

APPENDIX FOUR: PART B

CONTENTS

PART B OVERVIEW.....	5
WEST COAST NORTH ISLAND (WCNI).....	6
Problem Definition – Population Information	6
Abundance	6
Distribution.....	6
Threats	9
Fishing Related Threats.....	9
Non-Fishing Related Threats.....	10
Need For Action	12
Options.....	12
Commercial Set Net Options	13
Commercial Trawl Options	15
Recreational Set Net Options	16
Commercial Drift Net Options.....	18
Costs.....	18
Additional Suggestions.....	21
Research.....	23
Monitoring	24
Process	25
WEST COAST SOUTH ISLAND (WCSI).....	27
General Comments	26
Problem Definition – Population Information	27
Abundance	27
Distribution.....	27
Threats	27
Fishing Related Threats.....	27
Non-fishing Related Threats.....	28
Need for action.....	29
Comments about Value).....	29
Options.....	29
Commercial Set Net Options	29
Commercial Trawl Options	30
Recreational Set Net Options	31
Costs.....	31
Alternative suggestions	32
Research.....	32
Monitoring	33
Process	33
EAST COAST SOUTH ISLAND (ECSI).....	35
General Comments	34
Problem Definition – Population Information	35

Abundance	35
Distribution.....	35
Threats	37
Fishing Related Threats.....	37
Non-Fishing Related Threats	39
Need for Action.....	39
Comments About Value	40
Options	41
Commercial Set Net Options	42
General Comments	43
Commercial Trawl Options	44
Recreational Set Net Options	45
Potting Options	47
Costs	48
Research	49
Monitoring	50
Process	51
Non-Fishing Management of Tourism Sector	52
Quality of information	52
Customary Fishing And Treaty Rights.....	52
 SOUTH COAST SOUTH ISLAND (SCSI).....	 54
Legislative Obligations	53
Problem Definition – Population Information	54
Abundance	54
Distribution.....	54
Threats	55
Fishing Threats	55
Non-fishing Related Threats	56
Need For Action	57
Comments about Value	57
Options	57
Commercial Set Net Options	58
Commercial Trawl Options	58
Recreational Set Net Options	59
Costs	60
Alternative Suggestions.....	60
Research.....	61
Monitoring	61
Process	61
 NATIONAL.....	 63
General Comments	62
Problem Definition – Population Information	63
Abundance	63
Distribution.....	63
Threats	64
Fishing Related Threats.....	64
Non-fishing related threats.....	66

Need For Action	67
Comments about Value	68
Options	68
Costs	69
Alternative Suggestions	70
Quality Of Information	72
Reference To Customary Fishing And Treaty Rights	72
Research	72
Monitoring	72
 MARINE MAMMAL SANCTUARY	 75
Process	73
West Coast North Island	75
Clifford & Cloudy Bay	77
Porpoise Bay/Fortose, Catlins	78
Te Waewae Bay, South Coast	79
Banks Peninsula extension	80
General Comments	81

PART B OVERVIEW

1 Part B is a summary of submissions from 2120 submitters. The submitters have been grouped into the following categories:

- a) Industry submitter: this category includes those people who identified themselves as commercial fishers or people involved in the fishing industry
- b) Recreational submitters: this category includes people who identified themselves as a recreational fisher, or who indicated they were engaged in recreational fishing
- c) Customary submitters: this category includes people who identified themselves as customary fishers, or who identified themselves as an iwi or hapu member or representative
- d) Tourism submitter: this category includes all people who identified themselves as being part of the tourism industry
- e) Environmental submitter: people who identify as being part of an environmental group. Those people that are not affiliated with an environmental group and support the protection and conservation of dolphins were not included in the environmental submitter
- f) General submitter: people who have not identified themselves as belonging to a particular sector

2 Submitters comments have been summarised into 5 key sections (WCNI, WCSI, ECSI, SCSi, and National) based on where the submitter is from or the area they referred to in their submission. If people did not refer to a specific dolphin population then these comments were included in the National Section.

3 This summary aims to incorporate themes and comments from submitters. It is important to note that some submitters may have stated support or opposition to the draft TMP or options generally. Therefore, the options section and comments under them only refer to people who referred specifically to this section.

WEST COAST NORTH ISLAND (WCNI)

Problem Definition – Population Information

Abundance

4 There is no new scientific information provided in submissions on the abundance or long-term trend in abundance for dolphins on the WCNI. Some submitters provide anecdotal information on changes in abundance or state their opinion on the abundance of dolphins.

5 Many industry submissions state there is no evidence of a decline in the numbers of dolphins. One submitter states that there has been no increase in dolphins evident since 2003 restrictions were put in place.

6 General submitters comment on the status of the dolphins (often explaining this as their rationale for why action should be taken, see later sections). A couple of these stated they think the numbers of dolphins are decreasing. A couple of general submitters said there are no dolphins around.

Distribution

7 A large majority of submissions from the recreational and commercial sectors provide information on the areas where they have or have not ever seen dolphins.

8 A WCNI recreational fisher says dolphins have only been seen in water deeper than 3 metres.

9 Submitters sometimes refer specifically to different parts of the harbours where they have or have not seen dolphins, as well as indicating how many years they have been fishing for. The comments received from submitters are summarised below, by area.

Kaipara

10 Many industry submitters say that they have never seen dolphins in the Kaipara Harbour.

11 Many industry submitters say that they have never seen dolphins in the Kaipara Harbour entrance. A couple of submitters say they have never seen dolphins in the Kaipara Harbour but they have seen them in the harbour entrance.

12 One industry submitter states they have seen dolphins in the Kaipara Harbour entrance as far as the lagoon and Pouto.

13 Industry submitters report never seeing dolphins in the Kaipara Harbour. The submitters have a range of experience (no dolphins caught in life of father or grandfather).

14 General submitters say they have never seen dolphins in the Kaipara Harbour.

15 Many recreational submitters say they have never seen dolphins in the Kaipara Harbour entrance, or the Kaipara Harbour.

16 Many recreational fishers state they have seen dolphins at the Kaipara Harbour entrance.

17 A general submitter says they have seen dolphins in Kaipara Harbour.

Kawhia

18 An industry submitter says they have seen dolphins outside of Kawhia Harbour (over the last 25 years).

19 One industry submitter says they have seen dolphins on the Kawhia Bar.

Manakau

20 Many industry submitters say they have never seen dolphins in the Manakau Harbour.

21 Many recreational submitters say they have never seen dolphins in the Manakau Harbour.

22 A general submitter says they have seen dolphins in Manakau Harbour.

Raglan

23 Many industry submitters say they have not seen dolphins in Raglan Harbour

24 One industry submitter says they have seen dolphins outside of Raglan Harbour (over the last 25 years).

25 A few recreational submitters say they have never seen dolphins at Raglan.

26 A few recreational submitters say they have seen dolphins at Raglan but never observed dolphins more than 4 km south of Raglan Harbour.

27 A general submitter says they have seen dolphins in Raglan Harbour.

Taranaki

28 A large proportion of industry submitters say they have never seen dolphins in Taranaki, some specifically say they have never seen dolphins south of Mokau.

29 A customary submitter says there are no dolphins in Taranaki.

30 The majority of recreational submitters say they have not seen dolphins in Taranaki.

31 Some general submitters say they have never seen dolphins in Taranaki.

Port Waikato

32 Industry submitters state they have never seen dolphins either in Port Waikato, or between Mokau and Port Waikato.

No Dolphin Sightings

33 For some areas, only one person commented on the presence or absence of dolphins. Industry submitters say they have never seen dolphins in the following areas:

- a) West Coast North Island
- b) south of Mokau
- c) Mokau to Cape Egmont
- d) Cape Egmont to Tirau Point
- e) Cape Egmont to Raglan
- f) Patea to Manukau Heads
- g) south of Pariokariwa Point
- h) south of Tongapurutu

34 Customary submitters state they have never seen dolphins in:

- a) Taranaki
- b) south of Mokau
- c) Kaipara Harbour
- d) Aotea Harbour

35 Customary submitters say they have seen dolphins in the Kawhia Heads in the deeper waters, as well as the shallow water in Kawhia Harbour. Customary submitters also note that dolphins are inquisitive and that the dolphins will investigate nets. The highest density of dolphins was identified as occurring in the Manakau and Waikato area.

36 Some recreational submitters state they do not think there are dolphins in the harbour, without referring to any harbour in particular. Recreational submitters (with a large range of fishing experience) say they have never seen dolphins in the following areas:

- a) Pariokariwa Point to Waitara
- b) Pariokariwa Point to Tiro Point
- c) New Plymouth
- d) Taranaki Coast
- e) Orua Bay
- f) south of Kawhia Harbour

37 A general submitter says they have never seen dolphins in the area south of Urenui.

Threats

38 No new scientific information is provided on threats to dolphins in submissions. All threats identified in submissions are also identified in the draft TMP. Submitters have advocated what they think the threats are to dolphins, sometimes including why they think this, and what they think the Government should do about the different threats.

39 Many general submitters say there is no threat from fishing because the existing voluntary code of practice for fishers is working and there is not a proven problem (without referring to a specific sector).

40 A couple of industry submitters report mortalities of dolphins. Details of these are:

- a) dead dolphin found between Waiuku and mouth of Manukau Harbour
- b) dolphin found in a net at Manukau Heads - DoC notified (not possible to establish if this if the same dolphin as reported above)

Fishing Related Threats

41 Some submitters comment on the fishing related threats outlined in the draft TMP for the WCNI.

42 A customary submitter states there is a threat from illegal nets to the dolphins (they do not specify what sector or type of net they are referring too).

43 One general submitter says there are no fishing threats because no dolphins have been caught on the North Taranaki Coast.

44 The comments that are specific to fishing method and sector received from submitters are summarised below.

Commercial Fishing Threats

45 Some industry submitters do not identify or consider fishing as a threat to dolphins. The following comments were made:

- a) set nets are not a threat
- b) existing measures are working, there is a lack of research, and no evidence that fishing is a problem. The ongoing work on the Challenger Fin Fishery commercial set net code of practice will mitigate risk to dolphins.
- c) existing voluntary and regulatory measures are working well (includes maps)
- d) update local code of practice to mitigate threats
- e) local commercial operators are generally responsible

46 An industry submitter says trawlers are a threat, particularly at the harbour entrance.

47 One industry submitter says that escaped drifting nets roll and tangle in weeds so are not a threat to dolphins.

48 Some commercial fishers say they have not caught any dolphins.

49 A few recreational submitters say that the problem is not set nets, with some stating no dolphins have been caught in commercial set nets. Some recreational submitters say that trawlers are a threat and so is ring netting. Illegal fishing is also regarded as a threat.

50 A customary submitter identifies commercial fishing as a threat to dolphins, and states that abandoned drift nets which drift out to sea are a threat.

51 Customary submitters also say there is no need for action because there is a lack of research on risk to dolphins; existing voluntary and regulatory measures are working well; and no dolphins are caught. Imposing more restrictions will create resentment between sectors as well.

52 Some submitters also state that local commercial operators are generally responsible in their fishing activity.

53 Some general submitters identify fishing threats to dolphin, with a few saying that trawling and commercial set nets are a threat.

Recreational Fishing Threats

54 The majority of recreational submitters state they think no dolphins are being caught by recreational set nets and that the existing code of practice is working. Recreational submitters also state there is a lack of research identifying threats, and that the problem is not recreational set nets.

55 A couple of customary submitters identify recreational fishing as a threat to dolphins, with some referring to abandoned drift nets that drift out to sea.

56 An industry submitter says recreational fishing is a threat to dolphins.

57 A general submitter states that recreational set nets are not a threat.

Customary Fishing Threats

58 An industry submitter and customary submitter say that tangata whenua don't leave nets unattended.

Non-Fishing Related Threats

59 Some submitters identify what they think the non-fishing threats are to dolphins. No new information on non-fishing threats is provided in submissions. The following threats are identified (sometimes by more than one submitter).

60 Industry and recreational submitters both identify:

- a) biological causes (e.g. brucellosis)
- b) predation from whales, orca and sharks
- c) boat strike (i.e. propeller damage)
- d) gene pool (i.e. gene pool reduced to point intervention is futile, interbreeding)

- e) disease
 - f) pollution (ie. forestry, factory run off, farm run off, plastics, quality of the Waikato River, illegal coastal dwellings, the dairy industry and local coastal rubbish dumps)
- 61 Industry submitters also identify the following non-fishing related threats to dolphins:
- a) farming industry, run-off and pollutants
 - b) coastal mining (disrupts habitat of the dolphins)
 - c) coastal development
 - d) increased seal population leading to greater competition for food
 - e) turbine generators
- 62 Recreational submitters identify the additional following non-fishing threats to dolphins:
- a) harsh natural environment
 - b) size of the dolphin population
 - c) global warming
 - d) passage of boats
 - e) rig and dog fish plague
- 63 Most general submitters state the following are non-fishing threats to dolphins:
- a) disease, brucellosis, abortions and reproductive failure
 - b) pollution (e.g. pollution from Auckland International Airport and the flight path causing continuous fuel contamination, pesticides (DDT), land-based activities that effect the coastal environment)
 - c) mining
 - d) seismic exploration
 - e) tourism
 - f) food shortages for the dolphins due to people over-fishing
- 64 Customary submitters state the following non-fishing related threats to dolphins:
- a) pollution (e.g. PCBs and run-off)
 - b) coastal mining disrupting habitat

Need For Action

65 Nearly all recreational submitters state there is no need for action as there is no proven problem. Some recreational submitters state the measures are excessive and unnecessary; that there is a lack of research; and that there is no problem as Maui's dolphins are the same as Hector's dolphins. Some note that they think fishing controls alone not going to save the dolphins.

66 Some industry submitters note the status of Maui's dolphins and state this means they should be protected. Others question the evidence of the extent of the threat, and others note a lack of research on what the threats are to the dolphins. One states the draft TMP is unnecessary. Industry submitters say that no-one wants dolphins to become extinct, and that everyone needs to work together. Industry submitters also state that Forest and Bird are using emotive and incorrect information in their campaign.

67 A customary submitter states that tangata whenua hold dolphins in high regard and because there are no dolphins in the area there is no need to restrict set netting. Some customary submitters state they want to protect the dolphins.

68 Some general submitters state the endemic dolphins need to be protected.

Options

69 Some submitters comment on set net options but do not say if they are referring to recreational or commercial set nets. These comments have therefore been summarised below, before the specific sections that refer to options by sector.

70 General submitters make the following general comments about set nets and options around set nets:

- a) a set net ban in the Kaipara Harbour is not necessary
- b) set netting in Manukau Harbour is different to set netting in Hector's dolphin areas, so threats are not the same
- c) agencies should remove WCNI from this process and work with locals for a solution that is embraced by the affected parties
- d) agencies should acknowledge mauri ora of tangata whenua and creatures of the sea. Tangata whenua see commercial activity and irresponsible net fishing causing an unnecessary risk to dolphins
- e) objections to closure of West Coast Harbours and sea out to 4 nautical miles to set nets

71 Some alternative suggestions are also provided for set nets (again some submitters are not specific on the sector they are referring to). Alternative suggestions are:

- a) ban set nets at the mouth of the Kaipara Harbour, lower reaches of the Waikato River and the entrance to the Manukau Harbour. No use of overnight set nets. Fishers stay with nets. Soak time max 6 hrs.
- b) fishers stay with flounder nets (Manukau Harbour)

- c) ban set nets in remaining dolphin habitats
- d) extend set net ban to depth of 100m
- e) extend [ban] of set nets in all harbours where dolphins are

Commercial Set Net Options

Status Quo – Existing Management

72 A large majority of the general submitters that provided comments on specific options support the status quo. Reasons for this are:

- a) no dolphins are being caught
- b) no dolphins are in Taranaki
- c) existing measures are working so there is no threat/need to action
- d) existing voluntary code of practice is working so there is no threat/need for action
- e) unspecified costs associated with other options
- f) lack of research showing a problem
- g) no dolphins in the area
- h) extent of threat is unknown

73 One general submitter says that the options proposed for the Inner Kaipara Harbour will result in much unnecessary hardship and unemployment, as dolphins have never been seen in the harbour.

74 One recreational submitter supports the status quo because there is a lack of research on what the problem is.

75 Most industry submitters who comment on the commercial set net options support the status quo management. Reasons for this include:

- a) no dolphins being caught
- b) no dolphins in Taranaki
- c) existing code of practice is working
- d) lack of research
- e) a number of costs associated with other options

76 A couple of customary submitters support the status quo.

77 A couple of tourism submitters support the status quo. One says this is because they oppose a set net ban on Kaipara Harbour.

Option 1 - prohibit set netting at the mouth of the Kaipara Harbour and the lower reaches of the Waikato River, and also further into the Manukau Harbour entrance¹

78 A few general submitters support this option.

79 Some industry submitters support this option.

80 One customary submitter supports this option.

Option 2 – prohibit overnight set netting and require fishers stay with their fishing nets in all parts of Kaipara, Manukau, Raglan, Aotea, and Kāwhia Harbours, and at Port Waikato

81 A couple of industry submitters support Option 2. One submitter states he supports this option if there is a proven problem. Another says he supports this option if it is necessary.

82 A couple of recreational submitters support this option.

83 One general submitter supports this option.

84 A couple of customary submitters support this option.

85 A customary submitter says this option is impractical because fishers cannot retrieve nets once they are set. In addition they explain that nets are set on a night tide.

Option 3 – prohibit set netting in all parts of Kaipara, Manukau, Raglan, Aotea, and Kawhia Harbours, Port Waikato, and within 12 nautical miles of the shore from Maunganui Bluff to Cape Egmont

86 A lot of general submitters support Option 3. Reasons provided include:

- a) avoid dolphins becoming extinct
- b) dolphins are endemic and need protecting
- c) status of the species means they need protecting
- d) even one dolphin death is unacceptable
- e) the precautionary approach should be applied

87 One recreational fisher supports an option that bans commercial netting in the Kaipara Harbour. Another recreational submitter says there should be no set netting in any area of dolphin range including harbour mouths.

88 A general submitter states they think there should be a ban on set nets in dolphin areas.

Alternative Suggestions

89 An industry submitter fisher states if necessary soakage time and length of gear used should be reduced.

¹ The lower reaches of the Waikato River is a smaller area than Port Waikato. Port Waikato includes the lower reaches of the Waikato River.

90 An industry submitter says fishers should attach beacons to nets. Another says that commercial fishers should develop a voluntary code of practice for Manukau and Kaipara - including limiting soakage time and not fishing in the channel.

91 One recreational submitter supports an enhanced Option 2, which would ban all set netting in the Raglan main harbour.

92 A customary submitter suggests there should be no nets 1-2 km off harbour entrances. Another says agencies should use a selection of honorary fish wardens from the marae. All fishers using nets outside harbours should use nets [designed] to deter dolphins.

93 A customary submitter says that there needs to be more education on how and when to set nets and how to report captures.

94 A general submitter supports Option 3 – but with Option 2 implemented for Port Waikato.

95 A general submitter states there should be a ban on set nets for 5 nautical miles inside Kaipara Harbour (from the bar). A general submitter says commercial fishing should be prohibited in both the Manakau Harbour and at Port Waikato, including the delta of the river, and that no commercial net-fishing should take place whatsoever in any area with 100 metres of water or less where dolphin are known to exist, or are highly likely to live. Another general submitter says there should be no stalling of nets.

Commercial Trawl Options

General Comments

96 One recreational submitter states that he thinks trawling shouldn't be allowed anywhere (in New Zealand) within 5 km of land.

Status Quo - Existing Management

97 A lot of general submitters state they support the status quo option for trawling because there are no dolphins that have been caught, and there are no dolphins in Taranaki. General submitters also support this option because they think that existing regulatory and voluntary code of practice is working, and that there is a lack of research on the threats to the dolphins.

98 Nearly all industry submitters who comment on trawl options support the status quo. Reasons include:

- a) no dolphins being caught
- b) no dolphins in Taranaki
- c) existing code of practice is working
- d) lack of research
- e) costs associated with the other options

99 One tourism submitter supports the status quo.

Option 1 - Additional fisheries monitoring (observer coverage or electronic monitoring) to determine nature and extent of trawl/dolphin interactions inside 4 nautical miles from shore between Maunganui Bluff and Pariokariwa Point

100 One industry submitter supports this option.

Option 2 - Trawl prohibition between Maunganui Bluff and Pariokariwa Point inside 4 nautical miles from shore between 1 June and 31 August; and trawl prohibition between Manukau Harbour and Port Waikato inside 4 nautical miles from shore year-round

101 One general submitter supports this option.

102 An industry submitter supports this option, stating there should be a year-round trawl prohibition between Manukau and Port Waikato.

Option 3- Trawl prohibition inside 4 nautical miles from shore from Maunganui Bluff to Cape Egmont

103 A couple of industry submitters support this option.

104 A couple of the general submitters state that compensation should be paid to fishers.

105 Many general submitters support Option 3. Reasons submitters provide are:

- a) status (ie endemic, threatened) of the dolphins means they need protecting
- b) even one dolphin death is unacceptable and that the precautionary approach should be used

106 One tourism submitter supports this option as they consider trawling to be the main threat to dolphins.

Alternative Suggestions

107 A few general submitters suggest a ban on trawling. Some say to 12 nautical miles, some say to 6 nautical miles, and others to 5 nautical miles.

Recreational Set Net Options

Status Quo – Existing Management

108 A lot of industry submitters support the status quo. Reasons provided include:

- a) no dolphins being caught
- b) no dolphins in Taranaki
- c) existing code of practice is working
- d) lack of research
- e) costs associated with the other options

109 One customary submitter supports this option.

110 General submitters support the status quo because:

- a) no dolphins being caught
- b) no dolphins in Taranaki
- c) existing voluntary and regulatory measures are working well
- d) lack of research

111 A couple of tourism submitters support the status quo. One says this is because they oppose a set net ban on Kaipara Harbour.

Option 1- prohibit set netting at the mouth of the Kaipara Harbour and the lower reaches of the Waikato River, and also further into the Manukau Harbour entrance²

112 A few industry submitters support this option. One states this is because “recreational fishers lose their small nets”.

113 A few general submitters support Option 1.

Option 2 Prohibit overnight set netting and require fishers stay with their fishing nets in all parts of Kaipara, Manukau, Raglan, Aotea, and Kawhia Harbours, and at Port Waikato

114 This option is supported by one member of each of the sectors: an industry submitter, a recreational submitter, a customary fisher and a customary submitter.

Option 3 Prohibit set netting in all parts of Kaipara, Manukau, Raglan, Aotea, and Kawhia Harbours, Port Waikato, and within 12 nautical miles of the shore from Maunganui Bluff to Cape Egmont

115 A couple of industry submitters support Option 3.

116 Some general submitters support Option 3, for the following reasons:

- a) full protection throughout the 100m water column is necessary
- b) status (ie endemic, threatened) of the dolphins means they need protecting
- c) avoid extinction
- d) even one dolphin dead is unacceptable, need a precautionary approach

Alternative Suggestions for Recreational Set Nets

117 One general submitter states they support Option 3, but Option 2 for Port Waikato.

² The lower reaches of the Waikato River is a smaller area than Port Waikato. Port Waikato includes the lower reaches of the Waikato River.

118 Another general submitter suggests there should be more restrictions on drift netting and that the netting bans of 2003 should be relaxed.

Commercial Drift Net Options

119 A general submitter says they support either Option 1 or 2.

Status Quo - Existing Management

120 A few industry submitters support this option. One states this is because there is no other fishing method available, so options that prohibit drift netting are not appropriate.

121 One tourism submitter supports the status quo.

Option 1 - Prohibit drift netting in the lower reaches of the Waikato River

122 One general submitter supported Option 1.

Option 2 - Prohibit drift netting in Port Waikato

123 A few industry submitters support this option because of the status of the dolphins, and because they are endemic.

124 A couple of general submitters support Option 2.

125 One environmental submitters supports Option 2.

126 Some general submitters support this option because:

- a) drift net use is inappropriate near a known population of critically endangered marine mammals
- b) avoid extinction of dolphins
- c) endemic species so needs protection
- d) population status means they need protecting
- e) one dolphin dead is unacceptable therefore the precautionary approach should be used

Alternative Suggestions for Commercial Drift Nets

127 One general submitter proposes an alternative to the status quo, which is to have more restrictions on drift netting and to relax the netting bans of 2003.

128 An industry submitter suggests that no more permits for West Coast Harbours should be issued, to allow existing fishers time to trial new alternative fishing methods.

Costs

129 A general submitter acknowledges there would be costs associated with the options proposed in the TMP, without providing any details of specific costs.

130 Industry submitters identify a number of costs associated with the different options proposed in the draft TMP. Some industry submitters state there would be a devastating impact on the commercial industry. Industry submitters sometimes identify the different things they have invested money in.

131 Industry submitters identify the following costs:

- a) the cost of boat upgrades, cost of a skipper ticket upgrade, buying alternative quota-access to SNA quota
- b) job losses
- c) hardship and devaluing quota
- d) mortgage on boat
- e) health and safety compliance
- f) pressure on other species of fish
- g) change of price of fish on the local market
- h) people going out of business
- i) customary access is restricted
- j) impact on lifestyle associated with catching fish
- k) Option 2 would so dramatically affect catch rates it would make fishing operations uneconomic
- l) business unviable with options proposed (with one submitter stating they estimate they would lose around \$150,000.00)
- m) commercial costs [unspecified]
- n) compensation will be sought

132 Recreational fishers identify costs associated with the options outlined in the TMP but often do not go into specific detail on what the costs are. Often submitters do not outline a monetary figure they associate as a cost of the measures. The following comments are raised regarding costs of the measures:

- a) increase in the cost of fish and the accessibility to fish if [commercial] fishing activity is forced to change;
- b) personal cost if recreational fishers have to buy fish instead of being able to catch it
- c) [forced] change in diet
- d) loss of jobs in the area

- e) loss in the social, economic and cultural wellbeing associated with recreational fishing activity
- f) loss of lifestyle (and the choice to fish using set nets)
- g) subsistence cost (i.e. lifestyle of being able to recreationally fish)
- h) set netting is the only method for flounder and mullet
- i) compensation for industry to address commercial costs associated with the options

133 Customary fishers identify costs associated with the options outlined in the TMP quite generally. Often submitters do not outline a monetary figure they associate as a cost of the measures. The following comments are raised regarding costs of the measures:

- a) social and economic development will be impacted for iwi when fishing is restricted
- b) social and economic costs from restriction of fishing
- c) customary fishing and traditions will be prevented with a ban on set nets
- d) loss/change in diet when fishers are restricted in being able to catch fish with the only method possible (i.e. set nets)
- e) proposals undermine value of Fisheries Settlement assets and aquaculture from 2006 settlement
- f) options will put pressure on other species of fish
- g) TMP will decimate the mana of the fishing industry, value of quota will decline, customary rights will be affected
- h) Option 3 will impact greatly on food gathering, and will impact on rights as tangata whenua

134 Many of the submissions from the general submitters refer to the intrinsic value and existence value of the dolphins. Some submissions state support for the local fisherman or their own families who may be engaged in commercial fishing. Some of the submissions from general submitters also support compensation. The following are comments raised in submissions by general submitters:

- a) Intrinsic value, existence value, subsistence cost of fishing. Tangata whenua says prohibition of set netting impact on their abilities to fulfil traditional obligation and have an impact on their mana throughout country
- b) some activities likely to be affected have national impacts-marine farming and marine energy generation;
- c) people of Taranaki may lose fresh fish supply and hospitality industries will suffer. This will have many detrimental spin-offs and Taranaki will also lose money

- d) the measure [around the inner Kaiapara Harbour] will result in much unnecessary hardship and unemployment. Dolphins have never been seen in the harbour

Additional Suggestions

135 A lot of alternative suggestions are proposed in submitters' comments. These range from ideas that are small variations on the options presented in the draft TMP, through to new ideas or areas where people think issues need to be addressed.

136 Industry submitters propose the following alternative suggestions:

- a) address pollution (through local authorities and New Zealand Coastal Policy Statement (NZCPS)), and clean up dolphin environment
- b) prohibit mining or marine energy projects within dolphin range (NZCPS)
- c) prohibit tourism targeting dolphins
- d) support a moratorium on more tourism permits
- e) proposal to put generators in harbour entrance could cause problems for dolphins
- f) develop individual controls for individual species, including suggestions for rules for each species in the Manukau Harbour

137 Customary submitters propose the following alternative suggestions:

- a) offer tangata whenua a more active role in fisheries management of Manukau
- b) reduce the number of licences allocated to non-locals (may require compensation)
- c) provide educational for recreational fishers
- d) no set netting in area of dolphin range including harbour mouths
- e) taiapure for Aotea Harbour should be implemented
- f) work with Ngati Ruanui and affected groups on TMP
- g) "adopt kaitiaki practices, and the cooperation of the nation"
- h) identify and close the dolphins' breeding and birthing grounds; rotate fishing in "closed" water systems (i.e. harbours and river mouths)
- i) fishing nets need to be attended at all times, which means that one end of the net rope remains on board the fishing vessel, attended by a person capable of retrieving the net immediately if required; the owner of a net laid in shallow water should stand in the water with the net, or use a dingy

138 Recreational submitters propose the following alternative suggestions:

- a) captive facilities for breeding dolphins
- b) compensation for affected fishers
- c) education and penalties across sectors
- d) more enforcement of existing rules (not specific on sector)
- e) have a study group strategy to mitigate risks to dolphins
- f) create a non-commercial zone at the Waikato River mouth; get rid of commercial fishers

139 General submitters propose the following alternative suggestions:

- a) confiscate boats if nets are unattended
- b) place a moratorium on this industry
- c) look at making nets from biodegradable materials and assess net design and net size
- d) add a new objective to the TMP, for the dolphins to have non-threatened status as soon as possible or in less than 20 years
- e) ban marine energy and mining projects in the dolphins' range
- f) address pollution issues in rivers and harbours, possibly through further rules and regulations in regional plans and NZCPS
- g) develop best practice guidelines for councils for processing resource consent applications
- h) NZCPS needs to provide clear direction on the application of the precautionary approach to proposed activities in the coastal environment that have been identified as threats to dolphins. The Resource Management Act (RMA) process requires evidence of a threat before requiring potential threats to be avoided, unless a strong precautionary case can be made
- i) liaise with aquaculture industry to protect dolphins from potential impacts of marine farming
- j) ban fishing within 100 m depth
- k) ban set nets to 100 m depth
- l) national ban on set nets
- m) include the historical range of the dolphins for Option 3
- n) increase penalties for non-compliance

- o) options need to go further to protect dolphins
- p) ban tourism in areas where dolphins are located
- q) issue licenses to those who reside in the local community

140 An industry submitter state they support a moratorium on tourism permits.

141 All sectors advocate for more education for fishers, on the threats to dolphins, how to mitigate them, and on when and how to set nets correctly.

142 Some industry submitters support more education on how to use fishing gear correctly. Industry submitters advocate education, particularly in relation setting nets, and on how to report captures.

Research

143 Some industry submitters express their support for research; these suggestions for research topics are made:

- a) whether dolphins are accessing harbours
- b) impact of trawling on dolphins
- c) reason for decline of dolphin population
- d) dolphin population abundance

144 Some recreational submitters express their support for research; these suggestions for research topics are made:

- a) the number of dolphins at Kaipara Harbour
- b) rate of decline of dolphin population
- c) affects of energy generation in the marine environment
- d) extent of threats (particularly non-fishing and trawl)
- e) non-fishing threats to dolphins

145 Some customary submitters express their support for research; these suggestions for research topics are made:

- a) satellite tags to determine distribution for dolphins
- b) do research on Maui's dolphins' abundance and distribution first (before other sub-populations)
- c) determine the impact of commercial fishing (using information from fishers)
- d) reasons for decline in numbers and impact of particular fishing methods

- e) effect of marine energy and other threats
- f) management of dolphins
- g) wastewater systems that don't pollute the sea

146 General submitters express their support for research; these suggestions for research topics are made:

- a) dolphin populations
- b) reason for the decline in dolphin numbers
- c) dolphin characteristics, such as numbers, range, distribution, birthing locations and breeding grounds
- d) impact of set nets
- e) pollution and disease
- f) new mitigation measures of threats to dolphins
- g) how a MMS will benefit dolphins
- h) understand what prevents this species from recovering to a level where populations are self-sustaining

147 Some general comments are put forward, relating to any research to be undertaken:

- a) don't wait for the results of research before introducing mitigation measures
- b) research must be funded properly
- c) good research is required (ie it is not biased and it is not done just to get a passing mark at university)
- d) further research is needed to justify the TMP conclusions

Monitoring

148 A couple of industry submitters say they support monitoring. One states he wants to be involved in a robust monitoring process.

149 Recreational submitters support monitoring, some specifically mentioning electronic monitoring and the use of observers and VMS. Recreational submitters also state there should be monitoring on illegally set nets and on drift nets.

150 Customary submitters say that government needs to allocate more money to monitoring recreational fishing, commercial fishing and trawling, and monitoring at boat ramps. Customary submitters also state they want to be involved in the development of a robust monitoring process.

- 151 A few general submitters support monitoring; making these statements:
- a) more monitoring is required
 - b) more compliance / fishery officers are required
 - c) more education is required
 - d) video monitoring should be mandatory on trawlers
- 152 One general submitter comments that more funding for monitoring is required.
- 153 One industry submitter is opposed to monitoring, stating that it is not appropriate at this time to impose more monitoring on trawlers.

Process

- 154 Industry submitters comment on the process; these comments are made:
- a) this has been a rushed process
 - b) MFish is making decisions before they have adequate information
 - c) unscientific information has been used
 - d) poor consultation
 - e) lack of common sense
 - f) process is insulting
- 155 Recreational submitters offer comments on the process; these comments are made:
- a) lack of time to make submissions
 - b) poorly organized meetings
 - c) lack of public meetings
 - d) lacking in information
 - e) draft TMP is a vague and unsatisfactory document
 - f) poor meetings
 - g) inadequate and poor process
 - h) promised one-on-one interviews with Aranovus, these must be taken
 - i) unaware of process

156 Customary fishers make these comments:

- a) agencies didn't include Ngati Ruanui despite protocol with MFish and DOC
- b) no contact with Te Atiawa
- c) insulting that Maori were not consulted directly about cultural significance of dolphins
- d) draft TMP has scanty consideration of Treaty
- e) MFish and DOC did not act on Treaty Settlement protocol requirements
- f) Taranaki iwi were not consulted
- g) not enough time
- h) iwi and hapu need to have greater input into management of marine resources including dolphins
- i) draft TMP developed with little or no input from hapu; Tainui want in-depth consultation on this and other issues
- j) draft TMP is based on unsubstantiated data; more research required

157 A few general submitters comment on the process; making these comments:

- a) lack of time to make submissions
- b) conflict of interest (one concerning the Ministry of Fisheries conflict of interest in facilitating these discussions; and one that Crown Minerals should not be involved in any consultation process)
- c) lack of consultation with iwi
- d) draft TMP is inadequate, contains poor information, is confusing and misleading
- e) inadequate promotion of the draft TMP
- f) poor meetings

General Comments

158 An industry submitter states the proposals could create conflict between customary, driftnet fishers and recreational fishers.

159 Some general comments drawn from customary submitters, are

- a) measures alienate kaitiaki by creating a different set of rules for customary fishers
- b) potential for conflict between customary, drift net fishers and recreational fishers
- c) TMP may impact negotiations on Waikato River claim

WEST COAST SOUTH ISLAND (WCSI)

This section summarises submissions that identify the West Coast South Island (WCSI) or where the submitter could be identified as living or fishing on the WCSI. Submissions referring to all dolphin regions identified in the draft Threat Management Plan (TMP) and submissions that advocated for consistent measures for all of New Zealand are dealt with in a separate section (insert title here).

Problem Definition – Population Information

160 Most submissions from industry question the nature of the information MFish used to develop the problem definition in the draft TMP. Specifically, industry submitters are concerned about information on the dolphin population and threats to the dolphins.

161 Most general public submissions support the need to manage fishing threats to the WCSI dolphin population.

Abundance

162 Submissions from industry generally state there is no evidence of a population decline on the WCSI and that dolphin numbers are healthy and may even be increasing.

163 A couple of recreational submitters say there is no evidence of a decline in dolphin numbers. One recreational submitter states there is a lack of research and evidence of a problem with dolphin numbers.

164 Tourism, environmental and customary submitters do not comment on changes in abundance of dolphins on the WCSI.

Distribution

165 A number of submitters across all sectors report seeing dolphins on the WCSI. None of the information submitted suggests a range different from that outlined in the draft TMP.

Threats

166 Submitters across all sectors outline a range of threats to the dolphins in this area and also debate the nature and extent of threats described in the draft TMP.

167 No new scientific information is provided in submissions on threats to dolphins. All threats identified in submissions are identified in the draft TMP. Submitters therefore describe what they think the threats are to dolphins, sometimes indicating why they think this, and what they think the Government should do about the different threats.

Fishing Related Threats

168 Some submitters comment on the fishing related threats outlined in the draft TMP for the WCSI. These comments are summarised below.

169 General submitters state that fishing and set nets (sector is not specified) are threats to the dolphins.

170 Some submitters report the following incidences of fishing related mortality:

- a) a juvenile dolphin that has been caught during daylight
- b) a commercial fishing related mortality (fishing method was not identified)
- c) a Hector's dolphin dead in a local estuary
- d) a boat based net entanglement

Commercial Fishing Threats

171 Some industry submitters say there is no threat from fishing to dolphins because trawlers use such as slow trawl method/speed.

172 Some industry submitters say they have never caught any dolphins while fishing.

173 Some industry submitters say that fishing poses no threat because any potential biological removals are within the Potential Biological Removal (PBR) outlined in the draft TMP.

Recreational Fishing Threats

174 Some industry submitters say that recreational set nets are a threat to dolphins (eg lost recreational fishers nets). One said this is because of recreational fishers who leave their nets overnight and do not attend their nets.

175 One recreational submitter says he salvages a lot of lost nets from the coast, which he says are a threat to the dolphins.

176 One general submitter says "we have personally observed the impact of harassment on the Hector's dolphins receive (from recreational high powered boats and jet skis launching from Jackson Bay) and find that they are often scattered further along the coastline and not in their traditional habitat within Jackson Bay.

Customary Fishing Threats

177 Customary submitters advocate the draft TMP should be amended to reflect no threat from customary fishing in WCSI (as per ECSI and SCSI).

178 Some industry submitters advocate the draft TMP should be amended to reflect there is no threat from customary fishing on the WCSI.

Non-fishing Related Threats

179 Industry submitters identify the following non-fishing threats to dolphins:

- a) pollution
- b) propeller strike

- c) tourism
- d) climate change
- e) Brucellosis

180 A general submitter says that because the impacts of prospecting and mining measures are minimised through the Resource Management Act (RMA) that these do not pose a big risk to dolphins.

Need for action

181 Generally industry submitters do not consider restrictions on commercial fishing are warranted. Some industry submitters advocate that the existing voluntary code of practice is working [implied set net code of practice, because the submissions did not specify]. Other industry submitters suggest that more research should be done before any decisions are made on how to mitigate threats to dolphins because there is a lack of research and incorrect information from scientist being used in the draft TMP.

182 One industry submitter says that a zero risk approach is contrary to the Fisheries Act and other areas of public policy.

183 Some general submitters and recreational submitters say measures to protect dolphins are necessary because of the status of the dolphins (i.e. endemic, endangered and threatened).

Comments about Value)

184 A couple of general submitters identify the intrinsic and ‘existence’ value of the species, and also note that the dolphins are valuable for tourism.

185 One customary submitter says they view dolphins as kaitiaki

Options

Commercial Set Net Options

Status Quo - Existing Management

186 The majority of industry submitters who comment on the options support the status quo.

Option 1 – Implement mandatory and voluntary threat management measures inside 6nm from shore (MHW) between Cape Farewell and Awarua Point

187 An industry submitter supports Option 1.

Option 2 – Commercial set netting is prohibited inside 2 nm or 4nm from shore between Cape Farewell and Awarua Point

188 No comments were received on this option.

Option 3 – All commercial set netting is prohibited inside 6nm between Cape Farewell and Awarua Point

189 An industry submitter supports Option 3.

190 One recreational submitter supports Option 3 for commercial set nets because of the status of the dolphin populations.

191 One environmental submitter supports Option 3 so that the populations of dolphins recover.

192 A few general submitters support Option 3. One submitter supports Option 3 because they consider this is the only option that proposes a reasonable means of meeting goals of recovery; while a couple of general submitters think Option 3 will be easier to enforce.

Commercial Trawl Options

Status Quo - Existing Management

193 Most industry submitters support the status quo. Only one submitter gives a reason which is because a 2 nautical miles no trawl zone will send them bankrupt (he is also someone who opposes the draft TMP).

Option 1 – Develop and implement a voluntary code of practice and additional monitoring of trawling inside 6nm from shore (MHW) between Cape Farewell and Awarua Point

194 An industry submitter supports Option 1.

Option 2 – All trawling is prohibited inside 2nm from shore (MHW) between Cape Farewell and Awarua Point except vessels targeting flatfish with low headline height nets, and measures as per Option 1.

195 No comments were received on this option.

Option 3 – All trawling is prohibited inside 2nm from shore (MHW) between Cape Farewell and Awarua Point and measures as per Option 1.

196 One recreational submitter supports Option 3 for recreational and commercial set nets and trawlers because of the status of the dolphin populations.

197 One environmental submitter supports Option 3 so that the populations of dolphins recover.

198 A few general submitters support this option. One submitter supports Option 3 because they consider this is the only option that proposes a reasonable means of meeting goals of recovery, while a couple of submitters think Option 3 will be easier to enforce.

199 Alternative Suggestion

200 An industry submitter makes an alternative suggestion that fishers should two and trawl slowly.

Recreational Set Net Options

Status Quo – Existing Management

201 No comments were received on this option.

Option 1- Implement mandatory and voluntary threat management measures inside 6nm from shore (MHW) between Cape Farewell and Awarua Point

202 A couple of industry submitters support this option (no reasons are provided).

203 A couple of recreational submitters oppose this option stating the new rules will be impractical (as well as being unnecessary).

Option 2 - Amateur set netting is prohibited inside 2 nm or 4nm from shore between Cape Farewell and Awarua Point

204 One recreational submitter opposes this option (as well as Option 3).

Option 3 - All amateur set netting is prohibited inside 6nm between Cape Farewell and Awarua Point

205 An industry submitter supports this option.

206 One recreational submitters supports Option 3 for recreational and commercial set nets and trawlers because of the status of the dolphin populations. One recreational submitter opposes this option (as well as Option 2).

207 One environmental group supports Option 3 so that the populations of dolphins recover.

208 A few general submitters support this option. One submitter supports Option 3 because they consider this is the only option that proposes a reasonable means of meeting goals of recovery, while a couple of submitters think Option 3 will be easier to enforce.

Costs

209 Industry submitters identify a number of costs associated with the different options in the draft TMP. Costs identified by submitters are:

- a) the cost to upgrade boats so that fishers can go further offshore if inshore areas are closed
- b) pressures on other fishing areas [which may affect catch rates and abundance of fish] – if fishers are shut out of some areas
- c) a lose of revenue for industries associated with fishing if fishing activity (and catch) becomes restricted or changes.
- d) negative impacts on diet if people cannot catch fish themselves or if the cost of fish in the local market increases

210 A commercial submitter stated that a 2nm trawl zone would send them bankrupt.

211 Recreational submitters identify a number of costs associated with the different options in the draft TMP. Costs identify by recreational submitters are a loss of fish for diet and a demise of the fishing fleet; and a loss of enjoyment of set netting as well as passing on knowledge of how to set net to their children. A recreational submitter notes significant costs of the measures (but did not elaborate on what the costs are specifically).

212 One general submission was specific in regard to the impacts of the measures on prospecting and mining off the WCSI. It stated that spatial separation through area closures limits Siefields' [mining and prospecting company] ability to utilise its prospecting rights and noted that targeted mitigation measures are already very effective.

Alternative suggestions

213 A couple of industry submitters suggest alternative options or modifications to the existing options. Some people provide general commentary on compliance, education and monitoring as additional measures MFish and DOC should consider.

214 WCSI recreational submitters' alternative suggestions are:

- a) range of set net restrictions suggested to apply uniformly
- b) [ban] fishing within 100-200 m of the confluence of a river and open sea (where the concentration of dolphins is)
- c) fish from a vessel in the open sea unless the net is attended [on the beach]
- d) mesh size should be greater than 0.6mm because dolphins will detect heavier mesh sizes
- e) net depth [height] could be altered as target species are bottom feeders

215 General submitters provide the following alternative suggestions or modifications to the existing options:

- a) adopt the "Option 4" developed by Forest and Bird
- b) extend measures to include the historic range of the dolphins
- c) ban all set nets within water less than 100m
- d) prevent any more marine farms or tourism in Jackson Bay
- e) put sonic devices on all set nets so dolphins can detect the nets

Research

216 One industry submitter says there should be research into dolphin friendly fishing gear.

217 Recreational submitters express their support for research, making these suggestions for research topics:

- a) establishing the dolphin population (abundance) on the WCSI
- b) health of the dolphins
- c) threats to dolphins and extent of threats
- d) agencies should find a sponsor for research implementation and management plans

218 Some general submitters express their support for research; these suggestions for research topics are made:

- a) dolphin populations (one suggestion is specifically for the WCSI population)
- b) mitigation measures (eg pingers)
- c) threats to dolphins
- d) dolphin distribution
- e) reason for the decline in dolphin numbers

Monitoring

219 A couple of industry submitters comment on monitoring. One says the cost would put small boats out of business; and then big boats, which pose a greater threat, will come in close to fish. Another says they support observers or a video should be used.

220 One recreational submitter supports independent observers on commercial boats.

221 One general submitter expressed support for monitoring.

Process

222 Industry submitters make the following comments on process:

- a) there was a lack of public notices for meetings
- b) poor information is being used
- c) this is a poor and misleading process
- d) there has been a lack of time to make submissions
- e) inadequate promotion of document

223 One recreational submitter says that the pr71

224 cess has been driven on the propaganda of two people, and the campaign has been dishonest.

- 225 The majority of industry submitters say:
- a) the draft is inadequate as basis for consultation
 - b) not a proven problem
 - c) uncertainty in information
 - d) lack of information showing a problem

General Comments

- 226 WCSI recreational submitters note the following general comments:
- a) take an holistic approach to dolphin threats rather than targeting fishing
 - b) require permits and training for people using set nets
- 227 General submitters provide the following comments and general suggestions:
- a) more education for recreational fishers on the rules for setting nets
 - b) put sonic devices on all set nets.

EAST COAST SOUTH ISLAND (ECSI)

This section summarises submissions that identify the East Coast South Island (ECSI) or where the submitter could be identified as living or fishing on the ECSI. Submissions referring to all dolphin regions identified in the draft Threat Management Plan (TMP).

Problem Definition – Population Information

Abundance

228 Many industry submitters state they think dolphin numbers are increasing and there is no evidence of a decline. Others state that dolphin numbers have not increased or decreased. One states there was never a big dolphin population because of a high level of natural predation.

229 Some industry submitters question the science presented in the draft TMP on variable population estimates.

230 Tourism operators are mixed in their views. A couple say that dolphin numbers are increasing and a couple say dolphin numbers are decreasing. One submitter states that there needs to be an increase in dolphin numbers for tourism benefits.

231 A recreational submitter states that they think there is a greater number of Hector's dolphins now than they can ever remember. A recreational submitter states dolphin numbers are increasing - as small fish populations increase and sharks decline (from impacts of fishing). Recreational submitters also state dolphins have benefited from increased turbidity of water (as a result of run off). A recreational submitter states that parties [sectors] are exaggerating the lack of dolphins and extent of dolphin deaths. The submitter states that the figures are varied and disputed.

Distribution

232 Submitters provided information in their submissions on areas where they have and have not seen dolphins. These are recorded below, by sector.

233 Industry submitters state that they have not seen dolphins in the following areas:

- a) south of Pariokariwa Point (waters deeper than 3.3 nautical miles)
- b) Taieri River mouth
- c) within 30 miles of Taieri River Mouth
- d) Port Underwood

234 Recreational fishing submitters state generally they have not seen dolphins near rocks and kelp. More specifically, they have not seen dolphins in the following areas:

- a) Port Underwood
- b) Cloudy Bay
- c) North Otago Coast
- d) Porpoise Bay
- e) Kaikoura (reef area)
- f) Port Jackson to Ocean Bay (close to shore)
- g) Akaroa Harbour

235 A tourism submitter says they have never seen dolphins in Queen Charlotte Sound.

236 Customary submitters state they have never seen dolphins in Rapaki or far up in Lyttelton Harbour.

237 Industry submitters state they have seen dolphins in the following areas:

- a) Golden Bay
- b) Queen Charlotte Sound
- c) Cloudy Bay and Sounds
- d) Clifford Bay
- e) Oamaru
- f) Nugget Bay
- g) Port Underwood
- h) Canterbury
- i) Lyttelton

238 Recreational submitters state they have seen dolphins in the following areas:

- a) Cloudy Bay
- b) Port Underwood to Tory Channel

239 A submission from an environmental group states they have seen dolphins at Long Island.

240 Submissions from the tourism sector states they have seen dolphins at Kaikoura and upper Kaikoura Harbour.

241 Customary submitters state they have seen dolphins in Golden Bay and also in the vicinity of the Taiapure on the ECSI in recent years.

Threats

242 No new scientific information is provided in submissions on what the threats are to dolphins. All threats identified in submissions are identified in the draft TMP. Submitters therefore describe what they think the threats are to dolphins, and what, if any, action they think is required.

243 Some recreational submitters say they think dolphin deaths have occurred due to fishing activity that is already illegal.

244 An industry submitter states there is no evidence marine farms are detrimental to dolphins.

245 Two dolphin mortalities are reported by an industry submitter, killed by set net at Warrington.

Fishing Related Threats

246 A few submitters report dolphin mortalities. Some of these mortalities were reported to the Department of Conservation at the time and some are new reports. The following mortalities are reported in submissions:

- a) dolphin caught in a net in Kaikoura
- b) death of a dolphin in a Kaikoura gill net (It is not possible to determine if this is the same incident as above)
- c) two dolphins caught by submitter off Lyttleton Heads (1986)
- d) one dolphin caught at Blue Skin Bay (22/12/2005), landed in to DOC (399) - affidavit provided
- e) two dolphins caught in set nets at Blue Skin Bay (12/2005)

Commercial Fishing Threats

247 A couple of industry submitters comment on threats to dolphins from commercial fishing activity. These comments are summarised below:

- a) Larger trawl vessel are a threat
 - i) trawling takes place 24 hours a day which increases the chances of catching dolphins
 - ii) dolphins seen caught in large vessels trawl gear
- b) Set nets are a threat.

248 Most industry submitters also comment on fishing activities that they do not think are a threat to dolphins. These comments are summarised below:

- a) bottom trawl is zero threat to dolphins
- b) never caught a dolphin when trawling
- c) set nets are not a problem
- d) no dolphins are in the area of [submitters'] trawl activity
- e) slow trawl (2 knots) is not a threat
- f) no evidence that trawling causes a threat
- g) slow speed and low headline height means trawling is not a threat
- h) using the right gear, low headline heights and slow trawling gear for flatfish mitigates threats to dolphins

249 Industry submitters (some providing an affidavit) report not catching dolphins in the following areas:

- a) Taieri River mouth
- b) Oamaru
- c) Otago
- d) Canterbury

250 An industry submitter states that slow trawling speed and low headline are already used, and therefore not a threat to dolphins. Closing the area to the type of vehicle presently involved in trawling in Otago will have no effect on dolphins but will put the remaining operators out of business.

251 A recreational submitter states trawling is a threat to dolphins.

Recreational Fishing Threats

252 One recreational submitter states they think that the threats are not from fishing, with another specifically saying they do not think set nets are a threat. Other recreational submitters state they have not caught any dolphins (specifically referring to nets and potting). Some submitters state they think dolphin deaths have occurred due to activities that are already illegal. Another said they are not aware of any known deaths due to amateur fishing gear.

253 A few recreational submitters say the current Guardian of Porpoise Bay measures are working to mitigate threats from fishing to the dolphins.

254 A couple of recreational submitters state there are no dolphins in the area where recreational fishers are fishing. A couple of recreational submitters said no dolphins have been caught in set nets "in the Sounds".

255 Tourism operators identify set nets as well as recreational “boaties” as threats to dolphins.

Customary Fishing Threats

256 There are no comments on customary fishing threats.

Non-Fishing Related Threats

257 Industry submitters identify the following non-fishing related threats to dolphins:

- a) pollution (eg run off from Waitaki Valley turns ocean green, could be causing sterility)
- b) predation (eg from sharks, orca and leopard seal)
- c) mining (eg sand mining in Golden Bay – mining extraction chemicals such as arsenic and cyanide could adversely affect dolphin populations)
- d) competition for food from growing seal population
- e) boat strike

258 Recreational submitters identify the following non-fishing threats to dolphins:

- a) pollution (eg run off from coastal development, spray from vineyards)
- b) predation (eg white pointer sharks, sea lions and an increase in shark numbers)
- c) competition for food (eg with seals)
- d) eco-tourism causing stress to the dolphins
- e) global warming

259 Customary submitters identify the following threats:

- a) seabed mining (eg Golden Bay)
- b) pollution
- c) boat strike
- d) predation

260 Tourism operators identify habitat destruction as a threat to dolphins.

Need for Action

261 Most industry submitters do not consider action is necessary. The reasons for this include:

- a) lack of research/evidence of threats – not clear that the proposals are necessary
- b) no dolphins are being caught

- c) existing measures (regulatory) are working well and there is a lot of people in the industry that comply with them, for instance:
 - i) existing MMS at Banks Peninsula and MALFIRM are working well
 - ii) taiapure area - commercial and customary fishers voluntarily elect not to set nets in this area
 - iii) Challenger finfish voluntary code of practice
- d) incorrect information from scientists and Forest and Bird has been used; there is actually no threat from fishers
- e) dolphin deaths from commercial fishing are low and don't warrant measures
- f) information is not consistent in the document (eg variable population estimates)
- g) fishers care about dolphins so therefore the status quo is no threat to them

262 One industry submitter says they support a balanced and reasonable action if the dolphin population is declining.

263 An industry submitter says there is little or no danger to dolphins from amateur flatfishing at the head of Akaroa Harbour.

264 An industry submitter says some net fishers use nets irresponsibly and says nylon nets are more accessible and don't degrade as quickly so are a threat to the dolphins.

265 Some industry submitters say that decisions should be made based on proper data.

266 Most recreational fishers say that action does not need to be taken. The reasons given are:

- a) a lack of research showing a problem
- b) no evidence of a decline in dolphin numbers
- c) existing measures (voluntary and regulatory) are working

267 Recreational submitters state that the Guardians of Porpoise Bay has proven protection in place, that and community responsibilities are effective in managing threats to dolphins.

268 Tourism submitters state there is a lack of research, and the status of the dolphins (endemic) means they need protecting.

269 Environmental submitters state that the status (ie endemic, threatened) of the dolphins means they need protecting.

Comments About Value

270 A couple of general submitters identify the intrinsic and existence value of the species, and say that the dolphins are valuable for tourism.

271 One customary submitter states they view dolphins as kaitiaki. An industry submitter also states that some Maori consider dolphins to be kaitiaki or taniwha.

272 ECSI tourism submitters say the dolphins have an intrinsic and existence value.

Options

273 A lot of industry submitters oppose the draft TMP. These submitters range in their fishing activity, from people engaged in only one form of fishing method to those engaged in potting, set netting and trawling. Reasons why industry submitters oppose the draft TMP include:

- a) proposal will end [submitters'] fishing activity
- b) proposal will drastically cut the numbers of smaller vessels
- c) flawed data is used in the draft TMP

274 Some recreational submitters state they oppose an option but were not specific about which fishing method the option they were referring to. Some submitters state they oppose Options 2 and 3; others say they oppose all options presented; other say they oppose Option 1.

275 One industry submitter is specific and states he opposes regulations on netting in Port Underwood. Another submitter stated opposition to the draft TMP.

276 Some submitters comment on set net options but do not say if they are referring to recreational or commercial set nets. These comments are therefore summarised below, before the specific sections that refer to options by sector.

277 An industry submitter opposes Options 2 and 3 for set nets.

278 An industry submitter states the options in the draft TMP reflect a lack of understanding of set net fishery (particularly time and season of catch).

279 Some industry submitters state they oppose Option 3 for set nets, because they do not believe set nets are a problem.

280 Some industry submitters say they oppose the following options:

- a) a blanket ban
- b) Option 2
- c) Option 3
- d) Option 3 (for set nets)
- e) Options 2 and 3.

281 One industry submitter states that "Options 2 and 3 are not just options as it is a total wipe out of this area. From a community angle if the proposed Options 1, 2, 3 were to be adopted the Kaikoura district would be harshly disadvantaged due to the trickle down effect".

Commercial Set Net Options

Status Quo- Existing Management

282 A lot of industry submitters support the status quo. Reasons for this include:

- a) significant costs associated with the other options
- b) low level of dolphin deaths
- c) lack of research
- d) no evidence of a decline in dolphin numbers
- e) existing measures are working

283 One industry submitter who supports the status quo refers to observer coverage on salmon vessels, where no dolphins have been caught.

Option 1 Existing mandatory management measures and codes of practice inside 12 nautical miles from the coast (mean high water mark (MHW)) between Cape Jackson and Slope Point (extended to 18 nautical miles from the Waiau River to the Waitaki River) plus additional measures

284 A few industry submitters support Option 1, as it “is the only proposition that will protect our business and could protect the local dolphin population if our proposal, [outlined later in the submission] is accepted”. They states that any additional monitoring of the industry will not help to further protect the dolphins, and that the amount of monitoring already in place is more than sufficient to do this.

Option 2 – Commercial set netting is prohibited inside 2 nautical miles or 4 nautical miles from shore (MHW) between Cape Jackson and Slope Point with provisions for some set netting for 6 or 9 months. All sub-options have the additional set net measures as per Option 1

285 One general submitter supports Option 2b and supports moving to a 9 month open season if dolphin numbers increase.

286 An industry submitter opposes Option 2 and states that mandatory restrictions are not viable. He states that "the proposal to restrict Commercial Butterfishers to one 30metre set net, which they must stay with, is not commercially viable" (referring to Port Underwood and Cape Koamaru). He also says that he hasn't seen any dolphins there.

287 An industry submitter opposes Option 2 as it will put his family and those he supports out of business. Another opposes Option 2 and states it will devastate the local commercial fishing industry; noting that 80% of their catch is made using set nets.

Option 3 – All commercial set netting is prohibited inside 12 nautical miles from shore (MHW) between Cape Jackson and Slope Point (extended to 18 nautical miles from the Waiau River to the Waitaki River)

288 One tourism submitter supports Option 3 for all fishing methods because they consider it offers the best protection to dolphins.

289 Many industry submitters oppose Option 3. Reasons for this include:

- a) because it would put pressure on other species of fish
- b) there is no alternative method that can be used to catch harbour species

290 An industry submitter opposes Option 3 as it will put his family and those he supports out of business. Another opposes Option 3 and states it will devastate the local commercial fishing industry, noting that 80% of their catch is made using set nets.

291 One general submitter and one industry submitter supports this option.

Alternative Suggestions

292 Some ECSI industry submitters provide alternative suggestions. They propose:

- a) the closure of alternative areas to set netting
- b) a code of practice for all set netters and trawlers
- c) successful use of pingers to repel dolphins

293 ECSI recreational submitters note the following comments:

- a) Wants to fish at change of light;
- b) simple restriction of set net except on reef areas
- c) ban monofilament nets and night fishing for butter fish (A77)
- d) don't allow set nets any further than 100m from shore

294 One environmental submitter suggests that set nets should be banned within the 100 m depth contour. They also state there should be an education programme and enforcement, with a review in five years time.

General Comments

295 An industry submitter says a set net length of 60m is a waste of time, and there is a lack of research. However they do not specify what sector the 60m length is a waste of time for.

Commercial Trawl Options

Stauus Quo – Existing Management (Refer Existing Threat Management Section)

296 Nearly all industry submitters who comment on trawl options support the status quo, stating this is because:

- a) there is no evidence of a decline in dolphin numbers;
- b) existing regulatory measures are working;
- c) there would be significant costs associated with the trawl options provided

Option 1 – Further Develop and implement voluntary code of practice and additional monitoring of trawling inside 12 nautical miles from shore (MHW) between Cape Jackson and Slope Point (extended to 18 nautical miles from the Waiau River to the Waitaki River)

297 One industry submitter supports this option.

298 One industry submitter states they specifically oppose this option because it would end the use of traditional small wooden vessels.

Option 2 – Trawling prohibited inside 2 nautical miles from the shore (MHW) between Cape Jackson and Slope Point except for vessels targeting flatfish with low headline high nets, and the measures as per Option 1

299 One general submitter supports this, adding he wants a code of practice to cover fishers who catch dolphins. He also says that he would support Option 3 if the dolphin population declines.

Option 3 - Trawling prohibited inside 2 nautical miles from the shore (MHW) between Cape Jackson and Slope Point and measures as per Option 1

300 One commercial fisher supports Option 3.

301 One general submitter supports this option.

302 A tourism operator supports Option 3 for all fishing methods, because they consider it offers the best protection for dolphins.

303 One environmental submitter supports Option 3.

304 One general submitter supports Option 3 - a ban on flatfish trawl.

Alternative Suggestions

305 A few industry submitters suggest an alternative to the options proposed, as a way to mitigate any threats to dolphins. They suggest:

- a) lower headline height, restricting opening widths of nets and restricting boat horsepower (ie slow trawling).
- b) a code of practice for all trawlers,
- c) successful use of pingers to repel dolphins.

306 An environmental submitter suggests that trawling should be banned within the 100 m depth contour. They also state there should be an education programme and enforcement with a review in five years time.

Recreational Set Net Options

Status Quo - Existing Management

307 A few industry submitters state they support the status quo.

308 The majority of recreational submitters who comment on the options presented in the draft TMP supported the status quo. Reasons are that:

- a) there is a lack of research to prove a problem
- b) no dolphins are being caught
- c) no dolphins seen in harbours
- d) other options will put pressure on other fish species
- e) long standing right to fish, which is the only way to catch a feed

Option 1 Existing mandatory management measures and codes of practice inside 12 nautical miles from the coast (MHW) between Cape Jackson and Slope Point (extended to 18 nautical miles from the Waiau River to the Waitaki River) plus additional measures

309 One industry submitter supports Option 1.

310 A few recreational submitters support this option, because some dolphins are being caught and because there is a lack of research. Two specially supported mandatory attendance.

Option 2 - Amateur and commercial set netting is prohibited inside 2 nautical miles or 4 nautical miles from shore (MHW) between Cape Jackson and Slope Point with provisions for some set netting for 6 or 9 months. All sub-options have the additional set net measures as per Option 1

311 One industry submitter supports Option 2, with an additional restriction on netting close to the inshore near rocks.

312 One general submitter supports Option 2b, moving to a 9-month open season if dolphin numbers increase.

313 Some industry submitters oppose Option 2 (set nets). Reasons given include that:

- a) mandatory restrictions make this option unviable
- b) it would put pressure on other species
- c) there are no alternative ways (other than set netting) to catch harbour species
- d) it would end the use of traditional small wooden vessels

Option 3 – All amateur set netting is prohibited inside 12 nautical miles from shore (MHW) between Cape Jackson and Slope Point (extended to 18 nautical miles from the Waiau River to the Waitaki River)

314 One industry submitter supports Option 3.

315 A Tourism submitter supports Option 3 for all fishing methods because they consider it offers the best protection for dolphins.

316 One general submitter supports this option.

317 A lot of the submissions from recreational submitters oppose Option 3. Reasons given are:

- a) safety
- b) pressure on other species
- c) the cost of compensation to the tax payer

Alternative Suggestions

318 Some submitters provide alternative suggestions in their submissions. One industry submitter provides the following alternative suggestions:

- a) keep all current regulations north of Whites Bay
- b) keep existing net size north of Whites Bay
- c) summer net restrictions from Cloudy Bay south
- d) create a reserve from Whites Bay south
- e) Don't offer any more permits for dolphin watching or activities that pursue dolphins
- f) fishers must stay in sight of their nets
- g) no net restrictions in Port Underwood

- h) netting to be seasonally restricted in areas with confirmed dolphin populations
- i) weighting of cray pots for gill net areas

319 Another industry submitter provides the following alternative suggestions:

- a) no set net to be set any further than 150m from shore
- b) no set net (apart from flatfish) to be set for more than 3 hours
- c) no set net (apart from flatfish) to be set off sandy beaches
- d) no set net (apart from flat fish) to be set after dark
- e) Only one set net per boat

320 An industry submitter proposes a code of practice for all set netters and trawlers, and the successful use of pingers to repeal dolphins.

321 An environmental submitter suggests that set nets should be banned within the 100 m depth contour. They also state there should be an education programme and enforcement with a review in five years time.

Potting Options

Status Quo - Existing Management

322 Nearly all industry submitters who comment on potting options support the status quo.

Option 1 – CRA 5 fishers at Kaikoura to voluntarily weigh their pot buoy lines when setting pots in the areas where tidal movements are strong.

323 One general submitter supports this option to becoming mandatory if the dolphin population declines.

324 One industry submitter opposes Option 1 because they consider weighted lines increases risk of gear loss, are hazardous to retrieve, are more expensive and are dangerous if picked up on propeller.

Alternative Suggestions

325 The following alternative suggestions are made by industry submitters:

- a) have an education program
- b) Only allow swimming with dolphins at heads in Akaroa, it attracts dolphins and puts them in danger
- c) trusting and supportive processes need to be established for reporting bycatch
- d) have better liaison with fishermen

- e) Use fisherman for monitoring, reporting and autopsy, advice and education on preventing bycatch
- f) hold further consultation
- g) consider Port Underwood separately
- h) encourage new technologies (pingers, GPS, depth sounder, boat upgrades (to enable fishermen to retrieve nets) to prevent bycatch, use a consultative process as per Fiordland Guardians of Fiordland
- i) review the situation after 3 years
- j) 200 metre netting zone in Marlborough, and categorise the rest of the area a MMS

326 Customary submitters propose the following alternative suggestions to the options contained in the draft TMP:

- a) deal with Te Tau Ihu separately in regards to a dolphin breeding programme. Te Tau Ihu offer to koha 100 Hector's dolphins for such a programme
- b) rewrite TMP based on more research, cops, best practice and customary component
- c) taiapure came into effect 10/2007, requiring attendance at set nets in taiapure area
- d) A dolphin breeding programme needed
- e) Taiapure Management Committee (recent established - made up of key stakeholders in Akaroa) want time and space to develop their own taiapure regulations for the sustainable use of the harbour and to mitigate threats to dolphins - using local knowledge and experience. They are looking to set limits that will reduce set netting efforts in taiapure
- f) Amend boundaries of Banks Peninsula MMS to include mātaitai so set netting can be managed more carefully. Customary fishers to have exemption over Christmas

327 A tourism submitter says Kaikoura needs to be managed separately due to its unique topography, and that they don't like options proposed by DOC to manage tourism sector.

Costs

328 The majority of industry submitters make reference to costs associated with options in the draft TMP. The following costs have been identified:

- a) Loss of income because:
 - i) not able to move their fishing operation to another area
 - ii) 2nm no trawl zone will send submitters and other businesses out of business/bankrupt
 - iii) Boats cannot be used for fishing further offshore or for other fishing methods

- b) ban on set nets would mean no bait for pots
- c) most if not all commercial fisherman will be leave the industry
- d) impacts on turnover [on businesses] communities and ports; one submitter states that 90% of ship-wright work would be lost
- e) small vessels are struggling now and there is no other fishing that can be done in the area
- f) closing the Otago area to trawling will have no effect on dolphins but will put the remaining operators out of business

329 Some industry submitters state they will seek compensation if more restrictive options are selected. Other industry submitters state the options will have a catastrophic effect on the inshore industry.

330 Some industry submitters also note safety concerns due to the option proposed (eg having to go further offshore)

331 Some industry submitters state a moratorium (as proposed as part of ways to mitigate impacts of tourism)on viewing permits will have a negative impact (eg Taiere Village and tourism income) .

332 Some industry submitters state measures will cause pressure on other fish species.

333 Recreational submitters state there will be a significant cost to fishers, industry and communities. Recreational submitters also state that restricting set nets or prohibiting set nets will impact on peoples diet (eg stopping access to fish to eat). Recreational submitters also refer to the “lifestyle” associated with recreational fishing activity and state that the loss of this through the options contained in the TMP would be a cost to them.

334 Customary submitters state that the moratorium on issuing viewing permits will have a negative impact on people.

Research

335 A lot of industry submitters support research and make these suggestions for research topics:

- a) Assessment the dolphin population
- b) determination of the threats to dolphins; impact and extent of threats
- c) assessments of cause of dolphin death
- d) dolphin population trends

336 Industry submitters suggest using information from fisherman to assist with research.

337 A few recreational submitters express their support for research. Their suggestions for research topics include:

- a) assess the dolphin population, especially the population in Cloudy Bay
- b) impact of measures detailed in the draft TMP
- c) assess how to use local knowledge
- d) investigate affects of trawlers and dolphin deaths
- e) determine extent of threats to dolphins
- f) create a database of mortalities
- g) survey the offshore dolphin distribution

338 A couple of general submitters express their support for research, making these suggestions for research topics:

- a) dolphin populations
- b) new mitigation measures
- c) impact of mitigation measures in the draft TMP
- d) extent of the threat to dolphins
- e) reason for the decline in dolphin numbers

Monitoring

339 Only one industry submitter expresses support for monitoring as long as mortalities can be observed.

340 A lot of submitters do not support monitoring principally for the following reasons:

- a) cost would put [submitter] out of business;
- b) impractical, especially on set net boats
- c) can't afford it
- d) opposes paying for observers as it is uneconomic

341 A couple of recreational submitters support monitoring of dolphin deaths; one stating that they think fisherman shouldn't have to pay for the costs.

342 A few submitters expressed support for monitoring; these suggestions are made:

- a) all vessels to carry and operate a vessel monitoring system

- b) all trawlers to carry observers or monitoring equipment (as fishers will not report dolphin deaths)
- c) ongoing monitoring of all conditions that affect the survival of the species

Process

343 Industry make the following comments on the process:

- a) Poor information supplied, there are errors in the document
- b) draft TMP doesn't mention fisher trawling observer surveys from the 1980s
- c) the process is causing worsening relationships between agencies and fishers, creating uncertainty and stress
- d) incorrect information and assumptions are being used
- e) plan is suspicious
- f) lack of time given for consultation and writing a submission
- g) no evidence of low levels of reporting of...
- h) drop in meetings not appropriate for such an important issue
- i) meetings
- j) the draft TMP document is too large and difficult to read
- k) bias
- l) lack of consultation
- m) Iwi were not involved in the Aranovus research
- n) A submitter states that the draft TMP does not refer to customary fishing, has no regard for social, cultural or economic well being

344 Recreational submitters made the following comments about the process:

- a) disappointed at the process – Guardians process should be used
- b) poor information used in the draft TMP
- c) lack of time to engage in the process
- d) timeframe for decision was not appropriate
- e) meetings were not adequate

Non-Fishing Management of Tourism Sector

345 ECSI tourism submitters make the following comments:

- a) don't like options proposed by DOC to manage the tourism sector;
- b) Kaikoura needs to be managed separately due to its unique marine topography
- c) Mentions oceans policy meeting in 2002.

Quality of information

346 A few industry submitters state no regulations should be made on the basis of such flawed data, which will have an impact on fishers.

347 A few industry submitters state that the draft TMP is not based on sound scientific evidence, and proposals are not based on accurate information.

348 An industry submitter states that information in the draft TMP is inadequate for making decisions.

349 An industry submitter states that MFish should look at fishing trawler observer surveys from 1980s which would record the number of dolphins that are caught.

350 A customary submitter says the draft TMP is difficult to read, not clear and doesn't state what will be put in place in the Banks Peninsula MMS.

351 A customary submitter says the draft TMP does not refer to customary fishing. Another says the draft TMP is not based on sound scientific evidence.

Customary Fishing And Treaty Rights

352 A submitter states the draft TMP fails to acknowledge and protect Treaty rights.

353 Some industry submitters state they support the Treaty tribes submission, particularly in relation to the Fisheries Settlement.

354 An industry submitter notes that tangata whenua have a unique relationship with dolphins and that some consider them to be kaitiaki/guardian or taniwha.

355 A customary submitter states that the TMP needs to be rewritten based on more research, codes of practice and customary component.

356 Customary submitters say there is no assessment of financial or social impact on iwi. They note they were not involved in the Aranovus research.

357 A submitter states that the draft TMP is not based on sound scientific evidence.

358 An industry submitter states that the options in the draft TMP reflect a lack of understanding of set net fishery, particularly time and season of catch.

359 A submitter states that taiapure was put in place because of recent deaths of dolphins. The taiapure measures are more manageable than the TMP proposals.

360 A submitter raises the concern that the TMP area closures will affect customary rights. They are also concerned that commercial fishing rights under fisheries settlement will be eroded and diminished by the draft TMP.

Legislative Obligations

361 An industry submitter disputes the legislative obligations set out in the draft TMP.

SOUTH COAST SOUTH ISLAND (SCSI)

This section summarises submissions that identify the South Coast South Island (SCSI) or where the submitter could be identified as living or fishing on the SCSI. Submissions referring to all dolphin regions identified in the draft Threat Management Plan (TMP).

Problem Definition – Population Information

Abundance

362 There is no new scientific information on the abundance or long term trend in abundance for dolphins on the SCSI. Some submitters provide anecdotal information on abundance.

363 Some industry and recreational fishers think that dolphin numbers are increasing; others think that there is no evidence of a decline. One industry submitter says that dolphins are at carrying capacity.

364 General submitters think that there is no evidence of a decline in numbers. One general submitter said that he did not think the numbers have changed in Catlins over the 50+ years that he had been there..

365 Tourism submitters think that dolphin numbers are decreasing.

Distribution

366 Information provided on dolphin sightings is consistent with the known range described in the TMP.

367 Industry submitters report seeing dolphins in the following areas:

- a) Te Waewae Bay
- b) The Whata (in Te Waewae Bay)
- c) Porpoise Bay
- d) Taieri River mouth

368 One recreational submitter says that they have never seen dolphins in Te Waewae Bay. Another says that they have seen dolphins in Te Waewae Bay and Porpoise Bay.

369 One tourism submitter (out of only two that provided submissions) comments that they have never seen dolphins in Porpoise Bay, and have never interacted with dolphins anywhere.

370 One general submitter says that they have seen dolphins in the SCSI area, another that they have seen dolphins on the Otago Coast. Two general submitters say that they have never caught any dolphins.

Threats

371 The submissions do not provide any new scientific information on threats to dolphins. All threats contained in submissions are also identified in the TMP. Submitters identify which threats they think apply to dolphins, sometimes explaining why they included particular threats indicating what they think the Government should do about them.

Fishing Threats

372 A general submitter identifies fishing as a threat to dolphins, but does not identify a particular fishing method

Commercial Fishing Threats

373 Industry submitters comment extensively on the threats posed to dolphins from fishing.

374 Industry submitters stated that deaths from commercial fishing are low, and that existing voluntary codes of practice are working; some specifically refer to the set net code of practice. One industry submission states that there is no evidence that fishing causes a significant impact.

375 A large majority of industry submitters state (via affidavits) that although they see dolphins, they have never caught any. They state that dolphins are intelligent and playful, and know how to avoid nets.

376 One industry submitter (commercial set net fisher) states that they have caught two dolphins, one of which died. Another identifies set nets as a threat.

377 Industry submitters state that the South Coast trawlers use chains and noisy trawl gear which warns the dolphins. One submitter states that trawlers are not in the surf line where dolphins are.

378 One industry submitter states that they have fished in Te Waewae Bay and have never caught dolphins in any trawl nets. Another says "if trawlers were a threat there would surely have been evidence of mortality on the beach at Te Waewae Bay".

379 Some industry submitters comment on dolphin behaviour around boats. Some state that dolphins interact with moored fishing vessels, are inquisitive, fast, intelligent, aware and agile. Another says that dolphins interact with gear and boats but are not caught.

380 A tourism submitter said they suspected dolphins are caught by commercial fishers and identify fishing as a threat to the population.

Recreational Fishing Threats

381 A couple of recreational submitters report that other recreational had said that they had never caught any dolphins (one in 40 years of fishing, the other in 19 years of fishing). Some submitters think that the existing measures and voluntary or amateur codes of practice are also working.

382 Some submitters identify recreational fishing as a threat to dolphins, (e.g. their use of cheap monofilament nets). One submitter states "Amateur set nets left in the surf are un-retrievable due to

weather change, these small cheap nets break away and continue to fish as monofilament does not break down".

Customary Fishing Threats

383 There are no statements about threats arising from customary fishing.

Non-fishing Related Threats

384 Some submitters comment on the non-fishing related threats identified in the draft TMP. No new non-fishing related threats are identified, although some submitters refer to specific locations of threats, for example where they think there may be pollution coming from a particular river or estuary.

385 Industry submitters comment on a number of non-fishing related threats. These are:

- a) diversion of the Waiau River (30 years ago) which has had a flow-on effect on dolphin food
- b) poor water quality
- c) oil exploration
- d) seismic surveying (underwater explosions disable dolphin sonar)
- e) disease, brucellosis
- f) pollution eg farm fertiliser runoff, landfill runoff, plastics and effluent, 1080 DDT, Maitai River
- g) research boats causing stress to dolphins
- h) coastal development
- i) interbreeding
- j) habitat destruction
- k) decline in food
- l) predation ie orcas and sharks

386 Several industry submitters identify sharks, orcas and sea lions as a threat. One states that they have found dolphins remains in a White Pointer Shark; another stated "I have seen Orcas chasing these dolphins (presumably as prey) in Te Waewae Bay". A recreational submitter notes that "It was a government decision to protect the dolphin's greatest predator, the Great White Shark". One general submitter reports seeing a 3m+ shark at the Waikawa wharf and estuary areas, and another stated "Orcas and sharks ... inevitable increase in numbers as a result of this protection would increase dolphin mortality to a level which would far surpass any bycatch from commercial fishermen".

387 One general submitter identifies commercial fishing as affecting the dolphin food supply which they say is affecting dolphin numbers and the population.

Need For Action

388 Many of the submissions from industry submitters say that they do not think there is evidence of a decline in the dolphin numbers. Others also say there is a lack of research on the dolphins. An industry submitter says they do not think it was clear that proposals are necessary. Another says "I believe the haste this is being rushed through which is unnecessary as there is no signs that the dolphins in this area are going to die out in the near future, if ever, due to fishing both commercial and recreational". One industry submitter stated the ban on Banks Peninsula has had no impact on the dolphin populations.

389 Recreational submitters note there has been a lack of research.

390 Customary submitters state they were not clear that the proposals are necessary.

391 General submitter make comments that both support and do not support the need for any action to be done. Some state that the status of the dolphins means they need protecting. Other general submitters state that they think the existing measures are working, and that the existing voluntary or amateur codes of practice are also working. Submitters also state they think there has been a lack of research, selective use of information and that there is no proven problem.

392 Tourism submitters say the status of the species (ie endemic, threatened) means they need protecting.

393 Some submitter advocate more education as the only action that is required (ie education for recreational fishers on how to use gear properly).

394 Another submitter state they support a balanced and reasonable action, if the dolphin population is declining.

Comments about Value

395 Recreational submitters refer to the value they get from the activity and lifestyle associated with recreational fishing.

396 General submitters identify the existence value of the dolphins.

Options

397 Some submitters express support or opposition for an option but did not say what fishing method they were referring to (ie commercial or recreational set net or trawl). These comments are noted below, before the individual sections which cover specific options proposed for the different fishing methods.

398 One general submitter state they support Option 3, while another says they support the status quo until more research is done. Another general submitter says the options do not go far enough and more should be done.

- 399 One industry submitter opposed Options 1 and 3. The reasons for this are:
- a) because Te Waewae is the main flat fishing area
 - b) if closed (Options 1 and 3), the southland flat fishery would cease to exist.
 - c) monitoring options are uneconomic and opposed Option 3. Two industry submitters opposed the DRAFT TMP (one specifying the area from Otago Heads to Slope Point).

Commercial Set Net Options

Status Quo- Existing management

- 400 A lot of industry submitters support the status quo.
- 401 One recreational submitter supports the status quo.
- 402 A few general submitters support the status quo because:
- a) predators are affecting dolphin numbers, not fishing
 - b) there is a lack of research and not a proven problem

Option 1 – Existing mandatory management measures and codes of practice inside 12 nautical miles from shore (MHW) between Slope Point and Sandhill Point plus additional measures as follows

- 403 One industry submitter supports this option.
- 404 One general submitter supports Option 1 but advocates for the dates used in Option 2b. The submitter also states that Option 3 should be adopted if dolphin numbers decline.

Option 2 - Commercial set netting is banned inside 2 nautical miles or 4 nautical from shore (MHW) between Slope Point and Sandhill Point with provisions for some set netting for 6 or 9 months. All sub-options have the additional set net measures as per Option 1

- 405 There are no specific comments on this option.

Option 3 – All commercial set netting is prohibited inside 12 nautical miles from shore (MHW) between Slope Point and Sandhill Point.

- 406 One industry submitter and one general submitter support Option 3.

Commercial Trawl Options

Status Quo – Existing management

- 407 A lot of industry submitters support the status quo.
- 408 One recreational submitter supports the status quo.

409 Some general submitters support the status quo because they say there is inadequate scientific evidence to prove the claim that dolphins are endangered due to being caught in trawl nets they also say there is a lack of research and not a proven problem.

Option 1 Develop and implement a voluntary code of practice inside 12 nautical miles between Slope Point and Sandhill Point and additional trawl monitoring

410 One industry submitter supports this option.

Option 2 – Trawling prohibited inside 2 nautical miles between Slope Point and Sandhill Point except for vessels targeting flatfish with low headline height nets, and measures as per Option 1

411 There are no specific comments on this option.

Option 3 – Trawling prohibited inside 2nm between Slope Point and Sandhill Point and measures as per Option 1

412 There are no specific comments on this option.

Recreational Set Net Options

Status Quo – Existing Management

413 A couple of industry submitters support the status quo.

414 A couple of recreational submitters support the status quo. One said this is because there is a lack of research.

415 A couple of general submitters support the status quo. This is because they consider predators are affecting dolphin numbers, not fishing. They also say there is a lack of research and not a proven problem.

Option 1 – Existing mandatory management measures and codes of practice inside 12 nautical miles from shore (MHW) between Slope Point and Sandhill Point plus additional measures

416 There are no specific comments on this option.

Option 2 – Trawling prohibited inside 2 nautical miles between Slope Point and Sandhill Point except for vessels targeting flatfish with low headline height nets, and measures as per Option 1

417 There are no specific comments on this option.

Option 3 Trawling prohibited inside 2 nautical miles between Slope Point and Sandhill Point and measures as per Option 1

418 All amateur set netting is prohibited inside 12nm from shore (MHW) between Slope Point and Sandhill Point.

419 One industry submitter supports this option.

420 A submission from a recreational submitter supports Option 3 for recreational and commercial set nets and trawlers because of the status of the dolphin populations. Another recreational submitter opposes this option (as well as Option 2).

Alternative Suggestions

421 Recreational submitters suggest an alternative option which is for a ban on set netting around the Blue Cliff Beach, but for set netting in Te Waewae Bay to continue.

Costs

422 Industry submitters identify some potential social and economic costs that they consider would result from the different options outlined in the DRAFT TMP. Some comments focused on:

- a) the costs to communities (supplying fish, local employment, livelihoods of fishers), however most did not contain a detailed account of impacts
- b) options would put them out of business
- c) devastate the inshore fishing industry
- d) make quota worthless
- e) extra travel time to fish further offshore (and the cost to do so)
- f) safety
- g) carbon emissions were also noted in submissions
- h) their boat is not configured to fish in other areas.
- i) no other employment options for them in the area they live.
- j) would put pressure on other species and other bycatch.

423 A few industry submitter raise safety concerns.

424 General submitter acknowledge there will be an economic cost of options but are not specific as to the nature of the costs.

Alternative Suggestions

425 A customary submitter says that a region-by-region approach and full engagement of all affected parties, including kaitiaki, should be used by Government.

Research

- 426 Some industry submitters express their support for research; these suggestions for research topics are made:
- a) the number of dolphins at Te Waewae Bay
 - b) reasons for mortality of dolphins
 - c) threats to dolphins, and extent of these threats
- 427 One recreational submitter supports research on dolphin population numbers and the extent of threats to the dolphins.
- 428 A few general submitters express their support for research; these suggestions for research topics are made:
- a) dolphin populations
 - b) extent of the threat to dolphins

Monitoring

- 429 Most industry submitters oppose any additional monitoring because:
- a) they cannot afford it
 - b) it is unnecessary
 - c) the cost and logistics would make trawling unviable
 - d) feasibility issues with such a programme
- 430 One industry submitter that MFish could just spot monitor compliance with the Code of Practice
- 431 One recreational fisher submitter monitoring.

Process

- 432 Industry submitters make the following comments on the process:
- a) process and document will discourage fisherman from reporting
 - b) poor information, more consultation needed
 - c) discourages reporting of bycatch
 - d) more effective process is needed including consultation with local people
 - e) process is causing worsening relationship between fishers and agencies, causing uncertainty and stress

- f) incorrect information and assumptions are being used: anecdotal info being used
- g) plan is suspicious
- h) no evidence of low levels of reporting from fishers as implied in the draft TMP
- i) no meetings held in Invercargill or Waikawa, where there are large dolphin populations
- j) lack of consultation
- k) unaware of process
- l) plan is biased
- m) the Te Waewae Bay research report on dolphin distribution should have been released, misleading draft TMP, doesn't demonstrate understanding of dolphins
- n) the draft TMP demonises fishers
- o) draft TMP is inadequate as a basis for making decisions
- p) insulting that Maori were not consulted directly about cultural significance of dolphins
- q) scanty consideration of Treaty in draft TMP

433 One general submitter comments on the:

- a) lack of time and information in the consultation process
- b) Aranovus research being incomplete at the time the DRAFT TMP was released
- c) Aranovus research will not be consulted upon

General Comments

434 SCSI industry submitters make the following general comments:

- a) TMP to bolster the governments position at the international whaling forum
- b) existing voluntary measures working
- c) "Please, do something to protect these wonderful creatures, but do something that will actually help them, not something that will just look good on the 6 o'clock news".

NATIONAL

This section summarises submissions that propose measures that should be applied across all of the dolphin populations or where the submitter did not refer to a specific dolphin population.

Problem Definition – Population Information

Abundance

435 Many industry submissions state they do not think there is any evidence of a decline in dolphin numbers, and some submitters say they think dolphin numbers are increasing.

436 Nearly all of the comments from general submitters that refer to the abundance of dolphins state they think dolphin numbers are declining (571). A couple of general submitters state they think there is no evidence of a decline in dolphin numbers.

437 A tourism submitter states that they think dolphin numbers are decreasing.

438 A few environmental submitters state they think the dolphin population are decreasing.

Distribution

439 Submitters provide information on areas where they have and have not seen dolphins. These are recorded below, by sector.

440 Industry submitters say they have not seen dolphins in the following areas:

- a) south of Pariokariwa Point
- b) Taranaki in waters deeper than 3.3 nm
- c) Kaipara
- d) Manukau
- e) near rocks and kelp or clear water

441 One industry submitter states that they think 100 dolphins live at Porpoise Bay and they don't migrate more than 100 metres.

442 Some recreational submitters report that they have seen seeing dolphins in the following areas (grouped by sub-population area):

WCNI

- i) Muriwai

WCSI

- i) Westport to Hori Hori

SCSI

- i) Te Waewae Bay
- ii) Curio Bay

ECSI

- i) Blueskin Bay, Dunedin
- ii) Catlin's
- iii) Golden Bay
- iv) Caroline Bay
- v) Timaru
- vi) Porpoise Bay
- vii) Warrington
- viii) Otago coast
- ix) Waikouaiti.

443 General submitters state they do not think there are dolphins near rocks and kelp.

444 A tourism submitter states they have not seen dolphins in the Kaipara Harbour.

445 Another submitter states they have heard of sightings on the Wairarapa coast.

Threats

446 No new scientific information is provided in submissions on what the threats are to dolphins. All threats identified in submissions have been identified in the draft TMP. Submitters identify which threats they think apply to dolphins, sometimes explaining why they included particular threats indicating what they think the Government should do about them.

Fishing Related Threats

447 A few submitters report dolphin mortalities. Some of these mortalities were reported to the Department of Conservation at the time and some are new reports. The following mortalities are reported in submissions; by recreational submitters:

- a) "about 3 dolphins in a local pod killed last year (2006)"
- b) a fishing mortality on the WCSI
- c) several dolphins killed in a set net in Warrington.

448 Some general submitters identify set nets as threats but are not specific about whether they think the amateur or commercial sector is responsible. A general submitter states there is not much evidence of dolphins being caught in nets in Kaipara Harbour. Another states they do not think set nets are a threat.

449 Environmental submitters state that set nets, trawling and the fishing industry are threats to dolphins. Some submitters say that set nets are the biggest danger to dolphins.

450 A tourism submitter state they have seen a dolphin killed in Golden Bay by a set net.

Commercial Fishing Threats

451 The following is a summary of comments on threats posed by commercial fishing activity.

452 Industry submitters do not refer to any threats to dolphins from commercial fishing. An industry submitter says that no dolphins are caught in the Manakau Harbour. One submitter states that South Island nets are heavier and more dangerous to dolphins, and West Coast North Island nets are not. Another states that the inshore fishing industry has significantly decreased, reducing the threats to dolphins.

453 A couple of general submitters state they think there is no threat from trawl vessels.

454 Another general submitter states they think the threats to dolphins are from commercial fishing, not recreational fishing. Other general submitters state threats are from trawl and set net fisheries. Another general submitter says bottom trawling in shallow areas is a threat.

455 A tourism submitter states that set nets are not a threat to dolphins in the Kaipara Harbour and that the main threat is trawling.

456 Other tourism submitters identifies the following threats to dolphins:

- a) set nets (submitters did not specify if they were referring to commercial or recreational sectors)
- b) trawling
- c) fishing
- d) gill nets
- e) habitat disturbance

Recreational Fishing Threats

457 The following is a summary of comments on threats posed by recreational fishing activity.

458 An industry submitter states that recreational fishers are a threat (more than they were in the past).

459 One recreational submitter states the threats to dolphins are from fishing (commercial and recreational), drift nets and craypot entanglement.

460 The following fishing threats to dolphins are identified by general submitters:

- a) fishing
- b) set nets

- c) bottom trawling in shallow areas
- d) habitat loss
- e) set net
- f) fishing gear (net and trawl)
- g) fishing area overlap with dolphin area

461 One general submitter states they think recreational set nets pose no threat to dolphins.

Customary Fishing Threats

462 There are no statements about threats arising from customary fishing.

Non-fishing related threats

463 Industry submitters stated the following are non-fishing threats:

- a) disease
- b) predation (some were specific about shark predation)
- c) genetics (ie reductions to gene pool, inbreeding)

464 Few recreational submitter comment on non-fishing threats. One recreational submitter identifies the following threats to dolphins:

- a) propeller damage
- b) marine farms
- c) gene pool limitations
- d) pollution
- e) tourism
- f) coastal development
- g) mining
- h) construction

465 General submitters identify the following non-fishing threats to dolphins:

- a) disease
- b) low reproductive rates
- c) gene pool limitations

- d) vessel traffic
- e) boat strike or propeller damage
- f) tourism
- g) marine farming
- h) mining (eg black sand mining)
- i) risks of "intrusive research"
- j) global warming and climate change
- k) fragmented distribution leading to poor genetic diversity within population
- l) inability to migrate south
- m) predation
- n) increased seal population causing food competition for the dolphins;
- o) pollution (eg plastic)

466 Environmental submitters state non-fishing threats to dolphins are from:

- a) mining
- b) propeller damage
- c) contamination
- d) pollutants (including noise pollution)

Need For Action

467 Most industry submitters do not consider action is necessary. The reasons for this include:

- a) no dolphins are caught
- b) no evidence that fishing responsible for a decline in dolphins numbers
- c) existing measures are working (both regulatory and voluntary), throughout New Zealand;
- d) dolphin deaths attributable to fishing are low; many industry submitters stated they have not caught any dolphins while fishing (some providing legal affidavits or stating the time period they have fished fro ranging from 20-36 years)
- e) fishers do all they can to avoid dolphins

468 The majority of environmental submitters note that the status of the species (ie endemic, threatened) means dolphins need protecting. Environmental submitters also state there is a risk to New Zealand's clean green image if dolphin populations become extinct.

469 A tourism submitter says there is a lack of research on threats to dolphins, and that the endemic nature of the dolphins and their status means they need protecting.

470 A general submitter states that small dolphin populations are unlikely to respond to stochastic events compared to if population numbers were higher.

471 Some general submitters state there is a need for action to be taken, saying that dolphins are part of the food chain and need to be protected. Some state that options in the draft TMP do not go far enough and some note that dolphins are dying.

472 Some general submitters state the draft TMP is inadequate and that the options fail to include complete protection of dolphins. Some general submitters state they do not think it is acceptable for the dolphins to become extinct.

Comments about Value

473 Some general submitters note that dolphins hold an intrinsic value and the species existence is very important.

474 A tourism submitter acknowledges value associated with the dolphins as well as value associated with the continual existence of the dolphins.

475 One recreational submitter states the status of the species means that dolphins should be protected. The submitter also acknowledges that the species "existence" is very important, and notes the endemic nature of the species.

Options

476 One industry submitter states they oppose the draft TMP.

477 A recreational submitter states support for Option 3 for set nets, but is not specific about whether this is for recreational or commercial fishing.

478 A general submitter states "While (Option 3) will displace the livelihoods of many people, it is the easiest option to enforce."

479 One environmental submitter states they support the "precautionary approach". All other environmental submitters say that they support Option 3. They state that more restrictions are needed, and that they support Option 3 as a minimum course of action.

480 Tourism submitters state they support Option 3 in the short term and "Option 4" in the long term referring to "Option 4" put forward by Forest and Bird).

Costs

481 A lot of industry submitters make reference to costs associated with options in the draft TMP. The following costs are identified:

- a) loss of income to fishing towns
- b) inability of some fishers to go further offshore in their boats (i.e boats too small to go further offshore than 12 nautical miles)
- c) loss of 20% of one submitters business
- d) cost socially and to the communities
- e) "kill" the inshore fishery
- f) Increased impact on the environment leading to climate change (eg if more diesel is required/used)
- g) a flow on effect to peripheral business
- h) impact on industry/secondary processing people who process fish caught by trawl and set nets
- i) loss of employment for people

482 Some industry submitters state they will seek compensation if more restrictive options are selected. Other industry submitters state the options will have a catastrophic effect on the inshore industry.

483 General submitters make reference to the costs associated with options in the draft TMP. The following are comments people make on costs. Some of the comments relate to costs fishers may incur. Some relate to people's views on how costs should be weighed against long term benefits to dolphins:

- a) needs of local communities should be considered, but not at the expense of long-term benefits
- b) mitigation of bycatch should be considered a cost to fisheries today
- c) long-term benefits of conservation have an economic, cultural and intrinsic value
- d) Commercial gill nets comprise less than 1% of all NZ fisheries and are not a major contributor to the NZ economy
- e) not being environmentally destructive is "bigger than industry at any cost"
- f) cost to fishers is temporary
- g) there will be a cost to tourism if dolphins become extinct
- h) economic costs should not be the determinant of which protection measures are adopted

- i) maintaining our marine diversity more important than jobs
- j) flow-on benefits of set net bans, non-target fish and bird species
- k) set net commercial fisheries only contribute a small portion of the value of NZ fisheries
- l) supports a compensation scheme based on similar lines as when logging was stopped
- m) employment and tourism will benefit for changes
- n) tourism can provide alternate sources of income; for example dolphin watching and swimming
- o) pressure on other species of fish

484 Environmental submitters identify the existence and intrinsic value costs associated with dolphins. Another said there are benefits for tourism in being able to offer sightseeing tours and the flow-on effects benefit both tourism operators and towns.

Alternative Suggestions

485 The following are alternative suggestions that submitters think should be applied across all of the dolphin populations consistently.

486 Alternative suggestions from industry submitters include:

- a) for there to be different measures in areas due to the different depths in different areas
- b) education programmes across all sectors
- c) establish a voluntary code of practice
- d) reduce net twine diameter so dolphins can break and escape
- e) mandatory attendance of all nets

487 Alternative suggestions from recreational submitters include:

- a) mandatory attendance on all set nets throughout New Zealand
- b) include historic range of dolphin populations
- c) ban recreational & commercial set net within 100m depth
- d) trawlers in less than 100 m depth to have electronic monitoring or 100% observers

488 Alternative suggestions from tourism submitters are:

- a) include the top of the South Island in Option 3
- b) no moratorium on the issuing of marine mammal permits and swimming permits

489 Alternative suggestion from general submitters are shown below. The majority of general submitters state an alternative suggestion from the list below, preferring to see more measures being put in place than the options offered in the draft TMP. Alternative suggestions are:

- a) set net ban out to 100m contour line in dolphin areas
- b) national set net ban
- c) national ban on set nets to 12 nm
- d) ban recreational set nets
- e) ban all gill netting in the entire dolphin range
- f) stop all use of fishing nets
- g) ban trawl as far out as necessary
- h) complete ban on trawling in Hector's dolphin range
- i) include historic dolphin range in the options
- j) ban set nets to the same distance as trawlers
- k) put VMS on vessels
- l) stronger enforcement and penalties
- m) ban trawling out to 100 m contour line in dolphin areas
- n) ban trawling to 4 nautical miles and have observers inside 100m depth
- o) install a species recovery plan to rebuild population
- p) trawler in less than 100 m water depth have electronic monitoring on board the vessels
- q) education and raise public awareness
- r) mitigate against pollution by having stricter controls on marine pollution in the Coastal Marine Area through the NZCPS

Quality Of Information

490 The majority of industry submitters say:

- a) the draft is inadequate as basis for consultation
- b) not a proven problem
- c) uncertainty in information
- d) lack of information showing a problem

491 A general submitter says the draft is inadequate as a basis for action needing to be taken.

Reference To Customary Fishing And Treaty Rights

492 Customary submitters state they oppose the draft TMP until consultation is undertaken with iwi, and they have reservations about DOC and MFish's intentions.

Research

493 A few general submitters expressed their support for research; these suggestions for research topics were made:

- a) requests for research on dolphin populations; 1 of which was specifically for a small pod of dolphins off Pohara Beach in Golden Bay;
- b) requests for research on the extent of the threat, including recreational activities (particularly gillnet fishing), pollution, run off, litter, disease, boat strike, tourism and mining;
- c) request for research on the reason for the decline in numbers;
- d) request for research on the impact of mitigation measures;
- e) request for a tagging programme.

494 A general submitter commented that additional research will be required after mitigation measures are put in place.

Monitoring

495 A general submitter was opposed any expansion in observer coverage.

496 Some general submitters supported monitoring; these statements were made:

- a) that more monitoring was required generally
- b) that 100% observer coverage of all commercial gillnet and trawl fishers operating in waters of less than 100m was required
- c) that more enforcement / fishery officers were required; 2 of these statements

specifically referred to set nets

- d) in support of increased observer coverage; 1 of which was specifically for the ECSI trawl fishery; 2 specifically for the set net and trawl fisheries; and 1 specifically for the trawl fishery
- e) that more education was required
- f) that a video monitoring system should be mandatory on all trawlers
- g) that a vessel monitoring system and video is required
- h) that fines should be set at \$100,000 per breach
- i) that regulations should apply to all areas for both set net and trawl fisheries

Process

497 78 general submitters commented, many of whom expressed thanks for the wonderful work that the Ministers and their Ministries were doing.

- a) many comments from general submitters were made about the timeframe for the decision
 - *"I was ... disappointed to learn that the 'Threat Management Plan' process for Hector's dolphins has now been delayed by another twelve months."*
- b) many comments from general submitters were made that the DRAFT TMP was inadequate
 - "The 'comprehensive' options promised are absent."
 - "Fails to include ... a total protection option."
 - [A total protection option] "would have allowed the public to express their views on more comprehensive protection measures, and would have made it clear that Option 3 is a compromise option."
- c) a few comments from general submitters were made about research
 - "Staff who put the TMP document together are not familiar with recent published science."
 - "I am surprised that the TMP fails to acknowledge that much of the alleged 'research needs' have already been met."
 - A survey would have helped.
 - The TMP overemphasizes the uncertainty of several well-studied variables (abundance, population distribution, growth rate, reproduction).

- d) a couple of comments from general submitters were made that the draft TMP is too long
- e) a couple of comments from general submitters were made about the lack of time
- f) a couple of comments from general submitters were made about ensuring that consultation occurred with effected parties; including locals, iwi, kayakers and swimmers
- g) a couple of comments from general submitters were made about the time frame for the decision
- h) a couple of comments from general submitters were made about poor meetings
- i) a couple of comments from general submitters were made about a lack of information and inadequate promotion of the DRAFT TMP
- j) a couple of comments from general submitters were made that there should be consultation on a complete set net ban

498 Other comments made were:

- a) "There is emphasis on the cost to fishers ... indicating that there is a level of opportunity cost that would justify the extinction of these dolphins. This is totally unacceptable."
- b) "This whole campaign has been short on facts and its been sold on emotive speculation re population numbers and cause of death within the hector dolphin numbers."

MARINE MAMMAL SANCTUARY

West Coast North Island

499 About a third of recreational fishers submitters from the WCNI say they do not support a MMS (nearly all submitters who comment specifically on the MMS for the WCNI). The reasons for this are because:

- a) there is a lack of evidence or research to support a MMS
- b) there are no dolphins in this area and no dolphins have been caught in this area
- c) there are specifically no dolphins in Taranaki
- d) the existing measures [voluntary and regulatory] are working well
- e) there are no dolphins in the harbour
- f) a MMS is unnecessary

500 A few recreational submitters express support for a MMS; however one of these wants to exclude the Manukau from the MMS

501 Some industry submitters do not support a MMS on the WCNI. A couple of submitters say this is because the area is too large and no dolphins are caught; there is a lack of research showing what the threats are; and existing fisheries voluntary and regulatory measure protect the dolphins and are working. An industry submitter supports a MMS on the WCNI but does state that there have not been enough time to consider it fully and a MMS could displace fishers and put pressure on other species in other areas (causing localised depletion).

502 Many general submitters did not support a WCNI MMS; these statements were made:

- a) that no dolphins have been caught in WCNI
- b) that no dolphins have been caught in Taranaki
- c) that the existing measures are working
- d) that the existing voluntary measures are working
- e) that there is a lack of research or evidence

503 Many general submitters supported a WCNI MMS; these statements were made:

- a) 11 general submitters stated that the boundaries of the MMS should be altered (NB some submitters made more than one suggestion)
 - The MMS area is too small
 - The MMS should include the harbour entrance and harbour
 - The MMS should extend out to 12nm (2 submitters)

- The MMS southern boundary should be at the Crows Nest, south of New Plymouth (2 submitters)
 - The MMS southern boundary should be New Plymouth
 - The MMS should extend from Kaipara to Cape Egmont
 - The MMS should extend out to a water depth of 100m (5 submitters)
 - The MMS should include the historical range of Maui's dolphins
- b) general statements that these dolphins are threatened/endangered, have an IUCN status and therefore need protecting
- *"There are hardly any Hector's and Maui dolphins left and it is vitally important that measures are taken urgently to protect those remaining, or we will be losing yet another species to our sorrow and shame."*
- c) that these dolphins are endemic and therefore need protecting
- d) says statement that there should be a set net ban
- e) says statement says that trawling should be banned out to 4nm
- f) says there should be a ban on sand mining

504 Other comments from general submitters made were:

- There is one permanent platform at Pohokura in the WCNI.

505 A few environmental submitters say they support a MMS. A couple say the MMS should go out to 100 m depth.

506 A few customary submitters do not support a MMS saying they oppose the boundaries and would like to see a Maitaitai established, not a MMS.

507 A couple of customary submitters do support a MMS saying:

- a) "I support the objectives but propose a different areas (boundaries should be to 100 m depth including harbour mouth. In addition the MMS should not impact on Maitaitai or Taiapure (existing or pending). management of these areas should be delegated to the Maitaitai or taiapure Committee.
- b) There are numerous existing spatial restrictions in the marine environment around the Taranaki region... the proposed marine mammal sanctuary for the taranaki region would further reduce the space available for fishing... the proposals would also have the potential to negatively impact upon Ngati Ruanui rights to aquaculture guaranteed under the 2006 Treaty Settlement...'

Clifford & Cloudy Bay

508 Some recreational submitters say they do not support a MMS, because:

- a) there is a lack of research showing a problem
- b) the threat to dolphins is not set nets
- c) there are no dolphins in Port Underwood
- d) they consider Port Underwood should not be included in the MMS

509 A few recreational submitters express support for a MMS; however one submitter wants the boundaries altered and another wants to exclude Port Underwood from the MMS.

510 A few industry submitters comment on the MMS at Clifford and Cloudy Bay and say they do not support the MMS. A couple provided specific reasons stating a MMS would restrict the exercising of coastal permits (noting previous environmental court decisions in Clifford Bay).

511 An industry submitter says they support a MMS at Clifford and Cloudy Bay.

512 A general comment from recreational fishers was made that there are low dolphin numbers in Port Underwood.

513 A couple of general submitters did not support a MMS at Clifford and Cloudy Bay; these statements were made:

- a) there is a lack of research
- b) there are no dolphins near rocks and kelp

514 Some general submitters supported a MMS at Clifford and Cloudy Bay; these statements were made:

- a) *"We have lived at Rarangi, Cloudy Bay for almost 31 years and we often comment on the noticeable reduction in Dolphin and Orcha (sic) sightings. We use to see schools frequently and even fished off our coast, but it's not happening now."*
- b) that these dolphins are threatened/endangered, have an IUCN status and therefore need protecting
- c) that these dolphins are endemic and therefore need protecting
- d) that the MMS should extend out to a water depth of 100m
- e) that there is a coastal permit for a 459 hectare marine farm in Clifford Bay; and that it will be necessary for this type of activity to be recognized and provided for within any MMS proposal.

515 A few customary submitters say they do not support a MMS at Clifford and Cloudy Bay. One says this is because some areas within the site are significant Maori sites.

516 A couple of tourism submitters say they support a MMS because of the status of the dolphins and because they are endemic to New Zealand.

517 A few environmental submitters say they support a MMS.

Porpoise Bay/Fortose, Catlins

518 All industry submitters who comment oppose the MMS. One says this is because the “proposed area is too large; there will be huge financial implications for the national economy, and there is no evidence of dolphins being present beyond current prohibition set net zones”

519 Most recreational submitters who comment on the this MMS do not support a MMS, because:

- a) there is no evidence of a decline in dolphin numbers so measures are not needed
- b) there is a lack of research showing a problem
- c) the existing measures [regulatory and voluntary] are working well

520 A couple of recreational submitters express support for a MMS.

521 A few customary submitters comment on the MMS, all do not support a MMS for Porpoise Bay/Fortose, Catlins.

522 A few general submitters did not support a MMS at Porpoise Bay/Fortose, Catlins; these statements were made:

- a) The Guardians of Porpoise Bay Group is supported by residents, recreational fishers and commercial fishers. The group have banned the use of set nets
- b) *"more accurate studies need to be undertaken before a decision is to be made to convert Tewaewae Bay (and other areas) to mammal sanctuaries."*

523 Many general submitters supported a MMS at Porpoise Bay/Fortose, Catlins; these statements were made:

- a) that these dolphins are threatened/endangered, have an IUCN status and therefore need protecting
- b) that these dolphins are endemic and therefore need protecting
- c) that the MMS should extend out to a water depth of 100m
- d) that the Catlins and Te Waewae Bay MMSs should be joined

524 A couple of tourism submitters say they support a MMS, because of the status of the species and because they are endemic to New Zealand.

525 A few environmental submitters say they support a MMS, one states it should be extended to Te Waewae Bay.

Te Waewae Bay, South Coast

526 A few recreational submitters do not support a MMS, for these reasons:

- a) there is no evidence of a decline in numbers
- b) the existing voluntary or amateur code of practice working

527 A recreational submitter expresses support for a MMS

528 A few customary submitters say they do not support a MMS at Te Waewae Bay.

529 A tourism submitter supports a MMS because of the status of the dolphins and because they are endemic to New Zealand.

530 A few environmental submitters say they support a MMS.

531 A few general submitters did not support a MMS at Te Waewae Bay; these statements were made:

- a) that there is a lack of research
- b) to use *"trawl fishermen data before a decision is made to convert Tewaewae Bay (and other areas) to mammal sanctuaries and closing off areas to a two mile limit."*

532 Many general submitters supported a MMS at Te Waewae Bay; these statements were made:

- a) that these dolphins are threatened/endangered, have an IUCN status and therefore need protecting
- b) that these dolphins are endemic and therefore need protecting
- c) that the MMS should extend out to a water depth of 100m
- d) that the Catlins and Te Waewae Bay MMSs should be joined

Banks Peninsula extension

- 533 An industry submitter says they object to the MMS.
- 534 A couple of recreational submitters do not support a MMS.
- 535 A couple of recreational submitters express support for a MMS.
- 536 A few customary submitters do not support a MMS. One says this is because the dolphins are endemic to New Zealand and because MMS offer the best protection.
- 537 A few environmental submitters say they support a MMS, one says it should be extended to Waitaki River”.
- 538 A general submitter did not support an extension to the Banks Peninsula MMS.
- 539 Many general submitters supported an extension to the Banks Peninsula MMS; these statements were made:
- a) that dolphins are threatened/endangered, have an IUCN status and therefore need protecting
 - b) that these dolphins are endemic and therefore need protecting
 - c) that the MMS should extend out to a water depth of 100m
 - d) that the MMS should extend out to 18nm off the coast and the boundaries extended further north and south

General Comments

540 A couple of recreational submitters made the following general comments:

- a) A MMS from Kahurangi Point to Jackson Bay on the West Coast of the South Island is required
- b) "All MMS must be large enough to be ecologically relevant to the species concerned"

541 A few customary submitters made general comments about MMS saying:

- a) the implications (regulations and restrictions) that will be implemented are unclear
- b) MMS are extreme
- c) Purpose and effects of MMS are unclear, support measures being implemented through fisheries regulations, MMS remove discretion and autonomy of Kaitiaki to manage set netting according to tikanga-breach of Treaty and Fisheries Settlement
- d) disagrees with the location and size and says there is a lack of clarity on how they will work.

542 The following are comments from some general submitters:

- a) requests for a West Coast South Island MMS
- b) only 'dolphin harmful' fishing practices need to be banned
- c) expressions of support for all MMS proposals
- d) MMSs should link up to allow for gene flow
- e) all MMSs should extend out to 100m water depth
- f) dolphins are to be protected at all costs
- g) MMSs need to be large
- h) MMSs should include the entire range of dolphins
- i) there must be observer and enforcement programmes
- j) all vessels should reduce speed near dolphins
- k) there should be no marine mining, littering, waste discharges or pollution in a MMS
- l) there needs to be regulations to prevent tourism and aquaculture threats
- m) that meaningful consultation is required
- n) a request for a MMS at Moerati.

543 Some submitters comment that they do not think the options go far enough or offer complete protection to the dolphins. Therefore, many state they support Option 3 as the only option that provides the most protection out of all of the options outlined in the Draft TMP, but that their preference was for even more restrictions to be put in place.

544 Many general submitters advocate for complete protection of dolphins, options that allow the recovery of dolphin populations, and options that are more “precautionary”. They are in favour of Government taking action now to protect dolphins. Some submitters noted there are alternative methods which can be used for fishing, that are dolphin friendly. Some state that there has been too much emphasis on economics. They say that effective threat management would ensure fishers would implement effective and safe harvest techniques, reducing bycatch of more than just dolphins.