perceived need for protection. At this stage, the Department of Fisheries will be able to assist by informing the proponent about:

- whether any planning has been done in the area;
- whether the area is under consideration by the Department of Fisheries as an FHPA or by CALM as a marine park or reserve;
- any relevant information the Department of Fisheries may have regarding the area (for example, recreational fishing activities, commercial fishing operators, aquaculture sites etc.);
- opportunities for a FISHCARE WA grant;
- alternative mechanisms for protection; and
- what resources are available to implement a management plan for the area.

Stage 2 - Development of formal Expression of Interest (EOI)

Community groups who are interested in protecting an area will be required to submit a formal Expression of Interest (EOI) for the establishment of an FHPA. This is intended to be brief and easy to do. The attached EOI Application Form (Appendix 3) will assist proponents in putting together an EOI proposal.

The Expression of Interest process is designed to:

- help the proponent consider the broader issues of creating a FHPA; and
- provide information on which to judge the competency of the proposal.

The Department of Fisheries will assess the EOI, in consultation with the Fish and Fish Habitat Protection Reference Group and the proponent. Where the Department of Fisheries considers the proposal to be inadequate, clear justification for this decision will be provided to the proponent. Under these circumstances, the Department of Fisheries will not support any funding application or related proposal related to the area which is referred to the Minister for Fisheries.

It should be noted that deeming the EOI competent is not a guarantee that the Department of Fisheries will approve the recommended management regulations contained within the resultant proposed management plan and proposal, or that the proposal will be supported by the Minister for Fisheries.

Where appropriate, the Department of Fisheries may also provide advice on modifications to the proposal, or alternative mechanisms for protection of the area.

Stage 3 - Development of formal proposal and non-statutory consultation

Following indication that the EOI is considered acceptable and is deemed competent, the proponent should develop a formal proposal for the proposed FHPA. The proposal basically takes the form of a proposed management plan. The format of this document is outlined in Part 5 of this document. In developing the proposal, the proponent should follow the methodology provided in Part 4 of this document. If the proponent wishes to modify the methodology or format of the proposal, this should be discussed with the Department of Fisheries.

Preliminary consultation with the key stakeholder groups is essential at this early stage of the proposal. Development of the formal proposal is an iterative process, and key interest groups may need to be consulted several times as the proposal changes and evolves.

During this stage, the proponent may wish to apply for funding to assist in the preparation of the proposal. Funding may be available through the FISHCARE WA and/or Coast and Clean Seas Program. More information and applications can be obtained from the the Department of Fisheries FISHCARE WA Coordinator.

The proponent needs to submit the proposed plan of management for approval by the Department of Fisheries. The Department of Fisheries will refer the plan to the Fish and Fish Habitat Protection Reference Group, for their consideration and comment. In consultation with the proponent, and the Fish and Fish Habitat Protection Reference Group, the Department of Fisheries will review the management plan and the preferred management options. The Department of Fisheries will provide comments on the proposal and the proponent will have the opportunity to amend the proposal where required. Key interest groups should be kept informed if substantial changes to the draft plan are made as a result of this process and given an opportunity to provide further input.

Under the guidance of the Department of Fisheries, the proponent will then release the Draft Plan for public comment. Submissions received will be compiled by the Department of Fisheries in consultation with the proponent, and incorporated into a further draft Plan of Management.

Stage 4 - Public comment and Ministerial approval

Following this, the Department of Fisheries will refer the revised Plan of Management to the Minister for Fisheries recommending that if approved, a notice of intent will announce the Minister's intention to declare the proposed Fish Habitat Protection Area. A 30-day period will be available for written public submissions to the Minister. The Department of Fisheries will assist the proponent in the printing of the plan and advertising of the proposal.

The notice will take the form of an advertisement in *The West Australian* newspaper and the local paper covering the region of the proposed Fish Habitat Protection Area.

The Department of Fisheries, in consultation with the proponent, will collate and summarise all public submissions received. Analysis of the submissions will be undertaken and recommended changes identified and documented. The content of submissions and recommended amendments will be discussed with stakeholders where necessary. Where a submitter seeks confidentiality, the source of the comments should not be revealed.

It should be noted that further consultation with stakeholders may be required if substantive changes to the management plan are proposed as a result of the public's input. Such consultation will also allow stakeholders to make further input where appropriate.

An amended plan and summary of submissions will then be prepared for final Ministerial approval.

Stage 5 - Implementation

The Department of Fisheries and the proponent have important roles in the on-going management of the FHPA. The Department of Fisheries will be responsible for ensuring the enactment and enforcement of any regulations required by the management plan. However, the Department of Fisheries has limited resources to devote to such work and will be relying on volunteer community involvement to ensure implementation of the management plan. The proponent will play an active role in the day to day management of the FHPA, which is likely to focus on community education programs aimed at engendering strong community support for protection of the FHPA. Volunteer groups are also likely to become involved in on-going monitoring of the health of the FHPA, in conjunction with the Department of Fisheries and research institutions.

4. METHODOLOGY

This section documents the methodology which should be used to develop a proposal.

4.1 Consultation

As this is one of the most critical elements of the development of a management plan, consultation should be given a very high priority and commence at the early stages in the development of the proposal.

All relevant groups (stakeholders) should be identified and consulted in the preparation of the proposed management plan. Table 2 indicates those groups that are likely to have an interest in the area. Other groups may be required to be contacted depending on the location of the proposed FHPA.

The extent of consultation with each group or Department will vary with respect to the content and potential effects of any particular proposal and will need to be determined on a case by case basis. Development of the proposal is an iterative process and stakeholders should be kept informed if substantial changes are made to the proposal as it develops, as the changes may affect their view of the proposal.

The information gained through consultation should be documented in the management plan, and taken into account when developing management strategies.

Table 2 *Proposed consultation list*

STAKEHOLDER	INTERESTS/EXPERTISE
Local Shire/Council	Local and other relevant interests/ relevant by-laws
The Department of Fisheries	Commercial and recreational fishing activities and aquaculture operations.
Department of Land Administration	Tenure classifications, ownership etc.
Department of Conservation and Land Management	Location of nearest marine reserves; likely consideration of the study area as a marine reserve; importance of area for endangered species.
Department of Environment Protection	Information on development proposals relevant to the area.
Ministry for Planning	Information on relevant coastal planning policies and strategies.
Department of Transport	Information on marine safety and navigation.
Water Corporation	Information on water quality and catchment management issues.
Department of Indigenous Affairs	Status of any native title claims; traditional usage of lands and waters which may be affected by the FHPA; sites of cultural significance and indigenous owners
Department of Mineral and Petroleum Resources	Regional interests and development opportunities. Location of relevant mining and petroleum leases.
Relevant local community groups, conservation groups and sporting clubs	Interests, uses of the area.
Local Recreational Fishing Clubs Recreational Fishing Peak Body and Advisory Groups	Information on the usage of the area by recreational fishers.
Relevant Commercial Fishing Associations Commercial Fishing Peak Body and Advisory Groups	Information on the usage of the area by commercial fisheries.

4.2 Information gathering

The proponent should make all efforts to gather available relevant information on the proposed area, including:

- recreational, indigenous and commercial fishing areas;
- habitat types;
- uses of the area;
- detailed maps of the area (showing habitats, bathymetry, infrastructure, tenures);
and
- other relevant scientific data.

A lot of this information will be gathered through the consultation process.

This information is to be documented in the proposed management plan. If there is an abundance of material on the area, a bibliography may be appropriate.

4.3 Identification of groups using the area

The proponent should determine and document the types of activities and groups which currently use the area. This is known as a 'user profile'. The user profile should include:

- a description of all the groups which use and/or rely on the area - their interest and how they use the area;
- the degree to which they would be effected by the proposed FHPA;
- their opinion on the proposed FHPA, and the potential range of management regulations;
- the relative importance of the area for their activities;
- location of alternative areas where they can undertake their activity, and
- the effect the proposed FHPA will have on their activities.

4.4 Identification of the area's values and likely threats

Based on the information gathered through consultation and data gathering the proponent should determine and document the values of the area (that is, why the area is valued). The proponents should also attempt to identify the major threats to the area (such as pollution and boat anchors).

4.5 Consideration of management options

There are generally a number of mechanisms which may be appropriate to manage or protect an area. The key to good management planning is selecting the most appropriate mechanism. In order to do this, all options should be considered and compared based on their relative strengths and weaknesses.

The proponent should consider and document the range of management options and regulations appropriate to protect the area. The plan must explain how each management option is related to:

- the purpose of the FHPA;
- the protection of the values; and
- the management of the threats.

For each option the proponent needs to determine and document the strengths and weaknesses including:

- relative costs of each option (both up-front and ongoing);
- ability to undertake effective compliance;
- responsible authority;
- extent of community involvement in management;
- level of compliance required;
- capital works required;
- ability of the management regulation to satisfy the purpose of the FHPA;
- relative support from stakeholders;
- degree to which the regulations will alter the user profile;
- difficulties in implementing the regulations; and
- legal implications.

The proponent is encouraged to consider other factors in addition to those listed above.

4.6 Development of preferred management option

Given consideration to the relative strengths and weaknesses of the various management options, the proponent should put forward with justification, their preferred option. The resources available for the long-term management of the area will need to be defined.

For example, there may be two potential management options to protect fish in a remote reef location. Option 1 is to establish legislation prohibiting the take of reef fish in the area. Option 2 is to establish an education program in the town centres from which people go fishing in the area. The preferred option may be Option 2 since, due to the lack of compliance officers in the area, education is likely to have more effect than the risk of prosecution.

5. FORMAT OF FHPA MANAGEMENT PLAN

A formal proposal to establish an FHPA takes the form of a draft management plan for the area. The recommended format for the draft management plan is outlined in Table 3.

Table 3 *Recommended format of a FHPA Management Plan*

<p>1 Introduction Background information (<i>includes brief description of the site, history of FHPA proposal, outline of public consultation process</i>).</p> <p>2 Methodology Briefly describe how you went about preparing the plan for the FHPA, who was consulted, what information sources (reports/documents etc.) were used.</p> <p>3 Description of site Briefly describe the physical nature of the site (<i>including location, geology, terrestrial/marine flora and fauna, significant features etc.</i>).</p> <p>4 Description of users Briefly describe who uses the area, what activities are undertaken and the levels of use.</p> <p>5 Values of the area Provide a brief overview of the environmental, social and economic values of the area (<i>including conservation, recreation, education and scientific, cultural - indigenous and non-indigenous and historical - commercial and tourism</i>).</p> <p>6 Current and potential threats Outline the perceived current and potential threats to those values.</p> <p>7 Management Plan Include aim of the plan, purposes for which FHPA is to be established (<i>include statements addressing selection criteria</i>) and area covered by FHPA.</p> <p>8 Management Options Describe the strengths and weakness of various management options considered.</p> <p>9 Preferred management strategies Outline preferred strategies with justification (<i>including predicted positive and negative implications of the FHPA on users</i>).</p> <p>10 Implementation Plan Describe how the management plan will be implemented (<i>including who will be involved and how implementation will be resourced</i>).</p> <p>11 References</p> <p>12 Appendices</p>
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P P Rogers
EXECUTIVE DIRECTOR

Dated this day of 2001

Appendix 1

SUMMARY OF IUCN PROTECTED AREAS MANAGEMENT CATEGORIES

**Category Ia Strict Nature Reserve:
Protected Area mainly managed for science**

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

**Category Ib Wilderness Area:
Protected Area managed mainly for wilderness protection**

Large area of unmodified or slightly modified land and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

**Category II National Park:
Protected Area mainly managed for ecosystem conservation and recreation**

Natural areas of land and/or sea, designated to a) protect the ecological integrity of one or more ecosystems for this and future generations, b) exclude exploitation or occupation inimical to the purposes of the designation of the area and c) provide a foundation for spiritual, scientific, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

**Category III National Monument:
Protected Area managed for conservation of specific natural features**

Area containing one or more specific natural or natural/cultural feature which is of outstanding value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

**Category IV Habitat/Species Management Area:
Protected Area managed mainly for conservation through management intervention**

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

**Category V Protected Landscape/Seascape:
Protected Areas managed mainly for landscape/seascape conservation and recreation**

Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural and/or ecological value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

**Category VI Managed Resource Protected Areas:
Protected Area managed mainly for the sustainable use of natural ecosystems**

Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

Appendix 2

PRINCIPLES FOR DEVELOPING THE NATIONAL REPRESENTATIVE SYSTEM OF MARINE PROTECTED AREAS

Development of the National Representative System of Marine Protected Areas (NRSMPA) is based on the following principles:

Regional framework:

The Interim Marine and Coastal Regionalisation for Australia (IMCRA) provides the national and regional planning framework for developing the NRSMPA, with ecosystems used as the basis for determining representativeness.

Comprehensiveness:

The NRSMPA will include the full range of ecosystems recognised at an appropriate scale within and across each bioregion.

Adequacy:

The NRSMPA will have the required level of reservation to ensure the ecological viability and integrity of populations, species and communities.

Representativeness:

Those marine areas that are selected for inclusion in marine protected areas (MPAs) should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.

Highly protected areas:

The NRSMPA will aim to include some highly protected areas (IUCN Categories I and II) in each bioregion.

Precautionary principle:

The absence of scientific certainty should not be the reason for postponing measures to establish MPAs to protect representative ecosystems. If an activity is assessed as having a low risk of causing serious or irreversible adverse impacts, or if there is insufficient information with which to assess fully and with certainty the magnitude and nature of impacts, decision making should proceed in a conservative and cautious manner.

Consultation:

The processes of identification and selection of MPAs will include effective and high-quality public consultation with appropriate community and interest groups, to address current and future social, economic and cultural issues.

Indigenous involvement:

The interests of Australia's indigenous people should be recognised and incorporated in decision making.

Decision-making:

Decision-making processes should effectively integrate both long and short term environmental, economic, social and equity considerations.

Appendix 3

APPLICATION FORM

EXPRESSION OF INTEREST IN ESTABLISHING A FISH HABITAT PROTECTION AREA

1 Location of FHPA

Proponents should provide a map showing the location of the proposed FHPA and the proposed boundaries.

2 Description of area

A brief description of the proposed FHPA, including a brief summary of the physical, biological, cultural and social/economic features of the area, should be provided.

- describe the fish habitat type - is it sandy beach, limestone reef, seagrass, mangroves, coral reef?
- is the area an important breeding or nursery ground for certain fish species, marine mammals or birds?
- are there any significant cultural sites in the area – such as Aboriginal fish traps, ship wrecks?
- is the area important for recreational or commercial fishing or other activities?

3 Values and threats

Provide a brief summary of the key biological, cultural and socio/economic values of the area and the perceived threats to the maintenance of those values.

4 Purpose of the FHPA

Using Table 1 as a guide, select the purpose(s) and selection criteria which is most relevant to your FHPA proposal. Note that your proposal may meet the criteria for more than one purpose.

5 Consultation

Briefly outline your proposed strategy to involve the community in the FHPA proposal.

- list the main groups that will be consulted
- identify how you plan to involve the public

6 Community benefit

Describe who may benefit from or be disadvantaged by the FHPA proposal and how.

7 Consistency with other plans

Briefly describe how the proposal fits in with other relevant plans, such as marine park plans or Fisheries Management Plans.