



FOREST
& BIRD

Forest & Bird proposal for a Marine Mammal Sanctuary to protect Maui's dolphins



Maui's Dolphin – Steve Dawson/NZ Whale & Dolphin Trust

5 February 2008

Steve Chadwick, Minister of Conservation
Parliament, Wellington

Dear Minister

Forest & Bird proposal for a Marine Mammal Sanctuary to protect Maui's dolphins

Forest & Bird proposes that a marine mammal sanctuary be established off the north-west coast of the North Island to protect the world's rarest marine dolphin, Maui's dolphin, from the threat of extinction.

In August 2007 we sought public comments on our initial proposal and the outcome of that process is the formal proposal outlined in the attached report.

We now recommend that, pursuant to Section 22 (1) of the Marine Mammals Protection Act 1978, you declare a Marine Mammal Sanctuary to protect our endemic Maui's dolphin.

Yours sincerely, Mike Britton, General Manager
Royal Forest and Bird Protection Society of New Zealand



Maui's dolphin

Maui's dolphin is the genetically distinct sub-species of Hector's dolphin. Only an estimated 111 Maui's dolphins remain, including 60 mature adults and just 25 breeding females

They are listed as critically endangered by the World Conservation Union, and are recognised as the world's rarest marine dolphin. They face a very high risk of extinction.

Maui's dolphins once ranged around most of the North Island coastline but are now found only off the west coast of the North Island.

Threats to Maui's dolphin

The Department of Conservation's national mortality database shows that more than 60% of reported deaths of Hector's and Maui's dolphins, where the cause of death is known, are attributed to entanglement in set nets.

An existing ban on set netting off the north-west coast of the North Island is not sufficient to adequately protect Maui's dolphins from this risk as it does not cover the dolphins' full range.

While set nets are recognised as the single biggest human-induced threat to Maui's dolphins, other threats include entanglement in trawl nets; boat strike; and pollution.

Population projections show that further human-induced deaths will significantly increase the risk of extinction of Maui's dolphins.

Existing protection measures

Since 2003, both amateur and commercial set net fishing has been banned in all waters within 4 nautical miles of the coast from Maunganui Bluff in the north to Pariokariwa Point in the south, including the entrance to the Manukau harbour. The prohibition was put in place due to the known and potential impact of set nets on Maui's dolphins. Set net fishing is now only allowed inside the harbours and in offshore waters outside 4 nautical miles.

There also exists a 1 nautical mile trawl prohibition along the west coast of the North Island, including a 2 nautical mile prohibition adjacent to harbours and river mouths. Whilst no Maui's dolphin deaths have been confirmed as being caused by set netting or trawling, Maui's dolphins outside this protected area remain at high risk, both from fishing threats and other human induced threats.

Forest & Bird public consultation process

From June-September 2007 Forest & Bird consulted the public over proposed measures to extend protection of Maui's dolphins, chiefly via a proposed marine mammal sanctuary off the north-west coast of the North Island.

Consultation found wide public support for a marine mammal sanctuary. There was some opposition to the proposal from fishers, especially set-netters. Some alternative measures were proposed to protect the dolphins.

As a result of its analysis of public feedback Forest & Bird now proposes that a marine mammal sanctuary be established to protect Maui's dolphins.

A marine mammal sanctuary

A marine mammal sanctuary is seen as necessary because it is the only form of protection that can protect Maui's dolphins from all known threats. It would be a natural extension of existing fishing prohibitions, whilst still allowing for fisheries utilisation that does not threaten Maui's dolphins. This would ensure the best possible protection from other known and potential threats. It also promotes the area as a special place for dolphins, which is important for their long term protection.

The sanctuary will also have significant benefits for the protection of other marine mammals and seabirds.

It is proposed that the marine mammal sanctuary:

- extend from Maunganui Bluff in the north to Cape Egmont in the south, including all harbours
- cover all waters less than 100m deep
- includes bans on set nets, drift nets, trawling within 4 nautical miles of the coast, marine mining and littering
- requires all trawl vessels to carry vessel monitoring systems plus carry an onboard observer or electronic monitoring equipment

Reasons for the proposed boundaries

The draft Threat Management Plan for Hector's and Maui's dolphins produced by the Department of Conservation and Ministry of Fisheries includes a proposed marine mammal sanctuary to protect Maui's dolphins. However, the area proposed is not large or comprehensive enough to protect Maui's dolphins across their entire range. The boundaries proposed by Forest & Bird cover the dolphins' full range:

Extent north to south

While there is some dispute over the exact extent of the range of Maui's dolphins, scientific evidence suggests that the dolphins are found from Maunganui Bluff to Taranaki.

While some doubt remains over the presence of Maui's dolphins in the southernmost part of this range, they have existed there in the last few decades and recent unconfirmed sightings have also been made.

The objective of the Threat Management Plan is to protect Maui's dolphins not only in their existing range, but also allow the population to recover and expand into its previous range. Therefore the inclusion of the southernmost areas of the proposed marine mammal sanctuary would at the very least be an advisable precautionary approach to ensure protection of potential distribution and encourage expansion of their range.

Inclusion of inner harbours

There has also been some contention between scientists and fishers as to whether Maui's dolphins frequent the inner harbours along the west coast. Scientific evidence supports the view that Maui's dolphins are found in at least Kaipara and Manukau harbours and recorded close to the entrances of Port Waikato and Raglan Harbour.

Around Banks Peninsula in the South Island, Hector's dolphins have been observed in channels and in very shallow 2m deep water. Forest & Bird is convinced that a set net ban needs to apply to all areas where Maui's dolphins may be found.

Water depth

Preliminary analysis of Maui's distribution suggests that they range further offshore than 4 nautical miles, which is the boundary of the existing set net ban and the proposed marine mammal sanctuary in the Threat Management Plan.

Studies of Hector's dolphins in the South Island show that the species range extends out to waters up to 100 metres deep. Therefore, establishing the proposed marine mammal sanctuary's boundary at the 100m depth contour would protect the known and probable range of the dolphins.



Other activities in the area

Other activities in the area of the proposed marine mammal sanctuary which may potentially be affected include sand mining, mineral and gas exploration and production plus some commercial, recreational and customary fishing. Proposals to locate marine turbines could also be affected. The marine mammal sanctuary would not have any adverse impact on other recreational users. Boat users are already required under the Marine Mammal Protection Regulations 1992 to desist from activities which may harm Maui's dolphins.

Impact on fishing

Establishment of a marine mammal sanctuary would extend existing prohibitions and would prohibit only those fishing methods that threaten Maui's dolphins - set nets, drift nets, and trawling within 4 nautical miles of the coast - other fishing methods would not be affected.

Independent research consultants Aranovus have produced a report detailing a rapid, opinion-based assessment of the socio-economic impact of proposed options for fishing regulation contained in the draft Threat Management Plan.

The report suggests that regulating/ prohibiting set netting and trawling would have varying degrees of impact, including financial impact, on fishers. While switching to alternative fishing methods is possible, there are likely to be costs involved. Accurate assessment of such costs has not been compiled.

Possible remedies and mitigation of impacts

Forest & Bird recognises that the livelihoods of affected fishers should be taken into account.

Forest & Bird proposes that the marine mammal sanctuary cover all inner harbours. However, we will continue to work with the Department of Conservation, Ministry of Fisheries, scientists, fishing interests and communities to identify any areas inside the harbours of the north-west coast where there is no knowledge of dolphins being sighted and the dolphins are unlikely to occur. In these areas limited set netting could continue on a monitored and reviewable basis. This could be provided for through fishing regulations and would need to be accompanied by robust monitoring and evaluation in those areas.



Maui's dolphin – Silvia Scali

Recommendations

In summary, Forest & Bird:

1. **Proposes** that as part of the wider Threat Management Plan, and pursuant to Section 22(1) of the Marine Mammals Protection Act 1978, the Minister of Conservation declare a marine mammal sanctuary, to protect Maui's dolphins from all known threats across their entire known and probable range.
2. **Notes** that a marine mammal sanctuary is the most comprehensive and effective means of preventing Maui's dolphins from becoming extinct.
3. **Notes** that while there will be some impacts on some groups as a result of a marine mammal sanctuary being established, these impacts can be remedied or mitigated.
4. **Proposes** that the Department of Conservation, Ministry of Fisheries, scientists, fishing interests, communities on the west coast and Forest & Bird jointly identify any areas inside the harbours where there is no knowledge of dolphins being sighted and the dolphins are unlikely to occur, where limited and reviewable set netting could continue on a closely monitored basis.
5. **Proposes** that where the marine mammal sanctuary overlaps with a Mataitai or Taiapure, the management of that part of the marine mammal sanctuary is managed in conjunction with the Mataitai or Taiapure Management Committee.
6. **Proposes** that the Minister of Commerce enact regulations under Section 62 of the Crown Minerals Act to prevent any prospecting, exploring or mining within the sanctuary that may disturb the habitat of Maui's dolphin and its prey species.
7. **Proposes** that the Minister of Conservation recommend changes to the Auckland Regional Coastal Plan, the Auckland Regional Land, Water and Air Plan, the Waikato Regional Coastal Plan and the Waikato Regional Plan to reduce and cap discharges of contaminants into the coastal waters of the proposed Maui's dolphin Marine Mammal Sanctuary.