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19 August 2019

## **New Zealand Sport Fishing Council**

### **Proposals for The Hector and Māui Dolphin Threat Management Plan Update**

#### **Recommendations**

- **The Submitters support**
  - **Option 2 for North Island set net restrictions**
  - **Option 2 for North Island trawl restrictions**
  - **Option 2 for South Island set net restrictions**
  - **Option 2 for South Island trawl restrictions**

#### **The submitters**

1. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the Proposals for The Hector and Māui Dolphin Threat Management Plan Update, with submissions due on the 19<sup>th</sup> August.
2. The NZ Sport Fishing Council is a recognised national sports organisation of 54 affiliated clubs with over 35,000 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [www.legasea.co.nz](http://www.legasea.co.nz).
3. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.

4. Collectively we are *'the submitters'*. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
5. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz)

## Submission

6. The submitters recognise that Māui's and Hector's dolphins are indistinguishable by sight alone. It takes genetic analysis in order to properly attribute any living individual to one species or another, because of this The Submitters suggest that:
  - 1.1. Any protections given to Māui's must also be extended into Hector's territories
    - 1.1.1. Because of the genetic similarities between the two species, Hector's are also at risk of following in the same path as Māui's proper preventative action is not implemented
  - 1.2. The precarious state of Māui's dolphin gives us a unique opportunity to learn from our mistakes and ensure there is effective policy in place, so the mistakes are not repeated.
2. The submitters believe that this consultation process highlights the need for an update to both the Fisheries Act (FA) and Resource Management Act (RMA) to more closely align the two and to strengthen the environmental principles and protections held within.

2.1. Currently the RMA states:

*(1) No person may, in the coastal marine area, —*

*(a) reclaim or drain any foreshore or seabed; or*

*(b) erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or*

*(c) disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or*

*(d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or*

*(e) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*

*(f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or*

*(g) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—*

*unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent.*

- 2.1.1. To remove *(other than for the purpose of lawfully harvesting any plant or animal)* in sections c, e and g would strengthen the ability of the RMA to manage the impacts of fishing. Thus, requiring the fishing industry to justify and provide evidence of the sustainability of the destructive fishing methods currently used, in order to include these methods in a regional plan or to receive a resource consent to practice them.
- 2.2. Alternatively, this could be achieved by strengthening the environmental principles of the FA and including a list of permitted activities which include non-destructive fishing methods, outside of which an exemption would need to be sought and the responsibility to provide the evidence for this exemption would rest with the fishing industry.
- 2.3. This would allow the removal of bottom contact fishing methods where they adversely affect the seabed and benthic communities in our inshore coastal marine space, giving a greater level of protection to all the species that reside within and supporting the communities which live off these areas.
3. The Threat Management Plan proposals provides poor information on the non-direct fishing related impacts and the benefits that could be gained for Māui's and Hector's dolphins from implementing the proposals.
  - 3.1. It is likely that there has been increased competition for food as fishing pressure increases and some fish stocks decline
  - 3.2. Although it is believed that these dolphin species will feed on a range of foods throughout the water column, it has not been identified what their primary food source has been historically and whether that has changed over time.
  - 3.3. A change of diet could have long term effects by increasing the effort expended to gather nutrients and possibly, if feeding on a suboptimal food source, decrease the nutrients gained overall which could contribute to lower reproductive success.
  - 3.4. If we are to achieve an ecosystem-based management approach, as identified necessary by the Minister of Fisheries, we need to have a better understanding of the entire ecosystem and the effects of imbalances caused by current fishing practices. Higher abundance is key to allowing for proper ecosystem function.
    - 3.4.1. For example, it has been noted that one likely food source of these dolphin species is New Zealand Sole. This species are believed to feed specifically on small fish,

crustaceans and other benthic organisms. The benthic impact of trawl/dredge in some areas will likely deplete the food source these fish rely on and may cause them to shift to deeper or less sheltered waters, pushing them out of the dolphins' preferred feeding areas.

- 3.5. There have been reports of increasing numbers of fur seals around the New Zealand coastline, this could be further compounding the food scarcity problem.
4. It is likely the estimates of direct fishing related mortality in the dolphin species in underestimated.
  - 4.1. The submitters believe that some dolphin captures must go unreported. That is because the reporting rate of Hector's captures is higher on observed trips so the implementation of onboard cameras, as the government has recently announced, is justified.
  - 4.2. This misreporting combined with a possible exaggeration of the effects of toxoplasmosis has misrepresented the importance of implementing the Threat Management Plan to protect Maui and Hector's dolphins from fishing activities.
  - 4.3. It is understood that most fishers have never captured, or even seen a Māui's dolphin. Unfortunately, as with many cases of public policy, we must manage for the 1% especially in cases as dire as the Māui's population, where even one death is unacceptable as this would reduce the breeding population by close to 2%.
  - 4.4. Cameras on fishing vessels and area closures will reduce this problem, but at a large cost to both the government and the small-scale fishing fleet. This must be given consideration and effort must be dedicated to investigating how to best support this fleet.
    - 4.4.1. The small-scale fishing fleet play an important role in our communities and these individuals form a highly valued profession.
    - 4.4.2. These people must be treated with respect when making decisions on area closures and monitoring assistance must be provided to transition them through these rough times.
    - 4.4.3. The small-scale fishing fleet is under constant pressure from the industrial-scale operators who dominate our inshore fishing. If we are to avoid the seemingly inevitable demise of these local fishers, we must be considering alternative pathways to support and empower them.
    - 4.4.4. A compensation package must be considered for these affected individuals. This compensation would have to be catered towards the people on the water and the real economic losses they face from these decisions.
    - 4.4.5. The quota holders will be able to continue to fish their quota outside of the proposed closures or transfer it to someone who can, the simple act of owning quota in these areas does not in itself justify compensation.
5. Toxoplasmosis is present in many species; most infected individuals show no symptoms. It is thought that many of the individuals that do demonstrate symptoms, already have reduced immune systems or are physically stressed in some way.

- 5.1. This leads to the questions, are a large portion of Māui's/Hectors already infected with the parasite which only contributes to their deaths once they are already stressed? Possibly from lack of availability of food or other environmental impacts.
- 5.2. As discussed above (3), there are likely many non-direct fishing related impacts that could be causing stress to these animals and increasing their susceptibility to the effects of toxoplasmosis.
- 5.3. It is likely that the only way to combat toxoplasmosis is to maximise the growth of the dolphin population as this is likely to increase the genetic resilience of the population. With a higher number of individuals there is a higher probability of resistance developing.
- 5.4. Abundance and a thriving population are the only way to ensure the ongoing survival of the population and to pass through the genetic bottleneck which has formed due to the reduced gene pool.
- 5.5. Cat faeces has been identified as one of the main sources of the toxoplasmosis parasite entering the marine environment.
  - 5.5.1. The submitters doubt the ability of any agency to effectively reduce this problem in the short to medium term.
  - 5.5.2. Both domestic and feral cats are prolific and unable to be monitored or controlled in many cases. As a long-term strategy, there is benefit in developing a plan, but given the current state of the Māui's population, the long-term strategy may be unnecessary if we don't implement real change now.
- 5.6. It has been recognised that toxoplasmosis can infect other mammalian species, research needs to be done to test whether it has had similar effects on other marine mammals.
6. Recreational fishing has never been identified as a real threat to the survival of either the Māui's or Hectors dolphins. To the submitter's knowledge, there have been few recorded deaths of these dolphins associated with recreational fishing.
  - 6.1. The submitters acknowledge this could be due to non-reporting of such events, but in any case, they are still believed to be rare occurrences.
  - 6.2. In order to ensure the long-term survival of these dolphins, it is agreed that these proposals also apply to recreational fishers and propose a few further options:
    - 6.2.1. All recreational set nets need to be actively monitored.
    - 6.2.2. The proposals extended marginally further into the harbour mouths along the West Coast. This is to create a buffer zone to protect Māui's from lost nets drifting out of the harbour entrance into prime feeding grounds. E.g. Raglan Wharf across to Motu-Kokako Point (Raglan Harbour) and Te Maika wharf to the Lagoon (Kawhia)
    - 6.2.3. A rule to ensure all practical measures must be undertaken to recover a lost net.
    - 6.2.4. A phone line or email account set up for recreational and commercial fishers to report lost fishing gear.
    - 6.2.5. Regular underwater clean ups of lost fishing gear to take place in the worst affected areas.

7. There have been ongoing processes to achieve a resource consent to undertake seabed mining off the Patea coast on the South Taranaki Bight. Given the extent of the current mining proposals and the effects this will have on some of the local communities, it would be absurd to approve those consents in light of the need to protect Māui dolphin and their habitat.
8. It is important that in order to maintain New Zealand's "clean green" image, and access to important export markets, we give the utmost respect to these proposals and allow all the necessary regulations to give full protection needed for the dolphins to not only survive but thrive.
  - 8.1. There have been stories of the Sea Shepherd's appeal to the USA to ban exports of fish captured in an area or in a way that endangered Māui's. Although this was recently dismissed by the US courts, it created a bad image of New Zealand in the global media. Stories like this are sure to continue if preventative action is not taken immediately.
  - 8.2. Such stories raise international awareness which risks decreasing the value of our exports and could have wider impacts on tourism.
  - 8.3. New Zealand needs to be seen as leading the way on all kinds of environmental protection, this one step ahead approach is the reason we must implement the same rules to Hector's as we are to Māui's dolphins.