


SUMMARY OF THE PUBLIC SUBMISSIONS TO THE INDICATIVE MANAGEMENT PLAN FOR THE CAMDEN SOUND MARINE PARK

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Prepared by the Department of Environment and Conservation
for the Marine Parks and Reserves Authority



Department of
Environment and Conservation

Our environment, our future 

MPRA
MARINE PARKS &
RESERVES AUTHORITY

1. INTRODUCTION

Prior to the gazettal of a marine park or reserve or the adoption of a management plan for an existing reserve, the *Conservation and Land Management Act 1984* (CALM Act) requires that the Minister for Environment release an indicative management plan to provide an opportunity for the community to comment on the management proposals. On 19 June 2012, the Camden Sound Marine Park became the first of four new marine parks created as part of the new Kimberley Wilderness Parks, a key component of the state government's major conservation strategy for the Kimberley.

On the 22nd of October 2010, the Camden Sound Indicative Management Plan (IMP) was released for public comment. At this time, a notice was published in the *Government Gazette* and advertisements were placed in editions of *The West Australian*, *The Kimberley Echo* and *The Broome Advertiser*, to advise the IMP for Camden Sound was available for public comment. The plan was distributed to State and local Government departments, tertiary institutions, libraries, peak stakeholder groups and numerous individuals who expressed interest during the planning process. A 'Have Your Say' (HYS) questionnaire was produced and distributed to assist the community in lodging a submission. The IMP was available for inspection at the offices and libraries of the Shire of Broome, Shire of Derby/West Kimberley and Shire of Wyndham/East Kimberley. Copies of the plan were available at the Department of Environment and Conservation (DEC) offices in Perth, Kensington, Kununurra and Broome. An electronic copy of the plan and submission form were also made available on DEC's web site to allow people to lodge a submission electronically.

The public submission period closed on the 1st of February 2011, with a total of 3,498 submissions received. Submissions were assessed on the clarity of points raised against specified criteria. No subjective weighting was given to any submission for reasons of its origin or any other factor, which would give cause to elevate the importance of any submission above another.

This document provides a summary of the public submissions received on the Camden Sound Indicative Management Plan.

2. METHOD

The public submissions to the IMP were reviewed according to the process outlined below.

- All submissions were recorded in a database as they were received and comments were summarised and collated according to the section of the IMP they addressed.

- A summary of the key issues arising from the submissions was provided to the Marine Parks and Reserves Authority (MPRA) and all submissions were available to the Authority.
- The MPRA considered the major issues that were raised in the public submissions and then provided advice to the Minister for Environment.
- The Government then considered this advice and the major issues raised during the submission period.
- On the 19th June 2012, the Government gazetted the Camden Sound Marine Park.

3. WHO PROVIDED FEEDBACK

A total of 3,498 submissions were received by the Department of Environment and Conservation. The format of the submissions received is detailed in Table 1. The majority of submissions (3,392) were made via proforma letters. These submissions highlighted several issues such as the need to increase involvement with Traditional Owners, increasing the size of the park, and increasing the number and size of sanctuary zones. There were also 95 written submissions and 11 Have Your Say (HYS) forms received.

Written submissions were received from individuals, community groups/representative bodies, Local, State and Commonwealth Government, commercial groups, tertiary institutions and other non-government research organisations. The non-proforma submissions provided comment on numerous issues including the planning process (lack of community consultation), zoning/planning objectives, and the difficulty of enforcing proposed fishing regulations. Of the 95 written submissions, 37 were received from stakeholder organisations (Table 2).

Table 1: Type of submissions received

Submission Type	Number
Wilderness Society proforma ¹	449
Australian Marine Conservation Society proforma ²	1570
Save the Kimberley proforma ³	1373
Written Submissions	95
“Have Your Say” forms	11
Total	3498

¹ Proforma letter posted on the Wilderness Society website (www.wilderness.org.au)

² Proforma letter sent via amcs@amcs.org.au with opportunity for submitters to add comments

³ Proforma letter sent from webmaster@kimberley.com.au (identical to AMCS proforma)

Table 2: Organisations who provided written submissions

Sector	Number
Environmental NGOs	9
Scientific	4
Indigenous	3

Commercial Fishing	3
Recreational Fishing	2
Charter Operators	4
Industry	3
Others/Government	9
Total	37

4. KEY ISSUES RAISED FROM PROFORMAS

The *Wilderness Society proforma* consisted of a letter posted on the Wilderness Society website (449). The main issues raised from the *Wilderness Society proforma* included concerns that the proposed marine park falls short of the international and Australian scientific benchmarks with only 13% of coastal waters protected in sanctuary zones. The proforma also raised concerns that the outer boundary of the marine park excluded over half of the humpback whale nursery area in the Kimberly and only 23% was specifically zoned for whale conservation (i.e. in the special purpose zones).

There was opposition to the majority of the marine park being open to commercial fishing (including trawling), mining and oil and gas development, and belief that the southern boundaries of the marine park were drawn to avoid mining tenements. The *Wilderness Society proforma* also submitted that more involvement from Traditional Owners in joint management was needed, as well as compatible development opportunities such as cultural tourism.

The *Save the Kimberley proforma* was identical to the *Australian Marine Conservation Society (AMCS) proforma*, both of which were submitted electronically (2,943 submissions). The main issues raised in these proformas were a recommendation to establish new sanctuary zones; specifically at Prince Regent River (including St George Basin) Buccaneer Archipelago, from Kuri Bay to Deception Bay, and to expand the proposed Montgomery Reef and Champagne Island Sanctuary Zones. There was also support to upgrade the Special Purpose (Whale Conservation) Zone to a sanctuary zone to increase the level of protection, as the proposed marine parks' outer boundaries were thought to exclude over half of the Kimberley's humpback whale nursery area (south of Broome to the Dampier Peninsular).

5. HAVE YOUR SAY FORMS

The 11 HYS respondents answered specific questions regarding management objectives, zoning, management actions, a wildlife conservation (closed season for humpback cows and calves) notice and the balance between conservation and use. Responses were assessed and summarised to provide an indication of the level of support/non-support for components of the plan. Responses to these components are discussed below.

Management Objectives

The management objectives of the IMP were generally supported overall (Table 3). The three respondents who did not support the management objectives commented that biodiversity conservation should be a higher priority and that there should be no commercial users of the marine park.

Table 3: Management Objectives

Plan Component	Support	Non-Support
Overall Management Objectives	8 (73%)	3 (27%)

Zoning

The support for the establishment of each of the individual sanctuary, special purpose and recreation zones is summarised below (Table 4). Levels of support varied between the management zones and some respondents did not submit an opinion. Respondents who did not support the park zoning believed the sanctuary zones were too small and not representative enough of the marine biodiversity in the area, and there was concern that some of the zones, particularly the special purpose (pearling) zones were too large. These respondents also believed that zoning for conservation needed to be a higher priority and that the protection for humpback whales and their calves was inadequate.

Table 4: Level of Support for Zoning

Zone	Support (%)	Non-Support (%)	No opinion* (%)
Hall Point General Use Zone	2 (18%)	4 (36%)	5 (45%)
Western Shoals General Use Zone	3 (27%)	3 (27%)	5 (45%)
St George General Use Zone	2 (18%)	3 (27%)	6 (55%)
Montgomery Reef Sanctuary Zone	4 (36%)	4 (36%)	3 (27%)
Champagne Sanctuary Zone	5 (45%)	3 (27%)	3 (27%)
Camden Sound Special Purpose Zone (Whale Conservation)	7 (64%)	0 (0%)	4 (36%)
Montgomery Reef Special Purpose Zone (Wilderness Fishing) ¹	3 (27%)	4 (36%)	4 (36%)
Kuri Bay Special Purpose Zone (Pearling)	3 (27%)	2 (18%)	6 (55%)
Pyrene Special Purpose Zone (Pearling) ²	2 (18%)	4 (36%)	5 (45%)

*If submitters did not specify any level of support and make any comments at all on a particular zone then this was treated as being equivalent to the 'no opinion' box being ticked.

¹ Montgomery Special Purpose Zone (Wilderness Fishing) has been removed and replaced by sanctuary zone. The whole of Montgomery Reef and surrounds is now zoned as sanctuary, except for a small area zoned general use known as 'the River' to accommodate cruise vessels.

² Pyrene special purpose zone (pearling) has been removed.

Management Programs

There was general support for most of the management programs (Table 5) however a significant number of respondents did not have an opinion. Five respondents

believed that biodiversity conservation should be the priority objective and commercial interests should not be considered or permitted within the park. It was also mentioned that Indigenous rangers from the area should be involved in management and conservation of the park values.

Table 5: Level of Support for Management Programs

Management Program	Support (%)	Non-Support (%)	No opinion* (%)
Management frameworks	4 (36%)	4 (36%)	3 (27%)
Visitor services and user infrastructure	5 (45%)	2 (18%)	4 (36%)
Education and interpretation	7 (64%)	1 (9%)	3 (27%)
Community participation	8 (73%)	0 (0%)	3 (27%)
Patrol and enforcement	6 (55%)	1 (9%)	4 (36%)
Research	8 (73%)	0 (0%)	3 (27%)
Monitoring	7 (64%)	0 (0%)	4 (36%)

* If submitters did not specify any level of support and make any comments at all on a particular zone then this was treated as being equivalent to the 'no opinion' box being ticked.

Wildlife Conservation (closed season for humpback cows and calves) Notice

In recognition of the proposed marine park's importance for humpback whale calving, a wildlife conservation notice specifying special management arrangements in regard to vessels and aircraft interaction with humpback cows and calves was proposed to be introduced in the Camden Sound Special Purpose Zone (Whale Conservation), Montgomery Reef Special Purpose (Wilderness Fishing) and sanctuary zones of the proposed marine park. The HYS form asked respondents if they thought the provisions for the notice were appropriate for whale conservation purposes in the proposed marine park. Four out of 11 HYS respondents (36%) thought the provisions were appropriate, four (36%) disagreed with the provisions and three respondents (27%) made no comment. Respondents who disagreed with the proposed notice commented that all vessels and aircraft (including tour operators) should be excluded from the whale conservation zones during calving season and that the provisions were not comprehensive enough to protect whales and their calves.

Balance between Use and Conservation

Respondents to the HYS form were asked their views on the balance between use and conservation achieved through the IMP. The majority of the 11 respondents (82%) thought significantly more emphasis on conservation was required (Table 6). One respondent thought more emphasis on conservation was required and another respondent thought more emphasis on use and access was required.

Table 6: Balance between Conservation and Use

	Number (%)
Significantly more emphasis on conservation required	9 (82%)
More emphasis on conservation required	1 (9%)
Good balance	0 (0%)

More emphasis on use and access required	1 (9%)
Significantly more emphasis on use and access required	0 (0%)

6. KEY ISSUES RAISED BY STAKEHOLDERS

This section of the report provides a summary of the key issues that were raised in the written submissions from stakeholder organisations (Table 2). The majority of comments received related to aspects of zoning (See section 6.4).

The issues raised in the submissions were grouped into ten key themes.

1. Consultation and the Planning Process
2. Management Objectives
3. Marine Park Boundary
4. Zoning
5. Commercial Fishing
6. Joint Management
7. Indigenous Culture
8. Research
9. Industry and Development
10. Tourism

6.1 Consultation and the Planning Process

Comments relating to community consultation emphasised the need for a higher level of consultation which considered all interests. Stakeholders, particularly commercial and recreational fishing interests, expressed frustration about significant changes by Government to the proposal after the pre-IMP consultations had finished.

It was thought by the majority of stakeholders that the planning process needed to be more transparent and scientifically based, as well as adopting a more precautionary approach where information was lacking. Recreational and commercial fishing interests commented that the planning process should include robust environmental risk assessments for all activities to find an appropriate balance between conservation and shared use. Environmental and scientific interests submitted that the Australian and New Zealand Environment Conservation Council (ANZECC) and the International Union for Conservation of Nature (IUCN) methodologies should be applied to the Camden Sound Marine Park. All stakeholders commented that a rationale should have been provided to support the proposed zoning, objectives and programs outlined in the IMP.

6.2 Management Objectives

It was thought by the majority of stakeholders that the plan lacked clear objectives, and due to the lack of rationale and/or scientific basis of the objectives it would be difficult to quantify and measure the outcomes. Environmental and scientific non-government organisations (NGOs), minerals and industry interests, Indigenous groups and commercial and recreational fishing interests all submitted that the management objectives for the conservation of biological and ecological values were inadequate. A number of these groups also felt that the proposed marine park was too 'whale focused' and that it did not adequately address other values.

6.3 Marine Park Boundary

Environmental NGOs, Indigenous groups and several scientific contributors recommended that the park's boundary should be extended to include;

- Buccaneer Archipelago;
- Collier Bay;
- Talbot Bay and Horizontal Falls;
- Walcott Inlet;
- Adele Island;
- Kingfisher Islands;
- Waters around Prince Regent Nature Reserve;
- Secure Bay;
- Doubtful Bay;
- George Water; and

- State waters between Macleay and Caffareli Islands.

6.4 Zoning

General

Environmental and scientific NGOs were concerned that the proposed sanctuary zones and whale conservation zones were not large enough and were not representative of the range of habitats in the marine park. These groups also expressed the need for more areas which restricted activities/use within the Park (e.g. sanctuary zones, special purpose zones, and provisions for temporal restrictions when whales are abundant).

All stakeholders were concerned about the lack of scientific rationale with regards to zoning. Commercial and recreational fishing interests were apprehensive that special purpose zones set precedents and that some exclusions were unfair.

Sanctuary Zones

Environmental and scientific NGOs commented that the sanctuary zones should be configured to represent the full range of habitats in the marine park (including specific recommendations for Prince Regent River, St George Basin, around King Island and Talbot Canyon, Kuri Bay, Deception Bay, Sampson Inlet and Dugong Bay). These groups also thought the sanctuary zones should be bigger and/or more numerous to comprise a larger proportion of the marine park and include shoreline, intertidal and deeper habitats. Environmental and scientific NGOs thought the zoning should be more consistent with the levels achieved for the Ningaloo and the Great Barrier Reef Marine Parks. They also noted that it was a good opportunity to protect relatively pristine habitats before pressures increased in the future.

Commercial and recreational fishing interests expressed their concern that the sanctuary zones were too restrictive and unfairly excluded fishing activities.

Montgomery and Champagne Sanctuary Zones

Scientific and environmental NGOs recommended that Champagne Sanctuary Zone be expanded and that Montgomery Reef Sanctuary Zone should:

- extend seaward to encompass 'diverse non-coral filter feeding assemblages'; and
- be expanded to include all the areas around the reef which are currently designated special purpose (wilderness fishing) zone.

Special Purpose Zone (Whale Conservation)

Scientific and environmental NGOs recommended that the Special Purpose Zone (Whale Conservation) be expanded to include the Western Shoals and Hall Point general use zones, and that temporal restrictions and exclusions should be considered to reduce impacts on whales from industrial activities, noise, shipping traffic, fishing and trawling. Commercial fishing, mining and industry interests agreed with the proposed temporal restrictions and commented that they should be

considered in lieu of other exclusions for reducing impacts from industrial activities when Whales were present.

Indigenous groups highlighted the importance of conserving sacred whale dreaming areas and other areas of particular Indigenous importance.

Special Purpose Zone (Pearling)

Pearling groups commented that they would like to:

- have a better description of why pearling activities are consistent with the goals of the marine park;
- be consulted in management adaptations and decision making; and
- contribute information to mooring and anchoring plans.

Special Purpose Zone (Wilderness Fishing)

It was noted by all stakeholders that it would be difficult to manage and enforce fishing regulations in the wilderness fishing zone. Commercial fishing interests believed the zone was allowing unfair access to certain groups while excluding others, and that the term 'wilderness' infers recreational fishing does not impact the zone values but all other uses do.

Scientific and environmental NGOs were concerned that the wilderness fishing zone would set a precedent for zoning in marine parks which did not support conservation values. They recommended that the wilderness zone be replaced with a sanctuary zone with continued subsistence fishing for Traditional Owners. Commercial and recreational fishing interests suggested that onsite consumption of catch would be difficult to enforce and recommended an alternative management option of a bag limit (one whole fish), while scientific and environmental NGOs suggested catch and release options.

Special Purpose Zone (Wilderness Conservation)

Since the public submission period in 2011 a new special purpose zone was established in the waters north of Jungulu and Augustus islands. It was named the Jungulu Special Purpose Zone (Wilderness Conservation). Marine life in this northern part of the marine park has outstanding diversity, a low level human impact, and many coral and sponge species surveyed in the area are expected to be new to science. This new zone will provide for the conservation of representative examples of marine biodiversity to preserve species and natural processes of the area. The amended plan states that no extractive uses are permitted in the zone other than highly restricted recreational fishing.

6.5 Commercial Fishing

Commercial fishery interests opposed the exclusion of commercial fishing from portions of the marine park. They submitted that fishing was compatible with the objectives of the park, and that the exclusions had no scientific justification.

6.6 Joint Management

Environmental and scientific NGOs, Indigenous interests, mining and industry respondents and charter operators voiced the need to include Traditional Owners in future planning exercises and develop joint management arrangements soon after establishment of the park. It was also recommended that the IMP better provide for Indigenous involvement in management, enforcement and sustainable livelihood activities.

Indigenous interests and environmental groups commented that Traditional Owners should have been engaged prior to release of the IMP. They questioned how joint management would be achieved within the time frame for implementation, considering that joint vesting was pending through CALM Act amendments and Indigenous Land Use Agreements (ILUAs). It was also recommended that the intertidal areas should be included in the marine park.

6.7 Indigenous Culture

Indigenous groups, environmental and scientific NGOs and mineral and industry interests all recommended that the biological, ecological and cultural values of local Indigenous people needed to be better represented. Indigenous groups and environmental and scientific NGOs also expressed the need to identify, protect and manage access/activity for sites with cultural significance, as well as consulting and involving Indigenous people in cultural management.

6.8 Research

Recreational and commercial fishing groups as well as environmental and scientific NGO's suggested that basic ecological marine knowledge was lacking and that research was needed to underpin future management of the marine park. It was also recommended that baselines were needed to inform meaningful management and conservation objectives. This would also allow for monitoring of ecological changes and assessment of the impacts of various activities and uses in the marine park.

6.9 Industry and Development

It was suggested by a government department that the IMP should state that there are a number of exploration licenses issued and still pending within and adjacent to the marine park. Although regulatory requirements are currently provided for under the CALM Act, some stakeholders made the following comments regarding industrial development in Camden Sound Marine Park:

- all areas need to be free of mining, oil and gas drilling;
- something should be done to prevent LNG Hub development;
- allowing mining activities defeats the purpose of a marine park; and
- the proposed marine park boundary is compromised to avoid pending mining; tenements resulting in omission of important humpback whale nursery areas.

6.10 Tourism

Tourism groups and commercial operators made the following comments;

- establishment of the marine park will increase the marketability of area;
- ecotourism should be promoted over other forms of development;
- permission to access country should be obtained from Traditional Owners;
- increased exposure could lead to increased access which may impact cultural, ecological and social values important for local Indigenous people;
- better management of access and limitations on visitation would be needed; and
- walking on Montgomery Reef is unsustainable and should be stopped.

7. Key Changes to zoning arrangements

Since the submission period in 2011 a number of zoning changes were applied to the Camden Sound Marine Park, as follows:

- The Montgomery Special Purpose Zone (Wilderness Fishing) was removed and the whole of Montgomery Reef and surrounds received approval to be sanctuary zone, except for a small area of general use known as *the River* which has been zoned to accommodate cruise vessel activities.
- Pyrene Special Purpose Zone (Pearling) has been removed and a new Jungulu Special Purpose Zone (Wilderness Conservation) has been established in the waters north of Jungulu and Augustus islands.