



Briefing requested by the Minister of Conservation

Date: 7 Dec 2012

File reference: NHS – 12-09-09

DOCDM-1128242

Subject: ADVICE ON MAUI'S DOLPHIN THREAT MANAGEMENT PLAN REVIEW

Purpose

1. This briefing seeks your decision on a suite of options to afford increased protection against non-fishing related threats to Maui's dolphins along the West Coast North Island (WCNI). The Minister for Primary Industries is considering options to manage fishing-related threats to the dolphins. You will be provided with advice by the Department when the Hon. Minister consults with you ahead of his final decisions.
2. This briefing provides a summary of the outcomes of the consultation process and any other new information that came to light following the release of the discussion document for consultation and through the public engagement process.

Executive Summary

3. The Maui's dolphin is ranked as 'Nationally Critical' by the New Zealand Threat Classification System and 'Critically Endangered' by the International Union for Conservation of Nature (IUCN). Hector's and Maui's dolphins are managed under the Hector's and Maui's Dolphin Threat Management Plan (TMP). A review of the Maui's dolphin portion of the TMP was brought forward in light of a Maui's or Hector's dolphin caught in a set-net off Cape Egmont and a revised abundance estimate for the Maui's dolphin population.
4. DOC and the Ministry for Primary Industries (MPI) initially convened an expert panel for a risk assessment workshop for Maui's dolphins. The results of this workshop were used to assist agencies in developing a joint consultation document proposing a range of options for mitigating the impacts of potential threats to Maui's dolphins. Both documents were released for public consultation on 24 September 2012 and were available for public comment over seven weeks. Submissions closed on 12 November 2012. During the consultation process DOC held a number (13) of consultation meetings.
5. In response to the range of options to mitigate for non-fishing related human induced threats, DOC received a total of **70,056** responses, of which **4224** contained original content requiring analysis. Submitters were overwhelmingly in support of increasing protection through restrictions on human activities throughout the sub-species range, from Maunganui Bluff in the north down to at least Hawera in the south and offshore to either 100m water depth or 12nm.
6. There was opposition to further increasing restrictions from the fishing, oil and gas and seabed minerals industries, with various concerns about the validity of scientific information, the conclusions of the expert risk assessment workshop and the need for additional protection.

7. DOC considers that based on the best available scientific data and professional judgement of leading domestic and international marine mammal experts, the survival of the Maui's dolphin sub-species is at a critical crossroads.
8. In order to afford Maui's dolphin the greatest chance of recovery and long-term viability, full protection from all fishing and non-fishing human activities within their range should be provided.
9. DOC acknowledges that high levels of protection would impact upon a wide range of activities and parties with interests in the area. In recognition of this, a range of options are presented in Part 4 that reduce risks from key non-fishing threats to varying degrees while allowing human activities to continue with differing levels of management intervention.
10. The proposed intermediate options of management measures would allow for some activities that would otherwise be prohibited by the most conservative suite of management actions. These intermediate options prohibit high risk activities within a critical area of Maui's dolphin distribution identified by the current best available information. Due to uncertainty surrounding the current knowledge of distribution, DOC recommends that should this suite of management actions be chosen a process for review be implemented immediately should further information come to light showing extended distribution.
11. Threats should not be mitigated in isolation. Their interaction and cumulative impacts need to be considered together to effectively reduce the overall impact of human-induced threats to a population. Therefore, DOC recommends that a holistic approach is taken in order to address cumulative impacts across all activities. This provides for a more robust, integrated plan to be developed.
12. Fishing related threats account for 95% of the risk to Maui's dolphins, and are being considered outside of DOC's process by MPI. In order to achieve recovery, it is critical to ensure that fishing related threats form an integral part of the overall risk management process, and are managed in a manner consistent with the management of other threats, as provided in this paper.
13. DOC proposes that the government should address threats in an integrated manner, through development of a strategic cross-agency Maui's Dolphin Recovery Plan, with participation by a wide range of partners and stakeholders.
14. In addressing the complexity and interconnectivity of threats, DOC has proposed a package of options with four parts:
 - PART 1 – The Maui's Dolphin Recovery Plan
 - PART 2 – Options to address maritime risks
 - PART 3 – Marine Mammal Sanctuary boundary extension
 - PART 4 – Management of key non-fishing activities that pose a risk to Maui's dolphin and have a range of implementation options
15. DOC's preferred management option for non-fishing threats, to maximise the chance of recovery, is implementation of Parts 1 and 2, and Option 1 (most cautious) in Part 3. Linked to Part 3, a range of management measures for key activities are presented in Part 4.

Recommendations:

It is recommended that you–

- | | Minister's
decision |
|---|--------------------------------|
| (a) <u>Note</u> the content of this briefing on options to mitigate non-fishing related threats to the Maui's dolphin | (yes / no) |
| (b) <u>Note</u> the Minister for Primary Industries is considering options to mitigate against fishing-related threats and that you will be provided a separate briefing when the Hon. Minister consults with you | (yes / no) |
| (c) <u>Note</u> the overall high level of public support expressed during consultations for protection measures for Maui's dolphins | (yes / no) |
| (d) <u>Note</u> the general concerns of the petroleum and seabed minerals sectors to increasing area based restrictions | (yes / no) |
| (e) <u>Note</u> support from most submissions for more protection measures than are proposed | (yes / no) |
| (f) <u>Note</u> you have been provided with draft talking points ahead of your joint meetings with the Minister for Primary Industries and the Minister of Energy and Resources | (yes / no) |
| (g) <u>Note</u> the appended Legal Advice | (yes / no) |
| (h) <u>Note</u> the appended detailed analyses, including analysis of submissions | (yes / no) |
| (i) <u>Agree</u> to proceed with a suite of the options proposed in this submission | (yes / no) |
| IF yes, | |
| (j) <u>Note</u> that DOC's preferred options, to maximise the chance of recovery, are implementation of Parts 1 and 2 and Option 1 (most cautious) in Part 3. | (yes / no) |
| (k) <u>Note</u> that, linked to your decision on Part 3, a range of management measures for key activities are presented for your consideration in Part 4. | (yes / no) |
| (l) <u>Indicate</u> which specific options to manage the key non-fishing risk activities you have chosen from the summary table overleaf | (yes / no) |

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| PART 1: Maui's Dolphin Recovery Plan | | | | | |
|---|---|---|--|------------------------------------|------------------------------------|
| | <ul style="list-style-type: none"> Planning: Annual strategic planning process of the Maui's recovery plan Research: Annual research planning process of the Maui's recovery plan Engagement: Annual engagement strategy review, monitoring and enforcement | | | YES / NO | |
| PART 2: Options to address maritime risks (Further interagency work required in both cases to develop options following indication of interest) | | | | | |
| | Commercial shipping Particularly sensitive sea area (PSSA) | | | YES / NO | |
| | Marine Spills Actively monitored zone using Automatic Identification System (AIS) technology | | | YES / NO | |
| PART 3: Marine Mammal Sanctuary boundary extension | | | | | |
| | 1) Most precautionary ← | 2) Intermediate | 3) Least precautionary → | Select one (or variation) | |
| MMS boundaries | a) MMS extension: South to Whanganui River and out to 100m depth or 12nm* | b) MMS extension: South to Hawera and out to 12nm | MMS extension South to Hawera and out to 7nm offshore* OR Variation on extension offshore* | No change | 1a / 1b / 2 / 3 / Variation |
| PART 4: Activities with a range of implementation options | | | | | |
| | 1) Most precautionary ← | 2) Intermediate | 3) Least precautionary → | Select one (or variation) | |
| Seismic survey | Prohibition on seismic throughout MMS | a) Regulations under MMPA OR b) Amendment of restrictions within MMS to reference Code | No change (reliance on existing Code of Conduct) | 1 / 2a / 2b / 3 / Variation | |
| Petroleum mining | Prohibit petroleum mining throughout MMS | Prohibit petroleum mining to 7nm, Code of Conduct beyond OR Variation on extension offshore | New Code of Conduct | 1 / 2 / 3 / Variation | |
| Seabed mining | Mining restrictions throughout MMS | Mining restrictions to 7nm, Code of Conduct beyond 7nm OR Variation on extension offshore | New Code of Conduct | 1 / 2 / 3 / Variation | |
| Inshore boat racing | Prohibit "Thundercat" racing throughout MMS* | Investigate seasonal or area specific restrictions | New Code of Conduct | 1 / 2 / 3 / Variation | |
| Commercial tourism | Permanent restrictions on commercial tourism in MMS | Temporary moratorium on commercial tourism | No change | 1 / 2 / 3 / Variation | |

(*Not part of consultation, has associated legal risk)

.....
 Kevin O'Connor
 DDG Science and Technical Group
 for Director-General

..... / /
 Hon Kate Wilkinson
 Minister of Conservation

Summary of options

16. The options proposed below incorporate a range of possible mitigation measures to reduce the potential risk to Maui's dolphins from non-fishing related threats and are presented as an integrated package.
17. During consultation, DOC presented options which addressed each of the specific threats and sought feedback on the various measures. However, in developing final management arrangements it is important to recognise the interrelationships between potential threats to Maui's dolphins or cumulative impacts. Many threats may interact, for example, displacement of dolphins out of a habitat from one activity may result in them moving into an area where they are at an increased risk from another threat.
18. Threats should not be mitigated in isolation. Their interaction and cumulative impacts need to be considered together to effectively reduce the overall impact of human-induced threats to a population. Therefore, in providing advice for final decisions, it is necessary to take a holistic approach in order to address cumulative impacts across all activities. This provides for a more robust, integrated plan to be developed.
19. Fishing related threats account for 95% of the risk to Maui's dolphins, and are being considered outside of DOC's process by MPI. In order to achieve recovery, it is critical to ensure that fishing related threats form an integral part of the overall risk management process and are managed in a manner consistent with the management of other threats, as provided in this paper.
20. Of the non-fishing related threats to Maui's dolphins, the risk assessment panel indicated mining and oil activities, vessel traffic, pollution and disease activities as having highest risks, with likelihood of exceeding the Potential Biological Removal (PBR – the maximum rate of human induced mortality) ranging from 61.3% for mining and oil activities to 29.5% for disease¹.
21. There are four parts to the integrated threat management package presented in this paper:
 - a. **Part 1** presents the Maui's Dolphin Recovery Plan, includes a strategic, overarching framework for addressing research and planning processes, education, and engagement. It includes:
 - i. An annual strategic planning process with central and local government to ensure strategic, integrated approach to mitigating the impacts of human activities on Maui's dolphins;
 - ii. An annual research planning process to direct research priorities where they will provide the most benefit for Maui's dolphins;
 - iii. An engagement strategy to support implementation of outcomes from the planning processes, focused initially on options developed during consultation. This should also include development of a domestic and international communications strategy, to convey messaging about the government response.

¹ Note, as the range in scores in the risk assessment highlights the high degree of uncertainty about the impact of the individual threats to Maui's dolphins, the risk assessment is used as a guide to target where mitigation might be best placed to reduce the risk to Maui's dolphins.

PART 1: Maui's Dolphin Recovery Plan. Developed and administered by cross-agency recovery group to provide over-arching framework and strategic prioritisation for threat management options – with input from community stakeholders and whānau, hapū and iwi.

PLANNING: An annual strategic planning process of the Maui's recovery plan

- (Including: Marine spills, Coastal development, Recreational boating, Pollution, Fishing)

RESEARCH: An annual research planning process of the Maui's recovery plan

- (Including: Maui's dolphin distribution and abundance monitoring, Gene flow between Hector's and Maui's, Diet and trophic interactions, causes of mortality and disease, Impacts of mining, Impacts of vessel traffic, Impacts of cumulative effects, Technological improvements to increase knowledge on Maui's dolphins, Social research related to public engagement)

ENGAGEMENT: Annual engagement strategy to raise awareness to protect Maui's dolphins, as well as increased monitoring and enforcement of current regulations

- (Including: Commercial tourism, Surf life saving, recreational boating, scientific research, disease, monitoring and enforcement, commercial and recreational fishing)

b. **Part 2** identifies two key actions that were strongly supported in submissions, which would potentially mitigate impacts and maritime risks associated with commercial shipping. If you support either or both of these options in principle, additional work would be necessary with stakeholder agencies (MoT, MNZ, MFAT and possibly MfE) to develop the option(s) further before final decisions could be made :

- Designating a Particularly Sensitive Sea Area (PSSA) through the International Maritime Organisation (IMO);
- Establishing a continually monitored Automatic Identification Service (AIS) zone.

PART 2: Options to address maritime risks.

(Additional work necessary with stakeholder agencies before final decisions possible)

| | | |
|----------------------------|--|--|
| Commercial shipping | Particularly sensitive sea area (PSSA) | Develop option of submission to the International Maritime Organisation seeking Particularly Sensitive Sea Area (PSSA) designation, with measures such as heightened navigational controls or prohibition of all discharges. |
| Marine Spills | Actively monitored zone | Develop option of using Automatic Identification System (AIS) technology for vessel related compliance purposes and to reduce risk of accidents that could cause oil and other spills in Maui's dolphins range. |

c. **Part 3** presents options for the Marine Mammal Sanctuary boundary extension. **It is important to note that these are presented from the MOST cautious to the LEAST cautious across the table below from left to right.**

- Under the Marine Mammals Protection Act 1978 (MMPA), you have the ability to designate an area as a Marine Mammal Sanctuary. A sanctuary defines an area that is important to a particular species of marine mammal for feeding, breeding and other important life history behaviours, and may enable the management of human induced threats to that species.

- ii. The proposed extension to the existing marine mammal sanctuary on the west coast of the North Island south to Hawera (South Taranaki) is based on the current best available information on Maui's dolphin distribution.
- iii. Support for a sanctuary extension was evident in the majority of submissions, although some submissions were against the proposal. Further background on the submissions for and against is provided in the appendices.
- iv. DOC considers that it is appropriate to use one of the primary conservation tools available under the MMPA, and recommends that the existing Marine Mammal Sanctuary is extended (Option 1, most cautious). Not only does this highlight the ecological significance of the area, but also it provides the most straightforward mechanism through which effective management measures can be implemented in an enforceable manner.

| PART 3: Marine Mammal Sanctuary boundary extension | | | | | |
|--|---|---|--|---------------------------|------------------------------------|
| Issue | 1) Most precautionary | 2) Intermediate | 3) Least precautionary | Select one (or variation) | |
| | ← | | → | | |
| MMS boundaries | a) MMS extension: South to Whanganui River and out to 100m depth or 12nm* | b) MMS extension: South to Hawera and out to 12nm | MMS extension South to Hawera and out to 7nm offshore* OR Variation on extension offshore* | No change | 1a / 1b / 2 / 3 / Variation |

d. **Part 4** presents options for the remainder of activities that were scored by the risk assessment panel as being the highest risk to Maui's dolphins. As these activities are the most challenging and costly to manage, a range of options is presented. **It is important to note that these are presented from the MOST cautious to the LEAST cautious across the table below from left to right.**

- i. The likelihood of effectively reducing non-fishing related risks to Maui's dolphins will depend on the options selected within this Part. If all of the most cautious options are selected, the most significant non-fishing related risks to Maui's dolphins would be removed. If fishing restrictions were implemented in a consistent manner, this would provide for population recovery with the greatest certainty practically possible. If intermediate or least cautious options are selected the likelihood of reducing non-fishing related risk to Maui's dolphins is reduced.
- ii. Recognising the range of activities in the area, an intermediate option of measures is presented. Choosing these options would allow for some activities that would otherwise be prohibited by the most cautious approach. Choosing these intermediate options would prohibit high risk activities within a critical area of Maui's dolphin distribution identified by current best available information. Due to uncertainty surrounding the current knowledge of distribution, DOC recommends that should this suite of management actions be chosen a process for review be implemented immediately should further information come to light showing extended distribution. For these

options to be effective in allowing recovery, consistent fisheries management must also be implemented.

- iii. Risk assessment identified that should no measures be implemented to reduce fishing and non-fishing risks, extinction is likely.
- iv. You may also seek variations in the measures proposed for each specific issue, primarily where intermediate options are concerned. In such instances, DOC will continue to work with stakeholders to develop options further as necessary. Examples for consideration include different offshore boundaries, and temporary restrictions of specified duration (possibly linked to research on impacts).

| PART 4: Activities with a range of implementation options | | | | |
|--|---|---|--|------------------------------------|
| Issue | 1) Most precautionary | 2) Intermediate | 3) Least precautionary | Select one (or variation) |
| | ← | | → | |
| Seismic survey | Prohibition on seismic throughout MMS | a) Regulations under MMPA OR b) Amendment of restrictions within MMS to reference Code | No change (reliance on existing Code of Conduct) | 1 / 2a / 2b / 3 / Variation |
| Petroleum mining | Prohibit petroleum mining throughout MMS | Prohibit petroleum mining to 7nm, Code of Conduct beyond OR Variation on extension offshore | New Code of Conduct | 1 / 2 / 3 / Variation |
| Seabed mining | Mining restrictions throughout MMS | Mining restrictions to 7nm, Code of Conduct beyond 7nm OR Variation on extension offshore | New Code of Conduct | 1 / 2 / 3 / Variation |
| Inshore boat racing | Prohibit "Thundercat" racing throughout MMS* | Investigate seasonal or area specific restrictions | New Code of Conduct | 1 / 2 / 3 / Variation |
| Commercial tourism | Permanent restrictions on commercial tourism in MMS | Temporary moratorium on commercial tourism | No change | 1 / 2 / 3 / Variation |

(*Not part of consultation, has associated legal risk)

22. **Status quo** – there is also the option of no change. However, risk assessment identified that should no measures be implemented to reduce fishing and non-fishing risks extinction is likely in 15 years. DOC considers this is not an appropriate option as it would not contribute to reducing potential risk to the Maui's dolphin population.

Context for options

23. This section outlines the rationale and evidence base underpinning DOC's advice, and the development of the options presented. It serves to provide a summary of key issues arising from:
- the risk assessment;
 - development of the Threat Management Plan (TMP);
 - consultation; and,
 - analysis of submissions.
24. The analysis presented in this paper is consistent with the Department's mandate² under the Marine Mammals Protection Act 1978 and is based upon the best available information, including information on the risk of extinction to Maui's dolphin.
25. The Maui's dolphin is ranked as 'Nationally Critical' by the New Zealand Threat Classification System and 'Critically Endangered' by the International Union for Conservation of Nature (IUCN). Hector's and Maui's dolphins are managed under the Hector's and Maui's Dolphin TMP, which was a joint agency initiative (DOC and the then Ministry of Fisheries) developed in 2007 with protection measures implemented in 2008. A review of the Maui's dolphin portion of the Threat Management Plan was brought forward in light of a Maui's or Hector's dolphin caught in a set-net off Cape Egmont³ and a revised abundance estimate for the Maui's dolphin population.
26. DOC and MPI initially convened an expert panel for a risk assessment workshop for Maui's dolphins. The panel was comprised of domestic and international specialists in marine mammal science and ecological risk assessment⁴. The results of this workshop were used to assist agencies in developing a joint consultation document proposing a range of options for mitigating the impacts of potential threats to Maui's dolphins. Both documents were released for public consultation on 24 September 2012 and were available for public comment over seven weeks. Submissions closed on 12 November 2012. During the consultation process DOC held a number (13) of consultation meetings including targeted stakeholder groups, community groups and public meetings. DOC engaged directly with whānau, hapū and iwi through its existing networks based in the Taranaki, Waikato and Auckland regions.
27. DOC considers that based on the best available scientific data and professional judgement of leading domestic and international marine mammal experts, the survival of the Maui's dolphin sub-species is at a critical crossroads.
28. Because the best estimate of the population is only 55 individuals over the age of one year, a cautious approach is necessary. The small population size also makes the sub-species more difficult to research and monitor, leading to uncertainty around much of our

² The Department's mandate under the MMPA (an Act to make provision for the protection, conservation, and management of marine mammals within New Zealand and within New Zealand fisheries waters) comes from section 3A which states that the Department of Conservation shall administer and manage marine mammals. Moreover, the Act binds the Crown (section 3 refers). Consequently all arms of the Crown are subject to the Act. In addition, section 4 of the Act provides that no person shall "take" any marine mammal ... in or from its natural habitat without first obtaining a permit to do so from the Minister of Conservation or a person authorised by the Minister. The Act defines "take" to include killing, injuring, harassing and disturbing any marine mammal.

³ This is within the historic range of the Maui's dolphin, in an area where genetic analysis of both beachcast and live dolphins demonstrates that Hector's dolphins represent less than five percent of all those individuals sampled north of Hawera.

⁴ Representatives (stakeholders) from a range of sectors, including central and local government, environmental NGO, the fishing industry, the mining industry and iwi were present to inform the risk assessment scoring by the panel and to ensure transparency in the workshop process.

knowledge. In applying the precautionary approach, the absence of information should not be used as a reason for postponing management measures that have a reasonable chance of reducing risks and increasing the opportunity for the population to recover to a state where its recovery and long-term viability is secured. Likewise, the challenge in measuring the effectiveness of management measures over the timeframes of the TMP process should also not be considered sufficient reason for not taking action.

29. The best available information indicates that human activities are the primary cause of decline in the population with the various forms of net fishing (set, trawl and drift) accounting for about 95% of human induced impacts according to the expert risk assessment panel. Therefore DOC considers that the fishing threat is the most critical issue to address immediately. Fishing related impacts are being addressed by the Primary Industries Minister as part of this process⁵, and you will be briefed separately on this. In order to achieve the recovery of Maui's dolphin DOC recommends a holistic approach, and as such the management of fisheries risk should be consistent with the management of non-fisheries risks, as described in this paper.
30. The remaining 5% of threats from human activities are still of concern, especially as the cumulative effects of all threats combined need to be mitigated in an holistic approach in order to achieve recovery. However, there is much less certainty about quantifying both risk reduction and measurement of outcomes of non-fisheries management measures compared to risks from fishing where data may be derived from the wider Hector's dolphin population and through the fisheries observer programme. Nevertheless, the risk arising from the combined threats from non-fishing activities still exceeds the Potential Biological Removal (PBR) limit. For this reason, individual threats which scored relatively low in the risk assessment still need to be mitigated to allow for recovery. The holistic management approach is crucial, as unless fishing risks are addressed in an adequate manner, complete removal of all other non-fishing human threats would be insufficient to allow for recovery.
31. The expert risk assessment panel concluded that the sub-species has the potential to recover if human induced mortalities are adequately reduced and that probability of recovery increases in proportion to the reduction of human impacts. Removal of all human-related threats will provide the greatest chance of population recovery. Conversely, if threats remain or are not mitigated through adequate management then the population will be likely to continue to decline. If no management action is taken to reduce current risk, the projection based on the outcomes of the risk assessment estimated as few as 34 dolphins remaining in 5 years time and a 70% chance that the Maui's population would be extinct in 15 years. As such, it is critical that adequate protection measures are implemented now.
32. DOC does not support any form of in-situ or ex-situ intervention with Maui's dolphin, such as translocation or captive breeding. Experience from successful recovery programs involving terrestrial species is of limited relevance in the marine environment, and the risks, weighted against the assessed low likelihood of success, are considered to be unacceptably high.
33. DOC recommends that in order to maximise the chances of recovery, management measures should be implemented immediately and monitored under an integrated recovery plan with annual review processes on key areas.

⁵ The Minister of Conservation also has the ability to include fishing related restrictions in a marine mammal sanctuary under section 22 of the Marine Mammals Protection Act 1978. Consents would need to be obtained from the Minister for Primary Industries and other relevant Ministers for restrictions to be notified.

34. DOC acknowledges arguments put forward by several parties during consultations in favour of a protected corridor linking the Maui's population with South Island Hector's dolphins is likely to increase chances of recovery. However some stakeholders note the lack of evidence of interbreeding. While there is no evidence as yet that there has been inter-breeding between Hector's and Maui's dolphins, DOC acknowledges it remains a possibility, especially in light of recent information demonstrating presence of Hector's dolphins within the Maui's dolphin core range. DOC considers that this option may best be addressed when the Hector's dolphin TMP is reviewed in 2013.
35. DOC notes that many submitters argued during consultation that the 100m depth contour should be considered to be the most precautionary offshore limit based on the best available information for Hector's dolphins derived from sightings data on the East Coast of the South Island and the similarity in behaviour between Hector's and Maui's dolphins. This is consistent with recommendations by the International Whaling Committee and International Union for the Conservation of Nature. DOC marine mammal scientists agree that aspects of the dolphin's behaviour are similar enough that in the absence of conclusive distribution data for Maui's dolphin, an inference about offshore distribution derived from Hector's dolphins data is reasonable scientific conclusion. This conclusion is further supported by public sightings of Maui's/Hector's dolphin presence around Taranaki offshore oil and gas installations in 115m water depth. Reflecting this DOC has presented options in this paper to manage non-fishing impacts out to the 100m depth contour as the most precautionary approach.
36. A significant proportion of submitters - including government, ENGO and academic experts - propose that the 12nm Territorial Sea limit would be an acceptable proxy for the offshore extent of distribution, with the distinct advantage of ease of implementation and jurisdictional overlap with the Resource Management Act 1991. DOC agrees that 12nm would be an acceptable, pragmatic proxy, and an integrated suite of management measures that reduce risks from this area would afford Maui's dolphin a high level of protection.
37. Research sightings data for Maui's dolphins indicates that it is likely that most individuals will be found within 4nm throughout the range, with distribution tapering off towards 7nm. Therefore inshore of 7nm is the most critical area for immediate full protection from human induced risks. However it must be noted that most research effort has been focused inshore, with very little occurring beyond 7nm, so there is the possibility that over time new evidence may emerge extending distribution offshore.
38. DOC acknowledges that imposing restrictions on industry would have significant direct economic impacts on the current users of the area concerned. Conversely, other sectors such as tourism and exports could face economic costs if government fails to prevent the continued decline of Maui's dolphins. While these are not matters for the Minister for Conservation to consider under s.22 of the MMPA, other Ministers involved in the consent role associated with restrictions will have portfolio interests in these matters. As such, a range of intermediate options are presented that reduce risks to varying degrees while allowing human activities to continue with differing levels of management intervention. DOC notes that these measures will go some way to reducing the risk to the sub-species but are not as cautious as complete prohibitions over the entire range, and therefore may not ensure the long-term viability of the sub-species in each case.
39. Specifically, noting the critical area of Maui dolphin's distribution to 7nm, and recognising activities occurring in the waters from 7-12nm, intermediate options have been developed to provide a high level of protection to 7nm. Noting the uncertainty around distributional information, DOC recommends that should such a suite of management actions be chosen a process for review be implemented immediately should further information come to light showing extended distribution. For such management

measures to be successful in allowing recovery, they must be accompanied by consistent fisheries management measures.

40. There is scope within this range of options to explore variations in the measures proposed for each specific issue, primarily where intermediate options are concerned. In such instances, DOC will continue to work with stakeholders to develop options further as necessary. Examples for consideration include different offshore boundaries, and temporary restrictions of specified duration (possibly linked to research on impacts).

Costs and Benefits

41. Each potential package of options has a range of costs and benefits. The costs vary from implementation and resourcing costs, costs to industries through not being allowed to operate in an area, costs to New Zealand's international reputation on conservation issues, and also the cost to Hector's and Maui's dolphins should the sub-species be lost. As noted in the 'Public Consultation' appendix to this briefing, a number of stakeholders have made submissions on the reputational risks to New Zealand. Costs of specific options are discussed in more detail in Appendix 1.

Risks

42. There are some international reputational risks to New Zealand's conservation image associated with failing to take adequate action to protect Maui's dolphins. It has come to DOC's attention that New Zealand is coming under increasing international scrutiny for its stance on marine conservation issues across a spectrum of international fora, such as the International Whaling Commission, IUCN, and the Convention on Migratory Species. MFAT has noted concerns to DOC about the international implications of failing to prevent the continued decline of Maui's dolphins.
43. DOC has highlighted concerns about the time available for analysis, and risks associated with perceptions of pre-determination and potential legal challenge, in previous briefings (12-C-182 & 12-C-200).

Implementation

44. Some proposed options could be implemented immediately, whereas other would require significant preparatory work. A detailed implementation program will be developed once final decisions have been made on preferred options, which will form part of the annual planning and review processes.

Attachments

Briefing 12-B-0396

Appendix 1 – Detailed analysis

This appendix consists of the following parts:

- Introduction
- Background
 - Problem definition
 - Key threats identified via risk assessment
 - Options proposed for public consultation
- Public Consultation
 - Description of process
 - Feedback on process
 - Conservation Act 1987
 - Summary of submissions
- Discussion/analysis of issues and options
 - By key threat
 - Costs
 - Risks
- Implementation of Decisions

Appendix 2: Revised maps – sightings

Appendix 3: Legal Advice

Appendix 4: Draft talking points for joint meetings with Minister for Primary Industries and Minister of Energy and Resources

Appendix 5: Analysis of submissions

Appendix 6: Copies of submissions

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Appendix 1: Detailed analysis

Introduction to Maui's dolphins

1. Maui's dolphins are short lived (about 20 years), have a low reproductive rate (a female has a calf every 2-3 years) and become sexually mature at a relatively late age (about 7-9 years). These biological factors result in a low overall maximum population growth rate, meaning that they can be threatened by low levels of human-induced mortality. In addition, as the dolphins favour shallow waters less than 100m deep, their habitat overlaps with many human coastal activities, increasing their vulnerability to human impacts.
2. Maui's dolphins were once found along most of the west coast of the North Island and up the east coast as far as Bay of Plenty. The lack of Maui's dolphin sightings in the south Taranaki-Whanganui region since the 1970s indicates a reduction in range from what was once a centre of the dolphin population (Hector's and Maui's Dolphin Threat Management Plan (TMP) pg. 69).
3. In recent years, most sightings of Maui's dolphins have occurred between Maunganui Bluff on the North Island's west coast, south to Tongaporutu, 40 km north-east of New Plymouth. The majority occur between the Manukau Harbour and Port Waikato. The boundaries of the current set net closed areas (established in 2003) were based on scientific research and verified sightings concerning the range for Maui's dolphins.
4. The Maui's dolphin is ranked as 'Nationally Critical' by the New Zealand Threat Classification System and 'Critically Endangered' by the International Union for Conservation of Nature (IUCN).
5. Hector's and Maui's dolphins are managed under the TMP, which was a joint agency initiative developed in 2007, and protection measures were implemented in 2008.
6. It is not possible to distinguish between Maui's and Hector's dolphins visually. In order to confirm sub-species, a skin sample must be taken for genetic analysis.

Background

Problem definition

7. The TMP noted that while there had been occasional, unconfirmed public sightings of Maui's dolphins south of the currently closed areas, there had been no recent scientific research sightings in this area. The then Minister of Fisheries decided that Taranaki was unlikely to be part of the current Maui's dolphin range. Since that time, two public sightings supported by photographs or video have been reported (1 km off the Waiongona River Mouth, south of Waitara and in Port Taranaki), though genetic sampling was not undertaken to confirm sub-species. In addition, there have been a number of public sightings of dolphins, but these have not been accompanied by photographic evidence.
8. New research utilising a genetic mark-recapture method estimates the population of Maui's dolphins to be 55 individuals (excluding calves), with 95% confidence that the population is between 48 and 69 individuals (Hamner et al., 2012)¹. The information from the latest survey suggests an average annual rate of decline of approximately 3%

¹ Hamner, R.M., Oremus, M., Stanley, M., Brown, P., Constantine, R., Baker, C.S. 2012: Estimating the abundance and effective population size of Maui's dolphins using microsatellite genotypes in 2010-11, with retrospective matching to 2001-07. Department of Conservation, Auckland. 44p.

since the 2006 estimate of 111 individuals, (95% confidence limit 48, 252) (Slooten et al., 2006)². However, it must be noted that the methods used in the two studies are not directly comparable in terms of both methodology and in that the 2006 estimate did not distinguish between adults and calves, nor Hector's or Maui's dolphins.

9. Potential Biological Removal (PBR) analysis is intended to provide an indication of the vulnerability of Maui's dolphins to human impacts and estimates the maximum number of human-induced dolphin mortalities which may occur while allowing the stock to reach or maintain its optimal sustainable population size with high probability. The PBR based on the 2006 population estimate of 111 was 1 human-induced death in 5 years. However, given the smaller population estimate recently released, a preliminary assessment by the Ministry for Primary Industries (MPI) suggests that the new PBR means the population can only sustain 1 human-induced mortality every 10 to 23 years³.
10. The mortality of a Hector's or Maui's dolphin in a commercial set net off the coast of Cape Egmont, South Taranaki, on 2 January 2012, raised considerable concern over the risk of extinction to the Maui's dolphin population since each or any additional mortality (including natural mortality) increases the chance that the population will not be able to recover.
11. As the January set net captured dolphin was not retained it is not possible to confirm whether it was a Maui's or Hector's dolphin. However, genetic analysis of both beachcast and live dolphins north of Hawera, indicate that Hector's dolphins represent less than five percent of individuals sampled.
12. You jointly agreed with the Minister for Primary Industries to consult on a package of interim protection measures to be put in place while the review of the TMP was brought forward to 2012, with the Maui's component prioritised.

Key threats to Maui's dolphins

13. A risk assessment workshop was held in Wellington, New Zealand on 12-13 June 2012. The workshop was facilitated by scientists from the Royal Society of New Zealand, MPI and DOC. The risk assessment scoring was conducted by an expert panel of domestic and international experts in marine mammal science and ecological risk assessment. Representatives from a range of stakeholders were also present to inform the risk assessment process.
14. The risk assessment process identified a range of human-induced threats to Maui's dolphins, characterised the threats, and scored them based on potential overlap with the Maui's dolphin distribution. The primary threats identified were fishing, boat strike, seabed mining, petroleum exploration and drilling, coastal development, pollution, marine tourism, marine farming and climate change. Fishing was identified as the greatest cause of human-induced mortality for Maui's dolphins where cause of death was known. Fishing-related threats include entanglement in set nets, trawl nets and drift nets (TMP pgs 22-30).
15. Key conclusions and messages from the risk assessment workshop were as follows:
 - there are ongoing human impacts on the population from a number of threats;

² Slooten, E., Dawson, S., Rayment, W., Childerhouse, S. 2006: A new abundance estimate for Maui's dolphin: What does it mean for managing this critically endangered species? *Biological Conservation* 128(4): 576-581.

³ This assessment of PBR (Wade 1998) assumes the following input values: a minimum abundance estimate of 48 (the lower 20th percentile (log-normal) of the estimate from Hamner et al., 2012), a recovery factor of 0.1 (Taylor et al. 2003), and a maximum net productivity rate of either 0.018 (Slooten and Lad 1991) or 0.04 (Wade 1998).

- the level of impact for each threat is uncertain, but in aggregate, the impacts are considerable;
 - the cumulative impact is likely to result in ongoing population decline, posing risk to the population in the long term;
 - this risk is mainly, but not solely, due to fishing related activities;
 - the residual risk is concentrated in Taranaki and harbour entrances for set net;
 - the residual risk is concentrated offshore of the 2-4 nm boundary for trawl.
16. DOC and MPI developed a joint consultation document proposing a range of options for mitigating the impacts of potential human-induced threats to Maui's dolphins.
17. MPI consulted on protection measures to mitigate for fishing-related mortality under the Fisheries Act and DOC consulted on a range of protection measures to mitigate non-fishing related threats to Maui's dolphins. DOC's proposed options included regulatory options to be implemented under the Marine Mammals Protection Act or the Marine Mammals Protection Regulations, as well as non-regulatory options. Both agencies proposed joint options for research, monitoring and collaboration.
18. DOC has had the opportunity to provide comment on the fisheries measures in the MPI Final Advice Paper for the Minister for Primary Industries. You will be provided with advice when the Minister for Primary Industries consults with you over options to mitigate the threat from fishing.

Options proposed by DOC for public consultation

19. The following non-fishing risk mitigation options were proposed by DOC in the public consultation document:
- Marine Mammal Sanctuary (MMS) Extension – Southward boundary extension to Hawera and out to 12nm;
 - Seismic surveying – range of options in the current and extended MMS from reliance on the recently launched Code of Conduct to prohibition, with additional option of prohibiting petroleum mining activities;
 - Seabed minerals exploitation – range of options proposing to extend restrictions (or impose moratorium) out to a variety of offshore boundaries within either current or extended MMS, or develop a Code of Conduct;
 - Commercial tourism – proposing a moratorium on new permits or new restrictions within the current or extended MMS, with increased engagement and compliance;
 - Commercial shipping – designation of a PSSA with navigational controls or an Area to be Avoided (ATBA) through the IMO;
 - Marine spills - establishing a 24hour automatically monitored AIS zone to minimise risks of maritime incidents, along with increased engagement with Maritime New Zealand and Massey University on oil spill contingency planning;
 - Coastal development – range of options to increase co-ordination of DOC engagement with local and regional authorities;
 - Thundercat (inshore) racing – non-regulatory measures looking to increase awareness and reduce risks through more effective engagement, race organisation and management;
 - Surf life-saving - non-regulatory measures looking to increase awareness and reduce risks through more effective engagement, education, organisation and management;
 - Recreational boating - non-regulatory measures looking to increase awareness and reduce risks through more effective engagement and education;

- Scientific research - non-regulatory measures looking to reduce risks through more effective engagement and increased awareness of procedures and legislation, with a focus on qualifications of researchers; and
- Disease – Continuation of ongoing necropsy studies, along with focus on *Toxoplasma gondii* research and engagement to raise awareness of means to avoid introducing and spreading the disease.

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Public Consultation

20. This section provides a summary of key themes and issues arising both from engagement meetings and submissions received. A comprehensive analysis of submissions is provided as Appendix 5, and copies of actual submissions in Appendix 6.

Consultation activities undertaken

21. The Threat Management Plan discussion document and the Maui's Dolphin Risk Assessment were released for public comment on 24 September 2012.
22. Stakeholders were notified by email and letter, several with follow up phone calls.
23. In addition, DOC used its regional networks throughout the west coast of the North Island to notify whānau, hapū and iwi partners and community stakeholders of the consultation process. It was indicated that DOC officials would be available to meet with interested parties if required, to clarify any issues that may arise from the consultation process. As a result DOC held 13 meetings during the consultation period with Māori, industry, environmental NGOs, community groups and the public. Comments raised at these meetings are discussed in detail in Appendix 5.
24. In addition to consultation meetings, groups and individuals were encouraged to make formal, written submissions regarding the options for mitigating non-fishing related threats by email, online via the DOC website, and by post.
25. Submissions closed after seven (7) weeks on 12 November 2012. Submissions were received from the full range of stakeholder groups.

Feedback received on consultation process

26. Key concerns about process expressed during both engagement and submissions related to the short consultation period (exacerbated by the length and complexity of the TMP discussion document and the Risk Assessment) and the length of time available for analysis in order for ministers to announce decisions by the end of 2012. Many stakeholders noted their opinion that these issues were evidence of pre-determination and lack of good faith in the overall consultation process. Several comments were made that DOC appeared to be genuine in its efforts.

DOC comment

27. DOC acknowledges that the documentation may have appeared challenging. It was decided that the issue was so complex and of such significance that all available information should be included, in order to best inform submissions. Efforts were made to summarise key areas upfront in the TMP in order to simplify interpretation.
28. If time had been available it would have been preferable to have accommodated requests for an extension in submissions. However, DOC accepted late submissions while the process of collation and summarisation progressed, which helped those experiencing difficulties meeting the original deadline.
29. Many submitters commented on fishing-related measures direct to DOC. Fishing-related mitigation is being considered by the Minister for Primary Industries. Some of the comments are reported upon in this briefing in light of your responsibilities under the Marine Mammal Protection Act 1978 and for completeness.

Section 4 Conservation Act

30. The Conservation Act 1987, and all the Acts listed in its First Schedule (which includes the Marine Mammals Protection Act 1978), must be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi (Section 4, Conservation Act 1987). Where, however, there is clearly an inconsistency between the provisions of any of these Acts and the principles of the Treaty, the provisions of the relevant Act will apply. The views of whānau, hapū and iwi especially those across the area of the proposed sanctuary extension, must be taken into account through the consultation process. Whānau, hapū and iwi have a particular interest in Hector's and Maui's dolphins as they are considered a taonga species.
31. Whānau, hapū and iwi throughout the west coast of the North Island were sent letters and consultation documents about the proposed interim extension. In addition, the seven coastal iwi of Taranaki and three coastal Iwi of Whanganui received phone calls by local DOC Area Offices offering face to face meetings and/or follow up telephone discussions should further information be required. Meetings were also held with Te Atiawa Environment Holdings Ltd. (Taranaki-Whanganui), Environs Holdings Trust (subsidiary of Te Uri O Hau Settlement Trust, Kaipara harbour), and the Huakina Development Trust (South Auckland – Manukau).
32. Submissions were received from representatives of the following whānau, hapū and iwi groups:
- Te Ohu Kaimoana Trustee Limited
 - Te Atiawa (Taranaki) Settlements Trust; support Te Ohu Kaimoana submission
 - Te Atiawa (Taranaki) Holdings Limited; support Te Ohu Kaimoana submission
 - Taranaki Iwi Trust; support Te Ohu Kaimoana submission
 - Te Rūnanga o Ngāti Whātua (TRNW) – In support of Auckland Council submission
 - Te Uri o Hau Settlement Trust/Environs Holdings (TUHST) – ~7000 beneficiaries of Trust; Hapu: Ngati Tahuhu, Ngati Tahinga, Ngati Rangi, Ngati Mauku, Ngati Kauae, Ngati Kaiwhare, and Ngati Kura
33. In general whānau, hapū and iwi with fishing interests did not feel the need for further protection measures, however, were supportive of further research in particular on disease and the ability to satellite tag the dolphins.
34. Those groups without fishing interests were very supportive of further protection measures and integration with local whānau, hapū and iwi to better protect the dolphins.

DOC comment

35. DOC acknowledges that in meeting a challenging timeframe for consultation and engagement, some key groups may have been missed. Whānau, hapū and iwi engagement would have been more comprehensive if additional time had been available. In particular, while iwi groups with fishing interests (governing bodies) were involved there was limited engagement with tribal authorities. Tribal authorities include the governing bodies with fishing interests as well as the wider kaitiakitanga interests of whānau, hapū and iwi. Such governing bodies are mandated to protect their commercial fishing interests - rather than pursuing the practise of kaitiakitanga by whānau, hapū and iwi authority. As such, it is not surprising to receive a dichotomy of views between the fishing authorities and other whānau, hapū and iwi partners.

Summary of submissions

Numbers of submitters

36. In response to the range of options to mitigate for non-fishing related human induced threats, as outlined in the Maui's dolphin portion of the Threat Management Plan, DOC received a total of **70,056** responses, of which **4224** contained original content requiring analysis.
- a. **17554** Greenpeace submissions, **719** with additional comments
 - b. **14880** NABU submissions, **2952** with additional comments
 - c. **149** Type 1 Forest and Bird submissions, **85** with additional comments
 - d. **82** Type 2 Forest and Bird submissions, **21** with additional comments
 - e. **364** Green Party online submissions, **73** with additional comments
 - f. **196** Type 1 Maui's Last Stand, **49** with additional comments
 - g. **40** Type 2 Maui's Last Stand, **8** with additional comments
 - h. **119** DOC online survey, **60** with additional comments
 - i. **4818** Let's Face It Photo Petitions
 - j. **51** Christine Rose petition
 - k. **74** French petition
 - l. **225** Submissions from individuals or stakeholder organisations
 - m. **31,504** late submissions of all types, including **31,441** letters from WWF sent directly to John Key during and immediately after the consultation period but not received by DOC until 28 November 2012⁴.

General themes raised in submissions - summarised by stakeholder groups⁵

Mining and petroleum industry

37. A total of six (6) submissions were received from representatives of the seabed mineral mining and petroleum industries.
38. Responses were mixed in relation to the proposed extension of the marine mammal sanctuary. Some opposed the extension while others stated they had no objection to the extension.
39. There was a strong opposition to prohibition of activities, with arguments around economic value of resources and lack of information detailing negative effects of activity.
40. There was a definite preference for using consent process and codes of conduct to manage effects of activity on Maui's dolphins.

⁴ Consultation on the TMP discussion document was not a statutory process. In light of this, as so many stakeholders indicated difficulties meeting the submission deadline, while DOC did not officially extend the consultation period we continued to accept and acknowledge late submissions as they came in.

⁵ Submissions sometimes contained comment on fishing and non-fishing threats. Under the TMP review process mitigation against fishing-related threats to the Maui's dolphin are to be considered by the Hon. Ministry for Primary Industries (under the Fisheries Act 1996). For completeness, and ahead of consultations with the Minister for Primary Industry, comments from submitters on fishing-related threats are provided in this briefing. You will be provided with advice by DOC on fishing-related threats in a separate briefing. The briefing will be provided ahead of consultations with the Hon. Minister.

Commercial fishing industry (including iwi fishing interests - comments on non-fishing measures)

41. A total of 11 submissions were received from representatives of the commercial fishing industry, including iwi fishing interests.
42. They expressed disappointment at lack of information gathered since 2000 to support comprehensive management plan where population objectives are set out and drive identification of research needs.
43. There was general frustration that fishing is blamed and restricted, but no plan in place to determine if measures are effective.
44. Iwi submissions expressed frustration at having an inadequate time frame to read and comprehend large documents, communicate them to whānau/hapu/iwi, and formulate a proper response.
45. They felt there was little evidence that Maui's dolphins are found in the new restricted area, as last confirmed sighting was only as far south as Raglan. No korero (talk or stories) about these dolphins among Taranaki iwi. Never sighted in Kaipara or Manukau Harbours.
46. They had little faith in (or outright rejection of) conclusions of risk assessment or recommendations based on those conclusions.
47. Further closures are not warranted as observer programme has not resulted in sightings.
48. Spatial closures should not be made on the basis of emotion or sheer numbers of submissions, particularly electronic petitions.

Whānau, hapū and iwi

49. A range of comments were received from whānau, hapū and iwi, including both those with and without fishing interests. Any opposition to protection tended to arise from groups with fishing interests. Those groups who submitted on behalf of Te Rūnanga I Ngāti Whātua and Te Uri o Hau were both in support of greater protection for Maui's dolphins. These are discussed in Section 4 Conservation Act, within this briefing, and are also summarised in more detail in Appendix 5.

Scientists and research institutes

50. A total of seven (7) submissions were received from scientists or research institutes.
51. They submitted that the TMP document is too long for general public to review, comprehend, and respond to. In the future these should be shortened, perhaps using appendices, to encourage participation in the consultation process.
52. Concerns were raised about consultation fatigue, due to multiple reviews in 2012 and upcoming Hector's review in 2013.
53. There was consensus that there is a major disconnect between the risk assessment and the options put forth in TMP. They submitted that none of the listed options provide adequate protection.
54. Based on the best available science, these submissions had a strong preference for the IWC/IUCN option: banning gillnetting and trawling within a 100 m depth contour in all

Maui's dolphin habitat, including harbours, with a N. Island – S. Island corridor. The 12 nm offshore boundary was generally considered acceptable as an alternative.

55. Disease should be regarded as an additional cause of mortality, but management actions should focus on risk associated with fishing as this is more easily preventable.

Environmental groups

56. Submissions were received from 18 environmental groups and were all in support of further protection for Maui's dolphins.
57. They cited NZ's conservation obligations to preserve biological diversity and act as far as possible and appropriate to promote protection and recovery of ecosystems and their mandate for the protection of marine mammals under the MMPA.
58. They referenced the drastic decline due to nets since 1970's (from >1500 to 55). The extinction of the Maui's dolphin is not an acceptable legacy to be passed onto next generations.
59. Many commented on the lack of consideration of suggestions provided during Interim measures consultation, and lack of consideration of IUCN advise (M035) and United Nations Convention on the Law of the Sea (UNCLOS)
60. Some stated that the NZ government (DOC and MPI) position concerning the recent IUCN congress motion is questionable.
61. A view that MPI and fishing industry are not working hard enough to find new fishing methods was expressed.
62. They highlighted the risk assessment results and that the population cannot sustain the current potential decline which is estimated to be higher than the 1 per 10-23 years PBR.
63. Government image would be damaged in the case that no further action is taken, possible comparison to China would arise in case NZ is the next country to allow extinction of an endemic marine mammal.
64. They believe full protection is the only option.
65. Concerns were presented regarding the honesty of reporting incidents from fisherman that could be resolved with the development of a full observer coverage (human, electronic or both).
66. There was support for protection of the corridor between South and North Island.
67. Changes in legislation are required to make the TMP effective and ensure recovery and long term viability of Maui's dolphins.

Conservation Boards

68. There were three (3) submissions received from conservation boards.
69. They agreed the population is in a critical status and the precautionary approach must be used in decision-making.
70. Two stakeholders support most of the proposed conservation measures, particularly the extension of the MMS and banning net fishing throughout the range of Maui's dolphins.

- a. One submission further suggests: Immediately banning the use of commercial and recreational gill and trawl nets in waters of up to 100 metres deep from Baylys Beach to Whanganui.

71. One stakeholder believes the current MMS provides enough protection.

- a. More robust research should be conducted by MPI/DOC/commercial fishing interests before additional changes are considered.
- b. Suggested research into: distribution and range of both sub-species along the WCNI; population characteristics; breeding grounds and population recruitment/recovery rates; population modelling; relationship and interbreeding between sub-species.

Council, Local Boards and Member of Parliament

72. Submissions were received from two (2) councils (Auckland and Taranaki), four (4) local boards (Waitakere Ranges, Whau, Waiheke, and Devonport-Takapuna), one Member of Parliament (Ruth Dyson) and one member of local government (Wellington Mayor).

73. Auckland Council recommend total protection - total ban on netting/trawling and mining and petroleum prospecting, exploration, and extraction on West Coast to 100m depth contour, including harbours and corridor to S. Island.

74. Taranaki Regional Council (TRC) caution against prohibition of petroleum, mining, and seismic work, but indicate that their current coastal plan review process will include consultation with DOC and may allow application of rules beyond the MMS.

75. Both agree that coastal development options presented are good, though TRC point out that the first three options are status quo and require no action beyond processes that are already in place.

76. Auckland Council strongly recommend that a collaborative research and management process be put in place, with the Minister of Conservation in charge of fisheries controls and DOC acting as the central repository for data and information about Maui's dolphins.

77. Local Boards supported implementation of full protection measures and testable management targets for recovery of Hector's and Maui's dolphins, including eliminating the use of commercial and recreational set nets (gill netting) and trawling within the Manukau harbour, as well as extending protection out to the 100 m depth contour along the West Coast, from Cape Reinga to Tasman Bay.

78. They support the introduction of a comprehensive scientifically sound observer programme on trawlers and boost policing of measures within the 100 m depth contour, and a ban on petroleum and seabed prospecting, exploration, and mining throughout the protected area, including seismic.

79. They also recommended that plans to build tidal electricity generation facility at mouth of Kaipara Harbour be put on hold.

80. The Member of Parliament and another local politician stated that a united and collaborative approach is needed across ministries, as current adversarial approach of conservation vs. fishing interests is damaging New Zealand's reputation.

81. They suggested introducing sustainable fishing practices is critical to the future of New Zealand's fishing industry, and must occur to protect our clean, green reputation internationally.
82. There was support for ban on gillnets and trawling to 100 m depth contour, including harbours and corridor between N. and S. Islands.
83. Monitoring and research are essential, and it should be a priority to institute a rigorous and comprehensive programme.

Recreational fishing

84. A total of six (6) submissions were received from representatives of Counties Sports Fishing Club, representing approximately 700 recreational fishers.
85. They expressed disappointment regarding the consultation process and believe it was not a fair public consultation.
86. They feel that media have misrepresented reasons for decline and the Taranaki bycatch (not proven to be Maui's).
87. They believe there is a lack of evidence that legal recreational fishing and boating are related to the decline in Maui's numbers.
88. Have never seen a Maui's dolphin within Manukau Harbour or Waikato River.
89. Support status quo: no changes to recreational fishing and boating regulations.
90. Net-caught dolphins were caught in illegal drift net, not set net. More focus should be placed on education and patrolling for illegal fishing, not further regulation.

Community and public interest groups

91. A total of eight (8) submissions were received from community and public interest groups including both local and international groups.
92. They commented that recovery of Maui's dolphins should be treated as seriously as it is for endemic bird species, with a clear plan of action, population targets, achievable management goals, and time bound actions.
93. There were strong preferences for addition protection across the entire range of Maui's dolphins. Most define this as within the 100 m depth contour, including harbours and a N. Island to S. Island contour.
94. There was belief that gill netting and trawling should be banned in this range. Full observer coverage should be present on any fishing boats in or near this range.
95. In addition, they supported a ban on seismic and seabed mining within this range, with suggestions that these bans should extend well beyond Maui's habitat.

Individual submissions (not included in the above groupings)

96. A total of 138 submissions from individuals were received. General themes raised by this group included the following:

In support of increased protection measures

97. All but two expressed preferences for the implementation of increased protection for Maui's dolphins.
98. Submitters urged the Government and/or government agencies to take urgent action to protect Maui's dolphins, a species on the brink of extinction.
99. Submitters made reference to the degradation of New Zealand's "clean green" image in the eyes of New Zealanders, and internationally, in relation to Maui's dolphins.
100. Submitters voiced concern that the proposed measures did not go far enough to protect dolphins from any human induced death with many advocating a ban on set-netting and trawling to 100m contour depth (or 12 nm, or 50 nm) and an extension to the area of the MMS.
101. Approximately half of the individual submitters used some or all the following text (or similar) in their submissions:
 - a. Extend the set net ban between 0 and 4 nautical miles offshore from Pariokariwa Point to Hawera.
 - b. Prohibit the use of commercial set nets between 4 and 7 nautical miles offshore from Pariokariwa Point to Hawera without an observer onboard.
 - c. Extend the existing set net ban in the entrance of the Manukau Harbour further into the harbour.
 - d. Improve information on Maui's dolphin distribution and set net activity in the west coast North Island harbours, with a focus in the Manukau Harbour.
 - e. Extend the trawl ban from 2 and 4 nautical miles offshore from Kaipara Harbour to Kawhia Harbour.
 - f. Put in place extensive monitoring coverage in the commercial trawl fishery between 2 and 7 nautical miles offshore from Maunganui Bluff to Pariokariwa Point.
 - g. Exclude the activity of ring netting from the set net prohibitions in the Manukau Harbour, and other WCNI harbours.
 - h. Require commercial set net fishers to report the start and end position of each set net they deploy.
 - i. Reduce the total length and/or number of set nets that can be deployed at any one time, introduce seasonal closures in the commercial and amateur set net fishery, and/or introduce maximum headline heights for trawl nets.
 - j. Extension of the WCNI MMS south to Hawera and offshore to 12 nautical miles.
 - k. Develop stand-alone regulations under the Marine Mammals Protection Act to regulate seismic operations.
 - l. Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary.
 - m. A small number of submitters made reference to the Fisheries legislation or the Marine Mammals Protection legislation where they believe provides for emergency powers to stop fishing when a species such as Maui's dolphin, is in rapid decline.
 - n. Several submitters called for the Department of Conservation to become the decision-maker regarding fishing activities on the West Coast, North Island rather than the Ministry for Primary Industries.
 - o. A small number of submitters commented that "the TMP consultation paper is inaccurate in its statement that the likelihood of actual mining operations within 5 years is low as there is at least one company currently preparing to lodge an application to mine in or near the Maui's habitat".

In support of the status quo or continued fishing activity

102. Two submitters advocated that the current protection measures were adequate, and one of the two commented that banning fishing would have an adverse economic impact on those working in the fishing industry in New Plymouth.
103. A small number of submitters supported the notion that economic support / compensation should be available to displaced fishers affected by any Maui's dolphin protection measures.

DOC online submission

104. DOC trialled an online submission process for the non-fishing related threats.
105. Over 110 people used this opportunity to comment on the options proposed as well as provide feedback on the research and planning opportunities proposed.
106. A large proportion of submitters using this media to submit still pointed to fishing as being the greatest threat and commented that the current proposals do not go far enough and that DOC should manage fishing within the Marine Mammal Sanctuary.
107. There was also support and reference to the IWC vote and the 100m depth contour as well as a corridor to the South Island.
108. Submitters provided advice on the options proposed for non-fishing related threats and in general supported prohibitions on mining, and seismic, however in some cases, restrictions out to a limited distance offshore were acceptable.
109. There was support for mechanisms to protect dolphins from shipping and commercial tourism as well as support for all options around engagement, research and increased enforcement of current regulations.

Template submissions

110. Template submissions via online submission guides were received from a number of sources;
 - a. The Green Party online submission guide
 - b. Greenpeace online submission
 - c. Forest and Bird submissions
 - d. NABU
 - e. Last Stand for Maui's Dolphin
 - f. Let's Face It (visual petition)
 - g. World Wildlife Fund
111. All of the online submission guides had template letters, but also allowed space for original comment, and several people took the opportunity to comment.
112. The general feedback from all petitions was that Maui's dolphins are at a critical state and we must act now.
113. The current protection measures proposed do not go far enough, especially in relation to fishing measures.

114. Most referred to the IWC and IUCN motions and were in support of what marine mammal scientists have recommended. Full protection from forms of net fishing through out Maui's and Hector's dolphins range.
115. Some also specified preferences related to DOC's non-fishing related options. Showing support for increased protection from seismic surveying and sea-bed mining and also support for more strategic research and planning and increased engagement and education.

Petition

116. An independent petition was received from **Christine Rose** with 51 signatories calls for protection under all appropriate legislation (fisheries and conservation) of Maui's and Hector's dolphins out to the 100m depth contour, into harbours, and down to the South Island. This protection should be from commercial and recreational gill netting, seismic testing, and seabed mining as well as other human-induced threats.

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Discussion/analysis of issues and options

117. DOC and MPI jointly consulted on a research, monitoring and collaboration process in the TMP discussion document. This component forms the basis of Part 1 of the Options presented in this final advice paper so is discussed first. This process will address several threats through non-regulatory means.
118. Following this, all threats that DOC consulted on are discussed individually. The discussion relates to DOC's proposed options (in the consultation document) to address the human induced non-fishing threats to Maui's dolphins, as detailed in the Option Tables of the Summary of Submissions in Appendix 5. In the following sections themes and suggestions coming from the submission process are discussed followed by DOC comment and advice.
119. The research monitoring and engagement process relates to Part 1 of the suite of management options presented in this paper (see options table in the Recommendations Section) and covers off on threats such as vessel traffic, coastal development, scientific research and disease. Part 2 addresses two key threats, Commercial Shipping and Marine Spills. Part 3 addresses the extension of the Marine Mammal Sanctuary, and Part 4 addresses key risk activities, namely seismic surveys, seabed mineral exploitation, commercial tourism and inshore vessel (Thundercat) racing.

Key Issues

PART 1. Research, Monitoring and Collaboration

120. DOC and MPI jointly proposed a number of measures relating to research, monitoring and collaboration. DOC and MPI acknowledge that situation for Maui's dolphins is critical, that there are a number of factors that may be influencing their decline, and that it will take a collaborative approach, across agencies, stakeholders and the public, to ensure the protection of Maui's dolphins.
121. DOC and MPI jointly put forward for consultation an option of a mechanism for planning and reviewing research. Both agencies also specified a number of research priorities, monitoring planned for the next year, and jointly promoted the idea of a mechanism for improved engagement and sought ideas from submitters on how this could work.
122. In addition to views expressed in submissions, general comments from one petition ("Let's Face It" - 4818 signatories) noted that management should be on the basis of "best available independent scientific information", that "science-based, measurable and testable management targets for the recovery of Hector's and Maui's dolphins" should be developed, and that a "comprehensive, scientifically sound fisheries observer programme" should be implemented.

Research planning

123. This received support from a number of submitters across a range of stakeholder groups. A strong comment from industries, iwi and one conservation board was the need for robust research to base management decisions on.
124. Because of the urgency of the situation with such a small population of Maui's dolphin left, it should be noted that action should not be postponed due to lack of information. Rather, further research should be undertaken in parallel with applying the precautionary principle, and that research can inform future decisions about the Maui's dolphin population.
125. Some submitters commented that the TMP should be reviewed on a more regular basis. This would be facilitated by the implementation of an annual research planning

process. By implementing a strategic process for priority research and reporting, any new information can be assessed quickly and acted upon if necessary, even if it is before the next scheduled review of the TMP.

126. There was support from community groups, scientists, industry and iwi regarding the concept of a research planning mechanism as well as agreement for financial input from industry into relevant research projects. Scientists also suggested potential funding opportunities to increase the resources available for research. Additionally, some stakeholder groups wanted to see a commitment from government to financially support appropriate research (Project Jonah, Taranaki/Whanganui Conservation Board).
127. Not all submitters specifically commented on the research planning process. Those who used the DOC online submission process were asked specific questions, e.g.
 - a. Have the key features of the proposed annual planning and review process been described?
 - b. Are there any models or frameworks for the annual planning and review process that need to be considered?
 - c. Are there suggestions for where efficiencies in such a process could occur?
128. In response to these questions, most submitters were supportive of what was being proposed. A few offered suggestions to the later question around integration with local people, including public meetings and hui to educate people about the science so that they can be better informed and better armed to help protect Maui's dolphins.

Research priorities

129. Not all submitters specifically commented on individual research priorities. Those who used the DOC online submission process were asked specific questions in relation to the priorities, e.g.
 - a. Have the rationale and objectives of the research needs been accurately set out? and
 - b. Are there any additional or different research needs that should be addressed?
130. Most submitters agreed that the rationale and objectives proposed were well set out. A few commented that action is needed over more research.
131. Most submitters were in agreement with the research priorities proposed and some reiterated the need to understand the impacts of mining (Raglan community) and disease (commercial fishers)
132. The fishing industry is supportive in particular of research into disease, the use of pingers for mitigation measures, and the improvement of satellite tracking technology.
133. The mining industry is supportive of the research priorities proposed including undertaking research into the impacts of their activities on the dolphins and best ways of mitigating these. However, it is important to note that Trans Tasman Resources Ltd, while in agreement of the research priorities, specified that the order in the table should not be the order of priority.

Monitoring

134. Monitoring is important for a number of reasons. It allows a measure of compliance to restrictions that are currently in place as well as monitoring the Maui's population and the effectiveness of protection measures that have been implemented.
135. It is important to note that effectiveness of protection measures will be difficult to monitor giving the small population of Maui's dolphins. However, some indicators of

ecosystem health, or other goals could be used to give an indication of success. For example, no more human induced deaths in the next 10-23 years.

136. Most submitters commented that there should be some mechanism for monitoring the effectiveness of current measures, and any additional measures put in place as a result of this consultation process.
137. In addition, through submissions and stakeholder meetings several comments were made on the current lack of compliance monitoring and enforcement of existing protection measures. Many submitters, from industry, iwi, and community groups are sceptical about increasing protection measures when they feel there is little to no enforcement of the current ones. In particular enforcement of the trawling restrictions off the coast of Raglan.
138. Comments have also been made suggesting that satellite tagging should be explored further as a research option to provide better data on distribution.
139. Again, those who used the DOC online submission process were asked a series of questions:
 - a. Have the key elements required for monitoring the population been addressed?
 - b. Have the key elements required for monitoring the interaction of fisheries and the Maui's dolphin population been addressed?
 - c. What other monitoring methods need consideration?
140. Most submitters who answered these questions believed that they had been addressed and there were limited other suggestions to consider. However, a few detailed comments were provided:
 - a. One submitter highlighted that fine scale habitat use of the dolphins to monitor their population and the effectiveness of mitigation measures should be investigated.
 - b. Another submitter commented on the lack of enforcement of fisheries measures in detail.
 - c. One submitter suggested community communications (community watch) groups as an additional method to aid in compliance monitoring.

Collaboration

141. As stated in the TMP discussion document, DOC and MPI believe that the protection of the Maui's dolphin will require input from across a range of government, industry, stakeholders, iwi and public. As such, the concept of improved collaboration opportunities was proposed.
142. There was a considerable amount of support for this across stakeholder groups.
 - a. Fishers commented that they are happy to work with others to determine mitigation methods such as pingers or other gear alterations.
 - b. The mining industry is supportive of working with government to develop a code of conduct for seabed minerals exploitation and also to develop further research initiatives.
 - c. Iwi are supportive of increased involvement in the active protection of Maui's dolphins.
 - d. Environmental groups support the idea of collaborative networks to help engage the public and specifically refer to the volunteer networks that some ENGO's have (Forest and Bird, Project Jonah, WWF).

- e. Community groups are supportive of this approach as well. The Whaingaroa Environment Centre (of Raglan Community) heads Maui's dolphin day on an annual basis. They use this as an opportunity to raise awareness about the plight of the dolphins and what can be done to help them. They are interested in expanding this to not just educate people on the dolphins but also what individuals can do to help protect the dolphins.
143. On the DOC online submission process two questions were asked in relation to collaboration:
- Where might DOC better support whānau, hapū and iwi input into the protection of Maui's dolphin? and
 - Where might DOC better support protection of Maui's dolphin by other interested parties?
144. In response to both questions people submitted ideas around workshops, relevant hui with set objectives, educational media from online to billboards, utilising existing groups with DOC facilitating community groups to take action, and specifically targeting affected iwi and community groups.

DOC comment on Research, Monitoring and Collaboration

145. DOC considers that suggestions on research and monitoring warrant further work, which could best be addressed under the umbrella of a strategic planning process.
146. DOC also considers that due to the complexity of the subject, protection of Maui's dolphins crosses a range stakeholder interests. Therefore a collaborative approach to protection will have the most chance of success. DOC suggests that there would be merit in facilitating engagement opportunities for groups to co-ordinate work with each other and government to further the protection of Maui's dolphins.
147. Collaboration, especially in developing industry relationships to identify research priorities and support research into impacts of industrial activities on Maui's dolphins will be critical to the success of the Maui's Dolphin Recovery Plan. Industry support should be a core element of the research planning process, both as public/private partnerships and through industry funded research for the public good. DOC proposes to focus on further developing effective industry relationships through the recovery plan.
148. DOC's response to issues raised in relation to Research, Monitoring and Collaboration is to address them within the framework of a Maui's Dolphin Recovery Plan as detailed in **Part 1 of the options package**.

PART 2. Maritime risks

Commercial Shipping

149. A majority of submitters (63%) favoured the most stringent consultation option 3, the Area to Be Avoided (ATBA) followed by 33% for option 2, the Particularly Sensitive Sea Area (PSSA). Only 4% supported the status quo.
150. In addition, the PSSA option was supported by 17,554 signatories of the Greenpeace petition.
151. Designation of either of these options is not simply a question of the NZ government deciding to establish one. The International Maritime Organisation (IMO), the United Nations technical agency responsible for regulation of commercial shipping worldwide, considers applications from member nations and determines the merits of each case. Acceptance is not a foregone conclusion, and a strong case has to be built based on

identifying the environmental sensitivities and demonstrating the actual risks posed by shipping. There are strictly applied criteria in each case that must be met, and the application is considered by a committee comprised of member nations.

152. The ATBA is the most stringent measure available, and there is a very low chance that a successful application could be submitted based on the specified criteria. In addition, as Cook Strait is a route used by international vessels routinely and access is required to Port Taranaki, there would be significant opposition from both IMO members and the commercial shipping industry to vessel exclusions from a large proportion of the area required to afford Maui's dolphin protection from operational and accidental discharges of oil and other noxious substances.
153. In contrast, an application for a PSSA would be more likely to succeed and still provide appropriate opportunities mitigating potential impacts. Commercial shipping stakeholders could continue to navigate as provided for under international law, but be subject to reasonable restrictions that would reduce risk of impacts from pollutants.
154. Advice from Maritime New Zealand indicates that even an application for a PSSA would present challenges, in terms of quantifying both the level of risk posed by commercial shipping and the benefits associated with the protective measures being sought. MNZ further advises that data on regional vessel traffic should be analysed to determine risks better.
155. If successful, measures adopted under the PSSA would necessitate changes in New Zealand domestic regulations (eg, prohibiting discharges would likely require amendment of the Resource Management Marine Pollution Regulations 1999).
156. PSSA apply to international vessels of 500 gross registered tons and above.

DOC comment on Commercial Shipping

157. DOC advises that despite significant public support for the ATBA in individual submissions, a PSSA is likely to be the only credible option to consider in this case. DOC considers that this option should be further developed with a view to submitting an application to the IMO if a credible case can be established. The basis for establishing a PSSA would be further strengthened, by inclusion of other regional sensitivities that would benefit from protection from the impacts of commercial shipping, such as seasonal presence of blue whales in offshore Taranaki.
158. While acknowledging the advice of MNZ on the challenges in quantifying impacts from commercial shipping, DOC considers that given the high-risk of extinction, a strong enough case could be built to demonstrate the need for precaution in the absence of quantifiable data and to underline the need for all reasonable measures to be taken.
159. A PSSA developed to minimise impacts to Maui's dolphins would likely cover the sea area from Maunganui Bluff down to the western approaches to Cook Strait, with an appropriate offshore boundary that accounts for probable movement of pollutants. The main protective measures anticipated would be restrictions on all operational discharges, and designation of a route around the 6 Taranaki offshore installations (similar to the existing 'Taranaki Precautionary Area for Shipping' boundary⁶).
160. It should be noted that the shipping industry has not been specifically engaged for feedback, though stakeholders were informed in general terms of the consultation process on the TMP discussion document.
161. DOC's response to submissions on Commercial Shipping is to continue working with stakeholder agencies to assess the viability of establishing a PSSA as detailed in **Part 2 of the options package**.

⁶ <http://www.maritimenz.govt.nz/Publications-and-forms/Environmental-protection/Areas-to-be-avoided.pdf>

Marine Spills

162. Submissions on consultation options 2 (Automatic Identification Service - AIS), 3 (Oil Pollution Advisory Committee - OPAC) and 4 (Massey University Oiled Wildlife Response - OWR) for marine spills, which were not mutually exclusive, were overwhelmingly supportive of action (48%, 66% and 81% respectively, as opposed to 2% for the status quo).
163. AIS technology has been implemented successfully around the world and it is an integral and routine requirement of international shipping through the IMO. International vessels greater than 500 gross registered tons must have functional AIS beacons for safety and compliance reasons. It is common practice for maritime administrations around the world to use AIS to monitor vessel movements in their jurisdictions.
164. The rationale for considering an actively monitored AIS zone is to reduce risks on maritime incidents, and therefore spills of harmful substances, by proactively tracking vessel movements in relation to known hazards. Predictive software can use this information automatically to determine whether individual vessels are approaching hazards, and alert authorities for early intervention.
165. There are two AIS service providers that have been in operating in New Zealand for over 5 years - 9(2)(a) and 9(2)(a) (the latter under contract to the Crown) – both providing existing AIS network coverage off the west coast of the North Island. In either case, setting up automatic monitoring of vessel movements in relation to risks is feasible and could be accomplished through provision of services with little or no installation costs. While some similar applications internationally rely on personnel being involved in 24 hour monitoring (eg, the Torres Strait), software exists that can provide automated functions without human oversight. Further work would be necessary to analyse data on maritime activities, which would inform the decision-making process and provide a basis for the development of a project scope that would clarify details of the features and functions that the system would need to provide in order to minimise risks.

DOC comment on Marine Spills

166. DOC considers that the best way to deal with options that involve increased engagement and collaboration with other agencies (OPAC and OWR) is under the umbrella of a strategic planning process as provided for in Part 1 of the options package.
167. DOC also supports further development of option 2, with a critical investigation into the feasibility and effectiveness of establishing a 24 hour monitored AIS zone on the west coast of the North Island. This initiative has synergy with calls to establish such a system nationwide, to reduce the chances of another RV Rena type incident. DOC does not envisage the AIS system would require 24 hour human oversight, but instead it would be fully automated with alerts of maritime risks communicated to an existing communication centre (eg. MNZ's Rescue Co-ordination Centre). Establishing such a zone would also support the PSSA option discussed earlier, in providing automated monitoring and enforcement capability. MNZ cautions on the significant resources required, but advice from service providers indicates that automated functions are possible with minimal costs and no additional resources. DOC proposes that this element of Marine Spills is addressed in **Part 2 of the options package**.

PART 3. Marine Mammal Sanctuary Extension

168. Under the MMPA, you have the ability to designate an area as a Marine Mammal Sanctuary. A sanctuary defines an area that is important to a particular species of marine mammal for feeding, breeding and other important life history behaviours, and may enable the management of human induced threats to that species.
169. DOC consulted on the option to extend the existing marine mammal sanctuary on the west coast of the North Island, south to Hawera (South Taranaki), and out to a distance of 12nm offshore (to be consistent with the current MMS offshore boundary).
170. DOC received significant feedback on this base proposal. Approximately 225 individual submitters expressed their opinion on this proposal.
171. In addition, a MMS extension was supported by 17,918 signatories of the Greenpeace and Green Party petitions. Other petitions and template submissions all sought greater protection through extension of the MMS boundaries with a variety of means proposed to achieve this (both alongshore and offshore).
172. Of the 225 individual submissions 23 (10%) were in favour of the Status quo. A further 123 (55%) were in favour of the extension of the MMS as written in the discussion document, while 79 (35%) were in support of a more precautionary extension.
173. Of the submitters who proposed a more precautionary option, a number of people suggested what they thought was appropriate. This included;
 - a. Extending the southern boundary to the Whanganui River
 - b. Extending the southern boundary to Wellington (including Wellington Harbour)
 - c. The offshore extent should be to the 100m depth contour
 - d. There should be a corridor linking the North and South Islands.
 - e. Protection should extend to both North and South Islands (e.g. Hector's dolphins as well, not just the corridor).

DOC comment on the MMS extension

174. DOC considers that it is appropriate to use one of the primary conservation tools available under the MMPA, and recommends that the existing MMS is extended. Not only does this highlight the ecological significance of the area, but also it provides the most straightforward mechanism through which effective management measures can be implemented in an enforceable manner.
175. There are various options related to the southern and offshore boundaries, which are discussed further below.

Southern Boundary

176. While the number of sightings in southern areas has decreased, DOC's sighting and stranding databases hold information on both Hector's and Maui's dolphins from south Taranaki and Whanganui.
177. Historically, Maui's dolphins have been confirmed from stranded animals in south Taranaki, Whanganui and Wellington harbour (Table 4.3 of the TMP discussion document). In addition sightings of Hector's or Maui's dolphins have been recorded throughout south Taranaki, Whanganui and the Kapiti Coast (Table 4.6 of the TMP discussion document).
178. The historic range of Maui's dolphin is known to have extended up the east coast of the North Island. While DOC's long-term objective stated in the TMP discussion document

is to recover species abundance to a viable population level throughout its historic (natural) range, the department acknowledges that this could only be achieved by gradual population spread from the current core range – over the course of several decades. Therefore protection is not being advocated for the full historic range at this point, but for the immediate area south of the current MMS where the risk assessment panel agreed distribution was likely to be present. DOC considers that it is important to protect this area in order to provide for increasing abundance following threat management and risk reduction.

DOC comment on the Southern Boundary

179. The option of extending the existing MMS as far south as Hawera was originally consulted on in March 2012, based on the best available knowledge about distribution at the time. As no decision had been made on the MMS extension by the time the TMP discussion document was released for comment in October 2012, the same option was presented.
180. In June 2012 expert risk assessment panel members decided that distribution was more accurately represented with a southern boundary at Whanganui. DOC considers that based on evidence provided by genetic analysis of historic samples, Whanganui was once part of the Maui's dolphin's natural range. Therefore, DOC considers that Whanganui could be an appropriate southern boundary of the Marine Mammal Sanctuary, and options have been developed in this paper to reflect this view. That this option was not put forward in the TMP discussion document does not imply there is no merit to the proposal. However, it should be noted that implementing an option that has not been consulted on has some degree of legal risk, which has been elaborated in Appendix 3. Under the circumstances, there are a number of reasons why the benefits of considering extending the southern boundary of the MMS extension to Whanganui may outweigh the legal risks:
- It has arisen from submissions, with strong public support;
 - It reflects the conclusions of the expert panel, on which the discussion document has been based;
 - There is likely to be the same level of support for the additional extension if consulted on separately;
 - The MMS extension has already been consulted on twice; and
 - Should you agree and subject to consents from relevant Ministers, there may be another opportunity to consult on the southern boundary during the 28 day period associated with a Gazette Notice.
181. DOC also acknowledges the public support for the protection of a corridor between the North and South Islands. DOC considers this worthy of further consideration; however, as the corridor has a stronger emphasis on protection of Hector's dolphins and allowing their movement north, this should be considered as a part of the Hector's dolphin TMP review.
182. In the time to complete the Hector's dolphin TMP review there will be additional knowledge gained on the distribution, abundance and genetic make-up of Hector's dolphins along the top of the South Island, including Marlborough Sounds, and Tasman and Golden Bays. The information gained through planned work (MPI-led ECSI aerial survey planned for summer 2012/13, and DOC boat and biopsy surveys for top of the South Island), and the upcoming review process would aid decision making on whether a protection corridor is necessary, how it might work, and where the boundaries might extend. As such, DOC recommends this be considered under the Hector's dolphin Threat Management Plan review upcoming in 2013.

183. These issues regarding MMS boundary extension have been reflected in the range of measures provided in **Part 3 of the options package**.

Offshore Boundary

184. Sighting data available for Hector's or Maui's dolphins off the west coast of the North Island and modelling conducted during the Maui's dolphin risk assessment process, has identified that Maui's dolphins are at highest densities between 0 and 4nm offshore with sightings out to 7nm (Figure A2.1 in Currey et al. 2012 Risk Assessment and Table 4.7 TMP discussion document).
185. Distance offshore is not a biologically based boundary. This is a measure that has been used for spatial restrictions in the past due to its ease of description and enforcement. Research on Hector's dolphins, which were previously believed to be restricted to near inshore waters found that their distribution offshore varied between locations. Further investigation of this found that their distance offshore was more closely related to the 100m depth contour.
186. The depth contour is considerably further offshore off Banks Peninsula and in the Marlborough Sounds region, and research on Hector's populations in these areas showed that the dolphins did in fact extend out to this contour (15-19 nm offshore Banks Peninsula, Rayment et al. 2003; Slooten et al. 2005, 2006; and 15-16 nm offshore Clifford and Cloudy Bay, DuFresne and Mattlin 2009). This finding is most likely related to their diet and the habitat of the preferred prey of the dolphins.
187. There have been a few unconfirmed sightings of Maui's or Hector's dolphins reported off Maui A and B oil platforms, which are in approximately 110-115 m water depth, and 19-27 nm offshore.

DOC comments on the Offshore Boundary

188. The Maui's dolphin population is very small and therefore also difficult to study at the limits of its range. DOC recommends further research into the offshore range of Maui's dolphin should be undertaken. DOC considers that the best available science indicates that the behaviour and diet of Maui's and Hector's dolphins are similar, so it would be reasonable to expect, as argued by some submitters, that the offshore distribution of Hector's dolphins may be used to infer the offshore distribution of Maui's dolphins and that the most cautious approach would be to provide protection out to the 100m depth contour.
189. DOC recognises that spatial restrictions in the past have typically used a distance offshore that is consistent for ease of implementation. Submissions from scientists who stated a preference for protection out to the 100m depth contour did state that if using a distance offshore was the preference 12nm would be an appropriate proxy in the Taranaki area.
190. DOC considers that an offshore extent to 12nm for a southern extension to the MMS, which would be consistent with the current offshore boundary of the existing sanctuary, is an appropriate proxy to the 100m depth contour which may have biological relevance to the dolphins, and mirrors use within other legislation and planning processes.
191. DOC acknowledges that based on the evidence of actual sightings of Maui's dolphins, an offshore limit of 7nm would provide coverage of the majority of the sub-species' observed range from shore.

192. These issues have been reflected in the range of measures provided in **Part 3 of the options package.**

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PART 4. Key risk activities

Seismic survey operations and petroleum mining

193. The majority of individual submissions (59%) supported consultation option 3c, which extended the MMS and prohibited seismic surveys throughout. The next most popular choice was option 4 (17%) seeking stand-alone regulations under the MMPA. Only 2% supported the status quo. A high level of support (67%; note that this option could be supported independently of the others) was found for option 5, prohibiting petroleum mining throughout the MMS.
194. Of the petitions option 3c was supported by 17,554 signatories of the Greenpeace petition. Banning seismic in the MMS (without reference to the area of the MMS) was supported by 451 signatories of the Maui's and Hector's Dolphin Education Action and Green Party petitions. Option 5 was also supported by 17,918 signatories of the Greenpeace and Green Party petitions.
195. It is evident that there is a great deal of concern and suspicion about the impacts of seismic surveys on marine mammals. During the engagement process it was also apparent that there was a general lack of understanding about the effectiveness of the mitigation measures contained within the recently finalised seismic survey Code of Conduct, and the extent of its application. DOC continues to receive feedback from international experts that the NZ seismic Code establishes the most comprehensive regime in the world. Almost all the NZ offshore operators have formally adopted the Code, and there is every indication that all industry stakeholders are committed to operating consistently with its provisions despite its voluntary nature.
196. One joint submission from technical experts (GNS, NIWA & University of Otago) proposed that within the MMS, low level acoustic sources referred to as Level 3 in the Code and excluded from its provisions, should have specific additional restrictions.
197. For petroleum mining, the risk assessment panel assigned a low score for the 5 year period under consideration, but noted that the impacts from a large spill could be at the extreme end. In the discussion document DOC notes that due to the relatively low levels of new activities anticipated within the 5 year duration of the TMP, risks from this sector are managed sufficiently by existing regulations. That is not to say that risks are insignificant; there can be chronic impacts on a range of species from low-level, continuous operational discharges as well as acute impacts arising from a significant spill. Risk of a spill, though remote is still significant and cannot be ruled out as a possibility. While there is no evidence linking the decline of Maui's dolphin to petroleum activities (or indeed seismic surveying), there has also been no specific studies investigating potential linkages. Therefore it cannot be stated one way or another with any degree of certainty whether continual discharges from production processes or the two spills (2007 and 2010) have had any direct or indirect impacts. However presence of a Maui's or Hector's dolphin has been recorded recently in a public sighting (April 2012) around the Maui-A platform, with an unconfirmed report at Maui-B in the weeks after. This demonstrates that offshore installations are within the potential range of Maui's dolphins, which could expose the dolphins to risk from petroleum mining.
198. Prohibition of new petroleum exploration and production activities would remove associated risks entirely, though this would come at a significant economic cost to the region and the nation. Other options include exclusion from core range or inshore waters – either permanently or for a fixed duration while research into impacts was undertaken - or management through development of a new Code of Conduct with stakeholders. In any case, the Ministry for Business, Innovation and Employment (MBIE) notes industry concerns about potentially inequitable constraints on activities in a sector with acknowledged low risks, if the most significant threats remain inadequately addressed, again highlighting the need for a holistic management approach.

DOC comment on Seismic survey operations and petroleum mining

199. While DOC acknowledges that only prohibition of seismic surveys would provide absolute certainty of complete removal of risks, DOC remains confident that the most significant risks to Maui's dolphins from the activity can be mitigated to acceptably low levels through the provisions in the Code. MBIE advice mirrors comments made by industry, that stakeholders would support options in which the provisions (currently voluntary) of the seismic survey Code of Conduct were made mandatory and enforceable.
200. DOC concurs with a number of submissions that it would be advantageous for the provisions of Code of Conduct on Seismic Surveys to be made mandatory, and for there to be consistency with legally binding seismic restrictions in the MMS notices. This could be achieved by creating specific regulations under the MMPA which could potentially apply throughout the Territorial Sea. However, an alternative may be to incorporate the provisions of the Code by reference in regulations under the MMPA. This would allow the Code to continue to be progressively reviewed and refined through implementation experience, and would be consistent with the approach proposed for New Zealand waters beyond 12nm under the Exclusive Economic Zone regulations currently under development by the Ministry for the Environment.
201. The suggested additional measures for Level 3 surveys in MMS are considered worthwhile. Though implementation could be as simple as a policy decision by DOC, there is merit in ensuring that stakeholders have the clarity and certainty of regulated provisions. This could be achieved through specific restrictions in the MMS notice, or as an amendment to the Code which is proposed to be incorporated by reference as one option for consideration.
202. DOC acknowledges the significant challenges and implications that would be associated with restrictions on petroleum mining. Though DOC considers that the most significant risks associated with operational and accidental impacts are well managed under existing legislation, there is still scope to work with industry to improve operational procedures and environmental monitoring. Therefore, DOC proposes that further work be undertaken to develop an industry agreement for offshore oil and gas operations, following a similar approach as the seismic survey Code of Conduct. However, it would be preferable to exclude operations from key sensitivities in inshore areas and DOC recommends that officials continue to explore options with stakeholders.
203. These issues have been reflected in the range of measures provided in **Part 4 of the options package**.

Seabed Minerals Exploitation

204. The majority of individual submissions (53%) sought full prohibition of seabed minerals extraction from the entire area of an extended MMS (to 12nm or 100m depth) through consultation option 3d, followed by a further 15% who sought similar restrictions in option 3c with an offshore limit of 7nm. A significant number (13%) sought a moratorium or prohibition without choosing a specific option. Only 1% supported the status quo.
205. In addition, option 3d was supported by 17,554 signatories of the Greenpeace petition, and banning seabed mining in the MMS (without reference to the area of the MMS) was supported by 611 signatories of the Maui's and Hector's Dolphin Education Action, Maui's Last Stand, and Green Party petitions.
206. A large proportion of individual submitters (60%; note that this option could be supported independently of the others) also supported the additional option 4, which

was a 5-year moratorium on active mining phases while still providing for prospecting and exploration. On face value this would appear to indicate that there would be public support for responsible development of early, low-risk exploratory investigations to continue in order to gather more information on which to base robust decisions at a later stage. However, during engagement it was clear that there was a great deal of confusion about what the additional moratorium option actually meant. Information on public opinion surveys provided informally by Straterra indicated similar levels of respondents that supported carefully managed natural resource extraction, which mirrors comments made by MBIE officials on the subject, though none of the surveys cited were specific to seabed minerals.

207. Straterra indicates that most commercial interest is likely to be beyond 6.5nm, which closely corresponds to the 7nm limit DOC considers describes the critical offshore distribution of Maui's dolphin requiring management. MBIE officials consider that there may be scope to consider such a measured approach to the development of the seabed minerals sector (with no indication on what may be acceptable as an offshore boundary), as interest is likely to be further offshore initially. MBIE also considers that an extension of the restrictions within the existing MMS out to 4nm over the entire area may be a pragmatic response that could be supported by industry. Furthermore, while MBIE note concerns about a southern extension of the MMS, there may also be scope to consider interim inshore restrictions beyond the southern boundary of the existing sanctuary if of a specified duration, while research into potential impacts occurs.

DOC comment on Seabed Minerals Exploitation

208. DOC acknowledges that the exploration and prospecting phases of seabed minerals extraction are likely to be low-risk, which aligns with the opinions expressed by the risk assessment panel. DOC is concerned about the lack of information on specific risks posed to Maui's dolphins by the activity, especially at the commercial mining stage.
209. A pragmatic approach under these circumstances would be to exclude seabed minerals activities from key inshore areas (possibly permanently or temporarily depending on geographic location), and allow closely monitored development elsewhere. Protection is then afforded where there is confidence that the bulk of risk exists, while research is undertaken to explore the linkages between operational effects on the environment and impacts on the dolphins elsewhere with reduced risks.
210. These issues have been reflected in the range of measures provided in **Part 4 of the options package**.

Vessel Traffic

211. At the Maui's dolphin risk assessment, the impact of vessel traffic was discussed and scored as the second highest non-fishing-related threat to Maui's dolphins after oil and mining activities. It was acknowledged that small vessels pose a greater threat to the dolphins than large vessels (e.g. commercial shipping), because of their high noise output and their high speed and manoeuvrability. These factors increase the likelihood of injury through vessel strike and make it harder for dolphins to avoid an encounter.
212. DOC consulted on a number of options to mitigate the impacts of small vessel traffic, through targeting different sources of the vessel traffic; commercial tourism, inshore boat racing (Thundercats), surf life saving events, recreational boat traffic. These are each discussed on their own in the following sections.

Commercial tourism

213. The impact of tourism on a dolphin population can include, but is not limited to;
- a. changes to activity levels through decreases in foraging and resting behaviour which alter individual energy requirements,
 - b. separation of mothers and calves, disruption of other social bonds
 - c. physical injury or mortality through boat strike
 - d. masking of ability to communicate or echolocate due to vessel noise
 - e. displacement from preferred habitat to avoid increases in vessel activity, noise, and interactions
 - f. increased pollution and increased exposure to disease.
214. The two key legislative options available that were consulted upon were, Option 2: Moratorium under the Marine Mammals Protection Regulations (MMPR), and Option 3: Restrictions on tourism targeting Maui's dolphins under the Marine Mammal Sanctuary (MMS) Notice.
- a. Option 2: This is a temporary option that requires a process under the MMPR to implement. It also requires a commitment to undertake research prior to the end of the moratorium on the effectiveness of the moratorium. This research then informs a further process on whether or not the moratorium should be maintained, or if there should be any amendments to permits.
 - b. Option 3: This is a permanent restriction within the MMS that requires notification in the Gazette for a period of 28 days before coming into effect. As it is not time bound it requires no further process to monitor and review. However, should more information come to light through an annual research review process, the restrictions could be amended or revoked by a further notification in the Gazette for a period of 28 days.
215. While there is currently not a lot of marine mammal tourism within the Maui's dolphin habitat a recommendation of the previous TMP was to implement measures to prevent the future development of tourism targeting Maui's dolphins.
216. In general submitters preferred Option 3, implementing permanent restrictions on marine mammal tourism targeting Maui's dolphins through the Marine Mammal Sanctuary notice.
217. Sixty-eight (68) percent of all submitters who specified a preference on how to mitigate the risk posed by commercial tourism preferred this option (Option 3). Of the remainder, 16% preferred no change while 15% preferred the implementation of a temporary Moratorium under the Marine Mammals Protection Regulations (Option 2).
218. To further strengthen implementation of Option 3, most submitters also supported the additional non-regulatory Option 4, increased engagement and compliance with relation to the Marine Mammals Protection Regulations. Sixty-four of the 92 (70%) submitters who commented on this suite of options also supported Option 4.
219. Due to the substantial body of evidence on the impacts of tourism on marine mammals, the potential for interaction with Maui's dolphins from tourist vessels, and the precarious situation for the Maui's dolphin population, submitters support a precautionary approach.
220. Submitters commented that NZ legislation is less stringent than that of other countries and that suitable legislation and enforcement is needed to aid recovery. There was also support for the idea of implementing time limits to minimise the impact of the cumulative effects of recreational boats.

DOC comment on Commercial Tourism

221. DOC considers that consultation Option 3 (equivalent to Option 1, most cautious, in options package of this paper) is the most appropriate in this case because:
- i. it provides for the greatest amount of protection from the potential impacts of commercial tourism,
 - ii. it also has the ability to mitigate against the impacts of cumulative effects of recreational boat traffic interacting with Maui's dolphins,
 - iii. the process for implementing this option is simple and less contentious,
 - iv. it is permanent, but has the ability to be amended in the future should the need arise.
222. These issues have been reflected in the range of measures provided in **Part 4 of the options package**.

Inshore vessel racing (Thundercats)

223. Inshore vessel racing can impact on Maui's dolphins in much the same way as commercial tourism. The speed of the craft when racing means the more extreme impacts of vessel traffic are the greatest concern, e.g;
- a. Displacement due to high noise levels and high numbers of vessels
 - b. Injury or mortality due to high speeds and manoeuvring
 - c. Separation of mothers and calves, or other important social bonds
224. DOC currently works with the Thundercat racing organisation at organised events within the Maui's dolphin range; however, the mitigation measures in place at organised events do not currently extend to vessels when practising. These practice sessions, are potentially when the dolphins are at highest risk as there are no observers on the water keeping an eye out for dolphins.
225. DOC consulted on a number of non-regulatory options for mitigating the impacts of inshore vessel racing.
- a. Option 1: 'Soft-start' concept similar to seismic surveying, gradually building up noise levels prior to the start of the races to give dolphins the opportunity to leave the area.
 - b. Option 2: Specified practice areas/times.
 - c. Option 3: Posting of observers to look out for Maui's dolphins.
 - d. Option 4: Aerial observation of areas prior to race start to ensure no dolphins are in the area.
 - e. Option proposed by submitters: Prohibition of inshore vessel racing within the MMS.
226. Of the 75 submitters who specifically commented on Thundercat racing, 48% were in support of Option 1, 45% were in support of Option 2, 64% were in support of Option 3, and 68% were in support of Option 4.
227. Those that supported a total ban included Te Rūnanga o Ngāti Whātua, Auckland Council, West Coast Tai Poutini Conservation Board, NABU, three scientists and some individuals.

228. Options 1-4 could all be implemented together as a part of a new code of conduct developed through engagement with the Thundercat racing organisers.
229. The extra option proposed by submitters could be implemented through a notice in the Gazette for 28 days. 11% of submitters who specifically commented on Thundercat racing recommended prohibition of the events within Maui's dolphin habitat.

DOC comment on inshore vessel racing (Thundercats)

230. The most difficult aspect of the inshore vessel racing to monitor and mitigate for is practising, as this can take place anywhere and at any time. As it is not an organised activity the appropriate permits for operating a vessel at high speed within 200m from shore would not have been secured. Therefore the options implemented need to adequately address how people practise for these events.
231. DOC considers that a prohibition of inshore vessel racing within the MMS would eliminate not only the risk from the events themselves, but also the risks from practising. As this option was not included in the TMP discussion document for consultation, there are legal risks associated with implementation of this option (consistent with Legal Advice in Appendix 3).
232. Should vessel racing be permitted in Maui's dolphin range, it should be mitigated through the development of a new code of conduct which could incorporate Options 1-4 above. In particular, a high proportion of submitters agreed that aerial observations prior to a race would help ensure that dolphins are not in the area prior to the start of a race.
233. While fewer submitters were in support of Option 2, relating to specified practice times and locations, DOC considers the mitigation of practice sessions a high priority. Measures which bring practice sessions into a framework which can be monitored and enforced, similar to the events themselves, would be advantageous.
234. These issues have been reflected in the range of measures provided in **Part 4 of the options package**.

Surf life saving

235. Surf life saving events and rescues can impact on Maui's dolphins in much the same way as commercial tourism and inshore vessel racing. The speed of the craft when racing in events or responding to an emergency means the more extreme impacts of vessel traffic are the greatest concern, e.g;
 - a. Displacement due to high noise levels
 - b. Injury or mortality due to high speeds and manoeuvring
 - c. Masking of communication and echolocation due to noise levels
236. DOC consulted on a number of non-regulatory options to mitigate against the potential impact of surf life saving events. These included:
 - a. Option 1: Ongoing engagement with Surf life saving clubs looking at educational options.
 - b. Option 2: Utilising observers during competitions and/or training events to look out for Maui's dolphins.
237. Of the 65 submitters who specifically commented on Surf life saving, 75% were in support of Option 1, and 72% were in support of Option 2. Additionally, Project Jonah submitted specifying mitigation measures that would be triggered by a sighting, such as delaying activity until the dolphins have moved out of the area.

238. Both options could be implemented together as a part of a voluntary agreement developed through engagement with surf life saving clubs.
239. The majority of submitters acknowledged the importance of surf life saving around the country and therefore the need to develop a means to protect the dolphins while still allowing these training events to take place. As such the emphasis should be on ways of working with the particular clubs to ensure measures are in place to safeguard the dolphins.

DOC comment on surf life-saving

240. DOC acknowledges the vital role that surf life saving clubs play and agrees that the preferred option should be mitigation through voluntary measures with surf life saving clubs, as provided for in **Part 1 of the options package**.

Recreational boating

241. Recreational boating can impact on a dolphin population in the following ways;
- changes to activity levels through decreases in foraging and resting behaviour which alter individual energy requirements,
 - separation of mothers and calves, disruption of other social bonds
 - physical injury or mortality through boat strike
 - masking ability to communicate or echolocate due to vessel noise
 - displacement from preferred habitat to avoid increases in vessel activity, noise, and interactions
 - increased pollution and increased exposure to disease.
242. DOC consulted on a number of non-regulatory options to mitigate for the potential impact of recreational boating. These options were not mutually exclusive and included:
- Option 1: Promotion and enforcement of the Marine Mammals Protection Regulations (MMPR),
 - Option 2: Development of appropriate advocacy tools to support community engagement work.
 - Option 3: Targeted advocacy over summer months when recreational boaters are most active.
 - Option 4: Working with Maritime New Zealand and other boating interest groups (such as Coastguard, regional safe-boat forums, harbourmaster interest groups and boat shows) to effectively engage the target audience.
243. Of the 91 submitters who specifically commented on recreational boating, 75% were in support of Option 1, 54% were in support of Option 2, 58% were in support of Option 3, and 84% were in support of Option 4. Three (3) % of submitters were in support of none of the above.
244. Most groups that submitted on this suite of options were supportive of the implementation of all four. Recreational fishers did not specifically address this threat but did comment that increased education about the MMPR and enforcement of these would be advantageous. Friends of Nelson Haven and Tasman Bay Inc supported Options 1, 3 and 4.
245. In addition, an impact that is often overlooked is the cumulative effect of multiple interactions on a single group of dolphins. In areas where there is a high density of

recreational boats several boats may approach a group of dolphins at the same time, and throughout the course of the day. So while one interaction may be “short” the group of dolphins could be approached for most of the daylight hours.

246. The Marine Mammals Protection Regulations (Part 3, regulations 18-20) indicate appropriate boating behaviour around marine mammals for the general public. This includes a rule on the number of boats that can approach within 300m of a group of marine mammals at one time, but does not stipulate time frames for viewing.

DOC comment on recreational boating

247. As the options presented are non-regulatory, and could be addressed through the overarching Maui’s dolphin Recovery Plan, DOC believes this is the best approach to minimise the potential risk to Maui’s dolphins from recreational boating.
248. Option 3 proposed for commercial tourism would also mitigate against the cumulative impacts of recreational boats by placing a limit on times frames for viewing dolphins, and limiting the type of interactions that can occur (e.g. no swimming from a vessel). As this is one protection that can mitigate impacts across multiple potential threats, DOC considers this an appropriate mitigation measure.
249. DOC considers that the best way to deal with any options that involve increased engagement and education is under the umbrella of a strategic planning process as provided for in **Part 1 of the options package**.

DOC comment on Vessel Traffic

250. DOC notes there is an option that was presented in the discussion document which could apply across any of the threats that involve small vessel traffic; Commercial Tourism, Thundercat Racing, Surf Life Saving, Recreational Boating, and Scientific Research. This Option involves greater engagement and educational awareness around Part 3 of the Marine Mammals Protection Regulations (regs 18-20), which stipulate rules for boating behaviour around marine mammals. These specific regulations apply not only to commercial tourism vessels, but all members of the public. Therefore increased engagement to ensure understanding of the regulations, as well as increased monitoring and enforcement of the regulations was proposed. This option could be implemented as a part of the over-arching Maui’s dolphin recovery plan, mitigating impacts on the dolphins across a range of potential threats where small boat interactions are likely.
251. DOC proposes that risks from vessel traffic are addressed as appropriate in **Parts 1 and 4 of the options package**.

Coastal Development

252. Coastal development can impact on the environment and Maui’s dolphins in a number of ways as discussed in the TMP discussion paper. It can include impacts from;
- a. Land-use
 - b. Marine construction
 - c. Dredging and dredge spoil disposal
 - d. Wave and tidal energy, and
 - e. Pollution
253. DOC acknowledges that there are processes in place for mitigating the impacts of some of these activities through interaction with local councils, however, procedures

may not be coordinated or consistent across the entire range of the Maui's dolphin. DOC also acknowledges that there are areas where processes could be improved upon. Therefore, the options that were consulted upon were:

- a. Option 1: Advocating for Maui's dolphins in resource consent applications
 - b. Option 2: Engaging with Territorial Authorities and Regional Councils
 - c. Option 3: Amending provisions in the New Zealand Coastal Policy Statement (NZCPS) and Conservation Management Strategies (CMS)s to direct councils to identify and protect Maui's dolphin habitat
 - d. Option 4: Ensuring that teams responsible for Resource Management Act consent processing are aware of the potential impacts on Maui's dolphins, and
 - e. Option 5: Identify sources of pollution that could threaten Maui's dolphins and promote appropriate controls to the administering body.
254. Approximately 105 submitters specifically commented on this suite of options, covering a range of different stakeholder groups. There was considerable support for all options with:
- a. 59% supporting Option 1
 - b. 63% supporting Option 2
 - c. 62% supporting Option 3
 - d. 63% supporting Option 4, and
 - e. 88% supporting Option 5.
255. In addition to specific comments in submissions, option 3 was supported by 17,554 signatories of the Greenpeace petition.
256. Several stakeholder groups supported all 5 options. Some industry groups, fishing and petroleum, supported options 4 and 5 in particular. There was general support from the fishing industry especially for Options 4 and 5. The Mayor of Wellington supported Option 2, and the Friends of Nelson Haven and Tasman Bay Inc supported Options 3-5.
257. Taranaki Regional Council stated that Options 1-3 are Status quo and already take place, therefore, no change is required, but support the implementation of Options 4 and 5. Auckland Regional Council, however, supports all 5 options and does not make comment that any are Status quo. This supports DOCs belief that while aspects of these proposals may already take place, a strategic framework to ensure consistency in their application is important.
258. Some submissions supported all five options but also suggested extras, for example, water quality testing for waterways emptying into the sea. This in particular relates to the impacts of land-use and pollutants that enter freshwater systems and can impact upon the dolphins upon entry to the sea.

DOC comment on Coastal Development

259. DOC has undertaken activities associated with each of the proposed options in the past, but acknowledges that efforts would be more effective if approached in a more structured and co-ordinated manner. The options proposed, as they are non-regulatory and not mutually exclusive, could potentially all be implemented through the strategic planning process envisaged in the Maui's Dolphin Recovery Plan. Most aspects of coastal development would be included within the planning process, but research into pollution and discharges into the marine environment along with monitoring and

engagement strategies would also be included in the research and engagement elements of this process.

260. DOC considers that the best way to address threats from coastal development is under the umbrella of a strategic planning process as provided for in **Part 1 of the options package**.

Scientific research

261. Scientific research can impact on a population in a number of ways. Observational (non-invasive work) from boat or aircraft would have similar impacts to that of commercial or recreational vessels operating in the area. It is worth noting that researchers undertaking these observations are skilled in operating vessels around marine mammals and are aware and abide by the Marine Mammals Protection Regulations 18-20. The likelihood of causing injury or separation is considerably less than that of an inexperienced vessel operator.
262. There are other methods of research that have increasingly more invasive options involving manipulation of the animals, e.g. close approaches by boats, collecting a skin slough, faecal sample, or skin and blubber sample. These have the potential to alter the behaviour of the animals and if not carried out safely could cause injury to the individual dolphin.
263. DOC has a regime in place to issue Marine Mammal Research permits under the MMPA. Any research that requires closer approaches than that allowed by the MMPR, or involves manipulation of the animals, requires approval. As a part of this process, the research is scrutinised as to the purpose and benefits for the species concerned, as well as the methods being proposed.
264. DOC acknowledges that while there is already a system in place for managing the approval of permits, this process could be improved upon. DOC consulted on 6 options to minimise the impact of scientific research on Maui's dolphins.
- a. Option 1: Regular engagement and training with scientists and DOC staff regarding best practice techniques for use on Hector's and Maui's dolphins.
 - b. Option 2: Ensuring anyone undertaking research is appropriately qualified.
 - c. Option 3: Strict adherence to current legislation and standard operating procedures.
 - d. Option 4: Developing stricter risk assessment protocols regarding permit processing.
 - e. Option 5: Research undertaken is guided by research priorities and a researching planning process.
 - f. Option 6: Any research granted a permit has to be able to demonstrate clear benefits for the population and the gains must outweigh the risk.
265. 100 submissions specifically addressed these options. Only 1% were in support of no action. Sixty-seven 67 % supported Option 1, 64% supported Option 2, 51% supported Option 3, 62% supported Option 4, 51% supported Option 5, and 72% supported Option 6.
266. Some submitters commented that Option 6 was not necessary as it is encompassed within Option 5. However, DOC considers this is not always the case. While the goal would be that research on Maui's dolphins would be directed through the research planning process proposed in this paper, some projects may be initiated by Universities or research institutes external to the research planning process. Therefore, these projects would be assessed through Option 6 as opposed to Option 5.

267. In addition, submitters made further comments that, while they are not ways to mitigate the impacts of scientific research, they recommend alternative research methods or projects. These are: satellite tagging, the use of pingers on fishing gear, and captive breeding, or translocation.

DOC comments on Scientific Research

268. The use of satellite tagging has been considered by DOC on a number of occasions, in past briefings, as well as the TMP discussion document. DOC is not against the use of satellite tagging, but it needs to be considered on a case by case basis with due regard to the risk to the individual dolphin and the broader population. DOC acknowledges there are differences between species that make some easier to apply satellite tags to. Further research and development of new techniques for small cetaceans such as Maui's dolphins should be made a priority to address the significant risks associated with current methods.
269. At this point in time, DOC would not support the use of satellite tags on Maui's dolphins until the technology is improved in such a way that this method could be safely applied to Maui's dolphins. In the submission process, some stakeholders, including Te Ohu Kaimoana suggested supporting research that would improve the technology available for satellite tagging. DOC considers this an appropriate suggestion and recommends this be a research priority for the research planning process.
270. DOC has stated previously their view on pingers as a mitigation tool. While there remain concerns about the use of pingers, DOC would welcome appropriate standardised research to investigate the effectiveness of pingers for Hector's and Maui's dolphins.
271. Likewise DOC outlined in the TMP discussion document in detail the risks associated with captive breeding or translocation. These methods are not considered feasible by DOC.
272. DOC considers that the best way to deal with any options that involve increased engagement and education is under the umbrella of a strategic planning process as provided for in **Part 1 of the options package**.

Disease

273. As highlighted by a number of submitters, the small population size of the Maui's dolphins makes it more susceptible to natural causes of mortality such as disease. DOC also notes that some diseases may come from an anthropogenic (man-made) source. Toxoplasmosis was found to be the primary cause of death for two of three Maui's dolphin carcasses that were able to be tested for the presence of the parasite.
274. Toxoplasmosis can cause death, behavioural changes, still births, and reduced reproductive rate.
275. DOC consulted on three options to mitigate against the effects of disease:
- a. Option 1: Ongoing necropsy of Maui's dolphins found beachcast to determine incidence of disease, including *Toxoplasma gondii*.
 - b. Option 2: Research to understand the origin of *Toxoplasma gondii*, the impacts of it on the population, and whether there are ways to mitigate against it.
 - c. Option 3: Engagement with stakeholder groups to raise awareness and encouraging safe practices to minimise the occurrence of *Toxoplasma gondii* getting into waterways and the sea.

276. Of the 99 submitters who specifically commented on this threat, only 1% supported no action. Seventy-four (74) percent supported Option 1, 80% supported Option 2, and 84% supported Option 3.
277. Additionally, one submission suggested vaccination against toxoplasmosis, brucellosis and other diseases. While DOC does not completely rule this option out, it would require further investigation as a part of Option 2 above. Before implementing any measures that require manipulation of animals, it is important to know if they are likely to help, and equally importantly, whether they could cause harm. At present there are no toxoplasma or brucella vaccines available that could be used in dolphins.

DOC comments on Disease

278. DOC recommends that any mitigation methods for disease be encompassed within consultation Option 2, in terms of the research into appropriate mitigation methods, and consultation Option 3, in terms of implementation of the methods.
279. At one of the consultation meetings a comment was made that dolphins are dying of tuberculosis and liver fluke. It is possible that results for other marine mammals have been mixed up with this. While tuberculosis can occur in seals and sea lions, it has never been diagnosed in any whale or dolphin species. Liver fluke has not been determined to be the cause of death in any Maui's dolphin.
280. DOC recommends that consultation Options 1-3 are supported and implemented through the research planning process envisaged in the proposed Maui's dolphin recovery group, which would have an annual review process for research as well as engagement for implementation of research results. As such, ongoing risks from disease should be addressed within **Part 1 of the options package**.

Cost Implications of Options

281. It is inevitable that there will be cost implications associated with both restrictions and management decisions, the scale of which will depend on the measures concerned and the industry or group affected. These could be costs in terms of lost revenue potential arising from restrictions on industrial activities, as well as costs to the tourism sector arising from reputational damage if the sub-species continues its decline towards extinction.
282. Administrative and resourcing costs for DOC, particularly in the development and maintenance of an integrated Maui's recovery plan, may be significant and will also vary depending on final decisions. In addition, research projects identified through the annual planning process will have specific associated costs, though there may be scope for public/private partnerships. Further discussions will be necessary, to determine and agree appropriate funding mechanisms.
283. Detailed cost implications will be included in a Regulatory Impact Statement that may be developed for any regulatory measures that are to be pursued.

Risk Analysis

284. In making your decision on the set of proposed protection measures you have a range of options to choose from. Some provide varying degrees of certainty of removing or reducing specific threats proportional to how permissive each is for the activity in question. There is also the option of staying with the status quo. DOC notes that timely management actions are required in order to provide the highest chance of recovery. .

285. There is considerable risk with the status quo. The population is known to be small and declining, with a PBR estimate of 1 human induced death every 10-23 years. The population distribution overlaps with a range of human activities which present risks. While the chance of a Maui's dolphin human-induced death occurring may be low, the consequence to the population, should one occur, is high.
286. It is important to note that given the small size of the Maui's population a risk of extinction exists. Scientists and national and international environmental non-governmental organisations have submitted their concerns to international organisations such as International Whaling Commission and the International Union for Conservation of Nature on this issue. There is considerable risk to New Zealand's international conservation image should people feel that the Government is not doing enough to protect Maui's dolphins.
287. The protection measures have been developed as a collaborative package between DOC and MPI. You are considering non-fishing threat mitigation options as outlined through this briefing. The Ministry for Primary Industries, in consultation with you, is to consider possible fishing-related threat mitigation. DOC considers it important to highlight that, should the Minister for Primary Industries choose not to implement fishing restrictions or implements restrictions that the public perceive not to adequately mitigate the risk to the dolphins, you may be exposed to pressure to implement fishing restrictions yourself under the MMPA provisions.
288. New Zealand has traditionally been considered a world leader in many conservation issues – including marine mammals, but is coming under increasing international pressure in this context (most recently on issues such as shark finning, marine protected areas, and Maui's dolphins). Species extinction, combined with effective international campaigning could have a significant impact on New Zealand's conservation image. Both MFAT and MBIE (Tourism) have expressed concerns about the negative implications of losing this high profile sub-species, and the risks this could pose to our reputation, exports and tourism sectors.
289. International and New Zealand based ENGOs⁷ have also noted the possibility of mounting legal challenges. These and other legal risks are discussed in more detail in the Legal Advice section provided in Appendix 3.
290. There is a further risk that New Zealand industries impacted by restrictions could challenge government decisions, based on perceptions associated with the scientific basis on which these are made and apparent lack of evidence linking their activities with impacts on Maui's dolphins.

Implementation of your decision

291. You are meeting with the Minister for Primary Industries and the Minister of Energy and Resources to discuss the package of proposed protection measures. Talking points for these meetings have been attached as Appendix 4.
292. Next steps of implementation will depend on the decision you take. This could range from;
- a. Initiating the development of a cross agency recovery plan for Maui's dolphins, and the development of voluntary codes with particular sectors both of which require project planning and resource allocation for the projects, to
 - b. Notification in the Gazette of any proposed alterations to the West Coast North Island Marine Mammal Sanctuary. This would need to be notified for at least 28 days, during which the public may make written submissions. Depending on the

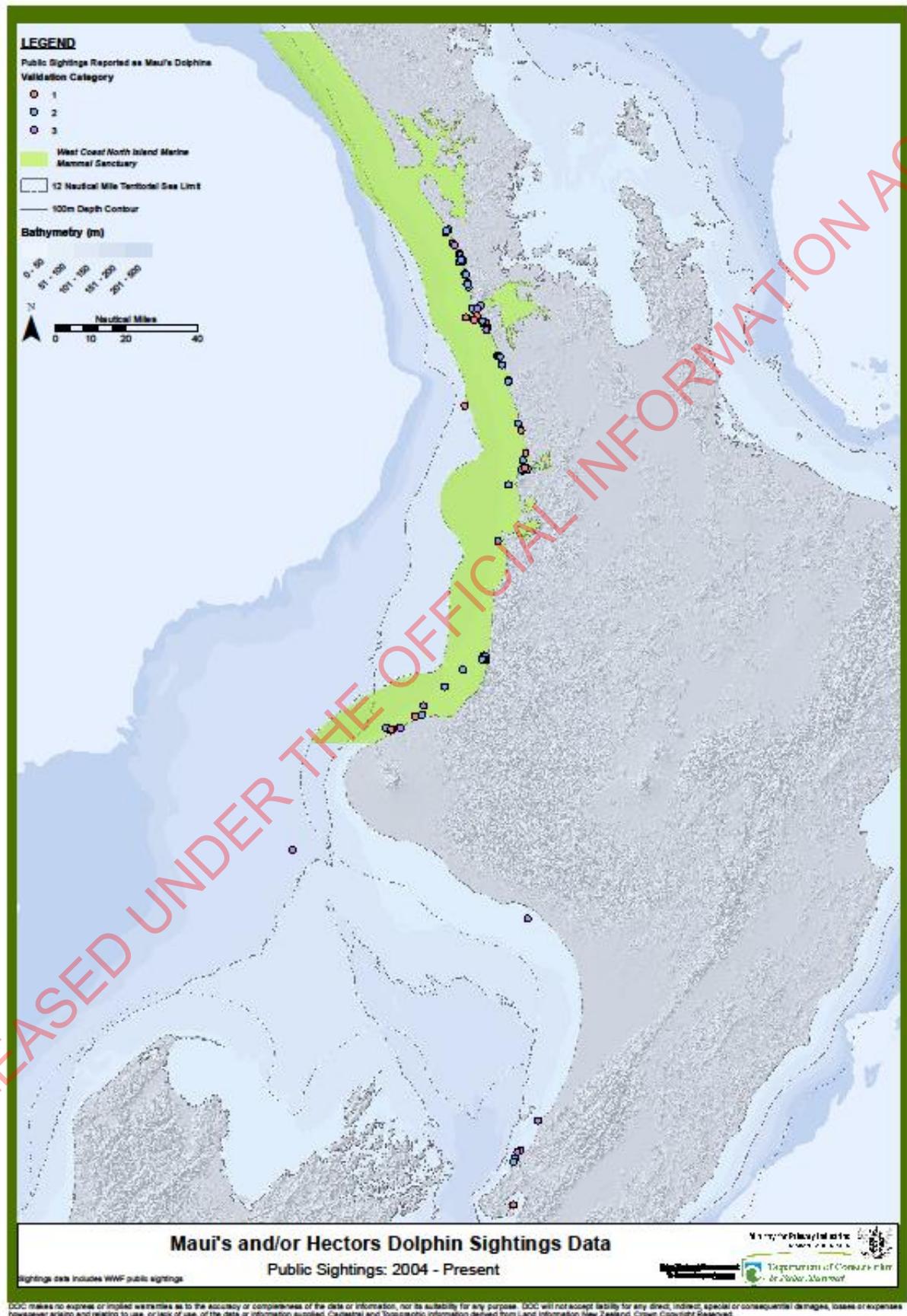
⁷ As indicated in informal discussions with NABU International, the Environment and Conservation Organisations of Aotearoa (ECO) and the Environmental Defence Society (EDS).

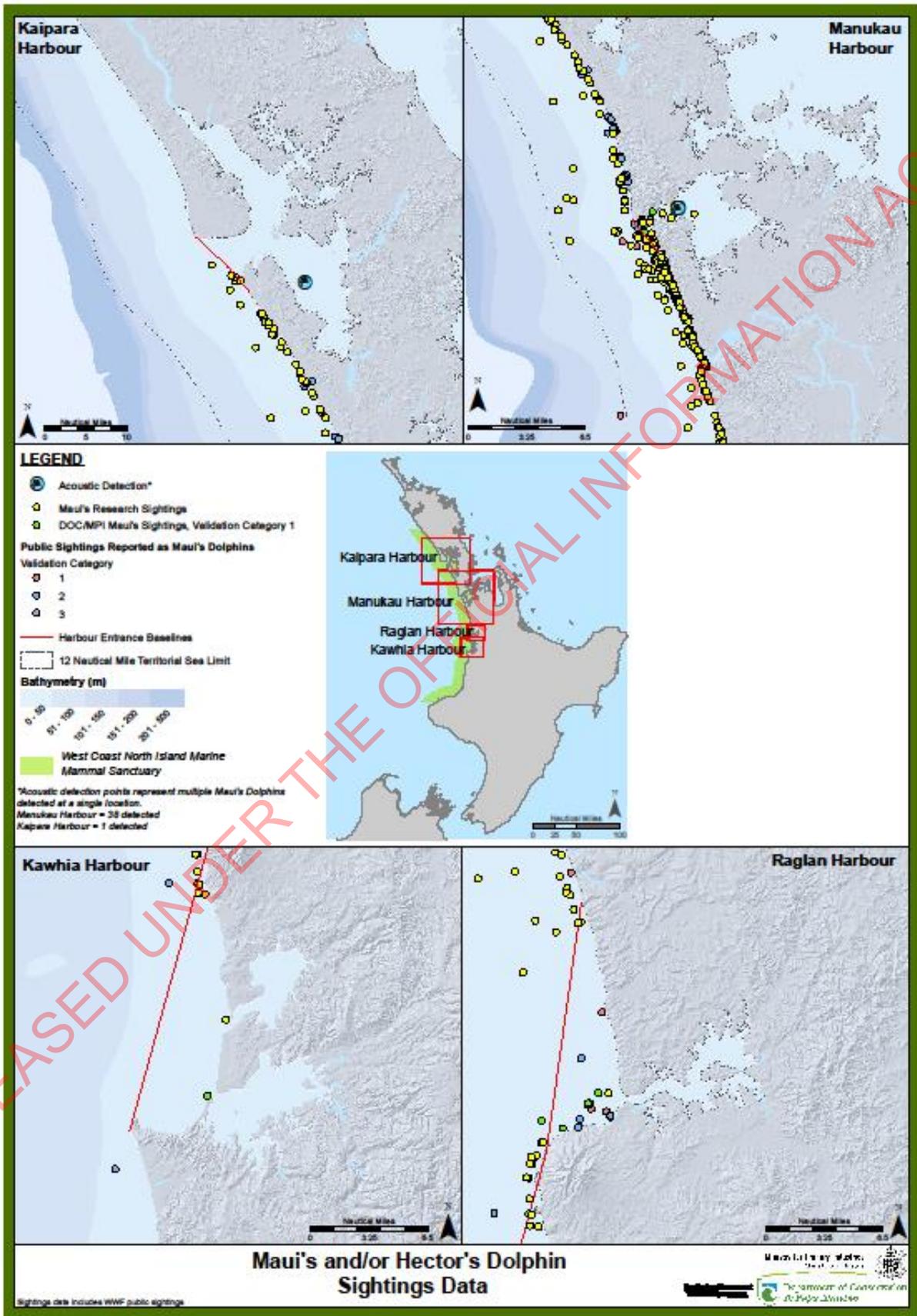
alterations proposed, consents of a range of other Ministers will be required for the notification in the Gazette. The date on which final measures may come into effect will depend upon the nature of the measures to have legal effect and the need to proceed with any urgency with respect to those measures.

293. Under section 22 of the Marine Mammals Protection Act 1978, some of your Ministerial colleagues will have a consent role in terms of any measures you proposed to take to further protect and conserve Maui's dolphins in a marine mammal sanctuary. Subject to such consent, the Minister of Conservation has the power to give legal effect to such measures to be pursued under that section. Under the existing Cabinet processes, there is no decision-making role that Cabinet has in this regard. However, you may wish to alert Cabinet about the proposed protection measures you chose to implement.
294. A communications package will be developed to assist with delivering key messages regarding your decision. This will include press release, FAQs and website updates.

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Appendix 2: Revised maps – sightings





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Appendix 4: Suggested talking points for joint meeting with Minister for Primary Industries and Minister of Energy and Resources

Specific discussion points for Minister of Energy and Resources

1. *Based on concerns for the dolphin the Minister for Primary Industries and I directed officials to review the current Maui's dolphin element of the Threat Management Plan*
2. *An expert risk assessment panel, convened by DOC and MPI, concluded:*
 - *net fishing (set, trawl and drift) account for approximately 95% of the risk to Maui's dolphins from human activities*
 - *Of the non-fishing related threats to Maui's dolphins, the risk assessment panel indicated that mining and oil activities, vessel traffic, pollution, and disease present the highest risk.*
3. *The results of this workshop and comments from consultations were used to assist the Department of Conservation and the Ministry for Primary Industries in developing a joint consultation document proposing a range of options for mitigating the impacts of potential threats to Maui's dolphins.*
4. *I am currently considering options to mitigate against non-fishing threats to the dolphins. My colleague, the Minister for Primary Industries, is considering options for managing fishing-related threats.*

Common discussion points

5. The Maui's dolphin is ranked as 'Nationally Critical' by the New Zealand Threat Classification System and 'Critically Endangered' by the International Union for Conservation of Nature (IUCN).
6. Recent research utilising a genetic mark-recapture method estimates the population of Maui's dolphins to be 55 individuals, excluding calves.
7. The Maui's dolphin population is at a critical point - where recovery is still possible, but below which the possibility of extinction increases significantly.
8. There is an urgent need for precautionary action if the population decline is to be halted. The management response needs to be integrated and address all significant threats, due to the cumulative nature of threats.
9. During consultation, the Department presented options which addressed each specific threat individually and sought feedback on the various measures. A total of 70,056 submissions were received.
10. After analysing the submissions, the Department is proposing a four-part integrated threat management package to mitigate risk from non-fishing related threats to Maui's dolphins.
11. Part 1 includes a strategic, overarching framework (the Maui's Dolphin Recovery Plan), with separate annual review processes for addressing planning, research and engagement. The plan would be developed and administered by a cross-agency group, with involvement of all relevant partners and stakeholders.

12. Part 2 proposes two key actions to mitigate potential risks to Maui's dolphins from commercial shipping: Designating a Particularly Sensitive Sea Area through the International Maritime Organisation; and establishing a continually monitored Automatic Identification Service zone.
13. Part 3 presents a continuum of options for the extension of the Marine Mammal Sanctuary.
- The Department considers there is an urgent need to mitigate threats to the dolphins south of the existing marine mammal sanctuary. An extension of the sanctuary south to Hawera and out to 12 nautical miles, or a variation of this, is recommended.
14. Part 4 presents a continuum of options for the remainder of activities that were scored by the risk assessment panel as being the highest risk to Maui's dolphins:
- Relative to seismic surveying, the Department supports a variation of legal restrictions on seismic surveying within the Marine Mammal Sanctuary to be consistent with the seismic survey Code of Conduct as a minimum. However, it would be preferable to ensure the seismic Code was mandatory throughout the 12nm Territorial Sea, so as to be consistent with compulsory measures due for implementation in 2013 under the EEZ Regulations
 - Building on the successful model of the seismic survey Code of Conduct, the Department further proposes that work also be undertaken to develop industry agreements for offshore oil and gas operations and seabed minerals exploitation similar to the seismic survey Code of Conduct.
 - The Department acknowledges that the exploration and prospecting phases of seabed minerals extraction are likely to be low risk to Maui's dolphins, but suggests that a precautionary approach to management of the mining phase is appropriate due to the lack of information on specific risks posed by this activity. Possible measures may include temporary or permanent exclusion of seabed minerals activities in key inshore areas and closely monitored development elsewhere to build information on impacts. An offshore boundary of 7nm could be considered, to be consistent with DOC's recommendations on fishing measures as detailed below.
 - To reduce risk from small vessel traffic, the Department proposes to implement a permanent restriction within the Marine Mammal Sanctuary under the Marine Mammal Sanctuary (MMS) Notice. The notice would set limits for interacting with Maui's dolphins from recreational boats and prohibit commercial tourism targeting Maui's dolphins and inshore vessel racing.
 - To further reduce risk from small vessel traffic, the Department also proposes to prohibit inshore powerboat (Thundercat) racing. However, the Department notes the legal risks associated with implementing an option that was not a specific part of consultation.

15. The Department has also commented on management of the three fishing methods discussed in the Ministry of Primary Industry's Final Advice Paper: offshore set netting, set netting in harbours, and trawling.

- The Department's preferred option for set netting off the West Coast of the North Island is a prohibition out to 7 nm from Maunganui Bluff to Hawera, as it considers that this extension will address the majority of the risk to Maui's dolphin from this activity and will present an opportunity for the species to recover.
- Relative to set netting in West Coast North Island harbours, the Department recommends an extension of the current set net prohibition in Manukau Harbour as a precautionary measure against the uncertainty in the distribution in and use of the harbour by Maui's dolphins. The Department does not oppose allowing ring netting in the harbour prohibition area subject to monitored adherence to the specifications detailed in the consultation document.
- The Department's preferred option for trawling off the West Coast of the North Island is a prohibition out to 7 nm from Maunganui Bluff to Hawera. While the Department recognises that risk from trawl fishing is likely less than that from set net fishing, the conclusion of the risk assessment workshop was that the level of risk from trawling is significantly greater than that which will allow the recovery of Maui's dolphins.

16. Broader risks exist of potentially significant damage to New Zealand's international reputation and export sectors, if the government response to the plight of the Maui's dolphin is perceived as being less than adequate. MFAT and MBIE officials have expressed concerns in this regard.

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Appendix 5: Analysis of submissions

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Summary of Submissions

| | |
|---|----|
| DOC Consultation Option Tables:..... | 3 |
| Overview..... | 7 |
| Numbers of submitters..... | 7 |
| General themes throughout the consultation process..... | 7 |
| Feedback about the consultation process..... | 7 |
| Reasons for taking action..... | 7 |
| Comments on threats..... | 8 |
| Government image..... | 8 |
| Emotion of responses..... | 8 |
| Actions to take..... | 8 |
| Research, planning, and review..... | 8 |
| General themes raised during consultation meetings..... | 9 |
| Petroleum Exploration and Production Association of New Zealand (PEPANZ)(4th October)..... | 9 |
| Te Uri o Hau (5th October)..... | 9 |
| Nature and Biodiversity Conservation Union (NABU)(15 th October)..... | 9 |
| Seabed Minerals Sector (16 th October)..... | 10 |
| National Environmental Non-governmental Organisations (ENGO)(18 th October)..... | 10 |
| Taranaki Regional ENGO (23 rd October)..... | 11 |
| Taranaki Commercial Fishers (23 rd October)..... | 11 |
| Raglan Community (24 th October)..... | 12 |
| Environmental Defence Society (25 th October)..... | 13 |
| Greenpeace (25 th October)..... | 13 |
| Taranaki regional fishing quota holding iwi interests (26 th October)..... | 13 |
| Port Waikato (26 th October)..... | 13 |
| Taranaki Conservation Board (2 nd November)..... | 14 |
| Summaries from Representative Groups..... | 14 |
| Commercial Fishing Industry (including iwi fishing interests)..... | 14 |
| Recreational fishers..... | 16 |
| Whānau, hapū and iwi..... | 16 |
| Conservation boards..... | 18 |
| Councils..... | 19 |
| Environmental groups..... | 21 |
| Scientists/research institutes..... | 24 |
| Seabed mining and petroleum industries..... | 25 |
| Local boards..... | 26 |
| Members of Parliament and other politicians..... | 27 |
| Community and public interest groups..... | 28 |
| Business development groups..... | 29 |
| Individuals (non-petition)..... | 29 |
| Green Party online submission guide..... | 31 |
| Green Party original comments..... | 32 |
| Greenpeace Petition..... | 32 |
| Greenpeace original comments..... | 33 |
| Forest and Bird Petition..... | 34 |
| Forest and Bird original comments..... | 34 |
| NABU International Foundation for Nature petition..... | 35 |
| NABU original comment..... | 36 |

| | |
|---|----|
| Last Stand for Maui’s Dolphin petition | 36 |
| Maui’s Last Stand original comment | 37 |
| Let’s Face It petition (Peggy Oki) | 38 |
| Independent petition (Christine Rose) | 38 |
| World Wildlife Foundation (WWF) online submission guide | 39 |
| Options | 40 |
| Marine Mammal Sanctuary | 40 |
| Seismic Surveying | 40 |
| Seabed Mineral Exploitation | 41 |
| Commercial tourism | 43 |
| Commercial shipping | 43 |
| Marine Spills | 44 |
| Coastal Development | 44 |
| Thundercat Racing | 45 |
| Surf Life Saving | 46 |
| Recreational Boating | 46 |
| Scientific Research | 46 |
| Disease | 47 |
| Research | 47 |
| Monitoring | 49 |
| Collaboration | 50 |
| General questions | 51 |
| Standard text of petition submissions | 57 |
| Green Party | 57 |
| Greenpeace | 57 |
| Forest and Bird | 59 |
| NABU International Foundation for Nature | 60 |
| Last Stand for Maui’s | 61 |
| Independent petition – Christine Rose | 62 |
| Let’s Face It – Peggy Oki | 63 |
| WWF | 65 |

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DOC Consultation Option Tables:

| West Coast North Island (WCNI) Marine Mammal Sanctuary (MMS) Variation | | |
|---|-------------------|--|
| MMS Option 1 | <i>Status quo</i> | No MMS variation. |
| MMS Option 2 | MMS extension | Extension of the WCNI MMS south to Hawera and offshore to 12 nm. |

| Options to reduce risk to Maui's dolphins from Seismic Surveying (SS), *option can be implemented in conjunction with any of the other options, see also Fig 7.1 | | |
|---|---|--|
| SS Option 1 | <i>Status quo</i> | Reliance on the Code of Conduct for seismic survey operations (the Code) and the existing MMS regulations. |
| SS Option 2a | Current Sanctuary + seismic restrictions consistent with Code | Maintaining the current sanctuary boundaries plus variation of the legal restrictions on seismic surveying within the MMS to be consistent with the Code. |
| SS Option 2b | Current Sanctuary + Seismic prohibition | Maintaining the current sanctuary boundaries plus a prohibition on seismic surveying operations within the MMS. |
| SS Option 3a | Extension of MMS + extension of seismic restrictions | Extend the MMS south to Hawera and offshore 12 nm plus extending the existing legal restrictions on seismic surveying operations within the MMS. |
| SS Option 3b | Extension of MMS + seismic restrictions consistent with Code | Extend the MMS south to Hawera and offshore 12 nm plus a variation of the legal restrictions on seismic surveying within the MMS to be consistent with the Code. |
| SS Option 3c | Extension of MMS + Seismic prohibition | Extend the MMS south to Hawera and offshore 12 nm plus a prohibition on seismic surveying operations within the MMS. |
| SS Option 4 | Stand-alone Regulations | Develop stand-alone regulations under the Marine Mammals Protection Act to regulate seismic operations. |
| SS Option 5 (additional)* | Prohibit petroleum mining | Prohibition of petroleum mining throughout the MMS. This option could be implemented in addition to one of the options 1 to 4 above. |

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Options to reduce risk to Maui's dolphins from Seabed Mineral Exploitation (SME), *option can be implemented in conjunction with any of the other options. See also Fig 7.2

| | | |
|-----------------------------------|--|---|
| SME Option 1 | <i>Status quo</i> | No change in MMS Restrictions in specified areas (4 nm core distribution area; 2 nm elsewhere). |
| SME Option 2a | Current Sanctuary + offshore limit 4 nm | Maintain the current sanctuary boundaries plus extending the current mining restrictions to 4 nm offshore within the entire sanctuary. |
| SME Option 2a | Current Sanctuary + offshore limit 7 nm | Maintain the current sanctuary boundaries plus extending the current mining restrictions to 7 nm offshore within the entire sanctuary. |
| SME Option 2c | Current Sanctuary + depth contour offshore limit | Maintain the current sanctuary boundaries plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary. |
| SME Option 3a | Extension of MMS + extension of mining restrictions to 2 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 2 nm offshore throughout the extension. |
| SME Option 3b | Extension of MMS + extension of mining restrictions to 4 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 4 nm offshore within the entire sanctuary. |
| SME Option 3c | Extension of MMS + extension of mining restrictions to 7 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 7 nm offshore within the entire sanctuary. |
| SME Option 3d | Extension of MMS + extension of mining restrictions to depth contour | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary. |
| SME Option 4 (additional)* | Moratorium on active mining | Moratorium on the active seabed mineral mining phase within the MMS, for the 5 year duration of the TMP. This option could be implemented in addition to one of the options 1 to 3 above. |
| SME Option 5 | Code of Conduct | Develop a Code of Conduct for seabed minerals exploitation similar to that for seismic surveying. |

Options to reduce risk to Maui's dolphins from Commercial Marine Mammal Tourism (CT), *option can be implemented in conjunction with any of the other options

| | | |
|----------------------------------|-------------------------------------|---|
| CT Option 1 | <i>Status quo</i> | No regulatory change. |
| CT Option 2 | Moratorium under the MMPR | A moratorium on commercial marine mammal tourism permits under the Marine Mammals Protection Regulations (MMPR) targeting Maui's dolphins. |
| CT Option 3 | Restrictions within MMS | <ul style="list-style-type: none"> • No commercial tourism targeting Maui's dolphins. • No swimming with Maui's dolphins. • 10 minute time limit for opportunistic viewing for recreational boats, in addition to observing MMPR 18 to 20. |
| CT Option 4 (additional)* | Increased engagement and compliance | Increase education on MMPR 18 to 20; increase compliance and monitoring of marine mammal tourism in Maui's dolphins |

range.

Options to reduce risk to Maui's dolphins from Commercial Shipping (CS)

| | | |
|--------------------|-------------------|--|
| CS Option 1 | <i>Status quo</i> | No additional measures for commercial shipping. |
| CS Option 2 | PSSA | Submission to International Maritime Organisation seeking Particularly Sensitive Sea Area (PSSA) designation, with measures such as heightened navigational controls or prohibition of all discharges. |
| CS Option 3 | ATBA | Submission to International Maritime Organisation seeking Area to Be Avoided (ATBA) designation. |

Options to reduce risk to Maui's dolphins from Marine Spills (Oil & Harmful Substance) (MS). A range of options could be implemented together.

| | | |
|--------------------|---------------------------|--|
| MS Option 1 | <i>Status quo</i> | No additional action taken. |
| MS Option 2 | Actively monitored zone | Using Automatic Identification System (AIS) technology for vessel related compliance purposes and to reduce risk of accidents that could cause oil and other spills in Maui's dolphins range. |
| MS Option 3 | DOC involvement with OPAC | Active involvement in the Oil Pollution Advisory Committee (OPAC) to ensure that response planning includes consideration of Maui's dolphins. |
| MS Option 4 | DOC involvement with OWR | Increased involvement with Massey University Oiled Wildlife Response (OWR) Team to ensure increased collaboration in responses and identification of research gaps, with respect to Maui's dolphins. |

Options to reduce risk to Maui's dolphins from Land-based Activities and Coastal Development (CD). A range of options could be implemented together.

| | | |
|--------------------|---|--|
| CD Option 1 | Maui's dolphins considered in resource consent applications | Advocating for Maui's/Hector's dolphin protection when consulted on any relevant resource consent applications. |
| CD Option 2 | Engagement with Territorial Authorities and Regional Councils | Engaging with Territorial Authorities and Regional Councils during planning processes and reviews of plans to ensure adequate regard is given throughout known and potential Maui's dolphin range. |
| CD Option 3 | NZCPS and CMS revision | Amending provisions in the New Zealand Coastal Policy Statement (NZCPS) and Conservation Management Strategies (CMS)s which direct councils to identify and protect Maui's dolphin habitat. |
| CD Option 4 | Awareness in RMA process | Ensuring that teams responsible for Resource Management Act (RMA) consent processing are aware of the potential impacts of proposed activities on Maui's dolphins. |
| CD Option 5 | Liaison regarding pollution | Identify sources of pollution that could threaten Maui's dolphins and promote appropriate controls to the administering bodies. |

Options to reduce risk to Maui's dolphins from Thundercat Racing (TR). A range of options could be implemented together.

| | |
|-------------|---|
| TR Option 1 | 'Soft-start' concept similar to seismic surveying, gradually building up noise levels prior to the start of races to give dolphins the opportunity to leave the area. |
| TR Option 2 | Specified practice areas/times. |
| TR Option 3 | Posting of observers to look out for Maui's dolphins. |
| TR Option 4 | Aerial observation of areas prior to race start to ensure no dolphins are in the area. |

Options to reduce risk to Maui's dolphins from Surf Life Saving events (SLS). Both options could be implemented together.

| | |
|--------------|---|
| SLS Option 1 | Ongoing engagement with Surf Life Saving clubs looking at educational options. |
| SLS Option 2 | Utilising observers during competitions and/or training events to look out for Maui's dolphins. |

Options to reduce risk to Maui's dolphins from Recreational Boating (RB). A range of options could be implemented together.

| | |
|-------------|--|
| RB Option 1 | Promotion and enforcement of the Marine Mammals Protection Regulations. |
| RB Option 2 | Development of appropriate advocacy tools to support community engagement work. |
| RB Option 3 | Targeted advocacy over summer months when recreational boaters are most active. |
| RB Option 4 | Working with Maritime New Zealand and other boating interest groups (such as Coastguard, regional safe-boat forums, harbourmaster interest groups and boat shows) to effectively engage the target audience. |

Options to reduce risk to Maui's dolphins from Scientific Research (SR). A range of options could be implemented together.

| | |
|-------------|--|
| SR Option 1 | Regular engagement and training with scientists and DOC staff regarding best practice techniques for use on Hector's and Maui's dolphins. |
| SR Option 2 | Ensuring anyone undertaking research is appropriately qualified. |
| SR Option 3 | Strict adherence to current legislation and standard operating procedures. |
| SR Option 4 | Developing stricter risk assessment protocols regarding permit processing. |
| SR Option 5 | Research undertaken is guided by research priorities and a researching planning process (Section 8.1 for more details of options regarding research planning). |
| SR Option 6 | Any research granted a permit has to be able to demonstrate clear benefits for the population and the gains MUST outweigh the risk. |

Options to reduce risk to Maui's dolphins from Disease (D). A range of options could be implemented together.

| | |
|------------|--|
| D Option 1 | Ongoing necropsy of Maui's dolphins found beachcast to determine incidence of disease, including <i>Toxoplasma gondii</i> . |
| D Option 2 | Research to understand the origin of <i>Toxoplasma gondii</i> , the impacts of it on the population, and whether there are ways to mitigate against it (see research, Section 8.2.1.2, for further details). |
| D Option 3 | Engagement with stakeholder groups to raise awareness and encouraging safe practices to minimise the occurrence of <i>Toxoplasma gondii</i> getting into waterways and the sea. |

Overview

Numbers of submitters

1. In response to the range of options to mitigate against non-fishing related human induced threats, as outlined in the Maui's dolphin portion of the Threat Management Plan, DOC received a total of **70,056** submissions, of which **4224** contained original content.
 - n. **17554** Greenpeace submissions, **719** with additional comments
 - o. **14880** NABU submissions, **2952** with additional comments
 - p. **149** Type 1 Forest and Bird submissions, **85** with additional comments
 - q. **82** Type 2 Forest and Bird submissions, **21** with additional comments
 - r. **364** Green Party online submissions, **73** with additional comments
 - s. **196** Type 1 Maui's Last Stand, **49** with additional comments
 - t. **40** Type 2 Maui's Last Stand, **8** with additional comments
 - u. **110** DOC online survey, **60** with additional comments
 - v. **4818** Let's Face It Photo Petitions
 - w. **74** French submissions that have been translated
 - x. **225** original submissions from individuals or groups
 - y. **31,504** late submissions of all types, including **31,441** letters from WWF sent directly to John Key. These were not received by the Department until 28 November 2012, and therefore not analysed in detail.

General themes throughout the consultation process

Feedback about the consultation process

1. In general, submitters were pleased that DOC/MPI included a public consultation process in their decision-making, however multiple serious concerns were raised.
2. Many submitters did not feel that enough time was given to read the TMP document, assess the content, consult with their own stakeholders, and prepare a response.
3. Iwi submissions in particular highlighted the difficulty of properly communicating with their hapu and whanau in the timeframe given.
4. The length of document was viewed as an impediment to participation by the general public, and it was suggested that the main findings should have been presented in a smaller document with full detail in appendices.
5. "Consultation fatigue" was mentioned due to the recent interim measures consultation and the upcoming Hector's dolphin TMP review.
6. Many submitters felt there was a strong disconnect between the findings of the risk assessment and the proposed actions, particularly relative to fishing.

Reasons for taking action

7. Submitters viewed the need for action as critically urgent based on the small population estimate for Maui's dolphins. (883 submissions with original content [OC]; 38,134 petition signatories [PS]; all numbers below listed in same format)
8. Many submitters expressed an appreciation for dolphins in general and Maui's dolphins in particular, and felt this value was reason enough to protect the sub-species. (1,054 [OC]; 15,491 [PS])
9. Submitters promoted the value of ecosystems in general and the need to protect biodiversity everywhere. (666 [OC]; 236 [PS])
10. The image of New Zealand as a "Clean, Green, 100% Pure" nation was mentioned by many submitters, with concern that this was at risk (or a false image) if actions were not taken to prevent the extinction of Maui's dolphins. (275 [OC]; 19,934 [PS])
11. Submitters commented on the traditional/cultural value of Maui's dolphins as taonga that could be lost to future generations. (231 [OC]; 18,354 [PS])

Comments on threats

12. Most submitters viewed fishing as the primary threat to Maui's dolphins, and expressed a desire for restrictions on net fishing throughout the range of the dolphins. (465 [OC]; 38,134 [PS])
13. Seabed mining was viewed as a major threat, and most submitters favoured restriction or prohibition of this activity in the range of the dolphins. (73 [OC]; 18,165 [PS])
14. Most submitters expressed a desire to restrict or prohibit seismic surveying and petroleum exploration and extraction in the range of Maui's dolphins. (62 [OC]; 17,969 [PS])
15. Mortality due to disease was the threat identified as a large concern by fishing industry members and other members of the public. (55 [OC])

Government image

16. Many submitters expressed a desire for greater protection for Maui's dolphins in accordance with recommendations by the IWC Scientific Committee/IUCN, and/or disappointment that the New Zealand government voted against the motion at the IUCN World Conservation Congress. (84 [OC]; 32,947 [PS])
17. Submitters expressed concern with their belief that the New Zealand government was basing their decision on protecting Maui's dolphins on economic costs rather than conservation values. (231 [OC]; 436 [PS])

Emotion of responses

18. Submitters generally portrayed the New Zealand environment in a positive manner and expressed a desire for New Zealand to live up to its clean, green image. (1,343 [OC]; 38,134 [PS])
19. However, a large segment of also submitters felt that New Zealand had made mistakes in its management of Maui's dolphins (or was likely to make mistakes in the future) and this made them angry, shameful, and or disappointed. (427 [OC]; 17,743 [PS])
20. A number of submissions expressed frustration with how management decisions have been made over time, particularly with regard to fisheries. Commercial fishermen were frustrated at being ignored and blamed, while others were frustrated that action has not been taken sooner to protect Maui's dolphins.

Actions to take

21. Almost all submissions recommended further protection for Maui's dolphins.
22. The most common suggestions for protection included: extension of the WCNI Marine Mammal Sanctuary, elimination of net fishing, and prohibitions on mining, seismic surveying, and petroleum exploration and drilling.
23. Submitters generally wanted protection throughout the range of Maui's dolphins, though there is little agreement on what ought to be considered the limit to this range.
24. The most common range stated was from the shore out to the 100 metre depth contour from Maunganui Bluff to Hawera, including harbours, as this is more closely aligned to the historic range and would allow protection if the population grows.
25. Other submitters were firm in their opinion that the range should only be considered the core range of confirmed sightings (i.e., the current WCNI MMS), as restrictions in other areas do not accomplish the objective of protecting dolphins.
26. Stakeholders from extractive industries (mining, fishing, petroleum) expressed a desire to participate in protection and recovery of Maui's dolphin population numbers while still accommodating commercial activity.
27. These stakeholders submitted a wide range of proposals for reducing the risk to dolphins from their operations, including changes in fishing practices, use of pingers, observer programmes, seasonal exclusion zones, and other practical measures.

Research, planning, and review

28. Submitters in general found the research, planning, and review process prior to the review to be insufficient and expressed a necessity for improvement moving forward.
29. Submitters called for more information on Maui's dolphin population estimates, range, effects of disease, overlap with fisheries, and other research matters.
30. Submitters agreed that the annual planning and review process should set explicit goals for data gathering and population management and that research objectives and management actions should follow from these goals.

General themes raised during consultation meetings

During October, while the consultation phase was underway, officials met with a number of stakeholder and community groups. The objectives of the meetings were to clarify any uncertainties about the process or the Threat Management Plan discussion document, and provide an opportunity for stakeholders to raise concerns or discuss potential options. The intention was to encourage informed individual submissions.

It was based on targeted engagement rather than a full public process, relying on existing networks and community relations to identify key partners, stakeholders and community groups. However, two community groups (Raglan and Port Waikato), extended the invitation more broadly to include interested parties from the general public.

The summaries of discussions outlined below are presented in the order that meetings were held.

Petroleum Exploration and Production Association of New Zealand (PEPANZ)(4th October)

31. Concerned not only about lack of scientific data on Maui's dolphins, but also about the long-term prospects for management measures if the sub-species continues to decline despite current efforts.
32. Not enough scientific information on which to base management decisions.
33. Questioned at what point the decision might be made to stop investing resources into efforts at saving a species which was beyond recovery.
34. Oil and gas industry, as well as seabed minerals, have very low impacts through normal operations while making a significant contribution to the NZ economy. Risks of accidental impacts are managed adequately and appropriately through existing legislation.
35. Officials highlighted the opportunity for PEPANZ stakeholders (potentially in concert with the seabed minerals sector) to position itself favourably by putting forward positive suggestions for environmentally focused concessions that industry could implement voluntarily to achieve greater levels of protection for Maui's dolphin.

Te Uri o Hau (5th October)

36. Concerned about consultation fatigue, with multiple significant initiatives underway simultaneously, and much too little time available to make submissions.
37. Questioned lack of integration between MMPA and Fisheries Act.
38. Scepticism about process, especially in light of environmentally unfavourable decision about Crest Energy's tidal energy scheme which hapu consider is a serious threat to maui's dolphin.

Nature and Biodiversity Conservation Union (NABU)(15th October)

39. NABU is of the firm opinion that Maui's dolphins are at crisis point.
40. Concerns that the TMP as proposed does not go far enough, that nothing in it will achieve recovery and that they have been hearing the same story for 12 years while the sub-species continues its dramatic decline.
41. Considers that a clear goal should be set in the TMP, working backwards to determine the necessary measures to achieve that goal within set timeframes.
42. Highly critical of the disconnect between the urgency indicated by the data and the actions proposed in the TMP, and of fisheries managers for not using the best available science.

43. The smaller the population gets, the more difficult it is to research and monitor, which increases uncertainty about numbers and threats. Continued efforts related to increasing understanding while postponing decisions on comprehensive, effective measures therefore are considered to be a complete waste of time – in effect this means that the rarer they become the less protection they will be afforded.
44. Questions were asked about the risk assessment, in particular the single fishing industry outlier that consistently estimated impacts at much lower rates than the rest of the expert panel. In NABU's opinion, this exposed ludicrous position of the fishing industry, because even their comparatively low estimates were unsustainable as they still exceeded the Potential Biological Removal rate.
45. NABU considers that it is likely that Hector's dolphin will suffer the same fate as Maui's dolphin.
46. Only full implementation of the IWC and IUCN recommendations, in accordance with NZ's obligations as party to the Convention on Biological Diversity, will satisfy NABU, and prevent the campaigns and legal challenges that they are preparing to implement.

Seabed Minerals Sector (16th October)

The sector was represented by the industry association, Straterra, and the Australian company Trans-Tasman Resources Limited (TTR).

47. TTR had applied for 4 exploration permits, with interests in both North and South Taranaki. Prospects were being identified in 25-45m water depth, 12-38km from shore, with information being refined on ore concentrations and distributions. A marine consent was likely to be applied for next year for the commercial mining phase which if successful would most go into production in 5-6 years time (4 years as the best case scenario). Any restrictions on mining, including temporary moratoria, are considered a disincentive to investment and a threat to the commercial viability of their project.
48. Noted strong objection to the draft Thompson report on impacts of seabed mining, citing many inaccuracies, and highlighted concerns that the expert panel based its risk assessment on seabed minerals on factually incorrect data.
49. Industry's preference (given low level of interest in permits) is for the status quo to remain with reliance on RMA consenting processes to test evidence through tested processes, possibly in connection with the development of a Code of Conduct.
50. TTR noted their voluntary decision not to operate within 2nm of shore, and that the northern blocks could potentially be dropped in favour of the southern blocks.
51. Officials highlighted the opportunity for seabed minerals stakeholders (potentially in concert with the petroleum sector) to position themselves favourably by putting forward positive suggestions for environmentally focused concessions that industry could implement voluntarily to achieve greater levels of protection for Maui's dolphin.

National Environmental Non-governmental Organisations (ENGO)(18th October)

Present were representatives of ECOS, WWF, F&B, Society for Conservation Biology, University of Otago.

52. Concerns about the disconnect between the best available scientific information as represented by the outcomes of the expert risk assessment and recommendations of IWC and IUCN. Scientists had done everything necessary to inform the situation and make credible recommendations for measures that are absolutely necessary to save the sub-species.
53. Should have been an assessment or at least an estimation of whether the options would address the risks identified in the workshop, along with a measurable management goal (suggested as 1 death in every 10-23 years).
54. Criticism that within the TMP the two agencies had clear differences in interpretation of data and proposals for management measures.

55. Doubts about the estimation of fishing industry costs identified in the TMP, and participants were critical that no similar assessment had been done to identify the potential economic costs to the country. It was noted that dolphin tourism was worth \$24m, while the 100% Pure NZ brand was worth \$20bn.
56. Economic benefits to the country from saving Maui's dolphin should be estimated.
57. Significant failing that there were no options involving extension of the MMS south to Whanganui as indicated by the expert panel.
58. No-one wanted to see fishers livelihoods lost, so it was suggested that fishers should be compensated for loss of access and helped into alternative fisheries through transitional support.
59. Seems absurd to implement an observer program which was roughly equivalent in costs to the value of the fishery – money would be much better spent on transitional support for fishers to exit the fishery.
60. Concerned about the complexity of the document and time available for submissions, as well as ensuring that officials had sufficient time to analyse submissions and develop final advice.

Taranaki Regional ENGO (23rd October)

Present were representatives of Nga Motu Marine Reserve Society, Taranaki Regional Council and an interested individual with ecological affiliations.

This meeting was largely focused on clarifying process, issues and options as presented in the TMP.

61. Fishers should be compensated for loss of access, or given assistance to move into new areas or more sustainable methods.
62. Questioned the effectiveness of legislative integration between the MMPA and the Fisheries Act.
63. Concerned about complexity of document and time available for submissions.

Taranaki Commercial Fishers (23rd October)

Present were representatives of MPI Seafood NZ, Te Ohu Kaimoana, Egmont Seafoods, and a number of independent commercial fishers.

64. High degree of concern about the significant economic impacts of current measures and pessimism about the future outlook for the regional commercial fishing industry. Need access to warehouse and rig to survive.
65. Much scepticism about both the scientific basis for the TMP and the estimates of economic impact on fishers which was considered to be grossly understated, with little confidence in the process and feelings that decisions had already been made according to a hidden agenda.
66. Incorrect information also being presented on methods, nets usually 2-4m high, not 10m as stated in TMP.
67. A key theme voiced repeatedly by most participants was that Maui's dolphins are not present in Taranaki, and have rarely if ever been caught by commercial fishers. Questioned how to mitigate for something that is not seen.
68. Criticism about failure to develop a clear research program after a decade. Private sector should support research.
69. Limited focus on disease and predation.
70. Future survey effort needs to be increased, including inshore areas within 2nm.

71. General consensus that it was necessary to move beyond the 'blame game' and to work constructively to find ways of continuing to fish inshore waters while minimising risks to the dolphins (seasonal closures, net modifications). Alternative set netting measures were discussed, along with research ideas (e.g., satellite tagging) within a structured program to determine distribution/abundance more accurately. Peer reviewed research on effectiveness of pingers was cited, with suggestions that this should be an area of focus for future research to determine application for Maui's dolphins.
72. More resources needed to be assigned to verification of species following sightings.
73. Spatial conflicts are squeezing fishers into smaller areas, and potentially leading to trawlers entering their areas to avoid carrying observers.
74. Status quo options are in fact, interim measures, whereas they should be the position prior to July 2012.
75. Suggested that techniques for captive breeding and translocation could be trialled on the more numerous Hector's dolphins, drawing on successful experience of other species recovery programs.
76. It was questioned why farmers are subsidised for riparian planting, while fishers are denied any form of compensation or financial support for fishers in increasing levels of protection for Maui's dolphins.
77. Strong concerns were voiced about seabed mining, noting potential for widespread environmental impacts that could tip the sub-species into extinction. Feeling that because so much money is at stake, government will not listen to concerns. Seabed is considered flat and featureless, though fishers know this is not a true reflection of the ecological diversity and abundance.
78. Concerned about short timeframe available for officials to develop final advice in order for ministers to announce decisions before Christmas, and ability of fishing stakeholders to articulate concerns in submissions.

Raglan Community (24th October)

This meeting was organised through the Whaingaroa Environment Centre with an open public invitation, and was well attended by members of the local community and MPI.

79. High degree of concern about status of species, with strong desire for community involvement in management options.
80. Equally high degree of concern over lack of policing of existing fisheries restrictions. Known issues of illegal trawling, reported to authorities but no response. Needs automatic, 24hr monitoring and surveillance technology (AIS/VMS/drones).
81. Suggestion that 90% autopsies indicate tuberculosis/liver fluke as cause of death. Also noted error in assigning sighting within Raglan harbour.
82. 4nm suggested as extent of offshore range.
83. Strong appetite amongst community for full protection throughout current and historic range.
84. Concerns that overfishing was contributing to the demise of Maui's dolphin, which are an indicator species reflecting poor marine environmental health. Ecosystem based management preferred.
85. Questioned why MPI did not support 100m depth contour, when DOC considers this the best available scientific information, and why MPI instructed NZ to vote against IUCN motion. Also sought MPI position on Maui's recovering throughout their historic range – would this lead to more restrictions.
86. Criticism that capture in Taranaki was legally required to be put back into the sea dead.
87. Strong concerns over impacts of seismic surveying, petroleum and seabed mining.
88. Concerned about the complexity of the document and time available for submissions, and ability of community members to articulate concerns in submissions.

Environmental Defence Society (25th October)

89. Key task to ascertain the actual impacts – financial and catch rates – since exclusions were put in place.
90. Decisions need to be made under appropriate legislation. Maui's is a critical species for protection under the MMPA, and measures under this act are not subject to the same legal challenges as the Fisheries Act. MMS is the primary conservation tool, but must include effective restrictions.
91. DOC needs to show more backbone in dealing with both the Minister and MPI.
92. The TMP lacks distinct goals, so it is difficult to measure achievement. Objective should be historic population.
93. MPI research program should not be replicated – needs to be science driven and administered with reasonable costs. Criticism that the TMP did not include outline of existing and future research commitments with indications of costs.
94. Concern about simply documenting decline of species with focus on observer presence rather than measures to reduce fishing risks.
95. TMP does not properly address cumulative effects.
96. TMP is particularly weak on mining – prospecting and exploration allows investment which makes subsequent restrictions more difficult to implement.
97. Maui's dolphins are at crisis point. Strong sense that under these circumstances there should be a blanket prohibition on all activities initially and only when confident that the population is recovering should government review the restrictions.
98. No strategy for RMA/regional coastal planning and no strategy for pollution prevention from land.

Greenpeace (25th October)

99. Concerned that MPI did not present option of implementing IWC/IUCN recommendations. Failure to present option creates need for dual consultation.

Taranaki regional fishing quota holding iwi interests (26th October)

Organised by Te Atiawa Holdings, and attended by representatives of the Paua2 fisheries forum.

100. Noted impossibility of timeframes for submissions, given that iwi leaders had to report back to hapu. Also questioned timeframe for decision and implementation.
101. Concerns raised about the expert panel and the outcomes of the risk assessment.
102. Questions asked about methodologies used to determine a declining population, and if recovery was even possible.
103. Noted need to recognise the lack of information. Belief that seasonal effects and predation on a depressed population are having the most impact.

Port Waikato (26th October)

Organised by Huakina Trust Development Board, this meeting was also attended by MPI, local F&B, members of the public and a number of recreational and commercial fishing stakeholders.

104. Questioned certainty about scientific data, with doubts about Slooten's work.

105. Noted certainty of opinion that Maui's only in harbour mouths, not inside. Referred to thousands of hours on water in harbours, and specified commercial fishing boats with highest observer coverage, all with no sightings within Manukau Harbour. Successive submissions reflecting this information ignored.
106. Strong criticism about focus on set-net entanglements, stating with conviction that photographic evidence in all mortalities proves involvement of drift-nets in every case.
107. Claimed to have evidence that the Manukau T-Pod trials were falsified, and that DOC officials had changed the location of a sighting in order to extend sanctuary boundary.
108. Vehement opposition to further restrictions within harbours, and concerns about arbitrary way lines have been drawn on maps. Also questioned why a Maui's mortality in Taranaki should affect fishing in the Manukau.
109. Questioned the need for new restrictions when the existing ones were not policed properly. Need much more enforcement capability, which has dropped off markedly in last 5 years.
110. Strong criticism about lack of notification of consultation process, and inability to submit within the timeframe available.
111. From a kaitiaki perspective, noted that it was important first to ensure the environment was healthy, before considering people. It was also critical to determine the root causes of the species' decline. Everyone is responsible, and something positive must be put in place to provide for tomorrow's needs.

Taranaki Conservation Board (2nd November)

In addition to the board members, representatives from commercial fishing, seabed minerals, Taranaki Regional Council, EPA and MBIE were in attendance.

112. Questions were asked about genetics, population estimates, research priorities and whether the species could actually recover.
113. Strong doubts noted about the level of central government commitment, specifically how much budget had been assigned to fund recovery and research.
114. Concerns raised about the need for immediate action versus continued information gathering through research.
115. Further concerns noted about impacts on international reputation.
116. Fishing representative noted similar concerns as raised in meeting of 23rd October, and estimated that the cost of exclusion was currently something of the order of NZ\$6-7 million per annum, approximately NZ\$15m total so far.
117. Seabed minerals representative noted similar concerns as raised in meeting of 16th October, and noted wide range of environmental studies being undertaken (sediment transport, plume modelling, bathymetry, benthic ecology, shoreline stability, experimental determination of recolonisation of deposited sediments, aerial cetacean surveys, chemical and toxicological studies)

Summaries from Representative Groups

Commercial Fishing Industry (including iwi fishing interests)

Total number of relevant submissions: 16

Received from:

- Peter Ashby, commercial set-net fisherman in Kaipara and Manukau Harbours

- Kerry Torpey, commercial fisherman in Manukau Harbour
- Mark Roberts, commercial fisherman in Manukau Harbour
- Paul Botica, commercial fisherman in Manukau Harbour
- D.M. Mawson, Shareholder of Egmont Seafoods Ltd, fisher
- Chris Powell, Taranaki commercial fisherman
- Ocean Pearl Fisheries Ltd; 18 full- and part-time employees, reduced to 5 due to closures
- Egmont Seafoods Ltd; 18 full-time and 5 part-time employees, 7 vessel owners, 16 crew; support Seafood NZ submission
- Compass Rose Fishing Ltd New Plymouth
- Sanford Limited
- Challenger Finfisheries Management Co Ltd and South East Finfish Management Co Ltd; support Seafood NZ and quota holders in affected areas
- Seafood New Zealand
- Te Ohu Kaimoana Trustee Limited
- Te Atiawa (Taranaki) Settlements Trust; support Te Ohu Kaimoana submission
- Te Atiawa (Taranaki) Holdings Limited; support Te Ohu Kaimoana submission
- Taranaki Iwi Trust; support Te Ohu Kaimoana submission

General themes

118. Disappointment at lack of information gathered since 2000 to support comprehensive management plan where population objectives are set out and drive identification of research needs.
119. Frustration that fishing is blamed and restricted, but no plan in place to determine if measures are effective.
120. Frustration (Te Ohu et al.) at having an inadequate time frame to read and comprehend large documents, communicate them to whanau/hapu/iwi, and formulate a proper response.
121. Little evidence that Maui's dolphins are found in the new restricted area to the south, as last confirmed sighting was only as far south as Raglan. No korero (talk or stories) about these dolphins among Taranaki iwi.
122. Dolphins never sighted in Kaipara or Manukau Harbours, only outside the bar on the West Coast.
123. Little faith (or outright rejection of: Te Ohu et al.) in conclusions of risk assessment or recommendations based on those conclusions:
 - Risk assessment conclusions are highly improbable as fishing-related deaths would result in 7.6% annual decline and actual estimate is 3.7% from all sources.
 - Net deaths are due to illegal fishing with drift nets, not properly set nets.
 - Risk due to disease (toxoplasmosis and brucella) is not given enough attention and should be investigated and mitigated.
 - Small population is more vulnerable to predators and disease and this natural mortality may be the cause of decline.
124. Further closures are not warranted as observer programmes have not resulted in sightings.
125. Manukau fishermen in particular stress that inner harbour and offshore set netting practices are different and should be managed according to those differences.
126. Spatial closures should not be made on the basis of emotion or sheer numbers of submissions, particularly electronic petitions.

Options chosen (excluding fishing options detailed above)

127. MMS Option 1 – No MMS variation:
 - As no dolphins have been sighted by observer programme, the MMS should not be extended.
 - Some support (Seafood NZ et. al) for continuation of interim measures to Hawera, in combination with seasonal (winter) access to 0-2 nm areas for warehou and rig. Observers should be onboard and pingers used. Observers trained in collection of

- biopsy samples. If dolphin sighted, fishery closed until sub-species testing confirmed.
- Some support (Te Ohu et. al) for managed winter access (observers and pingers) to fisheries from 2-7 nm.
 - Manukau and Kaipara harbours should not be closed to net fishing.
128. Coastal Development:
- Some support (based on commentary, not explicitly stated) for option 4 (Egmont) and option 5 (Egmont and Challenger).
129. Disease:
- Strong support for all options to investigate disease as a threat and education around and mitigation of human-induced sources of disease.

Additional suggestions

130. Pingers should be tested with Hector's dolphins and used for mitigation of fisheries risks for Maui's dolphins.
131. Satellite tagging of Maui's dolphins is urgently needed to determine distribution of sub-species.
132. Observers should be trained to collect biopsy samples.
133. Development of vaccines to protect Maui's dolphins against disease.

Recreational fishers

Total number of relevant submissions: 2

Received from:

- Counties Sports Fishing Club Inc (CSFC); ~700 members
- Dave Lawrence, recreational set netter in Manukau Harbour

General themes

134. Disappointment and offended at not being invited to consultation meetings. Only found out via mention in newspaper. Not a fair public consultation.
135. Feel that media have misrepresented reasons for decline and the Taranaki bycatch (not proven to be Maui's).
136. Believe there is a lack of evidence that legal recreational fishing and boating are related to the decline in Maui's numbers.
137. Have never seen a Maui's dolphin within Manukau Harbour or Waikato River.
138. Support status quo: no changes to recreational fishing and boating regulations or rolling back to pre-2008 areas.
139. Net-caught dolphins were caught in illegal drift net, not set net. More focus should be placed on education and patrolling for illegal fishing, not further regulation.

Options chosen (excluding fishing options detailed above)

140. Recreational Boating:
- Option 1 – Promotion and enforcement of MMPR. (Note from Dave: The options weren't specifically mentioned, but group supports status quo + greater enforcement re: MMPR.)

Additional suggestions and commentary

141. CSFC: We are by far the biggest user group of the said area making us a major stakeholder.
142. Reference to long-term cultural value of fishing and boating rights, as well as enjoyment of dolphins

Whānau, hapū and iwi

Total number of relevant submissions: 2

Received from:

- Te Rūnanga o Ngāti Whātua (TRNW) – In support of Auckland Council submission
- Te Uri o Hau Settlement Trust/Environs Holdings (TUHST) – ~7000 beneficiaries of Trust; Hapu: Ngati Tahuu, Ngati Tahinga, Ngati Rangi, Ngati Mauku, Ngati Kauae, Ngati Kaiwhare, and Ngati Kura

General themes

143. Frustration at the limited opportunity for consultation (TUHST), particularly with MPI.
144. Reminder of statutory obligations to Maori, and desire to be included in annual planning and review process.
145. Recognition of Maui's dolphin as taonga and responsibility of iwi as kaitiakitanga to protect Maui's dolphins throughout their range.
146. Support for extension of MMS to cover entire range (Hawera or further south), with moratorium/prohibition on seismic, petroleum, and seabed mining in this area.
147. Support for a broad range of non-regulatory threat management options around recreational activity, coastal development, and research.

Options chosen (excluding fishing options detailed above)

148. MMS – Support for additional protection:
 - TRNW (per Auckland Council submission): Ban on set-netting and trawling to 100 m depth contour (12 nm is acceptable alternative) from Maunganui Bluff to Wellington, including corridor to S. Island and all West Coast Harbours.
 - TUHST: Option 2.
149. Seismic Surveying:
 - TRNW (per Auckland Council submission): Preference for Option 3c and 5, plus D-G of DOC should carefully consider EIA for all surveys within 20 nm of MMS boundary.
 - TUHST: Option 4 and 5.
150. Seabed Mineral Exploitation:
 - TRNW (per Auckland Council submission): Option 3c, but actually support a total ban on seabed mining activity in the MMS. Code of Conduct would be welcome to make the implications of extensive sand mining more apparent.
 - TUHST: Option 5.
151. Commercial Marine Mammal Tourism:
 - TRNW (per Auckland Council submission): Option 2.
 - TUHST: Option 3 and 4.
152. Commercial Shipping:
 - TRNW (per Auckland Council submission): Option 2, with qualifying statement indicating “apart from those discharges which are permitted activities under the RMA.”
 - TUHST: Option 2.
153. Marine Spills:
 - Options 2, 3, 4.
154. Coastal Development:
 - Options 1, 2, 3, 4, 5.
155. Thundercat Racing:
 - TRNW (per Auckland Council submission): Prefers total ban.
 - TUHST: Options 2, 3, 4.
156. Surf Life Saving:
 - Options 1, 2.
157. Recreational Boating:
 - Options 1, 2, 3, 4.
158. Scientific Research:

- Options 1, 2, 3, 4, 5, 6.
159. Disease:
- TRNW (per Auckland Council submission): Option 1.
 - TUHST: Options 1, 2, 3.

Additional suggestions and commentary

160. Te Uri o Hau request that a direct link be shown within the threat management plan to the management plans and strategies developed by Te Uri o Hau. These documents include: Te Uri o Hau Kaitiakitanga o te Taiao (Te Uri o Hau hapu environmental management plan), October 2011; The Integrated Kaipara Harbour Management Group's Integrated Strategic Plan of Action; Kaipara Moana, He Mahere Rautaki Whakakotahi creating a healthy and productive Kaipara Harbour, November 2011.
161. Te Uri o Hau sees Maui dolphin and other marine mammals as a taonga. This is because of the low numbers left now of the Maui dolphin. Te Uri o Hau cultural values are intrinsic to the management and protection of this unique species. Te Uri o Hau support the integrated management approach that DoC and MPI want to implement but want to encourage that iwi are involved in this process. Options of management and threats need to be addressed at an integrated approach so that these options can be strengthened by both DoC and MPI together.

Conservation boards

Total number of relevant submissions: 3

Received from:

- Taranaki/Whanganui Conservation Board (TWCB)
- Auckland Conservation Board (ACB)
- West Coast *Tai Poutini* Conservation Board (WCTPCB)

General themes

162. This population is in a critical status and the precautionary approach must be used in decision-making.
163. Two stakeholders (ACB and WCTPCB) support most of the proposed conservation measures, particularly extension of the MMS and banning net fishing throughout the range of Maui's dolphins.
- ACB further suggest: Immediately banning the use of commercial and recreational gill and trawl nets in waters of up to 100 metres deep from Baylys Beach to Whanganui.
164. One stakeholder (TWCB) believes the current MMS provides enough protection.
- More robust research should be conducted by MPI/DOC/commercial fishing interests before additional changes are considered.
 - Suggested research into: distribution and range of both sub-species along the WCNI; population characteristics; breeding grounds and population recruitment/recovery rates; population modelling; relationship and interbreeding between sub-species.

Options chosen (excluding fishing options detailed above)

165. MMS:
- Two stakeholders (ACB and WCTPCB) prefer Option 2.
 - One stakeholder (TWCB) prefers Option 1, as proposed changes must be predicated on robust research and this does not exist.
166. Seismic Surveying:
- One stakeholder (ACB) prefers Option 3a.
 - One stakeholder (WCTPCB) prefers prohibition of seismic surveying within the MMS (Option 3c) as an interim measure until new regulations can be developed and implemented (Option 4).

- Two stakeholders (ACB and WCTPCB) also prefer to prohibit petroleum mining throughout the MMS (Option 5).
167. Seabed Mineral Exploitation:
 - Two stakeholders (ACB and WCTPCB) prefer Option 3d and Option 4, and WCTPCB would also like a Code of Conduct developed akin to the seismic CoC (Option 5).
 168. Commercial Marine Mammal Tourism:
 - Two stakeholders (ACB and WCTPCB) prefer Option 3 and 4.
 169. Commercial Shipping:
 - Option 2 (ACB) and Option 3 (WCTPCB).
 170. Marine Spills:
 - Options 3 and 4 (ACB and WCTPCB) and Option 2 (ACB).
 171. Coastal Development:
 - Options 1, 2, 3, 4, 5 (ACB and WCTPCB).
 172. Thundercat Racing:
 - One submitter prefers total ban (WCTPCB) and one (ACB) prefers Options 1, 2, 3, 4.
 173. Surf Life Saving:
 - Options 1, 2 (ACB and WCTPCB).
 174. Recreational Boating:
 - Options 1, 2, 3, 4 (ACB and WCTPCB).
 175. Scientific Research:
 - Options 1, 2, 3, 4, 5, 6 (ACB and WCTPCB).
 176. Disease:
 - Options 1, 2, 3 (ACB and WCTPCB). WCTPCB also support use of necropsy to determine cause of death.

Additional suggestions and commentary

177. TWCB: A trigger for reviewing the current extension of the West Coast North Island Marine Mammal Sanctuary could be the fatality of more than one confirmed Maui's dolphin per annum from fishing activity.
178. ACB: The Board supports longline fishing in Marine Mammal Sanctuaries (MMS) and elsewhere as the preferred method of commercial fishing.
179. ACB: The very structure of MMS's allows for the control of fishing methods. FULL advantage should be taken of this.
180. WCTPCB: In making this submission we are aware that approximately 75% of the Hector's dolphin population is on the West Coast of the South Island and although not as endangered as the Maui's dolphin population the issues raised in the report are applicable to Hector's dolphins also.

Councils

Total number of relevant submissions: 2

Received from:

- Auckland Council (AC)
- Taranaki Regional Council (TRC)

General themes

181. Different views from these two stakeholders:
 - AC recommend total protection - total ban on netting/trawling and mining and petroleum prospecting, exploration, and extraction on West Coast to 100m depth contour, including harbours and corridor to S. Island.

- TRC caution against prohibition of petroleum, mining, and seismic work, but indicate that their current coastal plan review process will include consultation with DOC and may allow application of rules beyond the MMS.
182. Both agree that coastal development options presented are good, though TRC point out that the first three options are status quo and require no action beyond processes that are already in place.
183. AC strongly recommend that a collaborative research and management process be put in place, with the Minister of Conservation in charge of fisheries controls and DOC acting as the central repository for data and information about Maui's dolphins.

Options chosen (excluding fishing options detailed above)

184. MMS:
- AC: Ban on set-netting and trawling to 100 m depth contour (12 nm is acceptable alternative) from Maunganui Bluff to Wellington, including corridor to S. Island and all West Coast Harbours.
185. Seismic Surveying:
- AC: Preference for Option 3c and 5, plus D-G of DOC should carefully consider EIA for all surveys within 20 nm of MMS boundary.
 - TRC: Council will consult DOC during current coastal plan review and may institute rules beyond the area of the MMS. A detailed risk analysis and cost benefit analysis would be required to support any prohibition of petroleum mining.
186. Seabed Mineral Exploitation:
- AC: Option 3c, but actually support a total ban on seabed mining activity in the MMS. Code of Conduct would be welcome to make the implications of extensive sand mining more apparent.
187. Commercial Marine Mammal Tourism:
- AC: Option 2.
188. Commercial Shipping:
- AC: Option 2, with qualifying statement indicating "apart from those discharges which are permitted activities under the RMA."
189. Marine Spills:
- AC: Options 2, 3, 4.
190. Coastal Development:
- AC: Options 1, 2, 3, 4, 5.
 - TRC: Options 1-3 are status quo and no action is required, support Options 4-5.
191. Thundercat Racing:
- AC: Prefers total ban.
192. Surf Life Saving:
- AC: Options 1, 2.
193. Recreational Boating:
- AC: Options 1, 2, 3, 4.
194. Scientific Research:
- AC: Options 1, 2, 3, 4, 5. Option 6 is subjective and mostly covered by Option 5, so not necessary.
195. Disease:
- AC: Option 1.

Additional suggestions and commentary

196. TRC: The Council does regular survey and inspection work along the Taranaki coastline and will report any sightings observed of a Hector's or Maui's dolphin to DOC.
197. AC: Amalgamate FMA SP08 with SP01 to give fishers other options.
198. AC: Pingers should not be used as mitigation.
199. AC: Call for MMS to be implemented immediately off West Coast of South Island reaching northward to Farewell Spit to allow for protection of migratory animals. MMPA 1978 should be amended to allow bycaught animals to be brought to shore.

200. AC: Translocation should not be considered at this point, but may be necessary in the future. Strongly oppose captive breeding.
201. AC: Distribution and gene flow work should continue; genetic mark-recapture is preferred. DOC need to better promote public sightings programme. Research should not be undertaken to observe the effects of mining on dolphins, as this will just provide for mining, which should be prohibited in the MMS. Marking of animals when genetically sampled to allow for re-identification. DOC should be central repository for all data and information about Maui's dolphins
202. AC: We further believe that the Minister of Conservation should be the primary decision maker regarding fisheries controls with a paradigm of biodiversity protection being the primary driver, not fisheries management.

Environmental groups

Total number of relevant submissions: 18

Received from:

- Barbara Maas, NABU International - Foundation for Nature
- Chris Howe, WWF NZ (On behalf of the following organisations: Forest and Bird, Greenpeace, NZ Whale and Dolphin Trust, ECO, Humane Society International, Project Jonah NZ, WDCS, Sea Shepherd, Earthrace, Society for Conservation Biology – Victoria University chapter, Care for the Wild, Animal Welfare Institute, IFAW, NABU, WSPA, Cetacean Society International, American Cetacean Society, Maui's and Hector's Education Action, Earth Island Institute, Campaign Whale, Whale Conservation Institute, Nantucket Marine Mammal Conservation Program, Origami Whales Project, Whaleman, Save the Whales Again!, Surfers for Cetaceans, Ocean care, NRDC, Ric O'Barry's Dolphin Project, Fundación Yubarta, Instituto Baleia Jubarte, OCC-Uruguay, MEER, Programa EcoMar, ECCEA, Pacific Whale Foundation, Comarino, Fundación Cethus, Acorema, Equilibrio Azul, Fun de Mar, EIA, Nature Conservancy – Japan, Pro Wildlife, Preserve planet.org, Green Heritage Fund Suriname, Green Vegans, ASVEPA, Centro para la Conservación y Desarrollo de Samaná)
- Aimee Leslie, Global Cetacean and Marine Turtle Manager
- Rochelle Finlay, Friends of Taputeranga Marine reserve trust
- John Edgar, The Waitakere Ranges Protection Society
- Barry Weeber, ECO of NZ Inc
- Irene Schleining, Whale of a Time
- Milena Palka, WWF
- Zuni Steer, Forest and Bird
- Kimberly Muncaster, Project Jonah New Zealand
- Karli Thomas, Greenpeace Aotearoa New Zealand
- Kate Mulcahy, Environmental Defence Society
- Pete Bethune, Earthrace
- Augusta Macassey-Pickard, Forest and Bird Mercury Bay Branch
- Katrina Subedar, Forest and Bird
- Kristel van Houte, A Rocha Aotearoa New Zealand
- Mike Bossley, Whale and Dolphin Conservation Society Australia

The list represents non-governmental organisations that collectively voice the concerns of millions of supporters worldwide and hundreds of thousands of New Zealanders. They understand the gravity pointed out by the latest population numbers from scientific research and they believe that the major cause of this decline is due to unsustainable fishing practices. Where there is uncertainty a precautionary approach should be taken.

General concerns around the TMP consultation process:

203. Despite the urgency of action, the measures should be carefully considered and designed. The time provided is insufficient to prepare a proposal for consultation, to review submissions, and to develop alternative proposals. This does not conform to consultation obligation detailed in Section 12 of the Fisheries Act.
204. The consultation document does not provide goals around the recovery to provide long term viability of the species (population targets, achievable management goals and clear, time bound actions).
205. The TMP does not reflect adequately the gravity of the threats to Maui's in consideration of their low population level.
206. The document is unclear around the Maui's dolphins 'range' term (natural vs historical range).
207. It should include an assessment of compliance to date, the effectiveness of monitoring and enforcement measures, and proposals for improvements where appropriate.
208. The fisheries section lacks consequences for each option that will be chosen by Ministers. Options are narrow and more are required for an informed decision: full protection of Maui's range (12nm as WCNI MMS); consideration of maintenance of viable level, to recover to a higher biomass level; other legislation obligations.
209. The document is lacking around regulation and monitoring of recreational activities and incident reporting.
210. The document is misleading on the ideas that the current legislative structure provides the necessary mechanisms to achieve adequate protection for either subspecies; and that distance from shore provides a meaningful indication of habitat preferences/species range.
211. Submitters note the inconsistency with suggestions from risk assessment.
212. Submitters call for more regular reviews of the TMP.

General comments

213. NZ has conservation obligations to preserve biological diversity and act as far as possible and appropriate to promote protection of ecosystems; article 8 of Convention on Biodiversity and the Marine Mammals Protection Act
214. Submitters believe that Maui's dolphins have experienced a drastic decline due to nets since the 1970's (from >1500 to 55), and that the extinction of the Maui's dolphin is not an acceptable legacy to be passed on to future generations.
215. Submitters are concerned that there has been a lack of consideration of suggestions provided during interim measures consultation, and lack of consideration of IUCN advice (M035) and United Nations Convention on the Law of the Sea (UNCLOS).
216. Submitters believe there was a shortcoming by government DOC and MPI on the statements made at the IUCN Congress, and that government are not really working to find new fishing methods.
217. Alarm at the expected rate of incidents: 5 per year is 75.5 times higher than 1 per 10-23 years estimated as the PBR.
218. Submitters believe that full protection of Maui's dolphins is the only option.
219. Concerns are presented regarding the honesty of reporting incidents from fisherman that could be resolved with the development of a full observer coverage (human, electronic, or both).
220. Submitters support protection of the corridor between South and North Islands.
221. Changes in legislation are required to make the TMP effective and ensure recovery and long term viability of the Maui's.

Options chosen (excluding fishing options detailed above)

222. MMS:
 - Generally an extension of the boundary of the Marine Mammal Sanctuary along the coast from Maunganui Bluff to the Wanganui River mouth, into all harbours and offshore to 100 m water depth. Some suggest a minimum of 12nm out in WCNI.

Many suggest protection of corridor between South and North Island. If limited to the presented options, Option 2 is preferred.

223. Seismic Surveying:
- Preference for Option 3c and 5 among submitters, with reference to 100m or 12nm limits. One submitter preferred Option 3b. A moratorium is also suggested until the effects of SS are well understood, for the next 5 years, or until the next review of the TMP.
224. Seabed Mineral Exploitation:
- Option 3d and 4, except one submitter who prefers Option 2b. Prohibition of mining with respect to areas of the MMS suggested. One submitter suggested a moratorium on all mining to 40 nm.
225. Commercial Marine Mammal Tourism:
- Option 3 and 4 plus moratorium on tourism targeting the Maui's.
226. Commercial Shipping:
- Option 2 by most, though several preferred Option 3. One submitter suggested to start with option 2 and regulate up to Option 3. This considers the need to access main ports and 11 near misses between 2011 and 2012.
227. Marine Spills:
- Options 2, 3, and 4, plus design a spill response plan for the area.
228. Coastal Development:
- Options 1, 2, 3, 4, 5. Plus test and check for clean waterways arriving to the sea. Cooperation among agencies is called for to achieve this.
229. Thundercat Racing:
- Options 1-4 chosen, with one submitter proposing a total ban on this activity.
230. Surf Life Saving:
- Options 1, 2. One submitter suggested that if dolphins are observed, activity should be halted or altered accordingly with mandatory reporting of sightings
231. Recreational Boating:
- Options 1, 2, 3, 4. An increase in education for behaviour of recreational boaters plus encouragement to report sightings.
232. Scientific Research:
- Options 1, 2, 3, 4, 5, 6.
233. Disease:
- Option 1 to 3 chosen. Promote research on carcasses and monitor research on disease where practical and of minimal risk to the animals.

Additional suggestions and commentary

234. One boundary for the MMS and the fishing restrictions would reduce confusion and make management more sustainable and cost effective.
235. One submitter expressed grave concerns about the TMP approach. They felt that the Ministry for Primary Industries was not best placed to address the challenges raised by a critically endangered species, because its central responsibility is to promote the sustainable utilisation of fisheries

236. It is important to recognise that the various threats listed in the Consultation Paper are potentially additive and possibly even synergistic. It is imperative that threats are assessed in totality rather than on a threat-by-threat basis. Two or more threats that would be non-lethal when assessed singly might be lethal in combination. There is inadequate information at present to properly quantify the consequences of non-lethal, chronic threat impacts. Also pointed out how the management of marine mammals in New Zealand is managed mainly by two ministries against each other. This results in a dysfunctional situation and the submitter suggested creation of an independent authority for the management of the marine mammals.
237. Regulation of fishing activities under the MMS was proposed.
238. Submitter suggested that a change of legislation relative to bycatch disposal of Maui's carcasses was needed to facilitate better reporting and post mortem studies.
239. Several submitters suggested analysis detailing the socio-economic costs versus benefits of protection to the New Zealand economy.

Scientists/research institutes

Total number of relevant submissions: 7

Received from:

- Will Rayment, Post-doctoral Research Fellow, Dept. of Marine Science, University of Otago
- Steve Dawson, Associate Professor, Dept. of Marine Science, University of Otago
- Liz Slooten, Associate Professor, Dept. of Zoology, University of Otago
- Wendi Roe and Stuart Hunter, Veterinary Pathologists, Institute of Veterinary, Animal, and Biomedical Sciences, Massey University
- Christine Cheyne, Associate Professor, Resource & Environmental Planning Programme, Massey University
- Bryan Davy, GNS Science; Philip Barnes, Principal Scientist, NIWA; Andrew R. Gorman, Senior Lecturer, Dept of Geology, University of Otago
- Mary Livingston, President, NZ Marine Sciences Society (on behalf of members)

General themes

240. TMP document is too long for general public to review, comprehend, and respond to. In the future these should be shortened, perhaps using appendices, to encourage participation in the consultation process.
241. Concerns about consultation fatigue, due to multiple reviews in 2012 and upcoming Hector's review in 2013.
242. There was a consensus that there is a major disconnect between the risk assessment and the options put forth in TMP, particularly with respect to the fisheries management options. None of the listed options provide adequate protection.
243. Based on the best available science, there is a strong preference for the IWC/IUCN option: banning gillnetting and trawling within a 100 m depth contour in all Maui's dolphin habitat, including harbours, with a N. Island – S. Island corridor. The 12 nm offshore boundary is generally acceptable as an alternative.
244. Disease should be regarded as an additional cause of mortality, but management actions should focus on risk associated with fishing as this is more easily preventable.

Options chosen (excluding fishing options detailed above)

245. MMS:
- Strong preference for 100 m depth contour in all Maui's habitat (IWC/IUCN option) and a N-S Island corridor. If limited to the presented options, Option 2 is preferred.
246. Seismic Surveying:
- Preference for Option 3c and 5 among submitters, except GNS/NIWA/Otago which prefers code of conduct within MMS for Level 3 sources.
247. Seabed Mineral Exploitation:

- Option 3d and 4.
248. Commercial Marine Mammal Tourism:
- Option 3.
249. Commercial Shipping:
- Option 3 preferred by 3 (Rayment, Slooten, NZMSS) and Option 2 by 1 (Dawson).
250. Marine Spills:
- Options 2, 3, 4.
251. Coastal Development:
- Options 1, 2, 3, 4, 5.
252. Thundercat Racing:
- Three submitters preferred total ban (Roe, Slooten, Dawson) and one (Rayment) preferred Options 1, 2, 3, 4.
253. Surf Life Saving:
- Options 1, 2.
254. Recreational Boating:
- Options 1, 2, 3, 4.
255. Scientific Research:
- Options 1, 2, 3, 4, 5, 6.
256. Disease:
- Option 1 chosen by one submitter (Rayment), Option 2 by two (Rayment, Roe), Option 3 by four (Rayment, Dawson, Slooten, NZMSS).

Additional suggestions and commentary

257. Cheyne: Research should be collaborative with public and industry funding. National Science Challenge funding in 2013 should be allocated for research.

Seabed mining and petroleum industries

Total number of relevant submissions: 6

Received from:

- OMV New Zealand Ltd – Petroleum
- Petroleum Exploration and Production Association of NZ – Petroleum; Members account for more than 95% of NZ hydrocarbon production, operate all current offshore production, and hold the majority of offshore exploration permits.
- Straterra Inc. – Seabed mining; Represents 90% by value of NZ minerals production, exploration, research, services, and support; Consulted with TTR Ltd. and Research and Environment Management Ltd.
- Trans-Tasman Resources – Seabed mining
- Rio Tinto Iron Ore – Seabed mining
- Power Projects Limited – Marine (wave) energy

General themes

258. Mixed opposition to extending MMS, with several explicitly opposed and several stating they have no objection to an extension.
259. Strong opposition to prohibition of or moratorium on activities, with arguments around economic value of resources and lack of information detailing negative effects of activity.
260. Preference for using consent process and codes of conduct to manage effects of activity on Maui's dolphins.

Options chosen (excluding fishing options detailed above)

261. MMS:
- No consensus among stakeholders, though generally opposed to extending MMS. Two submissions (Straterra and PEPANZ) explicitly chose and a third (TTR) implied

Option 1 was the preferred option, while two (Rio Tinto and OMV) explicitly stated they had no objection to Option 2.

262. Seismic Surveying:
- Seabed mining companies prefer Option 1 (Rio Tinto and TTR), while petroleum companies prefer Option 2a (PEPANZ and OMV; also acceptable to TTR). No objection from OMV to Option 3a. Strong objections from petroleum companies(?) to any option which prohibits activity.
263. Seabed Mineral Exploitation:
- Petroleum companies offered no opinions. Rio Tinto prefers Option 1. Straterra offers zoned strategy: prohibition from 0-2 nm, consent process from 2-5 nm (with effects on Maui's dolphin dealt with during consent process), no extension of MMS, and development of code of conduct. Strong objections to moratorium as disincentive to investment.
264. Marine Spills:
- OMV only stakeholder offering an opinion. Support Options 1, 3, and 4 and have no objection to Option 2. Query whether AIS will be used on fixed installations as well as vessels.
265. Coastal Development:
- OMV only stakeholder offering an opinion. Support Options 4 and 5.
266. Research:
- TTR only stakeholder offering an opinion. Support the proposed research initiatives as outlined in Table 8.1 and section 8.1.1.2. Suggests order of the listing in 8.1.1.2 does not represent a priority order.

Additional suggestions and commentary

267. Straterra: Thompson (2012) report has errors of fact and should not be given credence.
268. PPL: Believe the WET-NZ wave energy converter will operate in open sea environments without significant environmental effects. Exclusion zones around device arrays will act as de facto marine reserves.

Local boards

Total number of relevant submissions: 4

Received from:

- Waitakere Ranges Local Board (WRLB)
- Whau Local Board (WHLB) - Endorsed the submission of WRLB
- Waiheke Local Board (WALB)
- Devonport-Takapuna Local Board (DTLB)

General themes

269. Implement full protection measures and testable management targets for recovery of Hector's and Maui's dolphins.
270. Eliminate use of commercial and recreational set nets (gill netting) and trawling within the Manukau harbour.
271. Extend protection out to the 100 m depth contour along the West Coast, from Cape Reinga to Tasman Bay.
272. Introduce a comprehensive scientifically sound observer programme on trawlers and boost policing of measures within the 100 m depth contour.
273. Ban petroleum and seabed prospecting, exploration, and mining throughout the protected area, including seismic.
274. Place plans to build tidal electricity generation facility at mouth of Kaipara Harbour on hold

Options chosen (excluding fishing options detailed above)

275. MMS:

- Strong preference for protection within 100 m depth contour on West Coast and ban on gill netting in Manukau harbour (WRLB, WHLB, and WALB)
- Extend protection from northernmost point of North Island to Tasman/Golden Bay on South Island out to 100 m depth contour (WRLB, WHLB).

276. Seismic Surveying:

- Ban on all oil/petroleum prospecting throughout protected areas, including seismic testing (WRLB, WHLB).

277. Seabed Minerals:

- Ban on all seabed prospecting and mining throughout protected areas (WRLB, WHLB).

Additional suggestions and commentary

278. WRLB: Put hold on plans to build tidal electricity generation facility at mouth of Kaipara Harbour.

Members of Parliament and other politicians

Total number of relevant submissions: 2

Received from:

- Ruth Dyson, MP Port Hills, Labour Conservation Spokesperson
- Celia Wade-Brown, Mayor of Wellington

General themes

279. A united and collaborative approach is needed across ministries, as current adversarial approach of conservation vs. fishing interests is damaging New Zealand's reputation.
280. Introducing sustainable fishing practices is critical to the future of New Zealand's fishing industry, and must occur to protect our clean, green reputation internationally.
281. Support for ban on gillnets and trawling to 100 m depth contour, including harbours and corridor between N. and S. Islands.
282. Monitoring and research are essential, and it should be a priority to institute a rigorous and comprehensive programme.

Options chosen (excluding fishing options detailed above)

283. MMS:

- Dyson: Preference for variation on Option 2: Ban gillnets and trawling within 100 m depth contour or 7 nm to Hawera, including West Coast harbours. Additional protection in Cook Strait, Golden Bay, and Tasman Bay.
- Wade-Brown: No preference listed, though "facilitation of safe movement between the Islands and between sub-species populations is critical".

284. Seismic Surveying:

- Dyson: Variation on Option 3a: 100 m depth contour or 7 nm.

285. Coastal Development:

- Wade-Brown: Option 2.

286. Scientific Research:

- Dyson: Monitoring and research essential.

Additional suggestions and commentary

287. Dyson: The fishing industry should be supported to move to sustainable practices.
288. Wade-Brown: Improve information on Maui's dolphin distribution and set net activity in West Coast Harbours, and extend to Wellington Harbour.

289. Wade-Brown: Greater advocacy and education for managing and understanding recreational risks to Maui's dolphins.

Community and public interest groups

Total number of relevant submissions: 8

Received from:

- Earthrace Conservation (EC)
- Friends of Nelson Haven and Tasman Bay Inc (FNH)
- Paul Moss (www.mauisdolphin.com); 81 members on Facebook, 6 video submissions (PM)
- Peggy Oki (www.lets-face-it-dolphins.com/visual-petitions); 4863 signatories, including Sylvia Earle, Jean-Michel Cousteau, Ric O'Barry, and others (PO)
- Kiwis Against Seabed Mining (KASM)
- Surfers for Cetaceans (S4C)
- Muriwai Environmental Action Community Trust (MEACT)
- Auckland Labour Environmental Network (ALEN)

General themes

290. Recovery of Maui's dolphins should be treated as seriously as it is for endemic bird species, with a clear plan of action, population targets, achievable management goals, and time bound actions.
291. Strong preferences for addition protection across the entire range of Maui's dolphins. Most define this as within the 100 m depth contour, including harbours and a N. Island to S. Island contour.
292. Gill netting and trawling should be banned in this range. Full observer coverage should be present on any fishing boats in or near this range.
293. Ban on seismic and seabed mining within this range, with suggestions that these bans should extend well beyond Maui's habitat.

Options chosen (excluding fishing options detailed above)

294. MMS - Strong preference for additional protection:
- Five stakeholders favour a ban on gill nets and trawling to 100 m depth contour in all Maui's habitat, including harbours and a N-S Island corridor. The remaining three submissions prefer option 2.
295. Seismic Surveying – Strong preference for additional protection:
- General preference for Option 3c among those who addressed seismic surveying, with several suggesting a ban or prohibition within the MMS or further (50 nm beyond the boundary).
296. Seabed Mineral Exploitation – Strong preference for additional protection:
- A variety of options were selected, including 3c, 3d, 4, and 5. Most consistent theme was a total ban on seabed mining throughout the range of Maui's dolphins.
297. Commercial Marine Mammal Tourism:
- FNH: Option 4; not addressed by other submissions.
298. Commercial Shipping:
- FNH: Option 3; not addressed by other submissions.
299. Marine Spills:
- FNH: Options 2, 3, 4; not addressed by other submissions.
300. Coastal Development:
- FNH: Options 3, 4, 5; not addressed by other submissions.
301. Thundercat Racing:
- FNH: Options 1, 2, 3; ALEN: suggest "controls", but no specific action; not addressed by other submissions.
302. Surf Life Saving:

- FNH: Options 1, 2; ALEN: suggest “controls” but no specific action; not addressed by other submissions.
303. Recreational Boating:
- FNH: Options 1, 3, 4; not addressed by other submissions.
304. Scientific Research:
- FNH: Options 1, 2, 3, 4, 5, 6; not addressed by other submissions.
305. Disease:
- FNH: Options 1,2,3; not addressed by other submissions.

Business development groups

Total number of relevant submissions: 2

Received from:

- Venture Taranaki Trust (VTT) – support submission of Seafood New Zealand
- Taranaki Chamber of Commerce (TCC) – 670 member businesses; support submissions of individual members, Seafood New Zealand, and Venture Taranaki Trust

General themes

- 1) MMS should not be extended.
- 2) In some circumstances commercial fishing is permissible between Pariokariwa Point and Hawera, with suitable safeguards for Maui’s dolphins.

Options chosen (excluding fishing options detailed above)

- 3) MMS:
 - TCC: Option 1; Fishermen should have access to main target species of Rig and Warehou.
 - VTT: active risk management rather than exclusionary approach.
- 4) Scientific Research:
 - TCC: Disappointed that an annual planning, research, and review process is still under development.

Additional suggestions and commentary

- 5) Fishing and seafood processing generates \$10 m annually and employs 79 FTE in Taranaki. It is worth preserving from economic and social perspectives, and can be actively managed to ensure minimal adverse impact on the Maui’s dolphin population.

Individuals (non-petition)

Total number of relevant submissions: 138

Received from:

- Members of the public submitting as individuals
- Of 138 individual submissions, the vast majority are from NZ. 19 submitters indicate they are from Raglan and 10 submitters indicate they are from the Taranaki region.
- 19 out of 138 submissions record an overseas country address. Two individuals submitted in a foreign language.

General themes

In support of increased protection measures

- 6) Of 138 individual submissions, all but two expressed preferences for the implementation of increased protection for Maui’s dolphins.

- 7) Submitters urged the Government and/or government agencies to take urgent action to protect Maui's dolphins, a species on the brink of extinction.
- 8) Submitters made reference to the degradation of New Zealand's "clean green" image in the eyes of New Zealanders, and internationally, in relation to Maui's dolphins.
- 9) Submitters voiced concern that the proposed measures did not go far enough to protect dolphins from any human induced death with many advocating a ban on set-netting and trawling to 100m contour depth (or 12 nm, or 50 nm) and an extension to the area of the MMS.
- 10) Approximately 1/2 of the individual submitters used some or all the following text (or similar) in their submissions:
 - Extend the set net ban between 0 and 4 nautical miles offshore from Pariokariwa Point to Hawera.
 - Prohibit the use of commercial set nets between 4 and 7 nautical miles offshore from Pariokariwa Point to Hawera without an observer onboard.
 - Extend the existing set net ban in the entrance of the Manukau Harbour further into the harbour.
 - Improve information on Maui's dolphin distribution and set net activity in the west coast North Island harbours, with a focus in the Manukau Harbour.
 - Extend the trawl ban from 2 and 4 nautical miles offshore from Kaipara Harbour to Kawhia Harbour.
 - Put in place extensive monitoring coverage in the commercial trawl fishery between 2 and 7 nautical miles offshore from Maunganui Bluff to Pariokariwa Point.
 - Exclude the activity of ring netting from the set net prohibitions in the Manukau Harbour, and other WCNI harbours.
 - Require commercial set net fishers to report the start and end position of each set net they deploy.
 - Reduce the total length and/or number of set nets that can be deployed at any one time, introduce seasonal closures in the commercial and amateur set net fishery, and/or introduce maximum headline heights for trawl nets.
 - Extension of the WCNI MMS south to Hawera and offshore to 12 nautical miles.
 - Develop stand-alone regulations under the Marine Mammals Protection Act to regulate seismic operations.
 - Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary.
- 11) A small number of submitters made reference to the Fisheries legislation or the Marine Mammals Protection legislation where they believe provides for emergency powers to stop fishing when a species such as Maui's dolphin, is in rapid decline.
- 12) Several submitters called for the Department of Conservation to become the decision-maker regarding fishing activities on the West Coast, North Island rather than the Ministry for Primary Industries.
- 13) A small number of submitters commented that "the TMP consultation paper is inaccurate in its statement that the likelihood of actual mining operations within 5 years is low as there is at least one company currently preparing to lodge an application to mine in or near the Maui's habitat".

In support of the status quo or continued fishing activity

- 14) Two submitters advocated that the current protection measures were adequate, and one of the two commented that banning fishing would have an adverse economic impact on those working in the fishing industry in New Plymouth.
- 15) A small number of submitters supported the notion that economic support / compensation should be available to displaced fishers affected by any Maui's dolphin protection measures.

Options chosen by the majority of submitters (excluding fishing options detailed above)

- 16) MMS:
 - Generally an extension of the boundary of the Marine Mammal Sanctuary along the coast from Maunganui Bluff to the Wanganui River mouth, into all harbours and offshore to 100 m water depth. Some suggest a minimum of 12nm out in WCNI. Many suggest protection of corridor. If limited to the presented options, Option 2 is preferred.
- 17) Seismic Surveying:
 - Preference for Option 3c and 5 among submitters, with relation of suggested areas (100m or 12nm, or for the next 5 years, next review of TMP, allow only level 3 SS).
- 18) Seabed Mineral Exploitation:
 - Option 3d and 4. Prohibition of mining with respect to areas of the MMS suggested, there is no clear interest in mining for now but surveys suggest there will be.
- 19) Commercial Marine Mammal Tourism:
 - Option 3 and 4 plus moratorium on tourism targeting the Maui's. Some submitters suggested tourism was a lesser concern and did provide opportunity for educating the public.
- 20) Commercial Shipping:
 - Option 2 by most.
- 21) Marine Spills:
 - Options 2, 3, 4.
- 22) Coastal Development:
 - Options 1, 2, 3, 4, 5.
- 23) Thundercat Racing:
 - All options 1-4 have been chosen.
- 24) Surf Life Saving:
 - Options 1, 2. Additional suggestion that if dolphins are observed, activity should be halted or altered accordingly with mandatory reporting of sightings.
- 25) Recreational Boating:
 - Options 1, 2, 3, 4. An increase in education for behaviour of recreational boaters plus encouragement to report sightings.
- 26) Scientific Research:
 - Options 1, 2, 3, 4, 5, 6.
- 27) Disease:
 - Option 1 to 3 chosen

Additional suggestions and commentary

- 28) A small number of submitters referred to unacceptably high levels of agri-chemical / organic pollutant persisting in waterways and in the sea on the WCNI, and the detrimental effect this has (including linking this to Maui's dolphin deaths) on Maui's dolphins and the marine environment in general.
- 29) One submitter discussed and advocated for assisted reproduction, taking and storing cryogenic samples, embryo transfer, and the consequences of cross breeding of Maui's and Hector's Dolphins.
- 30) Reference was made to more sensitive forms of fishing including long-lining.
- 31) Very strong advocacy for more education and public awareness about Maui's dolphins and the marine environment.
- 32) Strong advocacy for increased training, monitoring and compliance checks on all fishing activity - especially for commercial fishers. A small number of submitters cited examples of alleged breaches of fishing regulations.

Green Party online submission guide

306. An online submission guide was created on the Green Party webpage greens.org.nz. Submitters were able to modify the content of this guide before sending to the Department. Seventy-three (73) of 364 submitters modified the content and this has been analysed separately.
307. Submitters that used the Green Party standard template to make a submission express concern over the risk of extinction of the Maui's dolphin and call for a precautionary approach to management.
308. They point out that research has identified fishing as the number one threat to survival of the Maui's dolphins, and that the protection measures proposed by Government do not adequately remove the threat of fishing from the Maui's dolphin habitat.
309. Submitters call for the immediate removal of gill nets and trawl nets along the west coast of the North Island to the 100m depth contour, including harbours, and that a corridor of protection between the North and South Islands should be implemented to allow for connectivity between Hector's and Maui's dolphins.
310. Submitters note that this request is inline with a motion passed at the world's largest conservation congress (IUCN), where 117 government votes and 459 NGO votes were cast in favour of urgent protection for Hector's and Maui's dolphins out to the 100m depth contour.
311. Submitters also comment that the Minister of Conservation should extend the West Coast North Island Marine Mammal Sanctuary including a ban on seismic surveying, petroleum mining, and seabed mineral mining within the Sanctuary boundaries.
312. Submitters comment that: "The world is watching while New Zealand's precious Maui's dolphin teeters on the brink of extinction. Now is the time for our Government to step up and protect Maui's – and be able to say we rescued a marine taonga, we didn't stand by, we did everything possible to ensure their survival."
313. A copy of the standard reply is provided as part of Appendix 6.

Green Party original comments

314. This template submission allowed for submitters to make their own comments. Of the total 364 signatories 73 made personal comments. Of these comments 17 were related to fishing, 3 were related to mining, 1 to seismic surveys. 7 provided ideas related to the MMS and protection for the habitat for Maui's dolphins. 2 mentioned the economic drive behind the lack of protection. 12 the 100% green image of NZ, 2 the Maori value and 3 the cultural value of Maui's dolphin.
315. Sixteen (16) commented on the government image and 8 mentioned government action, two submitters commented on the vote that NZ presented at the IUCN congress, 27 requested urgency of action. 16 comments expressed sympathy to the species and ideas in relation to animal rights.

An example comment:

316. New Zealand's Maui's dolphins are greatly endangered. In order to give this species a chance for survival, the Government must stop letting Maui's dolphins be killed in fishing nets. Research has identified fishing as the number one threat to the survival of Maui's dolphins, yet the protection measures proposed by Government do not adequately remove fishing threats from all the areas where these dolphins are found. A considerable proportion of tourists to New Zealand identify their access to marine wildlife as a fundamental trigger point that results in their making the decision to visit New Zealand over other countries. This differentiation must be protected. We don't have Disneyland or the London Eye, our investment is in the natural world that draws higher socioeconomic visitors to New Zealand's natural regions, providing meaningful employment and income to those outside Auckland. There is a cost to saving Maui's dolphin, which should be treated as an investment in the long term protection of our point of differentiation in the tourism industry. It also might help our integrity, in a world where tourists are becoming increasingly aware of the impact of their dollar.

Greenpeace Petition

317. **Greenpeace** provided an online opportunity for the public to submit on the Threat Management Plan. It consisted of a detailed standard letter; however, allowed for modification of the standard. Of the 17,554 responses, 719 provided additional comment and these are analysed separately.
318. Submitters using the Greenpeace petition state that, “New Zealand is running a very real risk of becoming the first country to oversee the extinction of a marine cetacean (whale, dolphin or porpoise) since the International Whaling Commission (IWC) was established.”
319. Submitters refer to the recent risk assessment for Maui’s dolphins which found that fishing related activities were likely to contribute to 95% of Maui’s dolphin mortalities, and that the non-fishing related activities are still of concern given the Maui’s dolphins’ small population size.
320. They point out that a large portion of dolphin deaths may go unreported therefore, the deaths we are aware of are just the tip of the iceberg.
321. Submitters conclude that between New Zealand’s expert workshop, the IWC’s scientific committee and the IUCN, the recommendations from these groups represent the views of an unparalleled group of specialists in marine mammal conservation.
322. Submitters therefore recommend the banning of net fishing throughout the Maui’s dolphin range, from Maunganui Bluff in the north to Whanganui in the south, from the coastline out to the 100m depth contour, including harbours.
323. They specifically state that the proposals put forward for managing the impact of fishing to Maui’s dolphins are not adequate and must be strengthened.
324. In relation to non-fishing threats submitters recommend the extension of the Marine Mammal Sanctuary (MMS Option 2), along with the prohibition of seismic surveying (SS Option 3c), petroleum mining (SS Option 5) and seabed mineral exploitation (SME Option 3d) out to the 100m depth contour.
325. Submitters also supported Councils identifying and protecting Maui’s dolphin habitat from land-based and coastal activities (CD Option 3), and the designation of a Particularly Sensitive Sea Area (PSSA) under the International Maritime Organisation (CS Option 2).
326. Submitters also highlight the risk to New Zealand’s track record in conservation and state, “Your decision must be one that allows New Zealand to hold our heads high for taking all possible measures to conserve these dolphins – not one for which we must bow our heads in shame as the Maui’s dolphin slips further towards extinction.”
327. A copy of the standard reply is provided in **Appendix 6**.

Greenpeace original comments

328. This template submission provided the ability for people to submit original comment. Of the 17554 signatories, 719 had personal comments. Of these comments 65 were related to fishing, 3 were related to mining, 2 to seismic surveys and 5 provided ideas related to the MMS and protection for the habitat for Maui’s dolphins. 73 mentioned the economic drive behind the lack of protection, 94 the 100% green image of NZ, 9 the Maori value and 42 the cultural value of Maui’s dolphin.
329. 222 commented on the government image and 106 mentioned government action. 23 submitters commented on the vote that NZ presented at the IUCN congress, 202 requested urgency of action. 119 comments expressed sympathy to the species and ideas in relation to animal rights and 29 included comments on the ecosystem and planet safeguard. 119 were pro environment, 44 expressed anger and 127 shame and disappointment.
330. Comments in this case include the valuable and irrefutable information that science provides us such as fishing being the main cause of the decline of the Maui’s dolphins. That the money spent researching the major threats should not have been spent in vain, and any money spent for the survival of the species will be an investment for the country. Also suggest following IUCN and IWC recommendations (100m depth contour), and make the important decision of lesser the importance of fisheries money and listen to people’s voices that demand more action taken to save the Maui’s

dolphins. Comments included a possible comparison to China and the lost of the Yangtze River dolphin.

331. In relation to IUCN recommendations also has been expressed the hypocrisy of judging other countries where whaling is still allowed and permitting the kill of the Maui's. The world is watching NZ now, and the reputation of the country, the government and the ministers is on the line.
332. In addition to economic actions not caring about wise use of natural resources, submitters have expressed the hope that actions of politicians and law-makers are likely to prevent the extinction of this species. Change is required and money can be made by other, much less destructive, means. Suggestion has been made for the people in power to go and have a look to these beautiful creatures and wonder about their decisions and do the right thing.
333. Again voting New Zealanders, taxpayers, business owners, expressed shame of having an elected government that does not act in for the safeguard of something so precious when so endangered.
334. Representative of the young generation are also ashamed, angry, concerned and wonder if there is anything we can do, any compromise we can come to. Some have their mind sets on leaving if changes are not made. Some expressed the drastic lost of the illusion that the government can solve everything, but still believe that changes legislative directions can be made and that there is something that can be done and would work.
335. Clean and green are also themes that are recurring in many submissions and the loss of such species with no further action would have repercussions not only on the image but also on the voice that New Zealand, for now a leading country in conservation, will have on the rest of the world. This would also reduce the power of value that NZ has on Antarctic claims.
336. In comparison to the million of people the 55 dolphins should have more importance than it is given to them, culturally, touristic, Maori value. Urgency is required.

An example comment:

337. I represented New Zealand and the world's future generations at Rio+20, The United Nations Conference for Sustainable Development. Directly to over 140 Head's of State, I spoke of protecting our Earth's resources, asking LEADers to LEAD and making the right decisions, taking bold actions. I, as the future of New Zealand, ask you the same. Please consider this information with urgency. Thank you for taking the time to read this email and I look forward to hearing your efforts against the extinction of such an iconic, beautiful New Zealand dolphin.

Forest and Bird Petition

338. Forest and Bird provided two online submission forms. Both standard responses allowed for modification and incorporation of original comment. Of the 149 submitters to use the Type 1 letter, 85 provided original comment. Of the 82 submitters to use the Type 2 letter, 21 provided original comment. All original comments are summarised separately.
339. Submitters using either form letter highlight their concern over the Maui's dolphins small population size and vulnerability to threats, naming set net fishing as the greatest threat to the dolphins.
340. Submitters using the Type 1 form specifically support recommendations made by the IWC and IUCN and additionally recommend banning gill netting and trawling in all waters out to the 100m depth contour along the West Coast of the North Island including all harbours. Submitters using the Type 2 form also support the banning of set netting out to the 100m depth contour.
341. All submitters request urgent action to prevent the extinction of the Maui's dolphin.
342. Copies of both standard replies are provided in Appendix 6.

Forest and Bird original comments

343. This template submission also allowed room for original content to be added. Of the 231 total signatories, 106 provided original comment. Twenty-three (23) were related to fishing, 2 were related to mining, 1 to seismic surveys and 6 mentioned the need to protect the habitat of the dolphins. Fifteen (15) mentioned the economic drive behind the lack of protection, 22 commented on the 100% green image of NZ, 2 the Maori value and 15 the cultural value of Maui's dolphin. Thirty-eight (38) commented on the government image and 20 mentioned government action.

344. Thirteen (13) submitters commented on the vote that NZ presented at the IUCN congress, 39 requested urgency of action. 12 comments expressed sympathy to the species and ideas in relation to animal rights and 6 included comments on the need for ecosystem protection. Twenty (20) were pro environment, 2 expressed anger and 17 shame and disappointment.

A selection of original comments:

345. "One of the reasons I chose to live in NZ was I believed the country had an enlightened attitude to the environment. After all NZ makes much of its "clean and green" image. In the 10 years that I have lived here that image has steadily unraveled. With Europe greening fast since the dirty days of the 70's and 80's NZ is not nearly so "more 100% than others" to quote John Key. That is quite evident to any intelligent visitor to this country. If the NZ government does not ban set nets within 100m of the shore in the areas Maui dolphins live they are condemning the sub-species to extinction, and maybe the Hector dolphin will follow. How is that compatible with clean and green or 100% pure? That we preside over the extinction of a dolphin for the sake of a few fish? It is increasingly embarrassing to listen to our claims for superiority in the matter of the environment. It appears nothing more than a lazy and false claim and NZ will be seen to have failed in the eyes of the world. If you value our image and the tourism it brings, if you value the dolphins for their own inherent right to exist then you should act immediately as recommended by the IWC and the IUCN. Now is not the time to quibble over figures. If you do it will be too late."
346. "Our government and particularly our prime minister often emphasize the importance of our 'green' image in tourism which is a main-stay of our economy. While we all appreciate that the global financial situation means that New Zealand has to be cautious in its decision making when it comes to anything that impacts our economy, the conservation of threatened and endemic species should always be held as a priority in this country. It is in keeping with the spiritual, cultural and social values of all occupants of NZ, it makes sense in terms of attracting tourists to our country and therefore increasing tourist-related income, and most importantly it is vital to the maintenance of biodiversity which has a huge impact on ecosystem health and viability. I have recently completed a PhD in New Zealand and am a conservation biologist. I have worked side by side with scientists who are working directly with Maui's and Hector's dolphins and the science categorically indicates the need for further protection of these animals if we are to avoid their extinction. How awful to think that our government would allow a species to go extinct when they could have done something simple to give them a fighting chance. It makes me ashamed to be a New Zealander."
347. "The New Zealand government's failure to take steps to protect the Maui's dolphin at the IUCN World Conservation Congress meeting reflects poorly on New Zealand as a whole. We have an international reputation for conservation that should be upheld. Short term monetary gains look well on paper for a little while, but history will remember those who fail to protect our endangered species as greedy cowards. David Carter, you are the Minister for Primary Industries for New Zealand, not international fishing companies who are the primary benefactors of your decision to instruct our delegates to vote against protection for a species of which there are only 55 individuals remaining."

NABU International Foundation for Nature petition

348. **The International Foundation for Nature (NABU)** set up an online petition through the Change.org website. There was a standard petition letter; however, submitters had the option of adding their own additional comment. Of the 14,880 responses, 2952 provided additional comment.
349. Submitters who used the template state that with small and declining populations only a zero tolerance approach to fishing-related mortality will save both subspecies.
350. Submitters identify that expert opinion has confirmed gill netting and trawling to be the greatest threat to Maui's dolphins.
351. They identify that the protection measures proposed by the IUCN; banning of gill and trawl net fisheries in all waters out to 100m depth contour, including harbours, is the most appropriate protection to avert their extinction.
352. A copy of the standard template is included in **Appendix 6**.

NABU original comment

353. On the template people were asked “Why are you sending this petition?” which provided an opportunity for further comment.
354. Out of all submissions 2952 people expressed personal opinions in form of comments. Of these comments 181 were related to fishing, 5 were related to mining, 5 to seismic surveys. 88 mentioned the economic drive behind the lack of protection. 102 the 100% green image of NZ, 13 the Maori value and 90 the cultural value of Maui’s dolphin. 182 commented on the government image.
355. 3 submitters commented on the vote that NZ presented at the IUCN congress, 477 requested urgency of action. 832 comments expressed sympathy to the species and ideas in relation to animal rights and 601 included comments on the ecosystem and planet safeguard. 1126 were pro environment, 37 expressed anger and 146 shame and disappointment.
356. General Ideas revolved around the extreme low numbers and the concept that extinction is forever, no monetary value or economic driven activity would ever be able to replace such loss. Examples were provided of extinct animals like the Tasmanian Tiger, the Yangtze River dolphin and other species that are pushed to the brink of survival, like whales and the tooth fish. Broader views included the erroneous overexploitation of resources and the effects on food webs that will have drastic impacts on ecosystems, and how the human race cannot exploit natural resources endlessly.
357. Many expressed the desire of future generations to be able to see there creatures and the urgency of action required for these species to survive. In the history that the future will remember there will be profound sound of failure in case of the Maui’s dolphin’s extinction.
358. Many comments that had as a key message the animal rights, pointed out that Maui’s dolphins are intelligent creatures and they deserve to live and everything possible should be done in order to achieve the survival of the species.
359. Ideas of shame were expressed by New Zealanders to belong to a country where the priority is not the one of saving an iconic, cultural, touristic, valuable species. A conflict of interest has been declared. Comments of anger and disappointment towards the government have also been expressed for taking part/allowing this to happen.
360. International and local submissions mentioned that New Zealand is under the spot light in conservation matters, and how this is mining the Green and Clean image that drives so many tourists to visit the country. Comments also explicitly related to the IUCN vote that NZ controversially presented against all other countries on motion 035.
361. Also some additional proposals were put forward by submitters, including captive breeding and release back into wild, education of masses, better policing of fishing industry, and establishment of marine reserves from Kaipara to Awhitu Peninsula.

Last Stand for Maui’s Dolphin petition

362. **Last Stand for Maui’s dolphin** also provided two petition forms for submitters to use. Submitters were able to modify the content. Of the 196 submitters using Type 1 form, 49 provided original comment and of the 40 submitters using the Type 2 form, 8 provided original comment. Original comments from both are summarised separately.
363. The Type 1 standard letter addresses both fishing and non-fishing related threats to Maui’s dolphins whereas the Type 2 standard letter specifically addresses the non-fishing related threats to Maui’s dolphins.
364. Briefly Type 1 highlights the critical situation for Maui’s dolphins and that to do nothing to protect them would do irreparable harm to New Zealand’s international reputation as well as the fate of the next species that finds itself in this situation.

365. Submitters using the Type 1 submission urge the New Zealand Government to do everything possible to reverse the damage done to the Maui's population including, a set-net fishing ban out to the 100m depth contour, and a moratorium on future seabed and iron-sand mining licences in New Zealand's waters.
366. Submitters using the Type 2 submission focus on the catastrophic situation we are now facing with New Zealand's endemic Maui's dolphins, and suggest that given our knowledge of their status, to do nothing would be reprehensible.
367. While they recognise that fishing is the greatest threat to the dolphins, they highlight the other extractive industries that may also be having an impact on the Maui's dolphin population and their habitat.
368. Submitters point out that we have a choice, to be proud that New Zealand managed to bring the world's rarest dolphin back from the brink of extinction, OR to be ashamed that when aware that the world's rarest dolphin was on the brink of extinction, the New Zealand government took only minimal measures in order to be seen to take action.
369. Submitters state that New Zealand is in the spot light on this issue, and is setting an example to the international community, will it be one of leadership in conservation, or neglect?
370. Copies of both standard responses are included in Appendix 6.

Maui's Last Stand original comment

371. This template submission also allowed room for original content to be added. Of the 236 total signatories, 57 provided original comment. Ten (10) were related to fishing and 5 were related to mining. 8 mentioned the economic drive behind the lack of protection. Four (4) referred to the 100% green image of NZ, 2 the Maori value and 6 the cultural value of Maui's dolphin. Eight (8) commented on the government image and 7 mentioned government action. 25 requested urgency of action. 20 comments expressed sympathy to the species and ideas in relation to animal rights and 8 included comments on the need to protect the ecosystem and planet safeguard. 10 were pro environment and 1 expressed shame and disappointment.

Two specific comments:

372. "A society is only as strong as its weakest voice. The Hector and Maui dolphins don't have a voice so it is up to us to speak for them. In the last 200 years the world has lost so many animals to extinction - the majority at the hands of humans. We have shown the world that animals can be bought back from the brink of extinction and this is a credit to us. However protection of our marine environment is sorely lacking. We have the opportunity to save these amazing creatures and we should do so. I am reminded of the children's book The Lorax by Dr Seuss. Please read it and think ahead of talking to your grandchildren and what you would say to them when they ask why these amazing creatures aren't there for them to see. As humans we stand apart from other animals on this planet as we force our environment to suit our needs. We forget that we share this planet with other animals. We should not consign a species to extinction for something as meaningless as money. New Zealand is home to some amazingly unique species. We could market our country to the world as the home to these species. I believe the majority of New Zealanders like the clean green image New Zealand has and are proud of it. For this reason I believe that the majority of New Zealanders support the Hector and Maui Dolphins and of taking steps to protect them. I also agree with the sentiments below".
373. "In no way can any human situation be more important than any individual part of the planet's ecosystem. The planet and its life forms are not humankind's property and we do not have the right to put ourselves above any part of that ecosystem. Willfully ignoring the demise of any species is massively ignorant to the fact that it will impact every other section of the world's bio diversity and ultimately effect human kind to. Doing nothing is not an option if you do not want to do irrecoverable damage to New Zealand's world image. The New Zealand government is literally the only thing on earth between Maui's Dolphins and extinction. It's in your hands and the rest of the world knows it."

Let's Face It petition (Peggy Oki)

374. **Peggy Oki** makes a submission with the support of over 4818 signatories from the lets-face-it-dolphins.com visual petition (4804 as at 3pm 12 Nov 2012) that are in support of the protection of Maui's and Hector's dolphins.
375. **Peggy Oki** reiterates that during the consultation period for interim measures that printed posters representing over one thousand persons were hand delivered to the Prime Minister, Minister for Primary Industries and the Minister of Conservation on 3 April 2012.
376. **Peggy Oki** submits there is a need to protect Maui's and Hector's dolphins within the full extent of their range.
377. **Peggy Oki** comments that this issue is a global concern. **Peggy Oki** notes that failure to act in line with obligations under the Convention on Biological Diversity's Strategic Plan for 2011-2020 will tarnish New Zealand's reputation as environmentally responsible nation.
378. **Peggy Oki** comments that public consultation causes further delays. **Peggy Oki** and a number of general public submitters comment that immediate measures should have been implemented under the Fisheries Act 1996.
379. **Peggy Oki** submits that management decisions and policies should be based on best available independent scientific information and should develop targets for the recovery of Hector's and Maui's dolphins.
380. **Peggy Oki** requests the following additional protection measures:
- a. Base all Maui's and Hector's dolphin management decisions and policies on the best available independent scientific information;
 - b. Develop science-based, measurable and testable management targets for the recovery of Hector's and Maui's dolphins.
 - c. Implement full protection measures against fisheries by-catch off Kaikoura, Timaru and Taranaki;
 - d. Eliminate use of commercial and recreational set nets and trawling within harbours throughout the range of Hector's and Maui's dolphins, out to the 100m depth contour, and with a safe passage or genetic bridge to the South Island Golden and Tasman Bay areas.
 - e. Implement a comprehensive, scientifically sound fisheries observer programme and boost policing of current protection measures.
 - f. It is worth noting that some signatories to this petition include:
 1. Dr. Sylvia Earle, world renowned ocean researcher
 2. Dr. John Calambokidis, founder of Cascadia Research and world's leading expert on blue whales
 3. Jean-Michel Cousteau
 4. Dr. Liz Slooten, Otago University, researcher on Hector's and Maui's dolphins
 5. Pete Bethune, Earthrace Conservation
 - g. A copy of the letter is included in **Appendix 6**, and the visual petitions can be sighted at: <http://www.lets-face-it-dolphins.com/visual-petitions>.

Independent petition (Christine Rose)

381. **Christine Rose** makes a submission with the support of over 50 signatories.
382. **Christine Rose** is an independent campaigner with an academic background familiar with population genetics, and the distribution and the threats to Maui's dolphin.
383. **Christine Rose** and her signatories are calling for proper, precautionary and comprehensive protection of Maui's and Hector's dolphins under both Fisheries and Marine Mammal Protection measures.

384. **Christine Rose** has spoken to community groups and elected Local Boards around the Auckland region and beyond, and has received agreement for the support for the necessary protection of Maui's dolphins.
385. **Christine Rose** and her signatories are calling for protection under all appropriate legislation (fisheries and conservation) of Maui's and Hector's dolphins out to the 100m depth contour, into harbours, and down to the South Island. This protection should be from commercial and recreational gill netting, seismic testing, and seabed mining as well as other human-induced threats.
386. A copy of **Christine Rose's** letter is provided in Appendix 6.

World Wildlife Foundation (WWF) online submission guide

387. An online submission guide was created and made available for submitters to modify in two different web pages. The first on face book (www.facebook.com) specifically for New Zealand and the second one on world wild life page (<https://support.worldwildlife.org>)
388. Submitters were able to modify the content of this guide before sending to the Prime Minister, Hon Jon Key. Despite the possibility for the submitters to modify the letter these are not summarised here due to late receipt of these submissions (28 November 2012). To date there were 31,441 signing submitters.
389. The template letter contained the following points:
- i. The alarmingly low number of 55 dolphins left over the age of one and the correlation of the ongoing human activities being the major cause of their decline.
 - ii. The request of urgency in acting to do everything in your (J. Key) power to save this species including the ban of the use of gill nets and trawl nets throughout Maui's entire North Island coastal habitat and the requirement to the use of responsible dolphin-friendly fishing gear instead.
 - iii. They also asked to create a protected area ocean corridor between the South and North Islands so that Hector's dolphins can swim safely from the south to mix with Maui's dolphins in the north, without the threat of being accidentally entangled in fishing nets.
 - iv. And finally they requested to stop sand mining and safeguard Maui's from the threat of oil and gas exploration and extraction throughout their entire habitat.
390. A copy of the standard reply is provided as part of Appendix 6.

Options

Marine Mammal Sanctuary

| West Coast North Island (WCNI) Marine Mammal Sanctuary (MMS) Variation | | | |
|--|-------------------|--|---|
| MMS Option 1 | <i>Status quo</i> | No MMS variation. | 23 in favour |
| MMS Option 2 | MMS extension | Extension of the WCNI MMS south to Hawera and offshore to 12 nm. | 123 in favour 79 in favour of more conservative option |

391. 225 submitted on this set of options (not including petitions)
- 10% of submitters preferred the *Status Quo* (Option 1) or indicated no additional protection was needed
 - 55% of submitters preferred option 2 as written
 - 12% of submitters preferred option 2 and also proposed a more conservative alternative (see below)
 - 23% of submitters proposed a more conservative alternative without selecting an option
392. Breakdown of more conservative options proposed
- Southern extent Whanganui
 - Southern extent to Wellington
 - Offshore extent 100 m depth contour
 - Corridor to South Island
 - Covering North and South Islands
393. 119 submitters did not state a preference (or submit on this set of options)

Seismic Surveying

| Options to reduce risk to Maui's dolphins from Seismic Surveying (SS), *option can be implemented in conjunction with any of the other options, see also Fig 7.1 | | | |
|--|---|---|--------------|
| SS Option 1 | <i>Status quo</i> | Reliance on the Code of Conduct for seismic survey operations (the Code) and the existing MMS regulations. | 3 in favour |
| SS Option 2a | Current Sanctuary + seismic restrictions consistent with Code | Maintaining the current sanctuary boundaries plus variation of the legal restrictions on seismic surveying within the MMS to be consistent with the Code. | 3 in favour |
| SS Option 2b | Current Sanctuary + Seismic prohibition | Maintaining the current sanctuary boundaries plus a prohibition on seismic surveying operations within the MMS. | 1 in favour |
| SS Option 3a | Extension of MMS extension of seismic restrictions | Extend the MMS south to Hawera and offshore 12 nm plus extending the existing legal restrictions on seismic surveying operations within the MMS. | 8 in favour |
| SS Option 3b | Extension of | Extend the MMS south to | 10 in favour |

| | | | | |
|----------------------------------|---|---|--|---------------|
| | MMS seismic restrictions consistent with Code | + | Hawera and offshore 12 nm plus a variation of the legal restrictions on seismic surveying within the MMS to be consistent with the Code. | |
| SS Option 3c | Extension of MMS Seismic prohibition | + | Extend the MMS south to Hawera and offshore 12 nm plus a prohibition on seismic surveying operations within the MMS. | 88 in favour |
| SS Option 4 | Stand-alone Regulations | | Develop stand-alone regulations under the Marine Mammals Protection Act to regulate seismic operations. | 25 in favour |
| SS Option 5 (additional)* | Prohibit petroleum mining | | Prohibition of petroleum mining throughout the MMS. This option could be implemented in addition to one of the options 1 to 4 above. | 101 in favour |

394. 150 submitted on this set of options

- i. 2 % of submitters preferred the *Status quo* (Option 1)
- ii. 59 % of submitters preferred option 3c
- iii. 17 % of submitters preferred option 4
- iv. 7 % of submitters preferred option 3b
- v. 10% of submitters proposed a ban or moratorium on seismic without specifying a specific option relative to the area of the prohibition
- vi. 9% of submitters preferred other options

395. 101 (67%) submitters also wanted Option 5

396. 194 submitters did not state a preference

397. 1 submission proposed additional restrictions within MMS to include Level 3 seismic surveys

Seabed Mineral Exploitation

Options to reduce risk to Maui's dolphins from Seabed Mineral Exploitation (SME), *option can be implemented in conjunction with any of the other options.

| | | | | |
|----------------------|---------------------------------------|---|--|-------------|
| SME Option 1 | <i>Status quo</i> | | No change in MMS Restrictions in specified areas (4 nm core distribution area; 2 nm elsewhere). | 2 in favour |
| SME Option 2a | Current Sanctuary offshore limit 4 nm | + | Maintain the current sanctuary boundaries plus extending the current mining restrictions to 4 nm offshore within the entire sanctuary. | 0 in favour |
| SME Option 2a | Current Sanctuary offshore limit 7 nm | + | Maintain the current sanctuary boundaries plus extending the current mining restrictions to 7 nm offshore within the entire sanctuary. | 2 in favour |

| | | | |
|-----------------------------------|--|---|--------------|
| SME Option 2c | Current Sanctuary + depth contour offshore limit | Maintain the current sanctuary boundaries plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary. | 1 in favour |
| SME Option 3a | Extension of MMS + extension of mining restrictions to 2 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 2 nm offshore throughout the extension. | 2 in favour |
| SME Option 3b | Extension of MMS + extension of mining restrictions to 4 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 4 nm offshore within the entire sanctuary. | 2 in favour |
| SME Option 3c | Extension of MMS + extension of mining restrictions to 7 nm offshore | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to 7 nm offshore within the entire sanctuary. | 21 in favour |
| SME Option 3d | Extension of MMS + extension of mining restrictions to depth contour | Extend the MMS south to Hawera and offshore to 12 nm plus extending the current mining restrictions to a suitable depth contour along the length of the entire sanctuary. | 72 in favour |
| SME Option 4 (additional)* | Moratorium on active mining | Moratorium on the active seabed mineral mining phase within the MMS, for the 5 year duration of the TMP. This option could be implemented in addition to one of the options 1 to 3 above. | 82 in favour |
| SME Option 5 | Code of Conduct | Develop a Code of Conduct for seabed minerals exploitation similar to that for seismic surveying. | 16 in favour |

398. 136 submitted on this set of options

- i. 1 % of submitters preferred the *Status quo* (Option 1)
- ii. 53 % of submitters preferred option 3d
- iii. 15 % of submitters preferred option 3c
- iv. 12 % of submitters preferred option 5
- v. 13 % of submitters proposed a ban or moratorium on seabed mining without specifying a specific option relative to the area of the prohibition
- vi. 5 % of submitters preferred other options

399. 82 submitters also wanted Option 4, while 1 specifically opposed it

400. 208 submitters did not state a preference

Commercial tourism

| Options to reduce risk to Maui's dolphins from Commercial Marine Mammal Tourism (CT), *option can be implemented in conjunction with any of the other options | | | |
|---|-------------------------------------|---|--------------|
| CT Option 1 | <i>Status quo</i> | No regulatory change. | 15 in favour |
| CT Option 2 | Moratorium under the MMPR | A moratorium on commercial marine mammal tourism permits under the Marine Mammals Protection Regulations (MMPR) targeting Maui's dolphins. | 15 in favour |
| CT Option 3 | Restrictions within MMS | <ul style="list-style-type: none"> No commercial tourism targeting Maui's dolphins. No swimming with Maui's dolphins. 10 minute time limit for opportunistic viewing for recreational boats, in addition to observing MMPR 18 to 20. | 63 in favour |
| CT Option 4 (additional)* | Increased engagement and compliance | Increase education on MMPR 18 to 20; increase compliance and monitoring of marine mammal tourism in Maui's dolphins range. | 64 in favour |

401. 92 submitted on this set of options
- 16 % of submitters preferred the *Status quo* (Option 1)
 - 68 % of submitters preferred option 3
 - 16 % of submitters preferred option 2

402. 64 submitters also wanted Option 4

403. 252 number of submitters did not state a preference

Commercial shipping

| Options to reduce risk to Maui's dolphins from Commercial Shipping (CS) | | | |
|---|-------------------|--|--------------|
| CS Option 1 | <i>Status quo</i> | No additional measures for commercial shipping. | 4 in favour |
| CS Option 2 | PSSA | Submission to International Maritime Organisation seeking Particularly Sensitive Sea Area (PSSA) designation, with measures such as heightened navigational controls or prohibition of all discharges. | 34 in favour |

| | | | |
|--------------------|------|--|--------------|
| CS Option 3 | ATBA | Submission to International Maritime Organisation seeking Area to Be Avoided (ATBA) designation. | 64 in favour |
|--------------------|------|--|--------------|

404. 102 submitted on this set of options
- i. 4 % of submitters preferred the *Status quo* (Option 1)
 - ii. 63 % of submitters preferred option 3
 - iii. 36 % of submitters preferred option 2
405. 1 submitter proposed an alternative
- i. Option 2 followed by option 3 at a later date
406. 242 number of submitters did not state a preference

Marine Spills

Options to reduce risk to Maui's dolphins from Marine Spills (Oil & Harmful Substance) (MS). A range of options could be implemented together.

| | | | |
|--------------------|---------------------------|--|--------------|
| MS Option 1 | <i>Status quo</i> | No additional action taken. | 2 in favour |
| MS Option 2 | Actively monitored zone | Using Automatic Identification System (AIS) technology for vessel related compliance purposes and to reduce risk of accidents that could cause oil and other spills in Maui's dolphins range. | 47 in favour |
| MS Option 3 | DOC involvement with OPAC | Active involvement in the Oil Pollution Advisory Committee (OPAC) to ensure that response planning includes consideration of Maui's dolphins. | 65 in favour |
| MS Option 4 | DOC involvement with OWR | Increased involvement with Massey University Oiled Wildlife Response (OWR) Team to ensure increased collaboration in responses and identification of research gaps, with respect to Maui's dolphins. | 79 in favour |

407. 98 submitted on this set of options
- i. 2 % of submitters preferred the *Status quo* (Option 1)
 - ii. 48 % of submitters were in support of adopting Option 2
 - iii. 66 % of submitters were in support of adopting Option 3
 - iv. 81 % of submitters were in support of adopting Option 4
408. 246 number of submitters did not submit on this set of options

Coastal Development

Options to reduce risk to Maui's dolphins from Land-based Activities and Coastal Development (CD). A range of options could be implemented together.

| | | | |
|--------------------|---|---|--------------|
| CD Option 1 | Maui's dolphins considered in resource consent applications | Advocating for Maui's/Hector's dolphin protection when consulted on any relevant resource consent applications. | 62 in favour |
| CD Option 2 | Engagement | Engaging with Territorial Authorities and | 66 in favour |

| | | | |
|--------------------|--|---|--------------|
| | with Territorial Authorities and Regional Councils | Regional Councils during planning processes and reviews of plans to ensure adequate regard is given throughout known and potential Maui's dolphin range. | |
| CD Option 3 | NZCPS and CMS revision | Amending provisions in the New Zealand Coastal Policy Statement (NZCPS) and Conservation Management Strategies (CMS)s which direct councils to identify and protect Maui's dolphin habitat. | 65 in favour |
| CD Option 4 | Awareness in RMA process | Ensuring that teams responsible for Resource Management Act (RMA) consent processing are aware of the potential impacts of proposed activities on Maui's dolphins. | 66 in favour |
| CD Option 5 | Liaison regarding pollution | Identify sources of pollution that could threaten Maui's dolphins and promote appropriate controls to the administering bodies. | 92 in favour |

409. 105 submitted on this set of options

- i. 59 % of submitters were in support of adopting Option 1
- ii. 63 % of submitters were in support of adopting Option 2
- iii. 62 % of submitters were in support of adopting Option 3
- iv. 63 % of submitters were in support of adopting Option 4
- v. 88 % of submitters were in support of adopting Option 5

410. 239 number of submitters did not submit on this set of options

Thundercat Racing

Options to reduce risk to Maui's dolphins from Thundercat Racing (TR). A range of options could be implemented together.

| | | |
|--------------------|---|--------------|
| TR Option 1 | 'Soft-start' concept similar to seismic surveying, gradually building up noise levels prior to the start of races to give dolphins the opportunity to leave the area. | 36 in favour |
| TR Option 2 | Specified practice areas/times. | 34 in favour |
| TR Option 3 | Posting of observers to look out for Maui's dolphins. | 48 in favour |
| TR Option 4 | Aerial observation of areas prior to race start to ensure no dolphins are in the area. | 51 in favour |

411. 75 submitted on this set of options

- i. 48 % of submitters were in support of adopting Option 1
- ii. 45 % of submitters were in support of adopting Option 2
- iii. 64 % of submitters were in support of adopting Option 3
- iv. 68 % of submitters were in support of adopting Option 4
- v. 11% of submitters were in support of a total ban on Thundercat Racing in areas where Maui's dolphins are found

412. 269 number of submitters did not submit on this set of options

Surf Life Saving

Options to reduce risk to Maui's dolphins from Surf Life Saving events (SLS). Both options could be implemented together.

| | | |
|---------------------|---|--------------|
| SLS Option 1 | Ongoing engagement with Surf Life Saving clubs looking at educational options. | 56 in favour |
| SLS Option 2 | Utilising observers during competitions and/or training events to look out for Maui's dolphins. | 54 in favour |

413. 65 submitted on this set of options
- i. 75 % of submitters were in support of adopting Option 1
 - ii. 72 % of submitters were in support of adopting Option 2

414. 279 number of submitters did not submit on this set of options

Recreational Boating

Options to reduce risk to Maui's dolphins from Recreational Boating (RB). A range of options could be implemented together.

| | | |
|--------------------|--|--------------|
| RB Option 1 | Promotion and enforcement of the Marine Mammals Protection Regulations. | 68 in favour |
| RB Option 2 | Development of appropriate advocacy tools to support community engagement work. | 49 in favour |
| RB Option 3 | Targeted advocacy over summer months when recreational boaters are most active. | 53 in favour |
| RB Option 4 | Working with Maritime New Zealand and other boating interest groups (such as Coastguard, regional safe-boat forums, harbourmaster interest groups and boat shows) to effectively engage the target audience. | 76 in favour |

415. 91 submitted on recreational boating
- i. 75 % of submitters were in support of adopting RB Option 1
 - ii. 54 % of submitters were in support of adopting RB Option 2
 - iii. 58 % of submitters were in support of adopting RB Option 3
 - iv. 84 % of submitters were in support of adopting RB Option 4
 - v. 3 % of submitters were in support of none of the above

416. 253 submitters did not submit on this set of options

Scientific Research

Options to reduce risk to Maui's dolphins from Scientific Research (SR). A range of options could be implemented together.

| | | |
|--------------------|---|--------------|
| SR Option 1 | Regular engagement and training with scientists and DOC staff regarding best practice techniques for use on Hector's and Maui's dolphins. | 67 in favour |
| SR Option 2 | Ensuring anyone undertaking research is appropriately qualified. | 64 in favour |
| SR Option 3 | Strict adherence to current legislation and standard operating procedures. | 51 in favour |

| | | |
|--------------------|--|--------------|
| SR Option 4 | Developing stricter risk assessment protocols regarding permit processing. | 62 in favour |
| SR Option 5 | Research undertaken is guided by research priorities and a researching planning process (Section 8.1 for more details of options regarding research planning). | 51 in favour |
| SR Option 6 | Any research granted a permit has to be able to demonstrate clear benefits for the population and the gains MUST outweigh the risk. | 72 in favour |

417. 100 submitted on this set of options

- i. 1 % of submitters thought we should do nothing
- ii. 67 % of submitters were in support of adopting Option 1
- iii. 64 % of submitters were in support of adopting Option 2
- iv. 51 % of submitters were in support of adopting Option 3
- v. 62 % of submitters were in support of adopting Option 4
- vi. 51 % of submitters were in support of adopting Option 5
- vii. 72 % of submitters were in support of adopting Option 6

418. 7 submitters proposed an alternative. NB: these are not mitigation measures for research, but rather alternative research methods.

- i. Satellite tagging
- ii. Pingers
- iii. Captive breeding

419. 244 submitters did not submit on this set of options

Disease

Options to reduce risk to Maui's dolphins from Disease (D). A range of options could be implemented together.

| | | |
|-------------------|--|--------------|
| D Option 1 | Ongoing necropsy of Maui's dolphins found beachcast to determine incidence of disease, including <i>Toxoplasma gondii</i> . | 73 in favour |
| D Option 2 | Research to understand the origin of <i>Toxoplasma gondii</i> , the impacts of it on the population, and whether there are ways to mitigate against it (see research, Section 8.2.1.2, for further details). | 78 in favour |
| D Option 3 | Engagement with stakeholder groups to raise awareness and encouraging safe practices to minimise the occurrence of <i>Toxoplasma gondii</i> getting into waterways and the sea. | 82 in favour |

420. 99 submitted on this set of options

- i. 1 % of submitters thought we should do nothing
- ii. 74 % of submitters were in support of adopting Option 1
- iii. 80 % of submitters were in support of adopting Option 2
- iv. 84 % of submitters were in support of adopting Option 3

421. 1 submitter proposed an alternative

- i. Vaccination against toxoplasmosis, brucellosis, etc.

422. 245 number of submitters did not submit on this set of options

Research

Have the rationale and objectives of the research needs been accurately set out?

423. Most submitters agreed that the rationale and objectives of the research needs had been well set out.
424. One submitter commented that they required more clarification.
425. A number of submitters commented that action is needed, not more research:
- i. “Stop researching, start watching the fishing boats, help MPI develop the best monitoring system using VMS on ALL fishing boats, use GPS to see when boats coming to close and then contact local fishing officers to intercept boats. This is the BEST thing you can do, illegal fishing is occurring.”
426. In addition one submitter highlights their concern about the process in general based on the research priorities. Given that some are focusing on the impacts of an activity they feel that decisions have already been made regarding these activities.
- i. “Seems like the research is already resigned to the fact that all of the stated activities are a foregone conclusion and that this engagement of the public is purely rubber stamping. I supremely hope I am wrong but doubt that anything of commercial concern will ever bow to needs of a small minority group such as those that care for the environment.”

Are there any additional or different research needs that should be addressed?

427. Most submitters who addressed this question said there were no other additional research needs to be addressed.
428. A couple of submitters suggested a research plan of action, similar to the annual research planning process proposed in the TMP.
429. Some submitters reiterated the importance of understanding the impacts of mining, and also the gene flow between Hector’s and Maui’s dolphins.
430. A further submitter requested that the values of Tikanga Maori be encapsulated within the research planning process.
431. One submitter commented that research should be “in favour of the animals not the companies”.
432. One specific comment reiterated the need for action over more research: “I am not sure what more research will do. If you put the facts in front of Fishing interests they will ignore it or lobby against it. If you put it in front of oil and mining interests they will railroad the idea and throw jobs/dollars into politician’s faces. If you talk to tourism operators most of them are here for a short time, not a long time and care only for the now and will complain about the impositions put on their livelihood. So no I don’t believe any further research is necessary.”

Have the key features of the proposed annual planning and review process been described?

433. Of those that responded to this question, 14 stated yes, or that they believed so. Two submitters were unsure.

Are there any models or frameworks for the annual planning and review process that need to be considered?

434. Most submitters who answered this question believed there weren’t other models that needed to be considered. One submitter answered yes, but did not specify a model.
435. One submitter specifically notes that it is too late for models and that action is needed.
436. A further submitter stated: “I believe that historically New Zealand identified and responded to a diminishing number of hector dolphins in the South which had a beneficial impact upon population numbers. I feel that the methods used should be considered.”

Are there suggestions for where efficiencies in such a process could occur?

437. Most responses to this question were unsure of where efficiencies could occur, however, two comments provided some suggestions around cultural values and public involvement in the process:
- i. "Integration with local people and educate them about the science of the issue so that they may become guardians of the dolphins."
 - ii. "Public meetings and marae consultation with iwi near coastal areas".

Are there other comments you would like to make about the planning and review process or research priorities discussed above?

438. Three additional comments were made on this:
- i. "The submission process can be daunting for those not versed in government jargon. A summary could be provided for the lay person. If the important information was made more accessible, public input would be easier to facilitate."
 - ii. "Public meetings to talk, discuss and ask questions to professionals and staff, researchers, etc"
 - iii. "Hopefully this survey is without a hidden agenda - who benefits? I am opposed to KASM or funding based research from a university doing a survey with loaded information supplied forcing an unbalanced response. Responses are based on limited information."

Monitoring

Have the key elements required for monitoring the population been addressed?

439. Of the twelve submitters who answered this question, eight (8) said yes, three (3) said no, and one was unsure. One submitter expanded on their answer:
- i. "No - food chain? Breeding conditions & issues? Map should be provided where they have been sighted most recently and compare locations from year to year - is extending the boundary going to work?"

Have the key elements required for monitoring the interaction of fisheries and the Maui's dolphin population been addressed?

440. Of the 15 submitters that responded to this question eight (8) said yes, one said no, and six (6) provided additional comment. One in particular states:
- i. "It would be better for DOC to use the GPS information from fishing boats to monitor who is coming in too close to shore and fishing within the MMS (this can be done by looking at average transecting times, to determine which boats are moving through the zone and which are taking longer and therefore likely to be fishing). It is not in MPI's interest to reduce fishing, therefore MPI monitoring fishing boats, is a conflict of interest, it would be better if DOC was in charge of this, using fisheries officers could be alerted to intercept the boats when you have been alerted by the GPS information. We have a situation on the coast off Raglan where boats are trawling illegally in close to shore at night. Its is very difficult to indentify boats as they are using transecting lights only (so minimal lighting, used for travelling, when in fact they are spending hours in one location at a time). You can not rely on eye witnesses reporting the boats when they are doing this at night in low population areas. When the boats are reported to the 0800 4 POACHER line in Wellington we are constantly told that trawling is allowed in our area. You then have to fight to get the phone operator to investigate the case (last time this occurred with this submitter was Nov 6th 2012). Wellington MPI staff either do not have enough training or are deliberately misleading the public on fishing restrictions. We need an independent body to monitor fishing via GPS information (relatively cheap) in order to really protect the Maui. Observers are placed on boats out of Taranaki at present, but most sightings of Maui have happened in the area of the MMS north of Kawhia where there is no effective monitoring of trawlers....this is a huge hole in the TMP that could have been responsible in the further decline of the species since 2005. We need less research and

more monitoring, it's known that fishing was the main reason for the decline, now we need to make sure that the fishing restrictions are actually adhered to."

What other monitoring methods need consideration?

441. Most responses to this question were unsure or had no suggestions; however, one suggested 'community communication groups' as a means to help Agencies monitor compliance with restrictions as well as dolphin presence.

Collaboration

Where might DOC better support whānau, hapū and iwi input into the protection of Maui dolphin?

442. A number of submitters made suggestions around how this could be improved. A common theme was around communication and raising awareness and included:
- i. Workshops could be held to facilitate submission making in the process.
 - ii. Iwi consultation at marae and open discussions. Not all whānau get the information given to them and we only hear about it at the last moment. More Public awareness. It isn't just the recreational and commercial fishers.
 - iii. Relevant hui at affected marae, big billboards near important boat ramps, chat to people.
 - iv. Information. The more the public know the more they will care.
 - v. I think the more iwi support you can gain for the protection of this species, the more successful efforts will be.
443. Comments were also made on the inclusion of iwi in all processes of the Threat Management Plan for protection of the Maui dolphin, as well as:
- i. By specifically targeting coastal hapu/iwi and inviting them to participate as much as possible. Local Marae are a good starting point for this.
444. Some submitters commented that a higher presence of agency staff monitoring beaches for set nets and out at sea would boost involvement and awareness.

Where might DOC better support protection of the Maui's dolphin by other interested parties (e.g. such as through an existing or ongoing forum, group or process)?

445. Submitter comments focused on education and engagement and also highlighted supporting wider groups to make use of volunteer bases:
- i. I like the idea of DOC using its financial resources to help local groups undertake the work of protecting the dolphins e.g. funding facilitators, helping with resources for community lead projects such as volunteer monitors
 - ii. Through national organisations such as Forest & Bird, who have a large base of volunteers and members who are passionate about conservation.
446. A number of submitters also commented on DOCs ability to restrict fishing and thus stop inappropriate fishing methods:
- i. Give DOC powers to regulate fishing practices in Maui's dolphin range. Or, empower fisheries enforcement officers to do so.
447. Online fora as well as open public and marae based forums were suggested with an emphasis on resolution based meetings:
- i. "As stated above, targeting coastal settlements. The involvement and collaboration of other interested parties for a concerted effort is encouraged."
 - ii. "Meetings with special groups focused on resolutions of the problem not just people who want to carry the flag for an hour disrupt meeting processes and go home and do nothing until the next meeting."

General questions

These questions were asked in the DOC online survey. Not all submitters responded to every question, but where answers were provided, these are summarised below. Note these are specifically from the DOC online submission form, although several of themes summarised below were also echoed in other submission types.

Why do you consider threat management for the Maui's dolphin necessary?

448. A number of submitters responded to this question on the DOC online survey.
449. The most commonly stated reason for threat management for Maui's dolphin (45) was related to the urgency of the situation with such a small population size, the reality that this subspecies is facing extinction.
450. A number highlighted the need to protect species (18) as well as the need to protect ecosystems (7). Several submitters referenced the threats that Maui's dolphins are exposed to: fishing (11), Mining (6), Seismic surveying (5), as well as the need to protect the habitat of the dolphins (8).
451. Submitters commented on the cultural value of Maui's dolphins (7) and several submitters suggest that government action is required to protect these dolphins (15).
452. Some examples answers to this question include:
- i. "Major threats are human related - particularly from fishing and boats - and the Maui is NOW at their critical population level. The only hope is for a wide range of effective measures to be put in place immediately, AND for them to be effectively monitored to ensure compliance, and only then will they have a small chance of population recovery, as the previous TMP was insufficient and ineffectively 'policed'."
 - ii. "Without it, the dolphin is doomed to extinction. This is unacceptable to me as a New Zealander. These precious and special creatures have intrinsic value and make up part of the complexity of marine life. They are taonga and need to be protected. I do not consider that it is acceptable that we allow this species to become extinct just because some politicians, industries and organisations can make a bit more money, or to avoid inconveniencing boaties. This species is precious. It matters to me and my family. I want my niece and nephew to be able to see, and contribute to caring for, this dolphin when they grow up. I also think it is an appalling indictment on us as a country if we allow this species to become extinct when we know what to do to stop it. It doesn't do much for our mythical 'clean and green' brand, and is one more factor detracting from this image - and thus, damaging our export markets and tourism. I also do not think it is acceptable that our Government prefers the interests of commercial fishers to those of an animal close to extinction. I think it is shameful that the Government does not give the Department of Conservation autonomy and power to take all actions needed to protect the dolphin - including what is by far the greatest risk factor, but which the Government gives the Minister and Department no power to control - fishing practices."

Are all the social, cultural and economic values of the Maui's dolphin captured within the revised TMP? If not, what is missing?

453. Most submitters believed that the social, cultural and economic values of Maui's dolphins were adequately captured within the revised TMP, however, they note the complexity of the document and the detail to take in.
454. A number of submitters reiterate the social and cultural values pointing out that these are often overlooked when weighed against economic values, because it is harder to assign a "dollar amount" to societal and cultural validity.
455. Some examples of how submitters answered this question include:

- i. “The value for a species existing cannot be put into words (or a dollar value for that matter). There are people here who have a relationship with these dolphins that spans generations, Maui's dolphin is a part of their heritage, their stories and the people themselves. The Maui's dolphins have called the west coast of the north island their home for longer than any of us can lay claim to. To let this species become extinct through weak compromises for short sighted economic gain would be detrimental to New Zealand's reputation. A "clean green" reputation that is relied on to give New Zealand products a point of difference in the international market.”
- ii. “To ensure the survival of the Maui's dolphin, a more solid Threat Management Plan needs to be enforced. 1. Enforce a set net / gill net ban in areas of Maui's dolphin activity e.g. breeding/feeding habitat - social values. 2. Protection does not extend far enough south around Taranaki 3. Harbours are not included. 4. A 2005 Ministry of Fisheries report shows Maui's dolphin are found much further south than the protected area. Hector's dolphins: The three most significant loopholes are: 1. Protection along the east coast of the South Island does not extend far enough offshore to protect important breeding and feeding habitats 2. Golden Bay and Tasman Bay at the top of the South Island are unprotected 3. The Cook Strait, linking the South Island and the North Island populations, is not protected.”

What do you consider to be the most significant human-induced threats to the Maui's dolphin? Why?

- 456. On the DOC online survey, of the people who answered this question, 23 specified fishing as the greatest threat, 24 specified mining, 13 specified seismic surveying, and 21 named other issues namely vessel traffic and pollution.
- 457. Some examples of how submitters answered this question include:
 - i. “Opportunistic exploration of the seabed is by far the greatest threat to the Maui's dolphin. This is a threat on an extremely large scale and its effects are as unpredictable as they are irreversible. Once seabed mining starts to show its negative effects and it finally gets into the public's head how bad it is for their environment and how little it actually benefits them financially it will already be too late. The effects are irreversible because big companies are not easily and most definitely not quickly stopped when they're doing something that makes them a lot of money. Even if it comes to a lawsuit in the end, the damage will have already been done and even if the companies are forced to stop their activities it will take years and years for the area to recover. Although for the Maui's dolphins in particular it will most likely be too late by then.”
 - ii. “All activities that are exploiting the resources of the sea for economic gain. Having worked in an environment with both a Hector's dolphin population and seismic surveying occurring I have seen a direct correlation between the increase in seismic activity and a decline in dolphin sightings. Similar activity in the North Island can only affect the dolphins negatively. These negative effects are currently meant to be endured for the economic gain of a few people. I see this as the most significant human induced threat because (with or without my anecdotal evidence) enough is known about dolphins and how they interact with the world around them to see that seismic activity negatively affects Maui's dolphin and threatens the population of Maui's dolphin in their historic range.”

Are there additional or different human-induced threats to the Maui's dolphins that should be addressed?

- 458. Most submitters believed that all threats to Maui's dolphins were addressed, however, a few reiterated what they felt is an important threat, or a threat that wasn't fully addressed, such as tidal turbines (e.g. Kaipara harbour proposal), shipping and shipping related discharges, sedimentation, recreational boating, and pollution.
- 459. Some highlighted commercial and/or recreational fishing as a human-induced threat that needed to be addressed by DOC.

460. Enforcement and engagement as tools for addressing all threats were mentioned by a number of submitters, some examples of comments include:
- i. “Shipping routes need serious addressing over the top sporting events and the mining need to take the time and consider diverting their activities? We aren't here forever and the Maui certainly won't be if we don't step back from the Monetary value of such activities and get real with now and what is truly important to us!”
 - ii. “Enforcement of the laws and regulations is crucial - both in making them effective and in communicating to people that they're important. So no 'verbal warnings' or 'slap on the wrist' - but significant fines, that are effectively imposed.”

What information is missing, or has not been considered, that might impact or alter the proposed threat management options?

461. Most submitters commented that nothing was missing and that the document was very thorough albeit very complex.
462. Some submitters used this opportunity to highlight some other areas that need more investigation and that should be considered in the future;
- i. I would like to see information regarding their sonar senses highlighted and the noise pollution that would occur due to mining, as the human equivalent in my opinion would be akin to torture. Eg: MRI scans - just horrific!
 - ii. Knowledge of Maui's dolphin behaviour and disease.
 - iii. Greater awareness of dolphins numbers and likelihood of extinction if NZers do not help their survival
 - iv. What food do they prefer and is this part of the problem? (Diet and prey availability)
 - v. The effect that fishing has on the habitat of the Maui dolphins and in the long term effecting their behaviours and areas which they utilise. (the impact of trophic interactions and habitat degradation)
 - vi. What is missing is the facts 1970 we had 1000 Maui dolphins - today we have 55! The truth is obvious and not too hard to conclude our role to help them.
 - vii. This issue is urgent. Protection measures must be taken immediately because every dolphin death between now and when protection happens makes extinction much more likely. Use the precautionary principle. Ban fishing now, ask questions later. We don't have time to get the protection perfect before it is implemented.

What other methods or tools could be applied to manage the described human-induced threats?

463. Submissions reiterated the importance of a marine corridor between North and South Islands to allow for movement between Hector's and Maui's dolphin populations.
464. Several submitters comment on the importance of engagement, awareness, and education. “Education, education, education. Spread the word. I believe that there are many people who would back the protection of Maui's dolphins but are ignorant to the current situation. We all need to do a better job of informing those around us, especially those who do not live on the coast and may not get much news about coastal activities.”
465. Some made specific suggestions on engagement and ways of improving it:
- i. Establish educational material e.g. written/video/group presentation at venues e.g. TV. advertisements, zoos, schools, compulsory classes for registered recreational / commercial fishermen.
 - ii. Community lead initiatives. Assistance with implementing community plans.
 - iii. Note – in their template letter Forest and Bird also make a recommendation regarding the development of smart phone applications to raise awareness and also encourage reporting of sightings.

466. A number of submitters noted that as fishing is the largest threat to the dolphins, that fishing measures should be managed by DOC, and in some cases suggesting out to 12nm
467. One submitter in particular recommends a strategic risk management plan to provide guidance on actions that should be taken to support Maui's dolphins recovery along with adopting the recommendations of the IWC. Additionally, it was recommended that New Zealand should sign up to agreements such as those proposed by the IUCNs World Conservation Congress.

How might you be impacted by the proposed threat management options?

468. Most submitters who responded to this question either said that they would not be adversely affected by the proposals:
- i. "I cannot see any negative implications, only positive implications such as satisfaction that something is genuinely being done to address possible problems."
469. Other submitters said that they would be affected if action was not taken, and state that the proposed measures don't do enough:
- i. "I work in the tourism industry (I run PiwiKiwi Campervan Rentals). If the proposed threat management options do not go far enough, and the Maui Dolphin becomes extinct, I will loose customers as people who visit New Zealand expect the country to be "100% Pure" as advertised. How can a country live up to its clean green image if it allows a marine mammal to become extinct?"
 - ii. "No impact for me, I'm going to be impacted when those dolphins disappear, so we must to do something, that can never happens."
470. A few acknowledge that there may be an increased price for fish, oil or gas as a result of restrictions but a number highlight that sometimes humans need to change behaviour to allow for other species to survive and that this is not a big ask:
- i. "The cost of fish purchased for my consumption might increase as a result of the proposed threat management options, but that is more acceptable than extinction of the subspecies."
 - ii. "I am a recreational boater and fisherman in Raglan. The proposed threat mngmt options don't directly affect my current lifestyle, but I would like to see very strict measures taken to protect the Maui's dolphins and all other living beings on land, in the air, and in the water. If this means I have to change something about my lifestyle then I am willing to do so... I just need the experts to tell me what it is."
 - iii. "I don't think it matters if people have to change their habits. Saving the Maui's dolphins should be a priority and everyone should be making effort to make it as efficient as possible."
471. One submitter comments about the importance of the Manukau harbour as a port:
- i. "The Manukau harbour entrance is partially blocked by the largest and most dynamic harbour bar on New Zealand's west coast. Historic data from the past two hundred years, indicates that bar crossing entrances have been evident from a northerly, westerly and southerly direction during that time. Nothing should be done that might restrict the access of commecial ships to and from PoAL Onegunga wharf or Liquigas Papakura wharf or for commercial fishing vessels using Onehunga."

Are there any other geographic areas you think should be designated for management to protect Maui's dolphins? Please identify these areas and indicate why you support further protection.

472. A range of answers were provided here, many reiterating themes seen in other original submissions and template submissions.
473. The most common response was incorporating a corridor to the South Island. Several other submitters also commented about harbours, specifically for Kaipara Harbour and Raglan Harbour.

474. Some other responses recommended the entire coast of New Zealand and further protection of the east and west coasts of the South Island to provide further protection for Hector's dolphins.

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Appendix 6: Copies of submissions

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Standard text of petition submissions

Green Party

Submission on the Maui's Dolphin Threat Management Plan

New Zealanders and people around the world love New Zealand's Maui's dolphins and want to protect them. In order to give this species a shot at survival, the Government must stop letting Maui's dolphins be killed in fishing nets. Research has identified fishing as the number one threat to the survival of Maui's dolphins, yet the protection measures proposed by Government do not adequately remove fishing threats from all the areas where these dolphins are found.

To save the Maui's dolphin from extinction, the Minister of Primary Industries should immediately stop the use of gill nets and trawl nets in all areas where these dolphins swim. That means protecting the west coast of the North Island to depths of 100 metres, including harbours. A corridor of protection between the North and South Islands should also be implemented in order to connect the Maui's with the closely related Hector's dolphin.

This call for Government action is in line with a motion passed at the world's largest conservation congress. At the International Union for Conservation of Nature's conference in September, 117 government votes and 459 NGO votes were cast in favour of a motion which called on the New Zealand Government to: "Urgently extend dolphin protection measures, with an emphasis on banning gill net and trawl net use from the shoreline to the 100 meter depth contour in all areas where Hector's and Maui's dolphins are found, including harbours." Only two votes were cast against the measure, and both votes belonged to the New Zealand Government.

To address other threats to Maui's dolphins, the Minister of Conservation should extend the West Coast North Island Marine Mammal Sanctuary and stop seismic surveying, petroleum mining, and sea bed mining within its boundaries.

The world is watching while New Zealand's precious Maui's dolphin teeters on the brink of extinction. Now is the time for our Government to step up and be conservation heroes.

Greenpeace

To whom it may concern,

Please consider this email my submission to the fishing and non-fishing aspects of the Maui's dolphin Threat Management Plan.

Maui's dolphin, the world's most endangered marine dolphin, found only in New Zealand waters, is in immediate peril. The latest population estimate indicated as few as 55 adult Maui's dolphins remain, and the species is listed as critically endangered. New Zealand is running a very real risk of becoming the first country to oversee the extinction of a marine cetacean (whale, dolphin or porpoise) since the International Whaling Commission (IWC) was established. This would be a huge blow to New Zealand's strong record for wildlife conservation, and to our international reputation.

The New Zealand Government, through a workshop including leading scientists in this field, identified that 95% of the threat of Maui's dolphin mortalities comes from fishing-related death, namely entanglement in nets (including set nets and trawl nets). Mining and oil activities, pollution, vessel traffic and disease constitute the remainder of the threat, on a much lower scale but still significant given the precarious state of the population.

Since the recent, alarming, population estimate there have been further deaths of Maui's and/or Hector's dolphins – including entanglement in fishing gear, and dead dolphins found outside the area previously protected. Reporting of dolphin deaths in fishing nets, with or without observers onboard, indicates that only around 1% of these deaths go reported. In other words, these may represent just the tip of the iceberg.

If action is not taken urgently to extend the protection of Maui's dolphins, New Zealand will carry the shame of the preventable extinction of the world's smallest marine dolphin in our own lifetimes.

The International Whaling Commission's scientific committee, at its 2012 meeting, noted that bycatch in gillnet and trawl fisheries is the most serious threat to these dolphins, and recommended “the immediate implementation of the proposal by the New Zealand Ministry for Primary Industries to extend the North Island protected area to approximately 80 km south of the latest dolphin bycatch site”, and that the protected areas should extend “offshore to the 100m depth contour, including the harbours, for gillnet and trawl fisheries. This would protect part of an area with high gillnet and trawl fishing effort between the North and South Islands.”

In September, a similar statement was made at World Conservation Congress of the International Union for the Conservation of Nature, a group made up of country and NGO members and considered the world authority on threatened species. In a vote, the IUCN passed an almost unanimous motion urging New Zealand and Mexico to urgently protect Maui's dolphin and vaquita (a porpoise in Mexico facing a similar threat of extinction). There were 576 country and NGO votes in favour of the motion, and two votes against it. Each country member has two votes, and the two "no" votes belonged to New Zealand.

The motion reads: The World Conservation Congress URGES the New Zealand Government to: “Urgently extend dolphin protection measures, with an emphasis on and in particular to banning gill net and trawl net use from the shoreline to the 100 meter depth contour in all areas where Hector's and Maui's dolphins are found, including harbours”

Between New Zealand's experts workshop, the IWC's scientific committee and the IUCN, these recommendations reflect the views of an unparalleled group of specialists in cetacean conservation generally and Maui's dolphins specifically.

New Zealand must not ignore these unequivocal recommendations to protect Maui's dolphin.

Therefore, I call on the New Zealand Government to immediately ban gillnets, set nets and trawling throughout Maui's dolphin habitat from Maunganui Bluff in the north to Whanganui in the south, from the coastline (including harbours) out to the 100 meter depth contour.

Failure to do so is in direct breach of the principles of the Fisheries Act, that “associated or dependent species should be maintained above a level that ensures their long-term viability” and “biological diversity of the aquatic environment should be maintained”.

None of the options outlined in the Government's proposal for consultation are adequate to meet the recommendations of the above mentioned international and New Zealand expert groups, and **MUST BE STRENGTHENED TO DO SO.**

In relation to the Marine Mammal Sanctuary in place to protect Maui's dolphins, I urge the Government to extend this in size (WMS Option 2) and to introduce regulations to prohibit seismic surveying and petroleum drilling (SS Options 3c and 5) and mining activity (SME Option 3d to the 100 meter depth contour). Councils should be directed to identify and protect Maui's dolphin habitat from land-based and coastal activities (CD Option 3). Finally, the Government should seek to designate this area a Particularly Sensitive Sea Area (PSSA) under the International Maritime Organisation (CS Option 2).

I urge you to make a decision on Maui's dolphin protection that meets the recommendations of experts here and internationally, to bring this vulnerable dolphin population back from the brink of extinction as we've famously done in the past with species like the black robin and the kakapo. Your decision must be one that allows New Zealand to hold our heads high for taking all possible measures to conserve these dolphins – not one for which we must bow our heads in shame as the Maui's dolphin slips further towards extinction.

Forest and Bird

Type 1

Subject: Please act now to save our rarest dolphins from extinction

Body:

Thank you for the opportunity to submit on the Maui's Threat Management Plan review.

I am very concerned about the lack of adequate protection being proposed in the Threat Management Plan review for our critically endangered Maui's dolphins. The threat management options put forward do not go far enough to protect these incredible vulnerable dolphins.

There is a real disconnect between the risk assessment report on Maui's dolphins and the proposed management options. I do not believe the best available science has been used.

Maui's dolphins and the south island sub-species Hector's dolphins are the smallest and rarest in the world. Both dolphins have declined significantly primarily because of fishing related mortalities, specifically gill nets and trawling.

The latest population study estimates there are only 55 Maui's dolphins over the age of one left in our waters.

The Threat Management Plan concludes that fishing related threats are still the number one threat to the survival of both Maui's and Hector's dolphins. The expert science panel estimated that fishing alone is killing five Maui's dolphins each year, but Maui's can only cope with one death, from human activities every 10 – 23 years. This is unsustainable and the management options put forward in the TMP review do not go far enough to ensure long term survival.

The government has a vision statement that “Hector's and Maui's dolphins should be managed for their long-term viability and recovery throughout their natural range”. The only

way to achieve this goal is to ensure that these dolphins are fully protected from all threats, fishing and non-fishing related everywhere they are found.

I want to ensure the survival of Maui's and Hector's dolphins and I support the international recommendations made by the International Whaling Commission (IWC) Scientific Committee and the International Union for Conservation of Nature (IUCN) World Conservation Congress.

As fishing is the number one threat I believe an additional management option for Maui's should be put forward and selected by Ministers:

Expand the areas of protection from gill netting and trawling to cover the entire range of the Maui's and Hector's dolphins, offshore to the 100 m depth contour and including all harbours along the West Coast of the North Island

If immediate action is not taken Maui's dolphins are highly likely to become extinct in our lifetime. The time to act is now, the world is watching the New Zealand Government.

Type 2

Subject line of email: Save our dolphins

Content of the email:

Please act now to save our rarest dolphins from extinction.

I am very concerned about the lack of adequate protection of our endangered Hector's dolphins, including the critically endangered North Island sub-species, Maui's dolphins. The latest population study estimates there are only 55 Maui's dolphins left in our waters. Set nets are the single largest threat to these species.

The current measures and the proposed interim protection measures do not offer complete protection as the set net bans do not encompass their entire known range. Specifically current and proposed interim protection does not extend far enough offshore, does not protect harbours and does not protect the important link between the North and the South Islands.

I urge you to support immediate action to BAN ALL SET NETS out to 100 metre depth to protect all areas where the world's smallest and rarest dolphins are found. Maui's dolphins are highly likely to become extinct in our lifetime. The time to act is now.

NABU International Foundation for Nature

Submission: Maui's Dolphin Threat Management Plan

Dear Minister,

Thank you for giving me the opportunity to make a formal submission on the Review of the Maui's dolphin Threat Management Plan.

Maui's and Hector's dolphins are the world's rarest marine dolphin species. With small and declining populations, only a zero tolerance approach to fishing-related mortality will save both subspecies.

Recent independent expert opinion has again confirmed that gill netting and trawling is by far the greatest threat to Maui's and Hector's dolphins.

In line with urgent recommendation made by the IUCN in September 2012, we urge the New Zealand government to afford Maui's and Hector's dolphins immediate full protection against gill netting and trawling throughout their habitat to avert their extinction. This means a ban of these fishing methods, and effective management of all other threats, in all waters up to a depth of 100 meters, including harbours.

Last Stand for Maui's

Type 1

Comment: Dear DOC and The Ministry of Primary Industries,

Thank you for the opportunity to submit my considerations as to the most important priorities for action in relation to the TMP.

New Zealand's environment faces an urgent crisis: the immanent demise of the endemic Maui's Dolphin. I unreservedly endorse the maximum possible action by D.O.C. or other arms of the New Zealand government, which will protect this species. This is an absolute priority.

It is time to stop prioritizing the short-term pressures of industry over the long-term sustainability of our ecosystem. The situation with the Maui's dolphin is a glaringly obvious indicator that our behavior as a species has not been responsible – even from an economic perspective it makes more sense to preserve our natural environment, first and foremost representable by doing everything we can to reverse the damage done to the Maui's population.

Such actions might include (among others) a set-net fishing ban out to the 100 m depth contour; and withholding further licenses for seabed and iron-sand mining in New Zealand's waters, (especially for such a shortsighted economic gain).

The New Zealand government is literally the only thing on earth between Maui's Dolphins and extinction. No other government, business, NGO or individual has the same power to directly and responsibly influence their fate. To do nothing will do irreparable harm to New Zealand's international reputation (and, indeed, to the fate of the next species, and the next).

Type 2

Thank you for inviting the comments of the public, even if this is a replicated message the fact that you have received it means that someone has read it and conveyed their views on the issue by hopefully adding their name to the bottom.

It is perhaps fair to say that we cannot place the blame on any one particular political party, being as it is the combined complacency of present and previous governments that has left us with the catastrophic situation we are now facing with New Zealand's endemic Maui's dolphin.

But now that we are aware of the mistakes we have made, it would be reprehensible to continue causing such damage to our marine environment, and particularly to that of the Maui's dolphin.

Aside from the primary issue of the fishing, which I understand is not your department's responsibility, I implore you to prevent other catastrophic industries to continue or begin to operate in New Zealand's territorial waters.

Given that we are in a new age of mining technology and exploration, we have the choice to become a country of the future that says one of two things...

Either:

"I am proud that New Zealand managed to bring the World's rarest saltwater cetacean- the Maui's dolphin, back from the brink of extinction.

As a country we set a precedent to the international community by vetoing the ecologically catastrophic fossil fuel and precious metal/mineral mining industries.

In doing so we have helped save not just our own, but the whole World's ecosystems, and shown that preserving our native species is more beneficial economically as well as ethically. To me this is what New Zealand is all about."

Or

"I am ashamed that on our watch, the New Zealand government, when already aware that the World's most rare dolphin was on the brink of extinction, took only minimal measures in order to be seen to take action. Simultaneously New Zealand continued to open new avenues of ocean based industry that have globally been well documented to cause complete catastrophe within marine environments.

I am extremely sad that my descendants will never see a Maui's dolphin or potentially any marine life, there were obvious signs that something was wrong, but some how the Department of Conservation got left behind, while the Ministry of Primary Industries neglected to look into the future."

New Zealand is currently in a unique spotlight, capable of setting to an example one way or the other to the international community. It will need to be a group effort if we are to turn this around, but first and foremost it needs the people at the top to have the guts to say no to a group of extremely rich and greedy individuals, for the greater good of New Zealand, and the World.

Independent petition – Christine Rose

Re: Proposed Marine Mammal Sanctuary extension for Maui's dolphins.

Dear Sir/Madam,

I am writing as an independent campaigner voluntarily working on the Maui's and Hector's dolphin issue. I have been involved with the conservation of these dolphins for over a decade.

I have an academic background and I'm familiar with the existing and emerging science regarding the population, genetics, distribution and threats facing Maui's and Hector's dolphins.

I am sending, hard copy the signatures of many New Zealanders who join me in calling for better protection of Maui's and Hector's dolphins, to a copy of the attached fisheries regulations submission. I have not copied all signatures to attach to this submission but those who signed were all calling for proper, precautionary and comprehensive protection for Maui's (& Hector's) dolphins under both Fisheries and Marine Mammal Sanctuary measures. This letter is to represent those views, which will be sent physically, seperately.

A team of us have also spoken to community groups and elected Local Boards around the Auckland Region and beyond, and have received only overwhelming support for the necessary protection of Maui's & Hector's. People have a very good understanding of the situation and the complexities of the science behind the dolphins' plight. They also have a good understand of the fishing politics that has led to inadequate protection to date.

Above all, New Zealanders, and many thousands of those from overseas combine in calling for protection under all appropriate legislation (fisheries and conservation) of Maui's & Hector's dolphins as far as they range (out to the 100m depth contour), right into harbours, and down to the South Island for future genetic transfer and breeding. This protection should be from commercial and recreational gillnetting, seismic testing and seabed mining as well as other human induced threats. The signatures received & forwarded to the fisheries process represent some of that feeling.

Yours sincerely,

On behalf of signatories,
Christine Rose

Let's Face It – Peggy Oki

Dear Honourable MInister at Department of Conservation,

On 3 April, a letter was presented along with a set of three posters containing over one thousand Visual Petitions were hand-delivered to your office and the offices of Honourable John Key, Prime Minister; and Honourable Kate Wilkinson, Conservation Minister.

I ask that you please note the e-mail response below my signature from Ms. Kara McKelvey, cc-ed here who has so kindly been of assistance in confirming requirements for submissions through my "Let's Face It" Visual Petition campaign for submissions for considerations of the Maui's and Hector's Dolphin Threat Management Plan.

To ensure that this submission is received prior to the 5pm, 12 November 2012 closure for submissions, I am writing today at 3pm NZT, 12 November 2012 on behalf of 4,804 citizens of New Zealand and around the world, who through my "Let's Face It" Visual Petition campaign call upon the New Zealand Government to protect Maui's & Hector's dolphins. On our website, we have asked all participants to upload their visual petitions by 5pm NZT, 12 November 2012, and have included a world time clock to indicate the actual time in New Zealand. Because there is still a two hour time period remaining to which we anticipate additional "Let's Face It" Visual Petitions to be uploaded, I ask that you please wait till the

actual the 5pm, 12 November 2012 NZT to review the photos on the link below represent the support of these 'signatories' for this cause.

Maui's dolphins have experienced a dramatic decline and range contraction since the 1970s. With more than ninety percent of their kind already lost, they have been reduced to a small, remnant population of some 55 individuals off the west coast of New Zealand's North Island and face imminent extinction.

The observed population crash coincides with the introduction of nylon filament fishing nets in New Zealand. Since then more than 25 years of research, as well as the government's Draft Threat Management Plan, have identified fishing, specifically with gill and trawl nets, as the main cause of mortality for Maui's dolphins. It is therefore the prime factor obstructing Maui's dolphin recovery.

Maui's dolphins number just 55 individuals older than one year, down from their previous estimate of 111 in 2005. This number equates to less than 20 females capable of reproduction.

The government's new Maui's dolphin abundance estimate report suggests an annual population decline of some three percent. This means that even more Maui's dolphins will have died since the research was carried out in 2010/11.

In their severely depleted state, the sustainable number of dolphin deaths is in the order of one individual every 10 years. However, we know of at least two Maui's dolphin fatalities in the past six months. As most deaths go unreported and unrecognized, these incidences provide only a glimpse of the true number of fatalities.

Faced with this most precarious situation, all represented in this submission feel strongly that this public consultation itself is the cause of further unnecessary delays. Implementing immediate remedial emergency measures, provided for under the Fisheries Act, would have been a far more fitting course of action.

To protect such a tiny population, it is imperative to act immediately and to remove all avoidable human impacts. Fishing can continue in the area, using selective, sustainable fishing methods that do not endanger dolphins (including fish traps and hook and line methods).

Swift, decisive and uncompromising action is required to prevent any further fatalities amongst the last individuals so they have a chance of returning from the very brink of extinction. Every day the animals are exposed to gill and trawl nets carries a risk we simply can't afford. If ever there was a time to act, it is now.

We strongly urge the New Zealand Government to protect Maui's and Hector's dolphins within the full extent of their range as detailed below.

- base all Maui's and Hector's Dolphin management decisions and policies on the best available independent scientific information;
- develop science-based, measurable and testable management targets for the recovery of Hector's and Maui's dolphin;
- implement full protection measures against fisheries by-catch off Kaikoura, Timaru and Taranaki to ensure there are no further avoidable deaths;

- eliminate the use of commercial and recreational set nets and trawling within harbours, throughout the range of Hector's and Maui's dolphins, out to the 100m depth contour, and with a safe passage or genetic bridge to the South Island Golden and Tasman Bay areas;
- implement a comprehensive, scientifically sound fisheries observer programme and boost policing of the protection measures;

"New Zealand now needs a new era of marine policy development that reflects international best practice, and builds on its history of environmental policy innovation. The country can draw from experience in catchment-based planning with a renewed focus on integrative development strategies and the creation of ecosystem-based marine plans and programmes."

The impending extinction of Maui's dolphins is of global concern. It is also avoidable if your government acts now in line with your obligations under the Convention on Biological Diversity's Strategic Plan for 2011-2020. Failure to do so will forever tarnish New Zealand's reputation as an environmentally responsible nation in the eyes of the world.

Please accept the individuals represented on this link as signatories to this submission.

<http://www.lets-face-it-dolphins.com/visual-petitions>

Sincerely,

Peggy Oki
"Let's Face It" Founder & Director

WWF

https://www.facebook.com/wwfnewzealand/app_475655215793128?ref=ts

To the Rt Hon John Key,

Only an estimated 55 Maui's dolphins over the age of one survive in New Zealand's waters. This is alarming. Equally disturbing is the knowledge that human activities continue to put this dolphin at risk of extinction. Please do everything in your power to save this taonga, or treasure, of the sea.

I urge you to ban the use of gill nets and trawl nets throughout Maui's entire North Island coastal habitat and instead require the use of responsible dolphin-friendly fishing gear.

Please create a protected area ocean corridor between the South and North Islands so that Hector's dolphins can swim safely from the south to mix with Maui's dolphins in the north, without the threat of being accidentally entangled in fishing nets.

And I urge you to stop sand mining and safeguard Maui's from the threat of oil and gas exploration and extraction throughout their entire habitat.

<https://support.worldwildlife.org/site/Advocacy?cmd=display&page=UserAction&id=661>

Dear New Zealand Prime Minister John Key,

I am alarmed that there are only 55 Maui's dolphins over the age of one remaining in New Zealand's waters. Equally disturbing is the knowledge that human activities continue to put

this dolphin at risk of extinction. Please do everything in your power to save this globally significant species.

I urge you to ban the use of gill nets and trawl nets throughout the Maui's entire North Island coastal habitat, and instead, require the use of responsible dolphin-friendly fishing gear.

Also, please create a protected area ocean corridor between the South and North Islands so that Hector's dolphins can swim safely from the south to mix with Maui's dolphins in the north without the threat of being accidentally entangled in fishing nets.

Finally, I urge you to stop sand mining and safeguard Maui's from the threat of oil and gas exploration throughout their entire habitat.

Thank you for doing your part to save this species from extinction.

Sincerely,

[Your

[Your

[City, State ZIP]

Name]

Address]

RELEASED UNDER THE OFFICIAL INFORMATION ACT