

Terms of Reference (TOR)

for '#1 Rarotonga Passage Environmental Management Plan development'

Cook Islands GEF 7 Project ENUA (Enhancing Nature's Unique Areas)

GEF Project ID: 10780; UNDP-GEF PIMS ID: 6565

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1. Introduction

1.1 Context

The National Environment Service (NES) are seeking an expert consultant to provide specialist guidance and technical advice to develop an environmental management plan with a focus on sea turtle conservation for key areas of concern within Rarotonga.

The overarching aim of the management plan is to ensure environmental conservation, particularly to the resident turtle populations present, alongside sustainable tourism operations, in areas that are currently at risk of environmental degradation as a result of over-tourism in a currently unregulated activity.

The Cook Islands are home to multiple species of sea turtles, including the critically endangered Hawksbill turtle (*Eretmochelys imbricata*) and the endangered Green turtle (*Chelonia mydas*), both of which are present in the areas of concern, as well as the vulnerable Loggerhead turtle (*Caretta caretta*), which is not known to be present in the area of concern.

Beyond their ecological significance, turtles also hold cultural importance for the Cook Islands' indigenous communities. Sea turtles are woven into the fabric of Cook Islands' cultural heritage, symbolizing wisdom, endurance and a connection to the ocean that has sustained generations. Preserving sea turtles is not only a conservation priority but also an integral part of safeguarding the cultural identity of the Cook Islands.

Ongoing concerns have been raised by multiple stakeholders, including communities, traditional leaders, government agencies and NGOs, regarding the potential disturbance, impacts and challenges in Rarotonga's southern passages (Avaavaroa, Rutaki and Papua) caused by tourism operators conducting turtle tours. This is in direct response to a growing post-covid recovery of the tourism industry, in which turtle tours in Rarotonga have become highly popular and publicized.

Concerns directly related to tourism activities relate to overcrowding and disturbance to the endangered turtle populations present, destruction to coral, as well as non-environmental issues such as visitor safety and impact on the Cook Islands reputation as a responsible and sustainable tourism destination. This is currently a largely unmanaged or unregulated activity with mandates spread across different government agencies. Other local impacts requiring consideration also include gillnetting, fishing and plastic pollution.

In efforts to address this, Cook Islands Tourism (CIT) developed a Memorandum of Understanding (MOU) with operators along with best practice advice & guidelines, as well as visitor messaging to tourists to encourage responsible decision making. However, these voluntary measures are only being adhered to selectively and therefore not proving to be effective, with selective uptake and implementation.

Several multi-stakeholder meetings have been held over the course of the year between National Environment Service (NES), Cook Islands Tourism (CIT) and Ministry of Marine Resources (MMR), as well as with the tour operators themselves. Whilst work is underway by MMR to assess wider

threats to turtles and develop response measures, it was agreed that this particular issue requires a targeted and urgent response to protect our biodiversity, its habitats & ecosystems, and ensure a more sustainable tourism industry that should ideally be moving beyond sustainability towards regenerative as per CIT's regenerative tourism development strategy.

NES identified the GEF 7 Project ENUA to strongly align with this issue (refer to Parts 1.3 and 1.4), and therefore potentially fund development of a management plan with associated workshops and awareness. A formal request was submitted to UNDP for it to be funded under the project, with approval granted by UNDP and the project steering committee to begin implementation in Q1 2024.

The proposed activity is the development of a cohesive environment management plan for Rarotonga, to apply to the primary areas of concern (identified to be the Southern passages of Avaavaroa, Papua and Rutaki), specifically to protect the resident populations of Green and Hawksbill turtles present, in addition to other related considerations.

1.2 Legislation and Mandate

The Environment Act 2003 is the primary piece of legislation guiding NES activities, which establishes NES (Part 1) and provides it with the mandate to protect, conserve and manage the environment in a sustainable manner.

As per the Environment Act 2003, Part 6 (Management Plans and Protected Areas), Section 37, NES can develop management plans for any of the following purposes:

- a) Protection, conservation and management of wildlife including protected species and the habitat of such wildlife and species;
- b) protection, conservation and management of inland waters;
- c) protection, conservation and management of uninhabited islands;
- d) conservation and management of forests;
- e) prevention of soil erosion;
- f) prevention and control of pollution and waste;
- g) protection, conservation and management of wetlands;
- h) conservation and management of historical, archaeological and cultural sites;
- i) setting out restrictions to which the land and waters in the area shall be subject to in the interests of achieving the objectives of the plan;
- j) any other purpose relating to the environment which in the opinion of the Island Environment Authority will benefit from a Management Plan.

Subsections a). and i). apply in the context to this Terms of Reference.

Additionally, as per Section 40 of the Act (Effects of plans):

“Any person who, without reasonable excuse or lawful justification, fails to comply with or acts in contravention of any provision of a management plan in force for the time being shall upon conviction be liable to a fine not exceeding \$5,000.”

This demonstrates the legal mandate of NES to both develop and enforce the proposed management plan. MMR and CIT have also agreed that this is the most relevant and effective mandate across the relevant institutions and are supportive of this approach.

Other relevant legislation includes:

- Marine Resources Act 2005
- Marae Moana Act 2017

Internationally, the Cook Islands is also a party to the following related conventions:

- Convention of Biological Diversity (CBD)
- Convention of Migratory Species (CMS)

1.3 Project ENUA Description

The full project name of GEF 7 Project ENUA is “Enhancing biodiversity considerations and effective protected area management to safeguard the Cook Islands integrated ecosystems and species”, shortened to Project ENUA (Enhancing Nature’s Unique Areas). It is funded under the Global Environment Facility’s seventh replenishment cycle (GEF-7).

Project ENUA aims to reduce and mitigate negative environmental impacts of the key development sectors (agriculture, infrastructure, tourism) in the Cook Islands, which are the main national drivers of biodiversity and habitat degradation. This will be achieved through mainstreaming integrated, sustainable management of land and coastal waters across key partners including National Environment Service (NES), Infrastructure Cook Islands (ICI), Cook Islands Tourism Corporation (CIT), and the Ministry of Agriculture (MOA) government agencies, as well as private sector and communities through policy development, increased capacities, communications and awareness.

Project results are expected to generate multiple environmental benefits, including 2,401 ha of priority catchments under improved management, and improved management of 1,260 ha of terrestrial protected areas and 14,453 ha of marine protected areas. An estimated 9,588 people (75% of the Cook Islands resident population), of whom 51% are women, are expected to directly benefit as a co-benefit of the GEF investment, including local communities living within and benefiting from the ecosystem services provided by the priority catchments, people benefitting from the biodiversity resources and ecosystem services of the target protected areas, and management and staff members of NES, MoA, CIT and ICI, as well as other stakeholders benefitting from strengthened capacities.

Through improved management in the agriculture, forestry and other land use (AFOLU) sector, 217,154 tons of carbon dioxide equivalent of greenhouse gas emissions mitigated are estimated to be achieved through increased carbon sequestration and reduced emissions.

The project will be implemented over a duration of 6 years, starting in March 2023. UNDP is the GEF Implementing Agency and the Cook Islands National Environment Service (NES) is the project’s lead Implementing Partner and responsible party.

The project is being nationally executed as per UNDP National Implementation Modality (NIM) procedures. According to UNDP guidelines on National Implementation Modality (2011), the Government is responsible for the management and delivery of programme activities to achieve project outcomes/outputs. Government regulations, rules and procedures therefore apply to project implementation to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP.

Project monitoring and evaluation will be conducted in accordance with established UNDP and GEF procedures and will be provided by the project team and the UNDP Multi-Country Office (UNDP-MCO) in Samoa with support from the UNDP Regional Bureau for Asia-Pacific (RBAP) region in Bangkok.

1.4 Project ENUA Objectives

The objective of Project ENUA is to safeguard globally significant biodiversity and core ecosystem services through mainstreaming environmental issues in key development sectors, facilitating more inclusive natural resource governance, and improving the management effectiveness of conservation areas to be realized through the following three component strategies and four outcomes:

Component 1: Mainstreaming safeguards to conserve biodiversity and maintain ecosystem services across key development sectors.

- *Outcome 1:* Biodiversity and ecosystem services safeguards embedded in national and island governance frameworks, and policies, and institutional capacities strengthened across key development sectors (i.e., agriculture, infrastructure, tourism)
- *Outcome 2:* Ecosystem services restored, maintained and enhanced, and globally significant biodiversity safeguarded in priority catchments and managed areas.

Component 2: Improving the management framework to effectively conserve a national protected areas system representative of Cook Islands biodiversity.

- *Outcome 3:* Globally significant biodiversity protected across Cook Islands through effective selection, design, management, monitoring and enforcement of its Protected Areas system.

Component 3: Raising awareness, managing knowledge, mainstreaming gender and monitoring, evaluating and disseminating project results.

- *Outcome 4:* Greater understanding of values of conserving Cook Islands biodiversity and ecosystem services; adaptive management informed by M&E results; and dissemination of knowledge gained; and lessons learned.

The activity that is the focus of this TOR falls under **Component 1, Outcome 1.**

Within this section, the project has three output areas as follows:

Output 1.1: National legislation, policies, strategies and plans amended or created to include gender issues and safeguard KBAs and ecosystem services from unsustainable land use activities of key development sectors.

Output 1.2: National Environment Information System (NEIS) developed and institutionalized to support intersectoral coordination, monitoring and integration of biodiversity and ecosystem safeguards in land use planning and development processes

Output 1.3: Regulatory and policy frameworks to safeguard Key Biodiversity Areas and ecosystem services elaborated in Island Environmental Management Plans and applied to relevant catchment management plans and Protected Area management plans

The activity that is the focus of this TOR falls under **Output 1.1 and 1.3.**

Related project indicators included in the project results framework, which are the metrics tracking project success and would benefit from this activity, include:

Indicator 2: Marine protected areas created or under improved management for conservation and sustainable use.

Indicator 7: Legislation, policies and safeguard measures adopted and under implementation.

Indicator 9: Improved capacities of key development sectors (a) NES and (b) CIT.

It may also contribute to:

Indicator 14: level of agreement to the following statement: Conservation areas/ra'ui have improved the status of ecological systems in the Cook Islands; and,

Indicator 15: increase in flow of knowledge and information on best practices.

The development of an environmental management plan for key areas of concern within Rarotonga is strongly aligned to the above-mentioned project framework. Furthermore, the area in question is recognized as a protected area as per Section 24 of the Marae Moana Act¹, a Key Biodiversity Area (KBA)² and a Special Unique Marine Area (SUMA)³. Additionally, the primary species it aims to protect are listed on the IUCN Red List and the Cook Islands Biodiversity & Ethnobiology Database as Endangered^{4,5} and Critically Endangered^{6,7}. Hence there are both national and global environment benefits to protecting these species and their habitats from currently unsustainable tourism practices.

This would also align with and contribute to the following plans and strategies:

- Sustainable Development Goals (#14)
- National Sustainable Development Agenda (#11)

¹ <https://www.maraemoana.gov.ck/wp-content/uploads/2019/04/Marae-Moana-Act-2017.pdf>

² Evans 2012, Priority Sites for Conservation in the Cook Islands: Key Biodiversity Areas and important Bird Areas

³ <https://environment.gov.ck/wp-content/uploads/2022/06/23.-Cook-Islands-SUMA-report-2021.pdf>

⁴ <https://www.iucnredlist.org/species/4615/11037468>

⁵ <http://cookislands.pacificbiodiversity.com/cibed/dbs/species.html?pval=8392&t=green%20turtle&c=1>

⁶ <https://www.iucnredlist.org/species/8005/12881238>

⁷ <http://cookislands.pacificbiodiversity.com/cibed/dbs/species.html?pval=8469&t=hawksbill&c=1>

- Kunming-Montreal Global Biodiversity Framework
- 2050 Blue Pacific Strategy
- 2022-2026 Pacific Islands Regional Marine Species Programme
- 2017-2026 SPREP Strategic Plan

2. Scope of work

NES is seeking a qualified consultant to support the planning and development of an environmental management plan for key areas of concern with a focus on turtle conservation, including identify key risks and issues for improved management, and provide options for management responses in the form of a management plan.

The scope of work will include, but not necessarily be limited to, the following key activities:

- a) Conduct initial stakeholder mapping and consultation (noting existing efforts that have already occurred in this space) to fully identify geographic boundaries of the area(s) to be covered by the plan, issues, threats, potential management options and general appetite or preference to such options.
- b) Conduct a desktop assessment of existing legislation, plans, strategies, tools and management responses in the Cook Islands, wider Pacific region and other applicable or comparable locations (e.g. other SIDS, etc.) that may be useful and provide lessons learned in the Cook Islands context. This should include establishing limits and the potential to introduce permitting/quota/license processes within the existing legislative framework of the Cook Islands, or otherwise recommendations to achieve this.
- c) Develop a briefing note/summary report outlining the findings from activities a) and b), and propose options for inclusion within the draft management plan, as well as recommendations and any subsequent actions that may be required beyond the management plan itself in line with national legislation, to be consulted on with key stakeholders.
- d) Prepare a draft management plan based on the inputs from c) and engage with key stakeholders for review, inputs, comments and adjustments as needed.
- e) Finalise the management plan based on responses received to d). and provide any subsequent recommendations beyond those included in the management plan for further attention or action.
- f) Provide technical oversight and support to the national teams in developing communications materials and workshopping the management plan with key local stakeholders to build awareness, understanding and compliance with the plan.

2.1 Primary Objectives

The management plan aims to achieve the following primary objectives:

1. **Habitat conservation** for the key areas of concern (identified as Avaavaroa, Rutaki & Papua passages in Rarotonga, to be confirmed through consultation) – to ensure environmental

protection and ecosystem resilience. This will provide an area-based approach for wider positive impacts beyond the immediate scope of the plan.

2. **Protection of threatened biodiversity** – particularly turtles (Green and Hawksbill), but also other key species present in these areas such as sharks, rays and corals.
3. **Sustainable tourism management** - benchmarking against international best practices as well as national mechanisms (e.g. Mana Tiaki eco-accreditation, etc.) to ensure primary objectives 1 and 2 are not jeopardized.
4. **Key stakeholder engagement, education and understanding** – ensuring key stakeholders are involved in the planning and development of the management plan, as well as its enforcement, and understand the need and benefits of the plan, its management measures and provisions, to promote a sense of shared responsibility, ownership and empowerment.
5. **Compliance, enforcement and monitoring** – provide clear and standardized protocols for enforcement of the plan, including roles, responsibilities and processes for penalties or fines if breached, in addition to monitoring plans and processes/mechanisms for reviews of the plan.
6. **Research, data collection and capacity building** – identify areas for ongoing research and data collection, including opportunities for citizen science programmes, and building capacities to effectively understand, implement and adhere to the management plan.

2.2 Inputs and working arrangements

This assignment is expected to be approximately 25 working days over 3 months. Inputs will be a mix of:

Location	No. days	Comments
Home-based	15	Covering all parts of the Scope of Works.
Cook Islands	10	2 missions each of five days (inclusive of travel days to and from Rarotonga if based outside Cook Islands), covering parts a), d) and f) of the Scope of Works.
Total	25	

Expected contract duration: 23rd Feb – 30th May 2024.

While in Rarotonga the consultant may be based at the NES Rarotonga office in Pue, Tupapa. They will be supported by the NES GEF 7 Project ENUA team and work closely with key project stakeholders.

The consultant will report to: Hayley Weeks, Manager – Environmental Partnerships division, NES.

3. Key Selection Criteria

Key selection criteria for this consultancy are listed below. To be considered your proposal MUST include a response against each criteria (maximum five pages please). Relative importance of each criteria is shown by the weighting.

Criteria	Weighting
At least a Masters degree in natural resources management, environmental sciences, sustainable tourism management, or related field, with a strong emphasis on environmental planning and management, and/or nature-based tourism and ecotourism within protected or sensitive areas.	10
At least 10 years of professional experience in the development and implementation of environmental management and/or nature-based tourism plans, policies and programs, with substantive work undertaken in marine protected areas (essential) and terrestrial areas.	30
Demonstrated high-level experience in cross-cultural relationships management with a diverse range of government, tourism operators, landowners, NGO and community stakeholders.	15
A sound understanding of the context in the Pacific (ideally nature conservation and tourism); experience working in the Cook Islands will be advantageous and well regarded.	25
Excellent computer skills (key MS applications) and ability to use information technology as a tool and resource.	10
Strong interpersonal skills and excellent verbal and written communication skills in English, including very high calibre abilities and experience in report writing and presentation skills using plain English.	10
Total	100
Minimum technical score to proceed to stage 2	70

4. Financial proposals

A financial proposal to carry out the work must be submitted and use the template provided (Appendix 1). All prices in the proposal must be presented in New Zealand Dollars (NZD).

Financial proposals must include professional fees, travel, accommodation and any other costs associated with the completion of this work.

Note that travel costs (flights, transfers, communications) will be reimbursed at actual cost (economy flights only) and upon submission of an invoice with valid evidence of expenditure.

5. Evaluation process

In submitting a proposal, bidders should demonstrate a clear understanding of this document and how your experience, skills and qualifications make you suitable for this consultancy.

Proposals will be assessed and evaluated as follows:

- Technical criteria: 70% weighting
- Financial proposal: 30% weighting

A two-stage procedure will be used in evaluating the proposals:

Stage 1: Technical (70%)

The technical proposal is evaluated on the basis of responsiveness to the competency requirements as weighted in the Key Selection Criteria and information provided in the applicant's CV. Proposals must receive a minimum technical score of 70 of the total obtainable score (100) to proceed to Stage 2.

Stage 2: Financial (30%)

The financial proposal of those bidders who have attained a minimum score of 70 in the technical evaluation will be assessed and compared.

The contract will be awarded to the bidder offering the best value for money taking into account the summed scores of the technical and financial evaluations.

The successful bidder will be required to sign a standard Cook Islands Government NES contract for the delivery of services. The standard contract conditions are not negotiable.

6. Schedule of payments

The consultancy will use output-based payments as follows:

#	Output Deliverable ⁸	Target due date	Payment schedule
1	Contract signing, development & acceptance of work plan & lodging of invoice	23 rd Feb 2024	10%
2	Completion of initial stakeholder mapping & consultations	8 th Mar 2024	10%
3	Completion of desktop assessments and briefing note/summary report	29 th March 2024	25%
4	Completion of draft management plan	14 th April 2024	25%
5	Completion of final plan and recommendations	5 th May 2024	25%
6	Completion of activities, exit debrief, sign off and contract close	30 th May 2024	5%

Note: these dates may be adjusted to suit timing of contract signing.

7. How to apply

ESSENTIAL: Applications **must** include:

- Response against each of the Key Selection Criteria (refer Section 3) (maximum five pages)

⁸ To be paid after certification of satisfactory completion of output

- Curriculum vitae/resume including name and contact details (phone and email) of three referees
- Financial proposal using template provided (Appendix 1)

- Conflict of Interest Declaration using template provided (Appendix 2).

Applications that do not address all the requirements stated above will not be considered.

Proposals should be emailed with the subject line heading **'#1 Rarotonga Passage management plan development'** to:

Ms Terena Koteka-Wiki, GEF 7 Project Officer:

terena.kotekawiki@cookislands.gov.ck

For further information about this position, please contact:

Ms Hayley Weeks, NES Manager - Environmental Partnerships division:

Hayley.weeks@cookislands.gov.ck

Closing date: **4.00pm Saturday 17th February 2024** Cook Islands local time (GMT-10 hours)

Late applications will not be considered.

8. Confidentiality

All information shared during the course of this contract will be treated with utmost confidentiality and used solely for the purpose of the management plan development.

9. Governing Law

This activity is governed by the laws applicable in the Cook Islands.

10. Other relevant documents

Available upon request:

- GEF 7 Project ENUA Project Document
- Environment Act 2003
- Marine Resources Act 2005
- Marae Moana Act 2017
- Cook Islands Tourism Development Strategy 2022

11. Appendices

Appendix 1 – Financial Proposal template

Appendix 2 – Conflict of interest declaration

Appendix 1. Financial proposal template

Cook Islands GEF 7 Project ENUA: **consultant title** - Fee proposal

Item	Cost/unit (NZD)	No. units	Total NZD
A. Personnel Services			
Daily fee rate			-
B. Out of pocket expenses: itemise so cost estimates are clear			
			-
			-
			-
			-
			-
			-
Sub-total			-
TOTAL (A+B)			-

Bidder notes (if any):

Name	Date
------	------

Signature

This EXCEL file will be provided to all interested bidders upon request.

Appendix 2. Conflict of Interest Declaration

A conflict of interest arises if you or a close family member has an interest e.g. is a board or committee member or is employed in a senior position in the Government agency that wants to purchase the goods or services relating to this tender process.

In submitting this tender bid I declare:

- I understand that an actual, potential or perceived conflict of interest may arise in participating in this tender process and that I am obliged to declare any such conflict of interest.
- I confirm that in submitting this information that I have either declared any potential conflicts of interest or that I am not aware of any situation or issue that would conflict with the interest of the Principal.
- If a conflict of interest arises at any time before the selected supplier has been awarded, I will advise the Contact Officer or the Principal immediately.
- I have personally completed this declaration on behalf of the Supplier(s) and declare that the submitted tender bid provided are true and correct.

I declare that I have a potential conflict of interest as follows:

I will manage this conflict of interest by:

Declared by:

Signature

Date

Full Name

Position (if Company)