



Office of Hon David Carter

Minister for Primary Industries
Minister of Local Government

B11-866

Dear Stakeholder

This letter outlines my decision on interim set net measures in the Taranaki area, from Pariokariwa Point to Hawera. The restrictions I have decided on will stay in place while the Maui's dolphin component of the Hector's and Maui's Dolphin Threat Management Plan (TMP) is reviewed and the nature of future possible measures to mitigate the risks to Maui's is decided.

The Government is committed to protecting and ensuring the long term survival of Maui's dolphins.

That is why, earlier this year, the Minister for Conservation and I announced that the review of the TMP will be brought forward, with the Maui's dolphin component of it being prioritised for completion in 2012.

We have consulted with all stakeholders, including tangata whenua, on whether measures are necessary, in the interim, to mitigate the risk to Maui's dolphins from set net fishing, seismic surveying and mining, while the review of the TMP is undertaken.

Decision

I have decided to extend the recreational and commercial set net ban in the Taranaki area, from Pariokariwa Point south to Hawera, with an offshore boundary of 2 nautical miles (nm). See Appendix 1 for a map of the area being described.

In addition, due to the level of uncertainty in information relating to Maui's dolphin presence in the area, I have decided to prohibit the use of commercial set nets between 2nm and 7nm in this area without an observer onboard.

Observers will:

- report start and end position of nets set between 2 and 7nm from shore; and
- report dolphin sightings to DOC.

Furthermore, commercial fishers will be asked to assist DOC in the collection of biopsy information where this is appropriate. Commercial fishers' existing policy of not setting nets when dolphins are sighted will continue to be endorsed and encouraged.

The cost of observer coverage for these measures will be covered by the Ministry for Primary Industries (MPI). I consider this appropriate due to the uncertainty in information and because there is a need to gather information on dolphin distribution in the interim.

Notification of my decision will be made in the New Zealand Gazette. This is expected to occur on 28 June 2012. My decision will come into effect 28 days after publication.

In reaching my decision, I have considered the submissions received as well as advice from MPI, which includes analysis of tangata whenua and stakeholder submissions.

I also considered the relevant legislative provisions and my obligations under the Fisheries Act 1996. Given the current uncertainties, I consider these interim measures balance the need to enable utilisation of New Zealand fishing resources while mitigating the risk to Maui's dolphins.

Copies of the consultation paper and the final advice paper relating to this decision are available on the Ministry's website at www.mpi.govt.nz.

Reasons

The Maui's dolphin population is estimated to be approximately 55 individuals over one year of age. 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 any future recovery.

Maui's dolphins are protected from set net interactions within their core range from Kaipara Harbour to Raglan. However, south of their core range, in the Taranaki area (from Pariokariwa Point to Hawera), there is considerable uncertainty as to the extent these dolphins use this area. There is also uncertainty about whether the dolphins sighted in the Taranaki area are Maui's or Hector's dolphins.

Hector's and Maui's dolphins are not visually distinct, and for this reason, it cannot be confirmed whether the accidental mortality of a dolphin in a commercial set net in January was a Maui's or a Hector's dolphin. DNA testing of a more recent dolphin mortality (of natural causes) found stranded near Opunake showed this dolphin to have DNA characteristics more consistent with a Hector's dolphin. These findings make the assessment of the subspecies of the January 2012 set net mortality (which was returned to sea and could not be tested) more equivocal.

The focus of the interim measures is the protection of Maui's dolphins. The presence of Hector's dolphins on the west coast of the North Island and their relationship to Maui's dolphins will be considered as part of the review of the TMP.

In this context, I consider it necessary to take a cautious approach and manage the risk to Maui's dolphins in the Taranaki area. Prohibiting the use of set nets south to Hawera and offshore to 2nm will protect dolphins in the near inshore area where the January set net mortality occurred.

I am also aware that closure of these fishing grounds will have an economic impact on the commercial fishing industry operating out of New Plymouth and recreational fishers. A closure with a 2nm offshore boundary will mitigate the economic impact by allowing set net fishing to occur further offshore.

In addition, I recognise that more information is needed to determine the extent to which dolphins are present in this area and what subspecies they are. To address this, on-board observers will be required on all commercial set net vessels operating between 2 and 7nm, between Pariokariwa Point and Hawera. Their role will be to monitor and report dolphin sightings, support DOC in the collection of biopsies and work with commercial fishers to voluntarily cease fishing when dolphins are sighted in the area.

Should a confirmed fishing-related mortality of a Maui's dolphin occur in this area before long-term measures are considered, I will look to put in place emergency measures to further reduce fishing-related threats to Maui's dolphins.

I would like to thank the fishing industry and other stakeholders who provided submissions and their views on this issue.

If you have any questions about the implementation of these decisions please contact Andrew Doube, Inshore Fisheries Manager, at andrew.doube@mpi.govt.nz or 04 894 0029.

Yours sincerely



Hon David Carter
Minister for Primary Industries

Appendix 1: Map outlining new set net restrictions

