

## Notice of Intention to Redefine and Vary Marine Mammal Sanctuaries to Protect Hector's and Maui Dolphins

Pursuant to section 22(1) of the Marine Mammals Protection Act 1978, I intend to:

- a. Redefine the West Coast North Island Marine Mammal Sanctuary declared by the Marine Mammals Protection (West Coast North Island Sanctuary) Notice 2008 and as amended by the Marine Mammals Protection (West Coast North Island Sanctuary) Amendment Notice 2013 so that it includes all of the area of the sea enclosed by a line defined in Schedule 1.
- b. Redefine the Banks Peninsula Marine Mammal Sanctuary declared by the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988 and as amended by the Marine Mammals Protection (Banks Peninsula Sanctuary) Amendment Notice 2008 so that it includes all of the area of the sea enclosed by a line defined in Schedule 2.
- c. Vary the following marine mammal sanctuaries, including as redefined by this notice, by imposing the restrictions in relation to seismic surveying and seabed mining set out in Schedule 3:
  - i. West Coast North Island Marine Mammal Sanctuary.
  - ii. Banks Peninsula Marine Mammal Sanctuary.
  - iii. Clifford and Cloudy Bay Marine Mammal Sanctuary as declared by the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Notice 2008.
  - iv. Catlins Coast Marine Mammal Sanctuary as declared by the Marine Mammals Protection (Catlins Coast Sanctuary) Notice 2008.
  - v. Te Waewae Bay Marine Mammal Sanctuary declared by the Marine Mammals Protection (Te Waewae Bay Sanctuary) Notice 2008.

A map showing the West Coast North Island Marine Mammal Sanctuary and the Banks Peninsula Marine Mammal Sanctuary as I intend to redefine them is available for inspection on the website of the Department of Conservation: [www.doc.govt.nz](http://www.doc.govt.nz).

The map is indicative only, and if there is a conflict between the map and the verbal description in this notice of the areas to which they relate, the verbal description prevails.

I shall consider any written submission on my intention to redefine and vary the marine mammal sanctuaries received within 28 days after the publication of this notice in the *New Zealand Gazette* (21 July 2020).

Under the Marine and Coastal Area (Takutai Moana) Act 2011, any whānau, hapū or iwi, who consider they exercise kaitiakitanga in a part of the common marine and coastal area affected by my intention to redefine and vary the marine mammal sanctuaries as set out in this notice may advise the Director-General accordingly, and provide their views on my intent within 28 days after the publication of this notice in the *New Zealand Gazette* (21 July 2020). I will have particular regard to those views. In the event of a dispute as to whether, or which whānau, hapū, or iwi exercise kaitiakitanga, the Director-General must seek and may rely on evidence that in his opinion is of sufficient authority to resolve the dispute.

All submissions must be sent to the following:

- i. [dolphintmp@doc.govt.nz](mailto:dolphintmp@doc.govt.nz); or
- ii. Consultation: Marine Mammal Sanctuaries, Department of Conservation, PO Box 10420, Wellington 6143.

### Schedule 1—West Coast North Island Marine Mammal Sanctuary

- a. commencing at a point on mean high water mark at Maunganui Bluff (approximately 35°45.54'S and 173°33.30'E) then
- b. proceeding in a southerly direction along the line of mean high water springs to a point on that line west of Owhiro Bay (approximately 41°20.83'S and 174°44.67'E) being the north western corner of the Taputeranga Marine Reserve then
- c. proceeding in a southerly direction along the western boundary of the Taputeranga Marine Reserve to a point being its south western corner (approximately 41°22.00'S and 174°44.67'E) then extending on a bearing of 180° to a point on the outer limit of the territorial sea then
- d. proceeding westerly along the line of the outer limit of the territorial sea and a line 12 nautical miles distant from

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- the eastern boundary until it meets the north eastern boundary of the Clifford and Cloudy Bay Marine Mammal Sanctuary then along that boundary to a point (approximately 41°17.05'S and 174°20.82'E) then
- e. proceeding northerly along a line 12 nautical miles distant from the previously mentioned eastern boundary to a point on the outer limit of the territorial sea (approximately 40°53.75'S and 174°36.21'E) then
  - f. proceeding northerly along the outer limit of the territorial sea to a point on that boundary directly west of the point of commencement then
  - g. proceeding in an easterly direction at a bearing of 90° to the point of commencement including all the areas of the sea contained in the internal waters within the north-south extent of the area defined above between the point on Maunganui Bluff (approximately 35°45.54'S and 173°33.30'E), to the point west of Owhiro Bay (approximately 41°20.83'S and 174°44.67'E).

### **Schedule 2—Banks Peninsula Marine Mammal Sanctuary**

- a. commencing at a point at the mouth of the Waitaki River (approximately 44°56.45'S and 171°08.74'E) then
- b. proceeding in a north and north-easterly direction along the line of mean high water springs to a point on that line near the mouth of the Jed River (approximately 42°51.003'S and 173°18.927'E), being the south western corner of the Te Rohe o Te Whānau Pūha Kaikōura Whale Sanctuary), then
- c. proceeding in a south easterly direction along the southern western boundary of the Te Rohe o Te Whānau Pūha Kaikōura Whale Sanctuary to a point on that boundary (approximately 43°02.62'S and 173°43.09'E) then
- d. proceeding in a southerly direction along a line 20 nautical miles distant from the previously mentioned western boundary to a point on that line (approximately 45°03.90'S and 171°34.95'E) then
- e. proceeding in a straight line in a north westerly direction to the point of commencement including all the areas of the sea contained in the internal waters (other than lagoons and Lake Ellesmere) within the north-south extent of the sanctuary between a point near the mouth of the Jed River (approximately 42°51.003'S and 173°18.927'E), and a point at the mouth of the Waitaki River (approximately 44°56.45'S and 171°08.74'E).

### **Schedule 3—Restrictions within sanctuaries**

Prohibition on seismic surveying within the sanctuary, subject to exemptions

1. No person may carry out an acoustic seismic survey from a vessel in the sanctuary, unless the seismic survey is undertaken in accordance with one of the following exemptions:
  - a. Pursuant to an existing minerals or petroleum permit and subsequent permits, or an existing privilege under the Crown Minerals Act 1991 (CMA) as below:
    - i. a permit or existing privilege (as defined in section 2 of the CMA);
    - ii. a subsequent permit that is granted in exchange for an existing permit referred to in i.;
    - iii. a subsequent permit that is granted in exchange for a subsequent permit referred to in ii.
  - b. For decommissioning of mining infrastructure even where there is no existing permit or existing privilege in force under the CMA.
  - c. For an urgent hazard assessment (hazard assessment means an assessment of faultlines following a major seismic event; or an assessment of the likelihood of, or to mitigate the potential effects of, an anticipated natural hazard, or maritime accident, incident or mishap).
  - d. Pursuant to an approval by the Minister of Conservation and Minister of Energy and Resources for an activity that is nationally significant and the purpose of the activity cannot be achieved if the activity is conducted outside of the sanctuary area.
2. A seismic survey authorised by a permit under the CMA that does not qualify for an exemption under subparagraph a. above, is not eligible for an approval by the Ministers under subparagraph d. above.
3. All seismic surveys that are exempt from the prohibition must comply with the *2013 Code of Conduct for Minimising Acoustic Disturbance from Seismic Survey Operations* when undertaking seismic surveying within the sanctuary.

Prohibition on seabed mining within the sanctuary, subject to exemptions

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1. No person may carry out seabed mining (seabed mining means mining as defined in section 2(1) of the CMA, but excluding mining for petroleum) in the sanctuary unless the seabed mining is undertaken in accordance with one of the following exemptions
  - a. Pursuant to an existing permit and subsequent permits as below:
    - i. existing permits under the CMA;
    - ii. a subsequent permit that is granted in exchange for a permit referred to in i.;
    - iii. a subsequent permit that is granted in exchange for a subsequent permit referred to in ii.
  - b. Within all the areas of the sea contained in the internal waters within the north-south extent of the area defined in Schedule 1 for the West Coast North Island Marine Mammal Sanctuary, between the point on Maunganui Bluff (approximately 35°45.54'S and 173°33.30'E), to the point west of Owhiro Bay (approximately 41°20.83'S and 174°44.67'E).

Dated at Wellington this 23rd day of June 2020.

HON EUGENIE SAGE, Minister of Conservation.

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