

5.2.5 Marine Ecosystems

- protecting marine mammals
- processing applications for and managing marine reserves
- advocating the protection of marine life and oceanic ecosystems generally

Current Situation

Background

Canterbury's coastal and marine ecosystems and their protection are seen as increasingly important. They are affected by a range of activities and management processes. Pollution of sea water is a growing public concern, particularly around Timaru, Lyttelton Harbour/Whakaraupō and within the Estuary of the Heathcote and Avon Rivers/Ihutai. There has been increasing interest in marine farming around Banks Peninsula. The Conservancy seeks to monitor and respond to developments that could harm the ecology of harbours and bays in the area.

Marine Reserves

Marine reserves protect areas for scientific study of marine life and provide a level of protection for marine ecosystems similar to national parks. The Department wishes to see a number of reserves established in the Conservancy to protect representative examples of marine ecosystems that will serve as benchmarks for comparison with other areas. Universities, research and recreation groups, or authorities administering reserves fronting the coast may also apply for the establishment of marine reserves.

Marine Mammals

Canterbury waters support a diverse range of marine mammals including rare species such as the pygmy, right and beaked whales/tohorā. More commonly observed species such as Hector's dolphin/upokohue, fur seals/kekeno and pilot whales are also present in Canterbury. While mass strandings of marine mammals are uncommon in Canterbury, the Department has developed a plan for dealing with isolated strandings, deaths, entanglements and minimising the disturbance of seals (for example, Dumbo the elephant seal on his visits to Christchurch's coastline). Some marine mammal parts such as bones and teeth are of special significance to Ngāi Tahu, and dead specimens can also be important for scientific research.

Current Management

Currently the Department undertakes a variety of marine activities:

- The Conservancy uses the Coastal Resource Inventory as an information base that can be expanded as further information comes to hand. As part of the process established for restricted coastal activities, it identified areas of significant conservation value (ASCV) in the coastal marine area. The Conservancy has also surveyed the sub-tidal and inter-tidal communities of Flea Bay and Akaroa and Timaru harbours to increase understanding of their ecology and natural significance.
- The Department facilitates the distribution of marine mammal parts for traditional and scientific use.
- There are several commercial operations watching dolphins and seals around Banks Peninsula. The Department monitors and liaises with operators to ensure they meet the requirements of the regulations and marine mammal-watching permits.
- In 1988, following concerns about the impact of set-netting practices on Hector's dolphin numbers around Banks Peninsula, the Department established a Marine Mammal Sanctuary. This extends from the Rakaia river mouth to Sumner Head and offshore for a distance of four nautical miles. The sanctuary places restrictions on the use of set-nets to reduce the incidental catch of Hector's dolphin during the summer period when dolphins concentrate inshore to feed and breed.
- The Department is involved with ongoing research on the ecology of Hector's dolphin, in collaboration with the New England Aquarium of Boston.
- The Department works closely with community volunteers, notably Marine Watch, in dealing with incidents involving marine mammals.
- No marine reserves exist in Canterbury. However, the Department has received two formal applications for marine reserves on Banks Peninsula, one at Dan Rogers within Akaroa Harbour, and another at Flea Bay. A biological survey of Timaru's reef systems was completed in 1992 with a view to encouraging their protection.
- The Department also has a role in providing assistance and expertise in caring for oiled wildlife such as penguins and shags.

Current Limitations

Little current work is being done in the following areas:

- a programme of marine survey work
- marine reserve promotion and implementation
- marine ecosystem and species monitoring

Statutory Framework

The following description of the Department's role in the coastal marine area under the Resource Management Act is for information purposes. It is relevant to the extent to which it influences other Departmental responsibilities under the Conservation Act and Acts in the first schedule. It is not intended to restrain the Minister's discretion under the Resource Management Act.

Under the Resource Management Act 1991, the Minister of Conservation has a range of coastal functions. The Conservancy provides information to the Canterbury Regional Council on the natural, historic and recreational values of the coast to assist it with the preparation of the Regional Coastal Plan. As part of this process, new information gathered about the coastal marine area may require amendments to the Regional Coastal Plan. The Conservancy liaises with the Canterbury Regional Council to ensure the Regional Coastal Plan and coastal permits are not inconsistent with the New Zealand Coastal Policy.

Under the coastal provisions of the RMA, the Minister may declare some activities 'restricted coastal activities' (RCAs). In this situation, the Minister provides a representative on the regional council hearing panel, and the Minister decides on the application. The Minister may also make submissions on other coastal permits to advocate the sustainable management of the coastal marine area.

The Marine Mammals Protection Act 1978 requires the Department to protect and manage marine mammals including whales, dolphins, seals and sea lions.

The Marine Mammals Protection Regulations 1992 regulate human contact and behaviour with marine mammals by commercial operators and other persons to prevent harmful effects. The Minister of Conservation consents to establishing marine reserves under the Marine Reserves Act 1971, with the concurrence of the Ministers of Fisheries and Transport. The Department is then responsible for their ongoing management. The purpose of the Marine Reserves Act is to preserve marine life, underwater scenery and natural features in their natural state for scientific study.

Section 6(b) of the Conservation Act enables the Department to advocate for the conservation of marine life and their habitats. The Department is also responsible for the protection of native seabirds under the Wildlife Act 1953.

Under the Resource Management Amendment Act 1994, the Minister of the Environment can set regulations that control discharges from vessels and the dumping of waste. These implement the Marine Pollution Convention (MARPOL) and other international conventions dealing with the pollution of the marine environment.

The Department advises the Ministry of Transport Maritime Safety Division and regional councils on how to plan and prepare for dealing with oiled wildlife.

Objectives

- to identify marine ecosystems, assess their significance and process applications for marine reserves
- to protect marine mammals and stimulate public awareness and involvement in their management
- to determine future directions for, and action research related to: Hector's dolphin/upokohue population estimates in the area from Motunau to Timaru (including Banks Peninsula); entanglement monitoring design requirements; and entanglement mitigation devices
- to provide for the use of marine mammal parts, having regard to science and Ngāi Tahu aspirations for special taonga
- to ensure effective planning and response capability for the protection and recovery of marine wildlife from the effects of marine pollution

Implementation

The Conservancy will:

1. Survey and monitor priority areas of the coastal environment including baseline surveys of a range of marine habitats. Criteria for determining survey priorities include:
 - the presence of a major potential marine development
 - areas of high marine diversity
 - representative areas

- areas of interest for possible marine reserve status
(see 5.5.4 Survey and Monitoring)
2. Maintain a GIS database of marine resource information for use by the Department and other interested parties.
 3. Share information (such as text and map information) with regional council and others to assist with recognising and providing for significant marine ecosystems and their species, for inclusion in such as regional plans.
 4. Consult with Papatipu Rūnanga, MFish, fishing organisations, the local community and interest groups during the development of marine reserves, regional coastal plans, district plans, fishery legislation and other statutory planning documents. Immediate areas of interest include:
 - seeking improvements to water quality
 - ensuring marine farming plans are consistent with the need to protect natural and amenity values
 - advocating for the sustainable use of marine fisheries by maintaining liaison with associated taskforces and committees
 - advocating fishing methods that will avoid, remedy or mitigate adverse effects on marine mammals and wildlife where by-catch data shows significant incidental catch
 5. Provide procedural and policy advice to other groups or organisations investigating or promoting marine reserves.
 6. Undertake education and advocacy to explain the importance and need for the application of nature conservation principles and protection in the marine environment.
 7. Process applications or apply to establish marine reserves in accordance with the Marine Reserves Act 1971, taking regard of the following criteria:
 - distinctiveness of the area
 - representativeness of the area
 - beauty of the area
 - uniqueness of the area; including rarity and distributional limits
 - appropriateness of size and shape to ensure the purpose of the proposed marine reserve is protected in the long-term
 - the views of Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu
 - public interest
 - the views of fishing interests
 8. Involve the public in marine reserve management as honorary rangers or as members of marine reserve advisory committees. Persons considered would be from:
 - Papatipu Rūnanga
 - local recreational groups
 - conservation groups
 - interested individuals
 9. Advocate protection of marine mammals and marine mammal habitat through input to the Regional Coastal Plan and MFish fisheries assessment working groups.
 10. Support taiāpure as a marine ecosystem management tool for the purpose of achieving integrated conservation management.
 11. Continue to effectively manage the Banks Peninsula Marine Mammal Sanctuary for Hector's dolphin conservation by undertaking: dolphin population trend counts, dolphin population research programmes, and monitoring compliance with sanctuary regulations to promote the protection of Hector's dolphin.
 12. Continue to administer marine mammal-watching permits and monitoring of existing operators as required. Permits will be considered, subject to conditions, using criteria specified in the Marine Mammal Protection Regulations 1992 (5.5.6 Environmental Protection applies).
 13. Maintain a local database and contribute to the national database of incidents involving marine mammals.
 14. Maintain the support and development of working relationships with volunteer groups (e.g. Marine Watch) assisting with marine mammal protection and management.
 15. Maintain and update the Conservancy contingency plan to ensure rapid response to all marine mammal incidents.
 16. Continue to promote general public awareness and involvement in marine mammal protection.
 17. Develop procedures for the distribution of marine mammal parts and specimens to Ngāi Tahu and research institutions (see 5.4.5 Traditional Māori Uses).
 18. Maintain liaison with and provide advice to the Canterbury Regional Council and Maritime Safety Authority to allow the development of effective oil spill contingency planning.
 19. Maintain liaison with community groups and provide staff resources where required to facilitate prompt treatment of oiled wildlife.

Priorities

Primary

- processing marine reserve applications prepared by external organisations
- managing marine mammal-watching permitting requirements
- managing marine mammal rescue needs
- ensuring oil spill contingency planning is in place
- managing the Banks Peninsula Marine Mammal Sanctuary

Secondary

- gathering survey data about the marine environment
 - applying for marine reserves in Canterbury
- Other lower-level priorities include advocating for fisheries conservation measures in general.

Priorities Sites and Actions

The priority sites and actions were selected on a qualitative assessment of their role in marine conservation. Without formal assessment it is possible to recognise that the Gore Bay and Port Robinson area, and Motunau Island and adjacent area need surveying.

Less Achievable Tasks

Tasks that may not be undertaken or completed include:

- coastal surveys
- applying for marine reserves

Marine work has a lower priority than tenure review, which is the primary protected natural area priority for the Conservancy.

Table 21: Key Marine Ecosystems Priorities

Theme	Issue	Method	Results Sought	Place
Inshore waters Hector's dolphin/upokohue protection	Conserving dolphin populations from non-sustainable impacts of set-netting	1. Marine mammal sanctuary 2. Public input	Dolphin population conserved and management has a broad base of support	Banks Peninsula
Protection of areas of marine ecosystems that meet legislative requirements	Establishing marine reserves in Canterbury	1. Establishment of appropriate marine reserves 2. Public input	Appropriate marine reserves established with management committees	Lowry, Banks Peninsula, Plains
Oil spill planning and response	Avoidance and treatment of oiled wildlife	1. CRC/MSA liaison 2. Training 3. Treatment of oiled wildlife	Minimised oil spill effects on wildlife	Lowry, Banks Peninsula, Plains
Marine mammal rescue	Effective response to strandings	1. Volunteer group assistance 2. Contingency plan	Minimised marine mammal fatalities	Lowry, Banks Peninsula, Plains