

Part One: Introduction

1.1 P R E A M B L E

Fiordland National Park, lying in the southwest of the South Island (see Map 1), is the largest national park in New Zealand and is one of the largest worldwide. It is one of the great natural areas of the world.

Fiordland was recognised early on in the history of the national parks concept, which evolved during the late 1800s. In 1905, some 940,000 ha were set aside as a public reserve for national park purposes. Fiordland National Park itself was formally constituted in 1952. Today it has been expanded to 1,260,740 ha, which includes the recent (1999) addition of the 48,200 ha Waitutu Forest.

National park status is one of the highest protection mechanisms that can be imposed to protect natural areas in New Zealand. At the time of writing this plan there are only 14 national parks in New Zealand. Fiordland National Park is the largest of these parks. In 1990 Fiordland National Park was recognised on a world scale, with the creation of Te Wāhipounamu - *South West New Zealand* World Heritage Area, of which it forms a part.

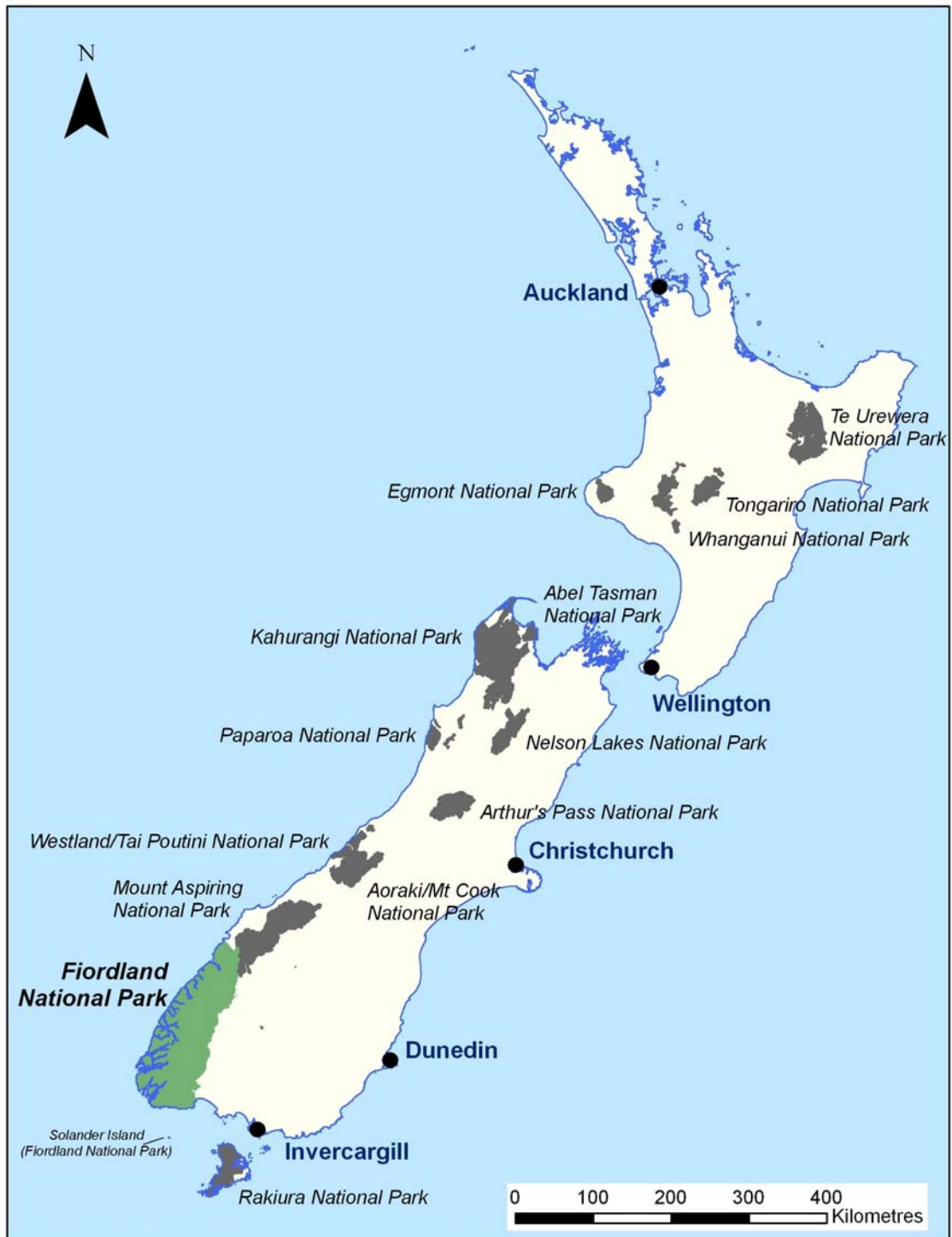
Its boundaries encompass most of Fiordland and also the remote Solander Island in the western entrance to Foveaux Strait. All of the many islands along the Fiordland coast are included in Fiordland National Park, but the waters of the fiords are not: the boundary follows the shoreline (mean high water mark). National park status does extend, however, to the waters of all lakes and rivers within the park boundaries.

There are also a number of areas adjoining Fiordland National Park which are worthy of consideration for inclusion in Fiordland National Park. These include the Dean and Rowallan forests, Pyke forest, Livingstone Mountains and Eglinton ranges and the foreshore of Fiordland.

1.1.1 Administration

Fiordland National Park is administered and managed by the Department of Conservation (responsible to the Minister of Conservation) under the National Parks Act 1980; the General Policy for National Parks adopted by the New Zealand Conservation Authority, the Fiordland National Park management plan and Fiordland National Park bylaws.

MAP 1. FIORDLAND NATIONAL PARK LOCATION



The Southland Conservation Board, appointed under the Conservation Act 1987, is responsible for formulating management policy specific to Fiordland National Park (by way of the Fiordland National Park

Management Plan), and for advising on the implementation of this policy by the Department of Conservation.

Day-to-day management is carried out by the staff of the Department of Conservation, under the direction of the Conservator, Southland Conservancy. Ngāi Tahu is the iwi with mana whenua over Fiordland National Park.

1.1.2 Physical Characteristics

Fiordland is renowned for its combination of glaciated mountain landforms, remote coastline indented by fiords, vast extent of natural flora, and diverse and abundant wildlife. The essence of Fiordland is water. Water has had a major role in shaping the character of Fiordland, and continues to do so. Glaciers of past ages have carved out the sheer and rugged landform. Water now permeates the landscape in the form of lakes, rivers and ocean; also snowfields and rain. Dominant are the great lakes and rivers on the eastern border, and the 14 fiords in the west.

While the waterways of coastal Fiordland are referred to as “sounds”, they are “fiords”. Fiords are found in only a few places around the world. They occur on coasts where past glaciation has eroded the land to below sea level. When the glaciers retreated the sea occupied the valleys they had made.

Fiordland is a distinctive geographical region: it is the largest area of very strong crystalline rocks in New Zealand - plutonic rocks such as granite and diorite, and high grade metamorphic gneisses uplifted as a single block and subsequently are heavily glaciated. It is a huge, broadly domed mountain mass. Pounamu / greenstone is found within the park. Although other areas of New Zealand have been sculpted by glaciation and similar rock formations occur elsewhere, only in Fiordland are these so distinctively combined. The Solander Island group are the visible eroded remnants of a volcano now mostly submerged under the sea.

The Fiordland coast, with mountains rising up to 2000 m directly from the sea along the Alpine Fault, forms a barrier to strong westerly winds, which travel across the Southern Ocean and Tasman Sea. The abrupt obstruction causes a very wet, vigorous climate. There is a strong climatic gradient across Fiordland with yearly rainfall reducing from about 6000 mm in the west, to about 1200 mm at the eastern boundary of Fiordland National Park.

Irregular ridges and valleys, waterfalls that plunge down the steep mountain walls, countless hidden lakes and tarns, successive marine benches (or terraces) on the south coast, and the mixture of U- and V-shaped valleys resulting from glacial and river erosion, all contribute to the distinctive Fiordland landscapes. The valleys and lower mountain slopes are clothed in temperate rainforest while the upper slopes rise

through alpine grasslands and herbfields to high peaks, some retaining small glaciers.

Fiordland is almost a biogeographic island with its eastern boundary of major lakes and rivers stretching - almost unbroken - from Martins Bay in the north to Te Waewae Bay in the south. Collectively, these lakes and rivers comprise the largest system of inland waterways in New Zealand. The three main lakes, Hauroko, Manapōuri and Te Anau, are also the deepest in the country (462 m, 444 m and 400 m, respectively). The waters of Fiordland National Park are high in natural quality and are generally cold.

About two-thirds of Fiordland National Park is forested: it is the largest continuous area of indigenous forest remaining in New Zealand. Beech forest predominates but podocarp and other species are also abundant. The vegetation has complex multi-layered structures characteristic of rainforests, with a dense covering of wet mosses, liverworts, lichens and filmy-ferns on the ground and on tree trunks. The understorey is made up of diverse shrub species such as coprosma, broadleaf, five finger and various ferns.

The treeline is low (850-1000 m) for the latitude because of low summer temperatures caused by the oceanic influence on the climate. A wide range of alpine plants exist in Fiordland. A discontinuous zone of scrub, prominent in avalanche-prone valley heads, merges into the tussock grasslands and the alpine herb fields, which extend up to 1500-1600 m. Rock and snow predominate at higher altitudes and plants are restricted to favourable niches.

The long Fiordland coastline has a great variety of coastal environments. The steep-sided fiords support marine species unique in the world. Species composition is largely influenced by the patterns of water circulation that develop in the fiords. After heavy rain in Fiordland, a dark brackish layer of fresh water (from river inflows) floats over the seawater. This layer filters the sunlight and creates very dark but clean marine habitats at quite shallow depths. It is for this reason that black coral can be found at shallow depths.

The Fiordland shore comprises not only steep fiord walls but also river deltas at the heads of the fiords which include muddy inter-tidal flats. On the outer ocean coast some beaches are backed by forested sand-dunes, though most of the shore is rocky. The numerous lakes in Fiordland have their own suite of shoreline forms, shaped in part by fluctuating lake levels.

Fiordland provides a wide diversity of habitats, which support a great variety of indigenous and introduced fauna. The only indigenous mammals within Fiordland National Park are the long-tailed bat and the short-tailed bat; marine mammals inhabit the coastline, particularly fur seals for which the Solander Island group are the most important rookery. Exotic animals have either been introduced or have infiltrated

Fiordland; notably red deer, chamois and wapiti-type deer, possums, rats and mustelids.

Fiordland is a stronghold for many of the less common of New Zealand's endemic birds. These include the piwauwau (rock wren), a bird of alpine boulder fields; whio (blue duck), found in turbulent streams; the forest birds - kākā, mōhua (yellowhead), yellow-crowned parakeet and tokoeka (brown kiwi); and the tawaki (Fiordland crested penguin). The flightless and critically endangered takahē has its largest population in the Murchison Mountains.

Lizards are the only reptiles found in Fiordland National Park. There are five species in all: three geckos and two skinks. The rivers that flow west or south into the sea contain about 12 indigenous fish species all of which usually spend part of their lives in the ocean. These include longfinned eels, giant kōkopu and kōaro. Some are also found in the eastern waterways along with galaxiids and bullies, which never leave fresh waters. Many isolated water bodies within Fiordland National Park are free of introduced fish. Insects are abundant both in species and numbers, a feature of great interest being the combined phenomena of melanic (dark) forms and presence of larger sized insects, particularly among moths, stone-flies and some beetles. These features appear to be associated with the wet, cold climate.

The lakes and rivers are scenic gems enhanced by the grandeur of indigenous forests and towering snow-capped mountains. Visitors' impressions of Fiordland are the almost overpowering steepness of the mountains, the comparative narrowness of the valleys and inundation by water. The presence of water and its influence predominate throughout Fiordland National Park, providing a wide range of ecological, scenic and recreational attributes.

1.2 HISTORY

Fiordland had a rich and varied history prior to the area being reserved for national park purposes. It is bound up in the heritage of the Waitaha, Ngāti Mamoe and Ngāi Tahu peoples - the mana whenua for whom Fiordland is a sacred place; and it also bears witness to the earliest exploration, exploitation and settlement of New Zealand by Europeans.

1.2.1 Māori Tradition and History

One of the earliest Māori settlers of Te Wai Pounamu (the South Island) were the Waitaha people, who are believed by many to have settled directly in Te Wai Pounamu from Hawaiiki on the Uruao canoe. Later migrations of Ngāti Mamoe from the east coast of the North Island slowly absorbed Waitaha, until no distinct separation of the more ancient group was possible. In a similar way, Ngāi Tahu later migrated from the North Island and absorbed Ngāti Mamoe.

Today Ngāi Tahu thus represents the three principal historic tribes of Te Wai Pounamu; Waitaha, Ngāti Mamoe and Ngāi Tahu.

The Māori history of Fiordland reaches back more than 1000 years into the creation mythology of Ngāi Tahu. Ngāi Tahu inherited this tradition from their Waitaha predecessors. The Ngāi Tahu account of creation explains the physical formation and shaping of the whole South Island and centres on the role of the atua (god) Aoraki, now standing as Aoraki/Mt Cook. The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki (the canoe of Aoraki). The waka foundered on a submerged reef and its occupants, Aoraki and his brothers, Raraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Kā Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tū Te Rakiwhānoa, in an effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and were stocked with fish, forests and birds to sustain travellers.

The tradition of “Ngā Puna Wai Karikari o Rakaihautu” tells how the principal lakes of Te Wai Pounamu, including Moturau (or Motu-ua - Lake Manapōuri) and Te Ana-Au (Lake Te Anau) were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson) and travelled south.

Later Tamatea and his party passed this way in their journey back to their homeland after their waka, Takitimu, broke its back at the mouth of the Waiau River. The waka, transformed into the Takitimu Mountains, guards the eastern approaches to Fiordland. Tamatea, like

Rakaihautu, named many places along the coast and inland routes on his journeys.

Particular stretches of the coastline also have their own traditions. For example, the visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of pounamu (greenstone) further north on Te Tai Poutini (the West Coast). The koko-takiwai (a type of pounamu) which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into pounamu.

Ngāi Tahu traditions such as these represent the links between the cosmological world of the gods and the present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

It was the koko-takiwai and kākāpō which primarily attracted Ngāti Mamoe and Ngāi Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality product. It was therefore particularly sought-after for the making of ornaments, such as hei-tiki. In addition to kākāpō, the area also offered many other mahinga kai (resources) to sustain parties on their arduous expeditions, including a range of forest and lake birds, fish and shellfish.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi (Milford Sound) to Murihiku (Southland), and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by backpack lay over what is now known as the Milford Track, over Omanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi (raft) to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-Māori, was commonly used by Tai Poutini (west coast) iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence, tauranga waka (landing places) occur up and down the coast, and wherever a tauranga waka is located there is also likely to have been a nohoanga (fishing ground or kaimoana resource) with the sea trail linked to a land trail or mahinga kai resource. Similarly, the lakes and the Waiau River were very important mahinga kai areas. The tūpuna had considerable knowledge of whakapapa (genealogical descent), traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lakes, rivers and coast and tikanga (protocols) for the proper and sustainable

utilisation of resources. All of these values remain important to Ngāi Tahu today.

In 1853 the Crown purchased more than seven million acres of land in the Southland region (the Murihiku Purchase), for a sum of 2,600 pounds. As was the case with other purchase areas, the boundaries of the area to be included in the sale were not made sufficiently clear at the time, and Ngāi Tahu have always maintained that Fiordland was not to be included in the Murihiku Purchase.

1.2.2 European Exploration and Industry

Fiordland figures prominently in the early European history of New Zealand and the area continued to be a significant source of resources into the early twentieth century. Captain Cook spent three months moored in Dusky Sound in 1773 while the astronomer William Wales established the longitude and latitude of New Zealand. The Resolution was repaired and refitted, and the crew had some rest and relaxation. Accounts of New Zealand from the crew of the Resolution soon attracted the interest of sealers and whalers. The first European sealing gang was put down in Luncheon Cove in 1792 and set about constructing the first European dwelling and vessel in New Zealand. Many more sealers followed in their wake throughout the fiords to undertake wholesale slaughter of New Zealand's seal populations. Off-shore whalers sought refuge from the southern oceans in the shelter of the fiords from the late 1700s and the area continued to be an important haven for trans-Tasman and coastal shipping. One of the earliest shore-whaling bases in New Zealand was established in Cuttle Cove in 1829, increasing shipping traffic into the area for a time.

In 1868 the discovery of gold in Preservation Inlet initiated a minor gold rush. Gold mining was never a great success in Fiordland but extensive efforts were made to get the most out of the gold deposits. The regular shipping to service gold mining settlements made sawmilling viable, and the two industries were undertaken in tandem. Temporary settlements rose around these industries including those at Cromarty and Te Oneroa. The only planned settlement in Fiordland National Park was Jamestown, on the north-eastern shore of Lake McKerrow / Whakatipu Waitai. Jamestown was to be a pastoral settlement and a port was envisioned for Martin's Bay. It was hoped that Martin's Bay would become the principal port for Queenstown, thereby overcoming Dunedin's monopoly over the shipping wealth of the Central Otago goldfields. Isolation, the nature of the terrain, and the difficulties of constructing access from Queenstown to the settlement all contributed to the collapse of the venture, and the great hopes of many were dashed. Private land enclaves remain today at Cromarty, Te Oneroa, Jamestown and Martins Bay.

Amidst all these efforts to exploit the resources of Fiordland there were also attempts to preserve the natural values of the area. All of the large islands and many of the smaller islands on the Fiordland coast were set

aside as reserves in the early 1890s. In 1894 Richard Henry was appointed as New Zealand's first Government Ranger of Crown Lands, and curator of Resolution Island. He was assigned with protecting indigenous bird populations by undertaking transfers of birds from the mainland to Resolution Island, and lived on the adjacent Pigeon Island from 1894 until 1908. This was pioneering work in wildlife conservation even in an international context, and it made a great contribution to our knowledge of species such as the kākāpō.

With the arrival of Europeans came the introduction of game species (such as waterfowl and deer), many of which have left a lasting legacy in Fiordland. The introduction of game species in the late 1800s and early 1900s was a means of encouraging recreation and attracting tourists. The resulting recreation and the deer culling and venison industry are important aspects of Fiordland's history and constitute an ongoing activity in Fiordland National Park. Associated with this, however, is a significant ecological impact on the forest health. It is also noted that huts such as Caswell Sound Hut are managed as historic sites reflecting the early deer hunting industry in Fiordland National Park.

The most enduring human activities on the Fiordland coast have been commercial fishing, tourism, and the facilitation of coastal safety. Shipwreck was an ever-present threat for vessels plying the shores of New Zealand. As a consequence, the construction of the Puysegur lighthouse was initiated in 1874 and completed in 1879. Lighthouse-keepers were living at Puysegur until the light was fully automated and keepers flown out in 1989. Fishing and tourism have had lesser impacts on the land, but have also left remains now considered to be historic. Milford Sound / Piopiotahi was first settled by Europeans in 1878 and it became a primary tourist attraction for ship-board visitors to New Zealand from the early 1880s. The development of the Milford Track from 1888 consolidated the prominence of Milford Sound / Piopiotahi in the New Zealand tourist circuit and drew Te Anau and Manapōuri into the line up of visitor attractions.

1.2.3 Recent History, Use and Management of Fiordland National Park

Little active management was undertaken in an official capacity during the 50 odd years between the reservation of Fiordland, and the creation of Fiordland National Park. Tourism had an early significance in the area. During this time the Milford Track and associated tourist services at Milford Sound / Piopiotahi flourished, and other guiding services were established to Doubtful Sound / Patea and the Hollyford Valley. In 1948 two rediscoveries were made; takahē were found in the Murchison Mountains (after the species had been 'officially' extinct for 50 years), and the first European discovery of the Te Ana-au caves on the western shore of Lake Te Anau was made.

The establishment of Fiordland National Park in the early 1950s coincided with the opening of the Homer Tunnel for public use, which provided road access directly to Milford Sound / Piopiotahi. Milford Sound / Piopiotahi is perhaps the grandest of all the fiords - it is certainly the best known and most popular attraction for visitors to Fiordland National Park.

Fiordland has become one of New Zealand's prime tourist and recreational areas for both overseas and domestic visitors. The north-eastern sector, from Manapōuri to Milford Sound / Piopiotahi, is the most intensely used portion of Fiordland National Park, largely due to its accessibility and the level of promotion it receives.

A wide range of opportunities exist in Fiordland National Park for camping, picnicking, tramping, walking, climbing, sports fishing, hunting, boating, sailing, rafting, kayaking, caving, sightseeing, bird watching, photography, and painting and sketching. A number of commercial operations provide services including guided walks, scenic flights, fishing and hunting safaris, mountain guiding, launch trips and water taxis. The tramping tracks with high-class facilities are world renowned; and the steep granite peaks of the Darran Mountains offer the finest alpine rock climbing in New Zealand.

Information, and interpretation of park features and values, is provided for visitors at West Arm, Te Anau and Milford Sound / Piopiotahi. An education centre, principally for use by school children has been established at Deep Cove.

Most tourist accommodation and servicing for the park is located in the towns of Te Anau and Manapōuri just outside the Fiordland National Park boundary. Facilities at Milford Sound / Piopiotahi include accommodation for visitors and various staff, an airstrip, and jetties for tourist launches and fishing fleet, with associated services.

Visitor use of Fiordland National Park is influenced by a number of Specially Protected Areas and Wilderness Areas which have been classified because of their particular qualities or functions (see Map 7). Access to Specially Protected Areas is restricted because they contain natural features of such significance that they should be preserved with the minimum of human interference; these areas in Fiordland National Park are intended to protect bird habitats and/or pristine ecosystems. The objective of Wilderness Areas is to provide wilderness recreation opportunities by preserving large tracts of wild land in their natural condition, free of human facilities and other impacts. No buildings are allowed and entry is usually restricted to foot travel.

Management for the preservation of natural values and features must also be carried out in Fiordland National Park. The earlier deliberate and accidental introductions of browsing and predatory mammals in Fiordland, where previously there were none, have had a great impact on the natural environment (greatly modified vegetation and decline in bird populations). Conservation efforts include: control of exotic

animals where possible or practicable; restoration of predator-free habitats; preservation of endangered wildlife, in particular the takahē; and kākāpō and control or elimination of adventitious plants which threaten natural ecosystems.

In addition to recreation and tourism, there are other uses of Fiordland National Park. Commercial deer recovery operations have made a significant contribution to wild animal control. The coastal fishing fleet, while not directly using park resources, requires mooring and servicing facilities, which impinge on the shoreline. Of greater significance are the large scale hydro-electricity developments at Lake Monowai, and Lake Manapōuri at West Arm/Deep Cove. Lakes Monowai, Manapōuri and Te Anau, although within Fiordland National Park, are controlled for hydro-electric power production. The Guardians of the Lakes advisory group was established in 1973 to ensure ecologically sensitive control of the water levels of Lakes Manapōuri and Te Anau. Similar responsibilities for Lake Monowai were added to the Guardians' role in 1990.

While Fiordland National Park has national status as a protected natural area, it also has significant functions in the regional context. Fiordland is contiguous with other mountain and low-land indigenous forests in western Southland and Otago. Together these areas are the habitat of several threatened forest bird species, as well as other wildlife. Fiordland National Park should not be managed in isolation from broader conservation strategies.

Fiordland is an international tourist attraction and a major asset for outdoor recreation in the region. Visitors to Fiordland National Park contribute to local economies but conversely they require utilities and services such as improved roading and sewage disposal which are traditionally provided outside Fiordland National Park by local authorities. Developments and increased or changing use can bring impacts as well as benefits.

It is important that management planning looks beyond Fiordland National Park's boundaries. The provisions of this plan have been developed to consider what is happening in the wider New Zealand context in terms of national park management. Activities occurring in areas adjoining Fiordland National Park also influence management decisions.

Fiordland National Park is world renowned for its rugged grandeur, environmental attributes and natural character. Fiordland National Park has been accorded international recognition by its inclusion on the 'World Heritage' list, as established by the World Heritage Convention under the auspices of UNESCO. It forms part of the Te Wāhipounamu *South West New Zealand* World Heritage Area.

The World Heritage status confers considerable international standing and promotes Fiordland as one of the world's natural wonders. It does

not change sovereignty or permit the international community to actively manage Fiordland National Park.

Ngāi Tahu, which hold the mana whenua of the area, is also involved in the management of Fiordland National Park. They are kaitiaki (guardians) of the area, through long association and use. Their use of and relationship with the region is traditional and the Department of Conservation's management of Fiordland National Park needs to take this tradition into account.

1.3 LEGISLATIVE CONTEXT

1.3.1 National Parks Act 1980 and Park Bylaws

The National Parks Act 1980 determines the structure for the control and management of national parks in New Zealand and determines the broad principles by which the parks are to be managed. Section 4 of that Act states that national parks are established for the purposes of:

“Parks to be maintained in natural state, and public to have right of entry – (1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest. (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1) of this section, national parks shall be so administered and maintained under the provisions of this Act that –

- (a) They shall be preserved as far as possible in their natural state;*
- (b) Except where the New Zealand Conservation Authority otherwise determines, the native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated;*
- (c) Sites and objects of archaeological and historical interest shall as far as possible be preserved;*
- (d) Their value as soil, water, and forest conservation areas shall be maintained;*
- (e) Subject to the provisions of the Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, sea coasts, lakes, rivers, and other natural features.”*

The Department of Conservation is directed to administer and manage all national parks so as to achieve these aims.

The Act also contains many specific requirements, or controls, on management and use of the parks. It provides for the adoption of

general policy statements and requires individual park management plans to be prepared.

The Act provides for management plans to provide access to, and enjoyment of areas attractive for visitor use, without degrading the natural values of national parks. Each park has its own mix of attributes and opportunities as identified in the park management plans. It follows that the scope of public use will be governed by the particular attributes of each park.

The Act provides for the Minister of Conservation to make bylaws controlling various activities in parks, particularly the use of vehicles, motor boats and aircraft, and for the purposes of public safety. Such bylaws must not be inconsistent with the park management plan. This management plan proposes some changes to the existing bylaws, which are presented in the appendices.

The bylaws and the management plan combine with the Act to form the legal basis for management of Fiordland National Park and it is essential that they are consistent. A management plan is a forward-looking document, however, and reviews or amendments are not constrained by existing bylaws, which might need to be changed as a result of the review or amendment process.

Section 79 of the National Parks Act states that this act shall not affect the Manapōuri Te Anau Development Act 1963 (MTADA). The MTADA provides for the activities associated with the Manapōuri Power Station.

1.3.2 Conservation Act 1987

The Conservation Act 1987 established the Department of Conservation.

Section 6 of the Act sets out the functions of the Department of Conservation,

“The functions of the Department are to administer this Act and the enactments specified in the First Schedule to this Act, and, subject to this Act and those enactments and to the directions (if any) of the Minister,” (continues)

The National Parks Act 1980 is in the First Schedule of the Conservation Act 1987.

Under section 4 of the Conservation Act 1987, the Department of Conservation is required to interpret and administer the National Parks Act 1980² to give effect to the principles of the Treaty of Waitangi. However, where there is clearly an inconsistency between the provisions of the National Parks Act 1980 and the principles of the Treaty, the provisions of the National Parks Act will prevail. This is reflected in the primary objectives for Fiordland National Park.

² The National Parks Act is listed in Schedule 1 of the Conservation Act 1987. By inference, the Treaty provisions in section 4 Conservation Act 1987 are applied to the National Parks Act.

The principles that apply to Treaty matters are those that are set out in Chapter 2 of the “General Policy for National Parks” dated April 2005.

Roles of the Department of Conservation in respect of freshwater under the Conservation Act 1987 which are not covered by the National Parks Act 1980 include:

- The Department of Conservation’s responsibility for the development and enforcement of regulations including the Whitebait Fishing Regulations 1994 and the Whitebait Fishing (West Coast) Regulations 1994.
- Fish and Game Councils’ management of sports fish and game and their habitats (except in the Taupo fishery).

The Conservation Act establishes the New Zealand Conservation Authority (NZCA) and provides for the Minister of Conservation to establish regional Conservation Boards. Two of the functions of the NZCA relevant to this plan are the adoption of statements of General Policy for National Parks and the approval of national park management plans. The Southland Conservation Board has an important role in the development of the management plan and in considering and hearing public submissions on the draft. Both organisations are independent of the Government and provide an important link between the community and the Department of Conservation.

1.3.3 Wildlife Act 1953

This legislation covers all wildlife with the exception of: fish covered by the Fisheries Act 1983 and the Conservation Act 1987, animals covered by the Wild Animal Control Act 1977 and marine mammals covered by the Marine Mammals Protection Act 1978. Some wildlife species are fully protected by the Wildlife Act 1953 and others, including indigenous and exotic bird species, can be hunted under regulations administered by fish and game councils. These provisions may be applied in national parks subject to the provisions of the General Policy on National Parks 2005.

1.3.4 Wild Animal Control Act 1977

The purpose of this Act is to provide for better control of harmful species of introduced wild animals (listed in the Act) and to regulate the activities of recreational and commercial hunters so as to achieve effective wild animal control.

1.3.5 Resource Management Act 1991 (RMA)

The purpose of this Act is to promote the sustainable management of natural and physical resources. Natural and physical resources include land, water, air, soil, minerals, energy, all structures and all forms of plants and animals (whether to New Zealand or introduced).

Land, air and water activities are subject to the provisions of the New Zealand Coastal Policy Statement, the regional policy statement and regional and district plans, and may require resource consents.

In limited cases the Resource Management Act may not apply to activities of the Crown, providing:

- They are a land use as defined in section 9 of the Act;
- They do not have a significant adverse effect beyond the boundary of the park;
- They do not contravene section 13 of the Act (restrictions on the use of the beds of lakes and rivers).
- They are in accordance with a conservation management strategy and / or a national park management plan.

The Minister of Conservation has key functions and roles in managing the natural and physical resources in the coastal marine area (as defined in the RMA). These are:

- Preparation of the New Zealand Coastal Policy Statement
- Final approval of regional coastal plans
- Specifying certain activities as restricted coastal activities and making decisions on applications for permits for such activities.
- Advising the Governor-General to set aside any part of the coastal marine area to be subject to coastal tendering provisions under the RMA.

The relevant councils in relation to this management plan are the Southland Regional Council and the Southland District Council. The various regional plans and the district plans also contain provisions of relevance to Fiordland National Park and some activities undertaken by the Department of Conservation may require resource consents under these council plans. Resource consents may also be required by others undertaking activities within Fiordland National Park.

1.3.6 Deed of Settlement between the Crown and Ngāi Tahu 1997 and Ngāi Tahu Claims Settlement Act 1998

On 21 November 1997, the Crown and Te o Ngāi Tahu entered into a Deed of Settlement to resolve the longstanding Ngāi Tahu claims against the Crown which had been confirmed by the Waitangi Tribunal under claim WAI 27. Through the Deed the Crown acknowledged that Ngāi Tahu had suffered grave injustices which had significantly impaired Ngāi Tahu's economic, social and cultural development. The Deed of Settlement recorded the matters required to give effect to a settlement of all of the Ngāi Tahu historical claims. The settlement was

ratified by Parliament and passed into legislation through the Ngāi Tahu Claims Settlement Act 1998.

Mechanisms established in the Deed of Settlement 1997 and Ngāi Tahu Claims Settlement Act 1998 place a number of specific obligations on the Department of Conservation with respect to land that it administers, including Fiordland National Park. These obligations are in addition to the obligations imposed by section 4 of the Conservation Act 1987.

In relation to Fiordland National Park the obligations include provision for the following which are described in more detail in section 2.2.

- Tōpuni
- Deed of Recognition
- Place name changes
- Taonga species management
- Department of Conservation protocols

The Act binds the Crown. It is to be interpreted in a manner which best furthers the agreements expressed in the Deed of Settlement 1997.

1.3.7 Te Rūnanga o Ngāi Tahu Act 1996

This Act established Te Rūnanga o Ngāi Tahu as a corporate body with the authority to act on behalf of all Ngāi Tahu Whanui. The act also records the boundary of Ngāi Tahu, as established by the Māori Appellate Court in 1990.

1.3.8 Ngāi Tahu (Pounamu Vesting) Act 1997

The Ngāi Tahu claims settlement includes the Ngāi Tahu (Pounamu Vesting) Act 1997. The Act returned all pounamu that was the property of the Crown (otherwise known as greenstone, including all nephrite, semi-nephrite, bowenite and specific serpentine resources) in its natural condition within the takiwa (tribal area) of Ngāi Tahu Whanui to Te Rūnanga o Ngāi Tahu.

If the removal of pounamu qualifies as a "minimum impact activity" (as defined by s2 of the Crown Minerals Act (CMA) 1991) it is allowed to be taken in accordance with any agreements made between the Minister and Te Rūnanga o Ngāi Tahu, pursuant to s50 of the CMA. All other access and removal requires an access arrangement and may only be permitted in those circumstances described in s61B of the CMA.

Pounamu is managed in accordance with the Ngāi Tahu Pounamu Resource Management Plan administered by the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu. No member of the public can knowingly disturb, remove or recover pounamu from the lands administered by the Department of Conservation, other than through

collection and extraction as outlined in sections 6 and 7 of the pounamu management plan.

Where any pounamu is discovered, the occurrence should be notified to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu. The Pounamu Management Officer should also be contacted, in the first instance, about all other inquiries and matters relating to pounamu.

1.3.9 The Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

This Act creates the Fiordland Marine Area which encompasses more than 882,000 hectares, extending from Awarua Point (north of Milford Sound / Piopiotahi) along the 12 nautical mile territorial sea limit (excluding the area around Solander Island) to Sand Hill Point (western edge of Te Waewae Bay). The purpose of this Act is described thus:

“3 Purpose

In recognition of the Fiordland (Te Moana o Atawhenua) Marine Area’s local, national, and international importance, unique marine environment, distinctive biological diversity, and outstanding landscape and cultural heritage, this Act—

- (a) establishes the Fiordland (Te Moana o Atawhenua) Marine Area and 8 marine reserves in that area:*
- (b) implements measures to assist in the preservation, protection, and sustainable management of the marine environment and biological diversity of the Fiordland (Te Moana o Atawhenua) Marine Area:*
- (c) establishes the Fiordland Marine Guardians to provide advice on fisheries management, biosecurity, sustainable management, and marine preservation and protection:*
- (d) facilitates and promotes co-operation between the Guardians and management agencies, to assist in achieving the integrated management of the Fiordland (Te Moana o Atawhenua) Marine Area:*
- (e) acknowledges the importance of kaitiakitanga.”*

1.3.10 Manapōuri-Te Anau Development Act 1963

This legislation authorises the Electricity Corporation (now Meridian Energy Limited) to utilise the water resources of Lakes Manapōuri and Te Anau and of the Waiau and Mararoa Rivers and their tributaries for the generation of electrical power for industrial and other purposes. The Act enables the raising and lowering of the levels of these water bodies in accordance with guidelines as detailed in section 4A of the Act. The Act recognises the importance of the guidelines in the

operation of the Manapōuri power scheme. The Guardians of Lakes Manapōuri, Monowai and Te Anau have an important role in ensuring those guidelines reflect, amongst other things, ecological stability and recreational values, and that they optimise energy output from the Manapōuri Power Station.

1.4 PLANNING CONTEXT

1.4.1 General Policy for National Parks 2005

Section 44 of the National Parks Act 1980 provides for the adoption by the New Zealand Conservation Authority (the Authority) of statements of general policy (General Policy) that give both direction and guidance to conservation managers and to communities on how to preserve and protect these special areas and the indigenous species in them. In particular, the purpose of this General Policy is to implement the National Parks Act 1980 and to provide consistent national direction for the administration of national parks through conservation management strategies and national park management plans. The three types of planning documents have a hierarchy that derives from linked requirements in the National Parks Act 1980 and the Conservation Act 1987. Specifically:

- General Policy implements and cannot derogate (i.e. detract) from legislation;
- Conservation management strategies implement general policies approved under the National Parks Act 1980 and other Acts and cannot derogate from any general policy; and
- A national park management plan cannot derogate from any relevant conservation management strategy.

The effect of these requirements is that the national park management plan for a national park has to be consistent with the General Policy for National Parks. If a course of action is proposed or an issue arises on which a national park management plan is silent, the General Policy (as well as the National Parks Act 1980 and the relevant conservation management strategy) will still need to be taken into account for any direction or guidance it gives on the issue. Specifically, the Department of Conservation (the Department) is required, subject to the National Parks Act 1980 and in accordance with this General Policy, and any conservation management strategy and national park management plan covering a national park, to “administer and manage all national parks in such manner as to secure to the public the fullest proper use and enjoyment of the parks consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals.” (section 43, National Parks Act 1980).

This General Policy provides a framework for the development of conservation management strategies and national park management plans and, through these documents, the identification of what conservation outcomes are to be sought at specific places. However, the General Policy avoids undue prescription in terms of how those outcomes will be achieved so that managers can adjust their operations in the light of new technology and resources.

1.4.2 Conservation Management Strategy (CMS) for Mainland Southland/West Otago (MS/WO)

Under section 17 of the Conservation Act 1987 each conservancy of the Department of Conservation must prepare a 10-year conservation management strategy, which applies to all resources managed by the Department of Conservation in that conservancy.

The Act states that the purpose of a conservation management strategy is:

“to implement general policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, or the Conservation Act 1987, or any of them, and for recreation, tourism, and other conservation purposes.”

The Mainland Southland/West Otago Conservation Management Strategy (CMS) is the umbrella document which sets the general direction for the management of all land administered by the Department of Conservation within the mainland (South Island) part of the conservancy, including Fiordland National Park. The national park management plan comes under and must be consistent with objectives for Fiordland National Park contained within the CMS, but generally it provides more detail about how the park will be managed.

1.4.3 Fiordland National Park Management Plan

National park management plans are public documents of managerial and legal significance.

The purpose of this management plan is to provide for the management of Fiordland National Park in accordance with the National Parks Act 1980, the General Policy for National Parks 2005 and the Mainland Southland/West Otago CMS 1998. The plan will guide the work of the Department of Conservation in Fiordland National Park from 2006-2016. As a guide for the next ten years, the plan will give clear directions for management while remaining flexible enough to allow for changing circumstances within the ten year time frame.

The General Policy for National Parks 2005 is a statutory document which sets policies that give direction and guidance on the exercise of discretions provided under the National Parks Act (see Section 1.3 Legislative Context). General Policy 1(d) must be used to interpret the use of the words ‘will’, ‘should’ and ‘may’ in the Implementation statements contained in this plan; as set out below:

“1(d) The words ‘will’, ‘should’ and ‘may’ have the following meanings:

- i) policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Authority to direct decision-makers, state that a particular action or actions ‘will’ be undertaken;*
- ii) policies that carry with them a strong expectation of outcome, without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions ‘should’ be undertaken;*
- iii) policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken.”*

When the term ‘should’ is used it is anticipated that there will only be very exceptional circumstances where the outcome will differ to that expressed in the Implementation statement. While it is essential to acknowledge the discretionary nature of decision making, this plan and its Implementation statements are designed to give as much certainty as possible to management practice.

During the life of this plan, if an exceptional circumstance arises, where there is no clear guidance for decision-makers, then decisions will be guided by the primary objectives for the park and the outcome statements for each place. Such decisions must be made by the Conservator or another person higher in the delegation chain.

The Minister of Conservation’s decision making powers are in most cases delegated to Departmental managers, such as the Conservator. When that is the case, that person acts as the Minister’s delegate.

The Director-General’s decision making powers are also delegated in most cases.

A delegate may, if he or she thinks the decision calls for the exercise of any of the powers, functions or duties at a higher level because of the nature of the issues involved, refer that matter to a higher level of authority for consideration and / or decision.

A delegation does not preclude the Minister or Director-General from making the decision if the Minister or Director-General wishes to. This also applies to any, other than the lowest level of delegation.

Section 46 of the National Parks Act 1980 requires that a management plan shall be reviewed, and that the review shall be approved as a whole, at intervals of not more than 10 years.

1.4.4 Reviews of a National Park Management Plan

The process for the reviewing of the Fiordland National Park Management Plan is set out in section 47 of the National Parks Act 1980 and is summarised as follows:

1. Advertise an initial notice asking for suggestions from interested persons and organisations.
2. Prepare a draft management plan in consultation.
3. Release the draft management plan for formal public submissions.
4. Hear submissions.
5. Amend the draft for consideration by the Southland Conservation Board.
6. The Southland Conservation Board considers and revises the draft.
7. When satisfied, the Southland Conservation Board forwards the plan to the New Zealand Conservation Authority (NZCA) for approval.
8. The NZCA considers the plan and refers the draft to Te Rūnanga o Ngāi Tahu for consideration in relation to Tōpuni only. The NZCA may request the Department of Conservation to revise the draft plan to incorporate Te Rūnanga o Ngāi Tahu comments.
9. The NZCA then refers the revised draft to the Minister of Conservation for comment.
10. When satisfied, the NZCA approves the management plan.

Through the public consultation involved in the plan preparation process, the management plan provides an important mechanism for the community to have input into how their park is managed.

1.4.5 Other Legislation and Planning Documents

The Department of Conservation produces non-statutory plans and strategies, and undertakes reviews of particular issues both on a local and national basis. Important documents include the national Visitor Strategy, national Historic Heritage Strategy, Kaupapa Atawhai Strategy, and recovery plans for threatened indigenous species. The New Zealand Biodiversity Strategy is a key long term government strategy.