



Marlborough Sounds Marine Park Public Discussion Document

Contents

Purpose.....	2
Context.....	2
Summary.....	2
The Act.....	2
How it would work.....	2
The Marlborough Sounds Marine Park Authority.....	3
Zoning plans.....	3
General duty of care.....	4
Relationship with the Resource Management Act 1986, Marine Mammals Protection Act, Wildlife Act, Marine Reserves Act and Navigation and Safety Act.....	4
Offences and penalties.....	4
Management Plans.....	5
Staff and funding of the Marine Park Authority.....	5
Appendix 1 Potential Zones for the Marlborough Sounds Marine Park.....	5
General Use Zones.....	5
Mataitai and Taiapure Zones.....	6
Recreational Fishing Zones.....	6
Aquaculture Zones.....	6
Marine Reserve Zones.....	6
Benthic Protection Zones.....	6
Estuarine Conservation Zones.....	6
Preservation Zones.....	6

Purpose

This document outlines a proposal by the Marlborough Sounds Integrated Management Trust of a Marine Park concept for the Marlborough Sounds.

Context

A public forum on 14 May 2017 agreed that a Marine Park, or Marine Management Area, broadly modelled on the Great Barrier Reef Marine Park, could be good for the Marlborough Sounds.

People wanted detail for a more in-depth conversation.

At present New Zealand has no law allowing the establishment of Marine Parks, so a special Act of Parliament would be required to make it happen.

Summary

What we propose is a multiple use management area with a primary conservation purpose.

A new Act of Parliament would allow development and utilisation that sustained the integrity and ecological functioning of the Sounds environment.

Zoning would protect special areas and separate conflicting uses.

A stand-alone management agency would integrate protection and use. It would also integrate the overlapping roles of central and regional government.

The Act

A *Marlborough Sounds Marine Park Act* would provide for the long-term protection and conservation of the mauri, wairua, environment, biodiversity, and heritage values of the Marlborough Sounds.

Forum participants said that the Park should include Croiselles Harbour and Cloudy Bay. They also wanted to encompass the marine environments around both Durville and Arapawa Islands, but not the deep water of Cook Strait. Final boundaries for the Park will be worked out with affected parties as nature of the Marine Park is defined.

The Act would provide for ecologically sustainable use of the Marlborough Sounds. To support this, it would encourage collaboration by Marlborough communities, tangata whenua, local and regional government, business, and industry.

How it would work

The Act would:

1. Establish the Marlborough Sounds Marine Park.
2. Provide for control, care, and use of the Park.
3. Establish the Marlborough Sounds Marine Park Authority.
4. Provide for zoning plans and management plans.
5. Regulate use of the Park to be consistent with ecosystem-based management, and the principles of ecologically sustainable use.
6. Require complementary management of land catchments to sustain the values of the Park.
7. Facilitate partnership with tangata whenua in management of marine resources.
8. Facilitate a collaborative approach to management.

The Marlborough Sounds Marine Park Authority

1. The functions of the Authority would be to:
2. Make recommendations to the Minister about the care and use of the Marine Park.
3. Advise on areas that should be parts of the Marine Park and on regulations.
4. Conduct and commission research and monitoring.
5. Prepare zoning plans for approval by the Minister.
6. Make management plans.
7. Advise the Minister on financial requirements.
8. Receive and manage funds for the management of the Park.
9. Provide educational, advisory, and information services.

The Authority would perform its functions in collaboration with the Marlborough District Council.

The Minister for the Environment would appoint a Marine Park Management Board.

The Act would specify representation on the Board by tangata whenua, environmental, fishing, aquaculture, and community interests (with specification of the range of expertise that must be included in the individuals appointed).

Park Authority staff would be public servants accountable to the Board.

Zoning plans

Zoning would be used to regulate the use of the Marine Park to:

- (a) Protect marine ecosystems.
- (b) Ensure use is ecologically sustainable.
- (c) Manage competing uses.
- (d) Protect areas of high conservation value.
- (e) Protect and conserve biodiversity including ecosystems, habitats, and populations.
- (f) Minimise the adverse effect of activities, and ensure the ecologically sustainable use of the resources.
- (g) Protect the environmental, cultural, social, and economic values of the Marlborough Sounds.
- (h) Provide for ecologically sustainable use of marine resources by tangata whenua.
- (i) Reserve some areas for public enjoyment and appreciation, including recreational and sustenance fishing.
- (j) Preserve some areas of the Marlborough Sounds Region in a natural state.

Each zone would define the purposes for which the zone may be used or entered, and designate an IUCN category for the zone, or each part of the zone.

Each zone would have a specified purpose and principles, as well as rules. Examples of potential zones are given in Appendix 1.

The principles for each zone would state the environmental, economic, and social objectives of the proposed zone.

Before preparing a zoning plan the Authority would have to prepare a regulatory impact statement. This would cover the environmental, economic, cultural, and social values of the area, and the expected environmental, economic, and social effects of the zone.

Zoning would conform to Treaty settlements and would support tangata whenua use and care of the area. It would provide for identified critical habitats, and the presence of threatened and protected species. As far as practical, existing uses would be sustained. The zoning would use the IUCN Reserve Management Principles for the category to ensure international best practice. Zoning plans would be subject to approval by the Minister.

The effects of a zoning plan would be to:

- (a) Direct the work of the Park Authority.
- (b) Direct the work of DOC and MPI through Ministerial directions to support the zone objective.
- (c) Provide performance standards for RMA policies and plans.

General duty of care

Every person who used or entered the Marine Park would be required take all reasonable steps to prevent or minimise harm to the environment.

Relationship with the Resource Management Act 1986, Marine Mammals Protection Act, Wildlife Act, Marine Reserves Act and Navigation and Safety Act

The Marine Park Act would specify its interaction with other statutes.

The Marine Park administration would not replace the general application of the Resource Management Act 1986. The Marine Park Act would require RMA Plans and Policies to support Marine Park objectives. For example, where zoning and Park management plans identified values and their needs, RMA plans would have provisions to meet those needs. This would mean that land-use controls under the Marlborough Environment Plan would be the main way sediment and nutrient run-off would be controlled to protect sensitive areas. It could be that the Marine Park Authority might have some jurisdiction over land use where RMA Plans demonstrably failed to protect Park values.

Protection of animals under the Marine Mammals Protection Act and Wildlife Act would remain a responsibility of the Department of Conservation. The Marine Park Authority might create zones that supported their conservation and make plans for their restoration within the Park.

Marine reserves would be created by zones and managed by the Marine Park Authority. The Authority would be able to enter into agreement with DOC to manage land reserves and islands if this seemed appropriate.

The Park Authority would not have general jurisdiction over navigation and safety of marine craft. It would be able to make rules in zoning and management plans that controlled certain types of activity. This might include anchoring, or classes of hazardous activity, such as seabed mining.

Offences and penalties

Certain classes of activity might be generally banned in all parts of the Park, or only allowed under permit from the Park Authority. This might include exploration and mining for hydrocarbons, for example.

The Act would need carefully crafted offence and penalty provisions. Enforcement would need to include DOC, MPI and MDC, as well as Authority staff trained for this purpose

Management Plans

In addition to zones and their rules, the Park Authority would prepare management plans for the Park, much as DOC and Councils do for reserves.

The Authority would probably prepare a management plan for the whole of the Marine Park, as DOC does for a region with its Conservation Management Strategies. It could also prepare a management plan for areas of the Marine Park, as DOC does for National Parks and some reserves. A management plan could be made also for species ecological communities or within the Marine Park where these needed support for their recovery. Species plans might be created jointly with DOC for wildlife and marine mammals, and with MPI for species used as fisheries or aquaculture.

The common objective of all management plans would be to:

- (a) Reduce or eliminate threats to nature conservation values, cultural and heritage values, or scientific values.
- (b) Manage recovery and continued protection and conservation of species and ecological communities at risk.
- (c) Ensure ecologically sustainable use.
- (d) Sustain the association of tangata whenua with the marine environment.
- (e) Manage conflicts of use.
- (f) Create a basis for co-management and recognise communities of interest.
- (g) Enable people using the Marine Park to participate in a range of recreational activities.

Staff and funding of the Marine Park Authority

The staff of the Authority would be engaged under the *State Sector Act 1988*. The Chairperson of the Board would also be chief executive of the Authority. The Authority would be funded through appropriation from Parliament, together with any regional contribution. The Crown might also provide funds to the Marlborough District Council, or other regional bodies, to support complementary measures, such as land use controls required to sustain the values of the Park.

Appendix 1 - Potential Zones for the Marlborough Sounds Marine Park

The zones set out below are an *a la carte* menu, illustrating the sorts of zones that might be established in a new Marine Park for the Marlborough Sounds. Actual zones and their objectives and rules would be worked out through collaboration with citizens and users of the Sounds environment.

General Use Zones

The objective of General Use Zones would be to provide opportunities for reasonable use of the Marlborough sounds Marine Park, while still allowing for the conservation of these areas. All the usual activities of the Sounds would continue in these areas, with an overall duty of care for all users added by the Act. Most commercial fishing would occur in these zones.

Mataitai and Taiapure Zones

Mataitai and taiapure zones would be managed in the same way as such areas established under the Fisheries Act. Each area would have its own rules established by a committee formed by the tangata whenua iwi for the area (noting that many such committees include other users of an area). These rules would apply to everyone. In mataitai commercial fishing is excluded unless the rules allow, while in taiapure commercial fishing is allowed until there is a rule against it.

Recreational Fishing Zones

Recreational Fishing Zones would allow for recreational and customary fishing undisturbed by commercial fishing. Each area could have its own rules on methods and take to ensure abundance of valued species.

Aquaculture Zones

Aquaculture Zones would provide for sustainable marine farming, within the overall objectives of the Marine Park. Within these zones, permitting for marine farms would remain as in other aquaculture management areas under the Resource Management Act, although each zone would specify environmental standards specific to the area.

Marine Reserve Zones

Marine Reserve Zones would be 'no-take' areas, and extractive activities like fishing or collecting would not be allowed without a permit. Anyone could enter a Marine Reserve Zone, and participate in activities such as boating, swimming, snorkelling, and sailing. Travelling through a Marine Reserve Zone with fish on board would also be allowed. Fishing gear, such as rods with attached hooks, would be required to be stowed inboard the boat or in rod holders. Anchoring would also be allowed in a Marine Reserve Zone, however in high use and sensitive areas, use of a mooring might be necessary, or there might be a no anchoring area defined by buoys.

Benthic Protection Zones

Benthic Protection Zones would provide for the protection and conservation of sensitive biogenic seabed habitats, while allowing the public to appreciate and enjoy the relatively undisturbed nature of the area. Trolling for pelagic fish species would be allowed in the Benthic Protection Zones. However, all other forms of bottom damaging activity such as trawling and dredging would be prohibited in this zone.

Estuarine Conservation Zones

Estuarine Conservation Zones would provide for the protection of areas of estuaries in a natural state while allowing the public to appreciate and enjoy the relatively undisturbed nature of those areas; to maintain fisheries production and use; and to provide for traditional hunting and gathering.

Preservation Zones

Preservation Zones would be 'no go' areas for special sensitive habitats, such as a King Shag nesting area. A person could not enter a Preservation Zone unless they had written permission, and extractive activities would be strictly prohibited. A permit would be required to conduct research in this zone. Research could occur in a Preservation Zone, if it could not be undertaken elsewhere, but only if the research was relevant to, and a priority for, management.