

A Marine Park for the Marlborough Sounds

Talk by Peter Lawless

Winston Churchill Fellow

Waikawa

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Only a Marine Park will really work to enable integrated protection and utilisation of the Marlborough Sounds.

The Marlborough Sounds are iconic, special, vulnerable, and also a place where people live and work and make a living. Our legal systems are not designed for such special places.

The New Zealand coast has just a few large sheltered areas of deeper water. In the warm north, there is the Hauraki Gulf and in the cold south Fiordland. At the prow of the canoe, occupying the middle ground we have the Sounds. At around 4,000 square kilometres, depending on boundaries, the Sounds are about the same size as the Gulf and half that of the Fiords. Each are flooded valleys carved out by rivers or glaciers, drowned by rising sea levels at the end of the ice age. Biologically and geologically they are very different. Socially and economically too, the Sounds are unlike the others. The Gulf has a catchment of over 2 million people, Fiordland in the 2001 census 48. The Sounds in 2006 had 3,231 residents.

Both the Fiords and the Gulf have their special Acts of Parliament, and with them Guardians or an and overseeing Forum. Both have had marine spatial planning processes to integrate management. The Marlborough Sounds does not.

How come?

New Zealand lacks legal provision for integrated management of special marine areas. We have done great things with marine reserves and the like, but these are not the right tool for complex highly utilised environments which also harbour treasures that need to be protected.

This has led to communities in Fiordland and Kaikoura taking matters into their own hands to develop solutions, and in both cases special legislation was needed to implement the outcome.

In the Hauraki Gulf a marine park was created, but without any power to control activities, so this time the councils initiated the Sea Change process.

To look for models we could adopt here the Winston Churchill Trust funded a study tour to Australia, Canada and the USA.

Each of these countries had lesson to teach us, but none had the perfect model.

Australia has the best integrated marine protected area in the world at the Great Barrier Reef, but is only in the very early stages of recognising the role of their indigenous Aboriginal and Torres Strait people.

British Columbia has overcome that hurdle and made ground breaking joint marine plans with its indigenous people, but the federal government has failed to engage appropriately and prevented fisheries management being integrated.

In California, the federal Government has created marine sanctuaries that control little, and it has been left to the state government to make marine reserves out to 3 nautical miles. I have therefore recommended to the Marlborough Sounds Integrated Management Trust that it champions a Marine Park. This would be founded on recognition of the role tangata whenua and sustaining their association with the sea. It would enable fine scale solutions that resolve fishing and resource use conflicts. Above all it would allow for sustainable utilisation, while placing preservation and restoration of ecosystem health and of important habitats as the overarching goal.

Let look at that the Trust has already committed to in its public statements and consider whether this resonates with you.

Slide 2 Trust Deed

Maintain and enhance the mauri of natural resources for the benefit of all:

- *Integrating management and sustainable use*
- *Promoting community knowledge and stewardship, kaitiakitanga*
- *Maintaining and enhancing marine ecosystems*
- *Applying multi-sector management based on sound knowledge and research*
- *Promoting initiatives for healthy marine ecosystems*

- *Encouraging education, understanding, knowledge, and enjoyment*

Slide 3 They have backed marine parks

Slide 4 MPA Submission

Provide for marine parks with zoning for other interests

as is done in places like the Great Barrier Reef and use this in the Marlborough Sounds.

Slide 5

They want Government to carefully provide for the full range of interests of the tangata whenua.

That full range of interests includes cultural, social, economic and environmental.

Slide 6

They want agencies to provide for integrated coastal management that incorporates best practice in spatial planning and fine scale management based on New Zealand experiences in whole of community collaborative processes.

At this point your Council is trying, but limited by resources and politics. Central Government could not even be said to be trying.

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They want recreational fishing zones in the Marlborough Sounds through due process under an integrated approach and within an overarching Marine Park management regime.

They do not want Nick's recreational fishing park.

I am not part of the culture that thinks all opinions matter, equally.

Why then should you listen to my opinion? In this process I am abandoning my role as a neutral facilitator to advocate for something. I do not do this lightly. I make my living as a professional facilitator, and my reputation for neutrality is vital to that.

So why change tack now and why should listen to me?

First, because, like many of you, I am committed to a better future for the Marlborough marine environment. This place is special.

Second, thirty years of professional experience in environmental management, reinforced by my study tour last year, has convinced me that a forceful direction must be taken if there is to be change, and the solution is obvious, a marine park for the Sounds.

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Community leadership in coastal management
Report on Winston Churchill Fellowship Travel

Third, Government has failed to respond positively to the Trustees representations on your behalf. They have had ample opportunity, but have responded with more ad hoc approaches, vacillation and avoidance behaviour. It is not good enough.

So, why did I go travelling? Generally applicable lessons could be found that could enhance New Zealand's capacity to be effective in marine protection, particularly in Marlborough

Here is what I found:

Slide 8 Great Barrier Reef

The "grandfather" of large marine parks around the world

The Great Barrier Reef Marine Park is the model I would advocate you use here, and we will come back to why.

Slide 9 Nova Scotia's The Gully Marine Reserve

The longest established marine reserve over a continental submarine canyon

And also relevant for the Cook Strait Canyon, if you want to go there.

Slide 10 Chesapeake Bay

The largest and oldest restoration of an enclosed area of the sea

We should note the huge costs of restoration relative to the costs of protection.

Slide 11

If you break a natural system it is really, really hard to fix.....

In enormous programmes like the Chesapeake Bay restoration, there is slow headway despite the resources and skills applied
Chesapeake at \$5B a year is at the top end of subnational processes of this type

Slide 13 British Columbia

Co-governance of the marine environment with the indigenous people

The Canadians have gone a step beyond NZ and recognised the tribes as sovereign; we could learn a lot from them.

Slide 14 Monterey Bay Marine Sanctuary

A multi-zoned marine park that includes near shore to submarine canyon depths, to see if this could be a model for Marlborough

Slide 15 The Great Barrier Reef Marine Park displays world best practice in creating and refining a very large, multiple use marine protected area

And its sinking, so why look here for lessons for us?

Slide 16 Bigger is more complex

More complex requires more robust solutions

So, look for clues in bigger, more complex, successful models

Slide 17 The GBR Marine Park is Big

Marlborough Sounds	4,000 km ²
Hauraki Gulf	4,000 km ²
Kaikoura Whale Sanctuary	4,686 km ²
Fiords	9,280 km ²
Monterey Sanctuary	15,783 km ²
New Zealand land area	268,021 km ²
Great Barrier Reef Marine Park	344,400 km ²
New Zealand EEZ	4,050,000 km ²

They have had almost 40years of diligent effort to work out the bugs. It all started out with opposition to offshore oil drilling.

4 JUNE 1979

PETROLEUM EXPLORATION IN THE GREAT BARRIER REEF

The Commonwealth Government has given detailed consideration to these differing views and has decided that, in line with the recommendations of the Chairman of the Royal Commissions, there should be no further exploration for petroleum in the Great Barrier Reef Region and that there should be no renewal of petroleum exploration permits in the Region until the results of both short and longer term research are known.

After legislating in the boundary, they worked on the details. The Great Barrier Reef is the largest coral reef ecosystem on the planet. The Great Barrier Marine Park covers 344,400km². Its western boundary is generally the mean low-water mark on the mainland coast of Queensland and the Park extends seaward between 80 and 250km offshore, well outside the outer reefs into deep oceanic waters to a depth of 1000m. The Great Barrier Reef was included on the World Heritage List in 1981. Informants say that the Great Barrier Reef has greatly influenced many subsequent marine protected area efforts around the world. It is regarded by many as 'the grandfather' of modern marine protected areas. The passing of a federal Act in 1975 provided for the protection and management of the Great Barrier Reef. It also established a special purpose body, the Great Barrier Reef Marine Park Authority to manage it. This has led to a zoned multiple use area where a range of activities are provided for within an overall conservation purpose.

Slide 18 Zoning map extents

The latest rezoning process is the best founded, most comprehensive bit of ecosystem based marine spatial planning in the world.

However, they learned by making mistakes and by initially solving the most tractable, rather than the most important issues.

Slide 19 Zone details

Slide 20 Zone % and restrictions

Slide 21 They solved the problems they could see

Petroleum exploration

Tourism

Fishing

Nutrient and sediments

Climate change

Each of these was THE issue, until the next was realised.

Slide 22 The Reef as we know it is dying

Despite this it is failing to achieve its core purpose due to factors beyond its boundaries. The principal threats are climate change and nutrient input from the land

We should learn from this.

Slide 23 For MPAs to succeed we need to deal with the full context

In Marlborough, only the Trust is committed to that full context, and understands that settling for adhocism can lead only to long term failure; that is why I work for them.

However, we need not copy the Australians, and indeed, if they have one great failing, it is failing to honour the role of their native people.

In this respect, Canada offers a much better example.

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Netukulimk and kaitiakitanga

Involvement of native people is a gift, not a burden

As we found in Kaikoura, we fully integrate the world view of the tangata whenua, not just because it is fair and just, but because to do otherwise would lead to loose understanding that is essential to long term sustainable living in this place.

Slide 25

In British Columbia, a Provincial leadership cut across Federal conservatism to recognise tribal sovereignty

Slide 26

Marine Planning Partnership for the Pacific North Coast (MaPP)

Building on the success of the coastal land planning processes, the Province of BC and First Nations from the Central Coast, North Coast, Haida Gwaii and North Vancouver Island have entered into a government to government agreement to create strategic marine use plans for the Pacific North Coast

Slide 27

MAPP planning area

Gordon Campbell, the Provincial Premiere 2000 to 2010, took a bold step in recognising the sovereignty of the aboriginal of British Columbia. This changed the whole basis of the relationship. The aboriginal governing entities effectively became legitimate governments with which treaties and like instruments could be formed. The Race Rocks Ecological Reserve was selected as one of the pilot areas for the Oceans Act designation process. Federal government has control of navigation and fisheries. A paper was prepared setting out what was to be done in classifying areas, including a no-take fishing area at Race Rocks. Everyone including the Federal officials agreed. Part of this agreement was that the new regulation would exclude all fishing except indigenous fishing. The indigenous people however would exercise their sovereignty by an ancestor-honouring ceremony that would mean that their people would not exercise their right to take fish from the area. When the regulation was drafted in Ottawa, however, the terms were changed to ban fishing by the indigenous people. They then wrote saying that under the Douglas Treaties they would not accept this and would keep fishing. The designation then fell apart and bands in other parts of the country lost trust in the Department of Fisheries and Oceans.

But let's come back to the Sounds

Slide 28

A good marine park has teeth, resources, and staff

We have to look beyond NZ for the model we need. I had hopes for Monterey, but it had no teeth and inadequate resourcing or regional leadership.

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Slide 30

Slide 31

Slide 33 What would good look like in a Marlborough marine park?

Let's go back to what the Trustees have already said; I think it is very sound. It would include:

Slide 34 A network of ecologically and socially viable marine protected areas that allows for uncertainty, resilience and the dynamics of the marine environment.

The network would:

- Include replicates

- Take into account issues of connectivity with other protected areas

- And with ecosystems and valued places that might benefit from such connection

- Also included would be special and unique places valued for their biodiversity, beauty, cultural and social value

Slide 35 The myriad interests and contributions of the tangata whenua would be integral to decisions on protection and management and their values would underpin a collective culture of kaitiakitanga

Slide 36

- Policy, planning and administration would be strongly integrated with related management of fisheries and natural resources

Slide 37 Collaborative practices would be the core way of doing business

In technical terms I think we are looking at an IUCN Category VI marine protected area.

Slide 38 IUCN Category VI

- Protected area with sustainable use of natural resources

- Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level

non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area

Slide 39 Governance the IUCN said of Category VI that:

There is need for development of appropriate forms of governance suitable for category VI protected areas and the multiple stakeholders that are often involved. Landscape-scale conservation inevitably includes a diverse stakeholder group, demanding careful institutional arrangements and approaches to innovative governance.

Slide 40 Governance and management

If this is where we are going boundaries will matter.

Slide 41 Boundaries Zones Rules These are up to you.....

Slide 42 So, let's find out what you think. If Government won't lead; someone has to. Is it you?