

Report of the meeting to discuss the Hector's and Maui Dolphin Threat Management Plan

Held in Auckland 15 October 2007

Prepared by Trish Rea

Non-commercial Representatives: Paul Barnes, Trish Rea

Ministry of Fisheries: Richard Fanselow, Ian Ferguson, Sarah Omundsen (later), Manihera Forbes (later).

Duration: 45 minutes

Introduction

On 29th August 2007 the Ministry of Fisheries (MFish) and the Department of Conservation (DoC) released a document called the *Hector's and Maui Dolphin Threat Management Plan. Draft for Public Consultation*. The proposals aim to address human-induced mortality of dolphins around New Zealand. The status quo is one management option. Other options relate to set netting, trawling and drift netting and range from partial bans to complete prohibition of these methods. Marine Mammal Sanctuaries have also been proposed. Submissions are due by October 24th with Ministerial decisions due by early December.

There are four main dolphin population areas, the North Island's west coast (Maui dolphin) and the east, west and southern coasts of the South Island (Hector dolphin). This meeting was focussed mainly on the Maui population on the west coast of the North Island although some of the discussion is applicable to all areas. A recording was taken of this meeting to enable an accurate account to be taken of the discussion; this report is taken from the meeting record.

Discussion

Maui mortality

There is some debate regarding the estimated numbers of Maui dolphin off the west coast of the North Island. Both MFish and DoC have suggested there are 111 individual Maui (95% confidence interval = 48 – 252). MFish was waiting for further confirmation from DoC on population estimates. Maui are classified as “nationally critical”, the highest ranking possible.

MFish and DoC consider that set netting is the “*greatest known cause of human-induced Hector's dolphin mortalities*”¹. It is MFish' understanding that the decline of the Maui dolphins, from over 200 to 111, coincided with the introduction of monofilament nets. MFish is waiting for a report from DoC to explain the interaction of Maui and set netting. MFish had received a number of requests during the public meetings for the evidence to support the population estimates and the account of set netting.

If multi-filament (string) nets were more detectable by sonar than monofilament nets then had MFish considered defining multi-filament mesh net areas and monofilament areas? MFish advised this concept had not been discussed.

Nets had been used by Maori long before colonisation and had been a common fishing method since then. This activity allowed people to provide for their wellbeing through catching fish. MFish agreed

¹ Hector's and Maui Dolphin Threat Management Plan. Draft for Public Consultation, MFish and DoC, page 23.

if effective management methods were sought then all reasons for the declining Maui population needed to be considered.

There had been two reported Maui deaths on the west coast due to nets since 1988, where the cause of death was confirmed. If there had been a decline of Maui by around 100 animals since the previous abundance survey then the cause of death of 98% of these Maui needed to be urgently identified and addressed. MFish and DoC cannot claim that netting is the major threat when 98% of the deaths are attributable to some other cause.

MFish disagreed with this assessment and advised the 'expert panel' including a commercial fishing representative had agreed that netting was the biggest human-induced threat to Maui's. MFish disagreed that environmental changes were more threatening; however this was difficult to measure.

There were four Maui deaths on the west coast last summer, three died of natural causes, one due to an unknown cause; none were from human-related activity including set netting. MFish agreed that this was more proof that there were much bigger threats to Maui than set netting.

MFish agreed to provide the autopsy reports of Maui, including their fertility status if that particular information was available. There is the possibility that pathogens (bacteria or viruses) are being washed off the land into the waterways and out to sea and that Maui have no immunity against these organisms.

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| ACTION: MFish to supply autopsy reports of Maui including fertility data, if available. |
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Contributing factors to Maui deaths

There had been no research into the threat to Maui posed by white pointer sharks following their altered status as a protected species. MFish agreed this point had been raised previously but there was no new information to offer.

MFish disagreed that this process was a pretence; a process designed to appear to be addressing the dolphin mortality issue instead of looking at the science and the real causes of death.

However it seemed there was a missing explanation as to why the Maui were dying. Any animal that died on the west coast would wash up somewhere along the coast within a couple of days due to the wild nature of the west coast. Land-based fishermen regularly travel Muriwai and Kariotahi beaches and yet there had been no reports of Maui being found on these long beaches. So there must be some other cause of death that has not been identified, given the estimated decline of Maui from the previous survey to the 2004 survey.

When the facts are examined there was no justification to adversely affect people's wellbeing by imposing net restrictions and reducing access to fisheries. There had been no deaths due to netting in the same period as four Maui had been killed by other means off the west coast. Any measures taken within the Manukau Harbour, including doing nothing, would be 100% effective because no Maui had ever been caught in the harbour.

The claim within the draft plan that set nets were the biggest threat could not be scientifically or statistically proven given the evidence from the west coast and harbours. The biggest threat to Maui is unknown.

MFish disagreed with this assessment and reiterated that they agreed with the task force that set nets were the major threat to Maui. Many of the dead Maui found around Taranaki in the 1970's had shown signs of set net entanglement.

MFish emphasised the proposals in the draft document, including the status quo, were options and MFish had no preference for any particular one. The Minister had the opportunity to pick and choose from each option for set netting, trawling and drift netting. It was unfortunate from MFish' perspective that most of the public discussion had focused on option 3, the proposal with the least supporting information although it would have the most impact. There seemed to be very little discussion surrounding the other options proposed.

Aranovus Research had been commissioned to conduct socio-economic surveys of the impacts of the proposals within the draft management plan. This information would be used to inform the Minister's decision.

Sustainability

The impact of displacing fishing effort into other west coast areas, if some area closures occurred, or shifting fishing effort entirely to the east coast also needed to be taken into account.

Both flounder and mullet fisheries were over-allocated with no constraint on commercial catch. The excessive quotas created through the introduction of these species into the quota management system (QMS) had created a financial incentive to over-fish these stocks rather than stop fishing because of scarcity. This was because quota owners were not likely to sit on their quota asset, they wanted to make money from it, unlimited fishing had been detrimental to both the flounder 1 (FLA1) and grey mullet 1 (GMU1) fisheries.

The Maui threat management proposals would affect mainly the flounder and mullet fisheries yet MFish are failing to address the larger issue of poor management of these species. If, for example, these fisheries were well managed and above the biomass (stock) level required to produce maximum sustainable yield (Bmsy), as prescribed by the Fisheries Act 1996, and there were realistic quotas then fishing effort would be drastically reduced. Due to the scarcity and the high quota levels for flounder and mullet more effort is being applied in an attempt to reach the quota target.

By poorly managing these fisheries and having quota that does not limit commercial catch, there is an unlimited amount of net being applied to fisheries that are below MSY – the minimum management level specified by the Fisheries Act.

If the biomass (weight of fish) was doubled then half the fishing effort would be required to catch those fish, therefore having a healthier flounder and mullet fishery would halve the risk to Maui dolphins. Under this scenario if a Maui strayed into a west coast harbour they would be confronted with half as much gillnet as what is currently being used.

MFish viewed the fisheries planning process as being a more effective at addressing the species management issues rather than the Maui threat management process.

There was also a need to establish if Maui are actually entering into the Manukau and other west coast harbours. If there was no significant Maui presence in the harbours then the need to immediately address the flounder and mullet fisheries would not arise. MFish does not have the capacity to deal with both the Maui threat management plan and fisheries catch levels.

It was surprising to non-commercial fishers that the threat management process had not included research into:

- Why people are employing particular fishing methods; and
- How much of that fishing practice was occurring; and
- Was there any way to reduce use of those methods which may interact with Maui without having adverse impacts on people?

Quota allocations

The answer goes back to the introduction of the QMS. In the mid 1980's deals were done to allocate flounder and mullet quota beyond agreed sustainable levels merely to compensate for the amount of Quota Appeals Authority claims for snapper and other valuable species.

MFish reiterated they would not be addressing quota levels for west coast fisheries during the Maui threat management process. Quotas would be a topic raised during the fisheries planning process.

MFish did not accept that all those involved in the west coast flounder and mullet fisheries believed these stocks were being managed below the level required by the Fisheries Act - at or above Bmsy. And while many amateur fishing representatives believed that these fisheries should be reviewed again MFish did not have the capacity to conduct a full-scale review at this time.

MFish has been surprised by the numbers of commercial and non-commercial fishers with an interest in the west coast harbours and didn't have the resources to undertake two major processes simultaneously.

Outcome of 2005 Minister's decisions

After the 2005 fisheries review process of FLA1, GMU1 and Rig (SPO1) the Minister announced that no changes would be made to catch levels, acknowledged there were specific concerns and advised that these concerns would be addressed separately. No measurable changes had been made since the September 2005 decision.

Fisheries Plans

MFish advised the Fisheries Plan process was an outcome of that review and would provide a way to address the many concerns raised in previous submissions.

A recent example of failed planning processes is the Kaipara Harbour Sustainable Fisheries Management Study Group's (KHSFMSG) experience. Well-meaning volunteers had committed hundreds of hours, many resources and deprived themselves of valuable family time to achieve a management plan for their harbour, only to have that ignored by MFish and the Minister.

The KHSFMSG had been working since 1999 to develop a strategy to address overfishing within the harbour, they released a draft plan mid-2003 and final copy in December that year. Nothing had been achieved since, even though the Minister was given a copy of the document at the time.

Unfortunately, many people had lost hope and abandoned the process due to the difficulties being faced by this community group made up of local community representatives, tangata whenua, amateur and commercial fishers.

MFish were adamant that Fisheries Plans are the way fisheries will be managed in the future. MFish recognise that if volunteers from the non-commercial sector are not fully engaged then the planning process would collapse.

Size of quota management areas (QMAs)

The QMA for many fisheries of social, economic and cultural importance are very large. The management area for FLA1, GMU1 and Rig 1 (SPO1) stretches from Tirua Point (northern Taranaki) to Cape Runaway at East Cape². If significant areas of the west coast or particular harbours are closed to fishing then that effort will be transferred to other areas. There is already conflict in the Kaipara, which obviously could not sustain any more fishing effort. MFish agreed that fishing effort and quota would likely move to the east coast if the west coast was closed to fishing.

MFish had not assessed the impacts of displacement of fishing effort and was not likely to conduct research into whether there were separate fish stocks for the same species on each coast or whether there would be impacts on the sustainability of existing fisheries within harbours, for partial closures, or on other harbours. This research would only be done if the Minister indicated that a decision was going to be made that would have a major impact on sustainability. MFish would be advising the Minister of the implication of displacing fishing effort before the Maui management decisions are made.

While the TAC/TACC review maybe too resource-intensive there are two good reasons why MFish should be gathering more information to:

- a. Define the impacts of effort displacement; and
- b. Assess whether the flounder and mullet fisheries are sustainable at current catch levels.

MFish agreed with the second point however, given the information that MFish has, the set netting option 3 is the least likely to happen so conducting detailed research into the impacts of displacement of effort did not seem to be a useful exercise.

The information that MFish has indicates there are not that many Maui within the harbours and this point will be clearly put to the Minister.

MFish agreed to supply a copy of the information on fisheries impact that was written but was not included in the draft document distributed to the public, if that information was still available.

ACTION: Richard to supply the fisheries impact statement.

Decision process

MFish will be providing the Minister with information, including public feedback, in the Final Advice Paper (FAP). Decisions will be made by early December; some of those decisions may not be implemented for some time. MFish confirmed the public would not have another opportunity, past the October 24th submission deadline, to comment on the FAP.

It was understood that the Minister would be able to select a variety of measures from the options being discussed by the public. A concern for non-commercial fishers is that the Minister will be given the FAP, will decide on the measures to be taken and will not be given best available information of the impacts of whatever mixture of decisions he makes.

MFish agreed that they would be supplying the Minister with a summary of all the meetings they had attended and would also attach the comments from this meeting.

ACTION: Trish to give a copy of the meeting report to MFish.

² Gurnard 1 (GUR1), hapuku and bass (HPB1), school shark (SCH1) and tarakihi 1 (TAR1) have the same management area.

Public meetings

MFish advised they would be conducting a public meeting on Wednesday 17th October at the Manukau Cruising Club to provide another opportunity for disseminating information and gathering public input. MFish was encouraging as many people as possible to participate in this meeting. All the Manukau commercial netters had been informed by phone. MFish had missed the deadline to advertise in the Western Leader but there would be a meeting notice placed in the Central Leader.

The previous 'drop in' meetings were an experiment to try and make the meetings more user-friendly. It was a low-key approach to educate the public, to make information and staff available to chat rather than having a formalised presentation and asking for submissions.

The early start times of 2pm or 3.30pm seemed to have been more successful in the South Island than the North. MFish did not believe it was a way to avoid consultation, as had been suggested at previous meetings.

MFish felt it was important for non-commercial fishers on the northern side of the Manukau to be aware of the meetings, as there were management implications if the regime changed. Commercial fishers were easier to contact than non-commercial.

Advertising meeting times and venues was also an important contributing factor to the success of the meeting. Seven people at the MFish 'drop in' meeting at Ceramco Park on September 27th from 2pm to 6pm was a reflection of the lack of public awareness and no advertising.

Public awareness

MFish were encouraged to make a point of gathering people's contact details, whether that was at a meeting or someone who drops into their offices. That way MFish could keep people informed about what was happening. An email campaign to keep people updated would be a cost-effective way to keep people informed.

MFish advised they had tried to gather people addresses at the last round of Maui meetings. MFish had recently started using a contact management system which they would be making use of to publicise information.

If MFish provided an incentive, such as a prize, for the public to participate and provide information they would be in a better position to gather feedback on their ideas and measure initial impacts of their proposals. Past surveys in magazines such as the *NZ Fishing News* had been used successfully to measure public reaction to different finfish size limits, bag limits and other regulatory controls.

Public education

A commercial fisher who attended the Laingholm public meeting (Tuesday 9th October) advised that he also manages a net manufacturing business in Mangere Bridge. Late last year the business held a public education day to enhance public knowledge, particularly of Pacific Island and Asian clients, on how to use nets. MFish were invited but did not attend.

MFish agreed it was a lost opportunity for them to participate in a public education exercise. Richard had not managed to contact the compliance section and determine why they had not taken the chance to talk with a core group of netters. Compliance issues had been raised at a number of meetings and those matters would be put to the compliance team.

MFish can confirm that patrols are conducted in the closed area within the Manukau entrance to ensure nets were not in place.

Marine Mammal Sanctuary proposal

The Marine Mammal Sanctuary proposals are not widely understood, nor are the future management implications.

It is MFish' understanding that DoC were seeking views in favour or against the Marine Mammal Sanctuary proposals and reasons for those views. Depending on the feedback, and if the sanctuary concept is going to be progressed, there maybe another process to consult on the idea. The Fisheries Act would still regulate fisheries management, however it was an opportunity to have issues such as pollution addressed in more detail. It had no direct management implications, as opposed to a marine reserve, it merely recognised the significance of a particular area.

MFish understood the December decision deadline was related more to the fisheries management decisions rather than the Marine Mammal Sanctuary. Richard would investigate this further but did not believe DoC would be managing another consultation process before Christmas if a sanctuary were to proceed.

ACTION: Richard to advise of any further information on the Marine Mammal Sanctuary proposals and process.

Night Net Setting and Attendance

Research of the Hector's dolphin on the South Island's east coast indicates that the dolphins move out of Akaroa Harbour at night so night set netting is permitted within the harbour. Attendance is also required except in 'designated' flounder fishing areas.

The night setting ban proposed in the West Coast option 2 was illogical if:

- a. Maui do not enter the harbours.
- b. Maui do enter the harbours and leave at nightfall.

The attendance regime was to ensure that fishers stayed with their nets and were available to pull the nets out of the water if dolphins were seen to be approaching the net. It was MFish' opinion that poor visibility at night would not allow sufficient time to react to approaching dolphins, therefore both attendance and a ban on night net setting had been included in option 2.

MFish agreed option 2 was a 'blanket proposal' as there was no firm evidence to indicate that Maui do or do not enter the west coast harbours and if so, whether they leave or remain overnight.

It was a concern that people were being given the option of banning night setting of nets and would make that choice thinking they would be contributing to the ongoing survival of Maui, without understanding Maui movements and that it may not address mortality at all if they did not enter into the harbours. Akaroa would be a good example to use in any submission relating to night setting.

Conclusion

This meeting on the Maui dolphin proposals concluded and conversation was directed towards the North Island West Coast fisheries planning process. A record of that meeting is available in the document *Report NIWC Fisheries Plan meeting 15 10 07*.