



## Office of Hon Nathan Guy

**MP for Otaki**

Minister for Primary Industries

Minister for Racing

5 DEC 2013

Dear Stakeholder

### **Decisions on the Maui's dolphin portion of the Hector's and Maui's dolphin Threat Management Plan**

This letter outlines my decisions on measures to manage fishing-related threats to the Maui's dolphins on the West Coast of the North Island (WCNI) as part of the review of the Maui's dolphin portion of the Hector's and Maui's dolphin Threat Management Plan (TMP).

The Government is committed to protecting and ensuring the long term survival of Maui's dolphins. The TMP, created in 2007, is a non-statutory plan that identifies human-induced threats to Hector's and Maui's dolphin populations and outlines strategies to mitigate those threats. In response to this TMP, extensive measures were put in place by the (then) Minister of Fisheries. These included restrictions on set netting, drift netting, and trawling along the WCNI.

In 2012, my predecessor extended further south the area pertaining to the set-net ban in direct response to the death of a Hector's or Maui's dolphin in a commercial set net. Observers are also required on commercial vessels using set nets between 2 and 7 nautical miles offshore around Taranaki.

The review of the TMP allowed for the assessment of all fishing- and non-fishing related threats to the population and possible measures to avoid, remedy, or mitigate those threats.

During this review, the Ministry for Primary Industries (MPI) and Department of Conservation (DOC) have consulted with tangata whenua, recreational, commercial and environmental stakeholders and the general public on various measures to mitigate the risk to Maui's dolphins from fishing-related and non-fishing-related threats. The consultation paper attracted over 70,000 submissions; including thousands of form letters, and a number of petitions.

I thank everyone who participated in the consultation process and acknowledge the amount of work and effort that went into formulating submissions. I appreciate that a significant number of New Zealanders, like the Government, are incredibly committed and passionate about ensuring the long-term survival of Maui's dolphins.

In reaching my decisions on measures to manage fishing-related threats, I have considered the:

- final advice paper on fisheries-related measures for the review of the TMP from MPI;
- submissions from tangata whenua, recreational, commercial and environmental stakeholders and the general public as part of the consultation process on the discussion paper released in September 2012; and,
- information provided by the Minister of Conservation, whose views I am required to consider prior to making these types of decisions.

In reaching my decisions, I also gave regard to the relevant legislative provisions and my obligations under the Fisheries Act 1996 ("Fisheries Act").

### **Decision**

My decisions for the fishing-related measures to be implemented for the protection of Maui's dolphins under the Fisheries Act are presented in the table below. See Appendix 1 for a map showing all the protection measures for Maui's dolphins on the West Coast of the North Island.

Measure	Purpose
<p><b>Commercial and Amateur Set Netting (off the WCNI - Taranaki):</b> Keep existing management, including the:</p> <ul style="list-style-type: none"> <li>• commercial and amateur set net prohibition between zero and two nautical miles offshore from Pariokariwa Point to Hawera;</li> <li>• prohibition of the use of commercial set nets between two and seven nautical miles offshore from Pariokariwa Point to Hawera without an observer onboard.</li> </ul> <p>These measures will be reviewed in 2015-2016 (or prior in the case of a dolphin capture).</p>	<p>Managing the risk to Maui's dolphins in the inshore area (out to two nautical miles) where the January 2012 mortality occurred, and the alongshore range based on the maximum travel distance recorded for Maui's dolphins.</p> <p>Gathering more information on dolphin presence in the area.</p> <p>One-hundred percent observer coverage between two and seven nautical mile areas offshore will provide independent monitoring and reporting of fishing interactions with, or sightings of Hector's and/or Maui's dolphins beyond two nautical miles.</p>
<p><b>Commercial and Amateur Set Netting (WCNI Harbours):</b></p> <ul style="list-style-type: none"> <li>• keep existing commercial and amateur set net restrictions;</li> <li>• amend the regulations to allow commercial ring netting in the Manukau Harbour where the set net ban applies, with restrictions on the length and height of rings nets, time and duration of deployment;</li> <li>• improve information on Maui's dolphin distribution and set net activity in the west coast North Island harbours, with a focus in the Manukau Harbour.</li> </ul>	<p>Allowing for commercial ring netting, which was never intended to be banned, in the area where set net activity is currently prohibited in the Manukau Harbour.</p> <p>Improving information in two areas:</p> <ul style="list-style-type: none"> <li>• Maui's dolphin use of the WCNI harbours, with a focus in the Manukau Harbour;</li> <li>• where commercial and amateur set net activity is occurring in the harbours.</li> </ul>
<p><b>Commercial Trawling:</b></p> <ul style="list-style-type: none"> <li>• keep existing management for trawl;</li> <li>• put in place extensive monitoring coverage in the commercial trawl fishery between two and seven nautical miles offshore from Maunganui Bluff to Pariokariwa Point.</li> </ul>	<p>Increasing the level of monitoring coverage in the inshore trawl fishery to:</p> <ul style="list-style-type: none"> <li>• reduce the uncertainty in the risk trawling poses to Maui dolphins while enabling trawling to continue;</li> <li>• provide robust information to inform any assessment of the level of interaction between trawl activity and the Maui's dolphin population.</li> </ul>

## **Rationale**

There are estimated to be 55 Maui's dolphins over one year old. This very small population size suggests that the population is at high risk of extinction and that any human-induced mortality poses a serious threat to future recovery.

Maui's dolphins are predominantly found from Kaipara Harbour to Raglan. I consider that much of the risk to the Maui's dolphin population has been managed with the management measures in place throughout large portions of their range. However, there remains an unknown level of residual risk of fishing-related mortality. This risk is largely posed at the margins of Maui's dolphin distribution, that is, where Maui's dolphins may occasionally range but their presence is considered rare and infrequent.

### *Set netting*

In this context, I consider it necessary to take a cautious approach and manage the risk to Maui's dolphins in the Taranaki area. Maintaining the current restrictions will reinforce the protection of the dolphins in the near inshore area where the 2012 January mortality occurred. MPI will continue to meet the costs of observer coverage on set net vessels in the Taranaki area.

I have also provided my consent, under the Marine Mammal Protection Act 1978, to the Minister of Conservation to implement further set net restrictions within the bounds of the Marine Mammal Sanctuary. As a result, a prohibition will be placed on the use of commercial and recreational set nets between Pariokariwa Point and the Waiwhakaiho River for fishing between 2 and 7 nautical miles offshore.

### *Ring netting*

I acknowledge that the initial ban on ring netting in the Manukau Harbour was an unintended restriction as a result of the decision to extend the set net prohibition further into the harbour in 2008. Since that time, commercial ring netting has been allowed under interim relief from the High Court Decision (refer to CIV 2008-485-2016) for mullet only in the area where the set net extension applied.

I consider that commercial ring netting in the area where set net activity is prohibited in the Manukau Harbour can be allowed under certain conditions. I expect any changes to be monitored/inspected to allow for review of its use should the risk of the activity be more than negligible.

### *Monitoring and Research*

I recognise there is a strong need to improve information in several areas:

- the extent to which dolphins are present in the Taranaki area and what subspecies they are;
- Maui's dolphin use of the WCNI harbours, with a focus in the Manukau Harbour;

- where commercial and amateur set net activity is occurring in the harbours; and,
- the level of interaction between trawl activity and the Maui's dolphin population.

To address these gaps, a greater focus will be placed on gathering more certain and independent information on dolphin presence and interaction with existing set net and trawl fishing activities through increased observer coverage, including:

- improving the statutory reporting forms by requiring fine-scale reporting of commercial set net activity; and,
- introducing a staged roll-out of observer coverage over a timeframe of four years, beginning with 25% coverage of the inshore trawl fleet operating between two and seven nautical miles from Maunganui Bluff to Pariokariwa Point.

I have also instructed MPI to work with industry on the potential use of electronic monitoring programmes, which may provide a longer-term and cost-effective solution. I expect any monitoring programme to provide meaningful coverage to inform management.

Ongoing research is a critical component of the TMP. MPI and DOC will work together to establish a Maui's dolphin Research Advisory Group to:

- provide a collaborative and proactive means to develop and support research priorities with clear milestones and reviews in place;
- communicate information; and,
- aid community and stakeholder involvement in managing the recovery of Maui's dolphins.

This group will be required to consider research priorities in a number of areas, including opportunities to better establish dolphin distribution in and/or use of the WCNI harbours.

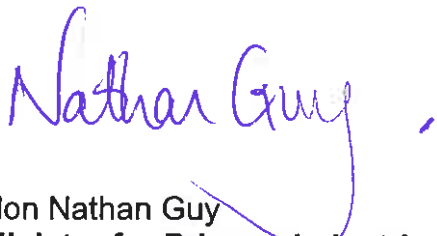
Better information will enable MPI to make dynamic and responsive management decisions that provide utilisation opportunities while mitigating the risk of fishing operations to Maui's dolphins.

The emergency measures provisions of the Fisheries Act enable me to close an area or prohibit the use of particular methods in an area, if satisfied that there has been a serious decline in the abundance or reproductive potential of a species. I consider it very important that the Government can act quickly and decisively in the event of a Maui's dolphin mortality.

The use of emergency measures, should they be required, will enable a prompt response to any new information regarding the risk of fishing-related mortality on the population.

Should you have any questions regarding the implementation of these decisions, please contact Andrew Doube, Inshore Fisheries Manager, at [andrew.doube@mpi.govt.nz](mailto:andrew.doube@mpi.govt.nz) or 04 894 0029.

Yours sincerely,

A handwritten signature in blue ink that reads "Nathan Guy". The signature is fluid and cursive, with a small flourish at the end.

Hon Nathan Guy  
**Minister for Primary Industries**

## Appendix 1: Map outlining protection measures for Maui's dolphins

