

Notice of Intention to Declare a Marine Mammal Sanctuary

1. I give notice that I intend (with the consent of the Minister of Energy and Resources, the Minister for Oceans and Fisheries, and the Minister of Transport) to declare, pursuant to section 22 of the Marine Mammals Protection Act 1978, a marine mammal sanctuary to be called Te Pēwhairangi (Bay of Islands) Marine Mammal Sanctuary, comprising all the areas of the sea enclosed by a straight line running from 174°8.210'E, 35°9.383'S to 174°19.809'E, 35°10.174'S ("outer boundary") and then running along the shoreline within that outer boundary on the line of mean high water springs.
2. It is proposed to have two **Marine Mammal Safe Zones** with the following outward facing boundaries in the sea area:
 - a. The first zone being between Motuarohia Island (Robertson Island) and Moturua Island, enclosed to the North by a straight line running from 174°9.608'E, 35°13.661'S to 174°10.736'E, 35°13.382'S and enclosed to the South by a straight line running from 174°10.672'E, 35°14.177'S to 174°11.617'E, 35°13.960'S;
 - b. The second zone being sea area between Tapeka Point and Whangaiwahine Point enclosed to the South by a straight line running from 174°7.390'E, 35°14.498'S and 174°11.237'E, 35°14.904'S.
3. A map of the proposed sanctuary is available at www.doc.govt.nz/boimms or on request from a Department of Conservation office.
4. The map is indicative only, and if there is a conflict between it and the written descriptions in this notice of the areas to which it relates, the written descriptions prevail.
5. The following restrictions would apply to the proposed sanctuary, subject to the proposed exemptions in paragraphs 6 and 7 of this notice:
 - (1) The marine mammal sanctuary would be established with "marine mammal safe zones" within its boundary.
 - (2) In a marine mammal safe zone the operator of a vessel would need to ensure that the vessel travels at no more than 5 knots at all times.
 - (3) Throughout the proposed sanctuary no person would be allowed to be in the water within 400 metres of a marine mammal.
 - (4) Throughout the proposed sanctuary every vessel operator would need to:
 - a. Ensure that the vessel it operates keeps 400 metres from any marine mammal.
 - b. To use all reasonable means to stop if a marine mammal moves within 400 metres of the vessel operator's vessel, to allow the marine mammal to move 400 metres away.
6. The following vessels would be exempted from all restrictions in the proposed sanctuary:
 - a. any vessel involved in a maritime emergency or undertaking a maritime emergency role;
 - b. any vessel undertaking research under the Marine Mammals Protection Act 1978;
 - c. any vessel undertaking a compliance role (including the Department of Conservation under the Marine Mammals Protection Act 1978, Maritime Police, Customs, Ministry for Primary Industries, Northland Regional Council);
 - d. any Harbourmaster vessel;
 - e. any Navy vessel.
7. Any vessel with an existing marine mammal viewing permit under the Marine Mammals Protection Act 1978 as at 20 April 2021 would be exempt from proposed restriction 5(4)(a).
8. The following definition of "vessel" is proposed for the sanctuary conditions:

"Vessel" means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

 - a. a barge, lighter, or other like vessel;
 - b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
 - c. a submarine or other submersible;
 - d. a seaplane while it is on the surface of the water.
9. I shall consider any written submission on my intention to create this sanctuary or on any of the restrictions I intend

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to impose if:

a. it is addressed to:

- i. "Proposed Te Pēwhairangi (Bay of Islands) marine mammal sanctuary Department of Conservation, 34 Landing Road, Kerikeri 0230"; or
- ii. Website: www.doc.govt.nz/boimms; or
- iii. Email: boimms@doc.govt.nz ; and

b. I receive it within 28 days after the publication of this notice in the *New Zealand Gazette*, being **18 May 2021**.

10. Under the 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 declare the marine mammal sanctuary as set out in this notice may advise the Director-General accordingly, and provide their views on my intent in writing as above within 28 days after the publication of this notice in the *New Zealand Gazette*. I will have particular regard to those views.

Dated at Wellington this 20th day of April 2021.

HON DR AYESHA VERRALL, Acting Minister of Conservation.

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20-04-2021 09:01
