



**EGMONT  
SEAFOODS  
LIMITED**

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Marine Mammal Sanctuary Submissions,  
Department of Conservation,  
P.O. Box 10420,  
Wellington 6143.

**Submission on Department of Conservation Proposal to Vary the West Coast North Island  
Marine Mammal Sanctuary**

This submission is made by Egmont Seafoods Ltd which represents 17 full time employees, 3 x part time employees, 6 x vessel owners & 15 crew. Of these vessels 4 are set netters targeting Rig, School Shark & Warehou.

The majority of the fish landed into Egmont Seafoods Ltd is caught between Cape Egmont in the south & Raglan in the north out to 12 nautical miles.

Egmont Seafoods Ltd has been in operation since 1986 supplying fish to both the domestic & export markets. The company handles approx 750 tonnes of fish per annum with around 50% of the product sold and consumed locally in Taranaki and the balance exported to markets in Australia, USA, Europe & Asia.

We have been involved with consultation and submissions on Maui's/Hector's dolphins on the West Coast North Island since 2000. During this period we have had restrictions imposed in 2003, 2008 & 2012 which has significantly impacted the catches of the fisherman and the volume and mix of fish species landed into Egmont Seafoods Ltd.

As with previous consultation documents in respect to Maui's dolphins it is disappointing that there is still a lack of information, uncertainty of the presence of dolphins in Taranaki waters and too much focus on fishing restrictions considering the range of threats raised in the TMP.

***"First Choice in Seafoods"***

Egmont Seafoods & the fisherman in Taranaki have experienced a significant impact to their incomes and assets with the set net restriction imposed in 2008 and the interim restriction in July 2012.

The focus of this submission will be on the following points:

- Lack of evidence to support the assumption that Maui dolphins are present within Taranaki waters and specifically the area proposed for closure.
- The use of public sightings to determine the area for the proposed closure especially when the closure will affect people's livelihoods and assets.
- The decision by the Ministry of Conservation to continue to allow customary set netting in the area proposed for closure to commercial & recreational set netting.
- The economic impact of another closure to the Taranaki fishing industry.

One of the disappointing aspects of the Maui dolphin issue has been the misinformation presented by a number of groups and individuals which includes the Minister of Conservation. Prior to releasing the proposed variation to the media the Minister of Conservation made the following statements:

*"Where we have confirmed and more than 1 report of a Maui dolphin being present we need to ban set netting"*

*"In that area there have been 5 confirmed sightings of Maui dolphins in recent year"*

The Minister cannot make statements claiming that there are 5 **confirmed** Maui dolphin sightings as they did not have biopsy samples taken and the DNA tested. These are both misleading and incorrect statements.

The Minister also made the following statements in the House in June & July 2013

*"I assure the member I am taking the very best of scientific advice around ways in which to protect Maui's dolphin"*

and

*"We do not want to be in the business of either banning trawling or set-netting where the Maui's dolphin is not"*

and

*"What I do say to the member is that this Government will take all practical steps to ensure the survival of the Maui's dolphin, but we are not going to ban fishing in areas where it is highly unlikely that there will be a Maui's dolphin"*

The Minister's proposal is not consistent with the statements he made to the House or the media and yet again the Taranaki Fishing industry is facing a proposal to close more fishing grounds based on unsubstantiated sightings and poor information.

**Lack of evidence to support the assumption that Maui dolphins are present within Taranaki waters and specifically the area proposed for closure**

This proposal is based on the assumption as stated in the consultation document 4.3 "Given that around 95% of tissue samples taken from live or beach-cast dolphins in the area north of Hawera have been found to be Maui's dolphins it is reasonable to assume that some or all of these north Taranaki sightings were Maui's dolphins"

This assumption is not valid and is not based on any scientific or mathematical basis. The Maui population is concentrated between Port Waikato and Manukau Harbour which is where the majority of the sampling has occurred.

Since 1990 there have only been 3 tissue samples of Hector species dolphins in the area from Hawera to just south of Raglan. Of the 3 dolphins sampled (all of which were dead) 2 dolphins were Maui and 1 was a Hector. The 2 Maui dolphins sampled were found beachcast in or near Kawhia which is well north of New Plymouth and well within the area that was closed to set netting in 2008. The only Hector species dolphin sampled in the Taranaki since 1990 has therefore been a Hector dolphin which would indicate that in the past 2 decades that dolphins found in this region are more likely to be Hector than Maui.

It is therefore not valid to make the assumption that because 95% of dolphins sampled north of Hawera have been Maui and that the majority of sightings north of Taranaki are likely to be Maui. This statement would be valid for the area north of Kawhia or Raglan but not New Plymouth as explained above.

The incorrect assumption above also led Scott Gallacher from MAF in Feb 2012 to make a statement to the media that 'A dolphin was accidentally killed in early January and the fisherman involved had contacted MAF after returning its body to the sea, as was standard practice. It was originally thought to have been a Hector's dolphin but MAF believe it was a Maui's dolphin.' On 26th April 2012, an unrelated dolphin stranding in the same area was found to be a Hector's dolphin after DNA testing. This then led MAF to make the comment 'Given the DNA findings from the Opunake stranding in April, the likely subspecies identity (a Hector's or Maui's dolphin) of the January mortality is equivocal.'

The assumption as stated in 4.3 is the basis for determining the subspecies of the dolphin sightings in the Taranaki region and this is not reasonable and has proven in the past to be incorrect.

**The use of public sightings to determine the area for the proposed closure especially when the closure will affect people's livelihoods and assets.**

The consultation document states 4.5

'The Minister believes this variation is necessary for the protection, conservation and management of the Maui's dolphin, given

- the presence of four reliable sightings of Maui and Hector's dolphins (three groups and one individual) in the defined area between 2006 and 2013;
- the overlap between set net fishing activity and Maui's/Hector's dolphin sightings in the defined area'

Public sightings should not be used to close areas to fishing especially when it will affect individuals livelihoods, income and assets. The public sightings have recently been verified by Cawthron Institute with interviews being carried out some 6 – 7 years after the sighting was reported.

I will focus on the most recent sighting which has been used to determine the southern boundary of the variation proposed by the Minister.

#### **Sighting # 952 (2013, 17 January)**

This day is my wife's birthday and the 17<sup>th</sup> January 2013 was a very rough day and no recreational fisherman or boatie would have gone fishing on this day. The validation interview completed on the 6<sup>th</sup> June described this day to be 'nice morning, heading out to fishing spot around 28m water'. To follow is the marine forecast for January 2013 and is very different from the interview and would not be described as a nice morning.

**MARINE WEATHER BULLETIN FOR NEW ZEALAND COASTAL WATERS  
FORECAST ISSUED BY METEOROLOGICAL SERVICE OF NEW ZEALAND  
AT 0416HRS 17-JAN-2013  
VALID UNTIL MIDNIGHT TONIGHT 17-JAN-2013  
NORTH ISLAND:**

#### **RAGLAN**

*Westerly 20 knots, rising to southwest 30 knots for a time this afternoon. Sea becoming rough for a time. Southwest swell rising to 3 metres. Poor visibility in showers developing this morning.  
OUTLOOK FOLLOWING 3 DAYS: Southwest 25 knots, easing Friday evening 15 knots. Tending Saturday northwest 20 knots, changing Sunday southwest 25 knots. Sea rough at times. Moderate southwest swell.*

#### **STEPHENS**

##### **\*GALE WARNING IN FORCE\***

*Westerly 25 knots, rising to northwest 35 knots this morning. Changing southwest 35 knots this afternoon then easing to 25 knots this evening. Sea becoming very rough for a time. Southwest swell rising to 3 metres west of Cape Farewell to Cape Egmont. Westerly swell rising to 2 metres in the east. Poor visibility in showers, with squally thunderstorms possible during the morning.  
OUTLOOK FOLLOWING 3 DAYS: Southwest 25 knots easing throughout Friday evening westerly 15 knots, rising Saturday northwest 30 knots. Changing early Sunday southwest 25 knots. Moderate southwest swell in*

*the west. Moderate northwest swell developing Saturday.*

When you look closely at the validation interview the sighting date was mid – late Jan 2013 and it doesn't appear that the interviewer has attempted to define the date. Surely something would trigger a day or date that the person was on the water or maybe they had a passenger on board that may have been able to verify or assist determining the date. None of these questions appear to have been asked. This is very disappointing especially when the information is being used to determine the southern boundary for a closure.

Rob Ansley on the vessel 'Layla' was fishing in exactly the same area as the reported sighting #952 from the 16<sup>th</sup> January to the 31<sup>st</sup> January. The Layla was carrying a trained MPI observer as a requirement under the interim restrictions imposed in July 2012. The MPI observer recorded common dolphins on the 20<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> January 2013 and fur seals on the 20<sup>th</sup> & 23<sup>rd</sup> January 2013. Attached Appendix A is the information showing the days that Rob Ansley was fishing on the Layla with the recorded sighting by the MPI Observer.

It seems unlikely that a trained observer would have seen common dolphins and fur seals and not a pod of 4 to 5 Hector Species Dolphins when they were on the water every day between mid – late January. More weighting seems to be placed on a public sighting than a lack of a sighting by a trained observer.

The Department of Conservation completed boat surveys on the 29<sup>th</sup> January & 31<sup>st</sup> January 2013 with no Hector species dolphins observed. DOC also completed aerial surveys on the 22<sup>nd</sup> January & 30<sup>th</sup> January 2013 with no Hector species dolphins observed.

I have to question the validity of this sighting for the following reasons and believe there is too much uncertainty and contradictory information to utilise this sighting to determine the southern boundary for the proposed variation of the Marine Mammal Sanctuary:

1. The day of the supposed sighting the sea conditions were poor.
2. The person took several weeks to report the sighting to a student who was soliciting for sightings and was employed by DOC on the boat ramp.
3. The person could not remember the day they were on the water.
4. DOC did not follow up until 4 months after the supposed sighting.
5. The Cawthron interviewer did not ask any questions to seek 3<sup>rd</sup> party verification of the sighting i.e. other passengers on the boat etc
6. A commercial fisherman was fishing in the same area with an MPI observer who recorded common dolphin & fur seals sightings.
7. DOC completed 2 x boat surveys and 2 x aerial surveys in the same period with no sightings.
8. We have had observers on the Taranaki fishing vessels for the past 14 months with no Hector species dolphins observed.
9. The sighting was of 4 to 5 dolphins which would equate to approx 10% of the Maui dolphin population on the West Coast North Island.
10. How can 1 person see a pod of 4-5 dolphins close to New Plymouth Port between 8 - 9 am and no one else has reported a sighting.

Similar questions could be asked of the other sightings being used in the discussion document for the proposed variation to the MMS.

From 2009 to June 2012 validation interviews were completed and recorded in the current validation system. Sightings #133, #735, #803 & #812 should have been completed earlier than June or July 2013 as they are in the area that has been the focus of additional restrictions and consultations for the protection of Maui dolphins for the past 18 months. The late validation of these sightings appears to be an afterthought or an effort to justify additional closures in the Taranaki region.

All of the sightings were upgraded through the verification process even though the verification was completed in one case 7 years after the sighting. It astounds me that such a historic sighting & the delay in validation can now be new information used to close more areas to fishing.

**The decision by the Ministry of Conservation to continue to allow customary set netting in the area proposed for closure to commercial & recreational set netting.**

The discussion document in 2.3.2 states:

‘Maui’s dolphins are classified as *‘nationally critical’* by DOC and *‘critically endangered’* by the International Union for the conservation of nature (IUCN). It is estimated Maui’s dolphins can sustain only one human-induced mortality every 10 to 23 years without impacting on the population’s ability to rebuild to its optimum sustainable size’

It astounds me therefore that the Minister will allow customary set-net fishing to occur in the proposed area for the variation to the MMS. If the Minister believes that fishing, especially set netting, is the greatest threat to the Maui dolphin population then why is he allowing customary set netting in the area of the proposed closure?

In addition to allowing set netting in the area of the proposed variation to the MMS customary set netting is permitted within the existing set net restricted areas north of Pariokariwa Point and in the core habitat of the Maui dolphin population.

This then begs the question whether the Minister actually believes that set netting is the greatest threat to Maui dolphins & whether he considers that there are any Maui dolphins in the Taranaki area. If he does believe they are the greatest threat & there are Maui dolphins in Taranaki waters then customary set netting should be prohibited in the area proposed.

**The economic impact of another closure to the Taranaki fishing industry**

The economic impact in the consultation document 5.1 – 5.5 and Appendix 12 underestimate the value of the proposed area to the set net fisherman.

The discussion paper recognizes that some set net fishers may not have the ability to adjust their fishing or align their ACE packages to targeting different species in different areas.

The area proposed has become of greater importance since the interim set net restrictions were imposed in July 2012 which pushed the fishers further off the coast into more exposed areas. The proposed area is the last accessible area close to Port where the fishers can operate in adverse weather conditions due to the ability to get out early & work their gear quickly before the weather comes away. It is also one of the more profitable areas due to the minimal travelling distance and quantity of fuel used.

The Annual Revenue of \$81,024 is understated and I have not had enough time to get more accurate information from the fishers.

What I do know is the effect that the closures since 2008 have had on Egmont Seafoods & the fishers landing product into us. We cannot continue to have increasing costs and reduced income from fishing further from Port in less productive areas.

Egmont Seafoods Ltd has focused on the Rig & School Shark fisheries since the late 1980's (25 years) building up a quota portfolio to match the vessels and the species of fish caught and landed in Area 8. We have seen our Rig (SPO) catches diminish over the past 5 years (table to follow) which has affected our income & exports by in excess of \$500,000 per annum for Rig alone not including the bycatch & by products. This has happened because the government has taken a precautionary approach to the survival of the Maui dolphin and during this time no confirmed Maui dolphins have been found in Taranaki waters.

#### SPO Landings Into Egmont Seafoods Ltd 2012 to 2013

Fishing Year	SPO Gwt kg	Land Wgt kg	Processed kg	NZD \$ Value kg	Total Value
2013	34877	22501	16876	\$ 15.00	\$ 253,140
2012	53516	34526	25895	\$ 15.00	\$ 388,423
2011	60477	39017	29263	\$ 15.00	\$ 438,946
2010	76866	49591	37193	\$ 15.00	\$ 557,898
2009	59784	38570	28928	\$ 15.00	\$ 433,916
2008	66864	43138	32354	\$ 15.00	\$ 485,303
2007	92132	59440	44580	\$ 15.00	\$ 668,700
2006	96155	62035	46527	\$ 15.00	\$ 697,899
2005	109000	70323	52742	\$ 15.00	\$ 791,129
2004	99396	64126	48095	\$ 15.00	\$ 721,423
2003	69437	44798	33599	\$ 15.00	\$ 503,978
2002	93070	60045	45034	\$ 15.00	\$ 675,508

In the 2012/13 Fishing Year we had a 35% reduction in our Rig catches & Income. We also had 22,700 kg of uncaught SPO ACE which is a straight loss of \$8,000 being the rental paid for this ACE.....no income but an expense incurred.



Whilst our income and assets have been reduced we and the fisherman have received no assistance, support or compensation from the Crown. Egmont Seafoods Ltd employs 40 staff directly & indirectly (fisherman & crew) contributing to the regional and national economy and we have lost all confidence to invest and attempt to grow the business.

### Summary

No additional fishing restrictions should be imposed whilst there is so much uncertainty on the distribution and abundance of Maui's dolphins. The use of public sightings which have been verified years after the supposed sighting is not justification for increasing closures especially when MPI observers & DOC surveys have been active in the area over the past 15 months.

There is a need for more information and DOC should urgently complete a thorough plan for the required research with the appropriate budget allocated. DOC's \$100,000 budget for the scientific research and protection of Maui dolphins is ridiculous. The observer coverage in the Taranaki region which provides little additional information has cost in excess of \$500,000 in the past 15 months.

The industry is committed to working with MPI & DOC to assist the gathering of information and to ensure that we reduce the likelihood of catching a Hector's or Maui's dolphin.

The industry values its international reputation and is committed to sustainability as well as mitigating impacts on protected species. We are concerned that some of the environmental groups have called for greater protection based on false claims as to the need for increased fishing restrictions. These groups have provided the ability for submissions to be generated electronically from local and international websites. The electronic submissions are designed to exert political pressure and provide no useful information to assist the decision making by the Minister of Conservation. These electronic submissions should therefore be provided minimal weight and credence.

Egmont Seafoods Ltd supports and endorses the submission made by the Seafood New Zealand.

Can you please acknowledge receipt of this submission by replying to:  
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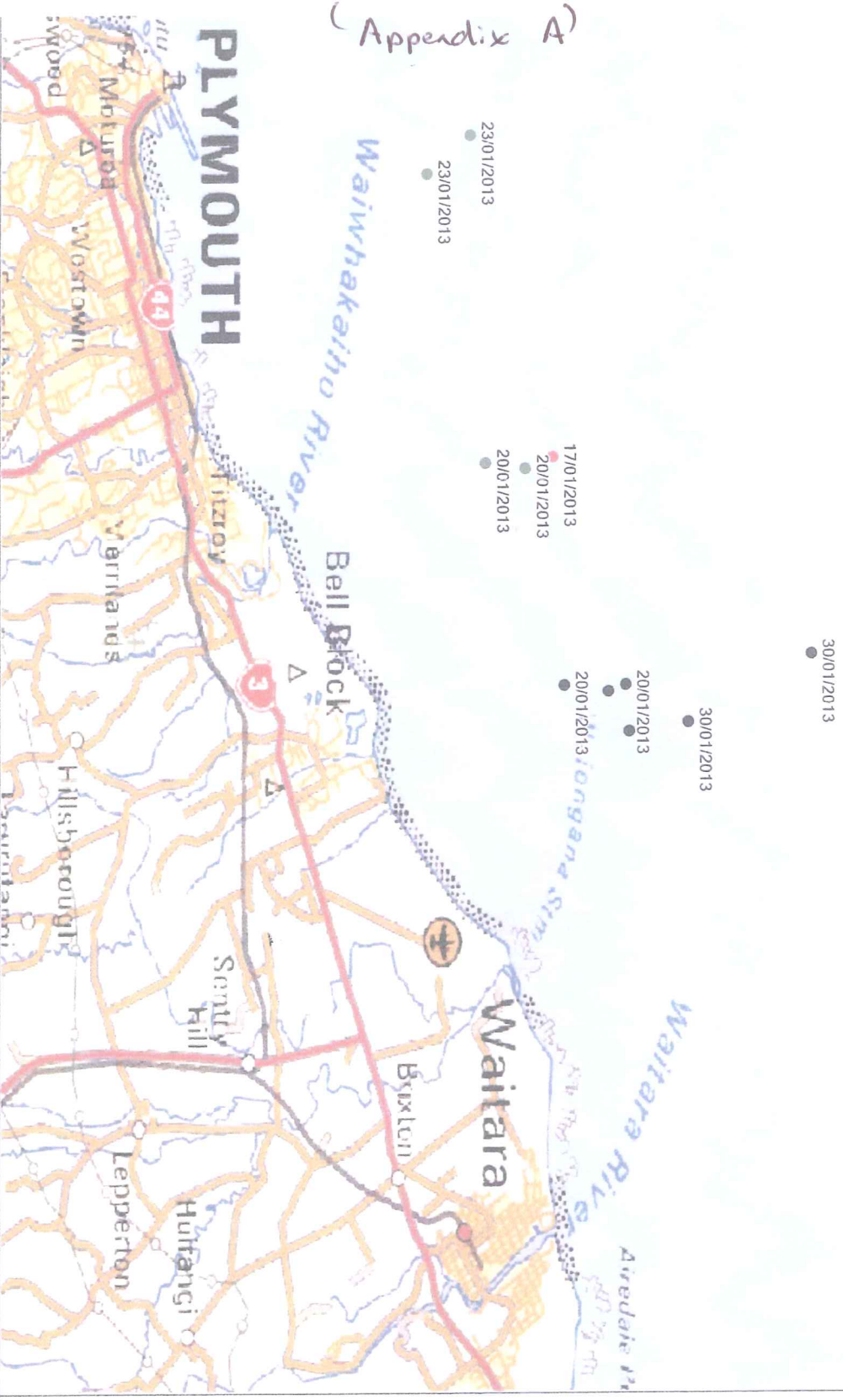


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-  NZ Topographic Maps
-  FUR Sightings Jan 2013.xlsx
-  HDO-HDM Public Sighting Jan 2013.xlsx

(Appendix A)



This map is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. Although the information on this map has been prepared with care and in good faith, no guarantee is given that the information is complete, accurate or up-to-date.



