



**Submission to
Department Of Conservation
on
Te Pēwhairangi (Bay of Islands) Marine Mammal
Sanctuary Proposal**

Date: 18 May 2021

Tourism Industry Aotearoa (TIA) welcomes the opportunity to comment on the Department of Conservation Proposed Marine Mammal Sanctuary in Bay of Islands.

EXECUTIVE SUMMARY

1. TIA is supportive of a strengthened response to managing the bottlenose dolphin population in the Bay of Islands. The demise in dolphin numbers is very concerning and it would be a tragedy if this species were to become locally extinct.
2. This is a complex situation, however. The Bay of Islands is a highly popular destination for boating and fishing activities. It is a significant challenge to find the right solution to preserving and growing the local dolphin population while also enabling commercial and recreational activity to continue and prosper in a sustainable manner.
3. TIA supports the concept of Marine Mammal Sanctuaries to protect and enhance marine life around New Zealand. While approximately 30% of New Zealand's land area is protected via Public Conservation Land systems less than 1% of our sea areas are provided with similar protection.
4. We believe the focus of the proposal should be on the species rather than the whole marine system. A strong concern from operators is that the restrictions would apply to all marine mammals in the restricted zone including dolphins, whales, and seals. This is seen as unnecessary.
5. The proposals need to pass the reasonableness test. Beachgoers, divers, paddleboarders, jetski operators, ocean swimmers and kayak operators will all need to be aware of the requirement to keep 400m from marine mammals in undertaking these activities in the water, in accordance with this requirement. This seems unworkable and runs the risk of high non-compliance.
6. Operators are also concerned that the proposals will have major impacts on key maritime events for the region. Under the proposal many, if not all, of these events would not be able to proceed.
7. A greater focus on private vessels is required and this will require a strong focus on educating the public about good practice when dolphins are sighted. Increased education is an important part of any management strategy.
8. Further research is required. There appears to be no information available on the impact of possible over-fishing on food stocks in the region and its effect on bottlenose dolphin behaviour. Research in other areas of the country has also indicated that run off due to increased farming and forestry activity can significantly affect behaviours of marine mammals.
9. Operators have suggested that it would be more beneficial to develop an integrated marine protected area strategy that covers the wider Bay of Islands region and works in partnership with tourism operators, as well as hapu, and DOC. TIA supports this approach.

INTRODUCTION

10. Tourism Industry Aotearoa (TIA) is the peak body for the tourism industry in New Zealand. With over 1300 members, TIA represents a range of tourism-related activities including hospitality, accommodation, adventure and other activities, attractions and retail, airports and airlines, transport, as well as related tourism services.
11. The primary role of TIA is to be the voice of the tourism industry. This includes working for members on advocacy, policy, communication, events, membership and business capability. The team is based in Wellington and is led by Chief Executive Chris Roberts.
12. During the development of this submission, we have engaged with TIA members operating in the Northland region for their views and perspectives.
13. Any enquiries relating to this paper should in the first instance be referred to TIA Industry Advocate Lori Keller by emailing Lori.Keller@tia.org.nz or by phone on 021 086 85356.

TIA RESPONSE TO THE PROPOSAL

14. TIA is supportive of a strengthened response to managing the bottlenose dolphin population in the Bay of Islands. The demise in dolphin numbers is very concerning and it would be a tragedy if this species were to become locally extinct. We also acknowledge the urgency with which stronger action must be taken, with researchers forecasting that the local population could be extinct as soon as 2022.
15. This is a complex situation. The Bay of Islands is a highly popular destination for recreational boating and fishing, plus there is also significant commercial boating and sailing activity, including water transport operations. It is also worth noting that pre-COVID cruise ships frequently visited the area. It is a significant challenge to find the right solution to preserving and growing the local dolphin population while also enabling commercial and recreational activity to continue and prosper in a sustainable manner.
16. The situation appears to take on more urgency through a lack of action over the previous decade, combined with quickly reducing dolphin numbers. DOC commissioned Massey University to undertake a report into the responses of bottlenose dolphins to vessel activity between 2012 and 2015. Seven years after that research was commissioned, restrictions were placed on the small number of permitted commercial operators in 2019 (these included banning morning encounters and swim-with activities, plus reducing encounter times to 20 minutes). In 2020 DOC commissioned TriOceans to undertake a research project on the impacts of vessel activity on bottlenose dolphins in the Bay of Islands.
17. TIA supports the concept of Marine Mammal Sanctuaries (MMS) to protect and enhance marine life around New Zealand. While approximately 30% of New Zealand's land area is protected via Public Conservation Land (PCL) systems, less than 1% of our sea areas are provided with similar protection. As with PCL there will be tensions

between human activity and the preservation of the natural environment including the wildlife. However, these tensions can be reduced, and workable solutions achieved with strong engagement and understanding between the different stakeholders.

18. The following are a series of amendments to the proposals for the Bay of Islands Marine Mammal Sanctuary (BOIMMS) that we believe will support both a more workable solution as well as a higher chance of success in preserving and regenerating the local bottlenose dolphin population.

The focus should be on the species rather than the whole marine system.

19. A strong concern from operators is that the restrictions would apply to all marine mammals in the restricted zone including dolphins, whales, and seals. This is seen as unnecessary as seal populations are growing plus it makes the proposals unworkable. For example, seals often locate themselves near shores or frequent popular diving sites such as Deep Water Cove and therefore as soon as they are within 400m of an activity this activity would have to cease.

20. We recommend that the proposals are modified to focus on the specific issue of protecting bottlenose dolphins rather than all marine mammals which are already covered by the Marine Mammal Protection Regulations 1992. The wider the reach of these restrictions the more unmanageable it could become. If people understand that the dolphins are the priority protected species it provides a higher chance of compliance and enables a strengthened response to the particular issues.

21. There are already adequate regulations in place to manage activity in a Marine Mammal Sanctuary (MMS). The Marine Mammal Protection Regulations 1992 (MMPR) regulate vessels in terms of their numbers, behaviour and distances around marine mammals. The MMPR requires commercial vessels to maintain a distance of 300m from marine mammals. The introduction of a '400m no approach rule' safe navigation of vessels seems unmanageable. This includes a spectrum of vessels from small kayaks navigating the coastline that encounter seals, to large vessels (cruise ships) having to stop when dolphins might cross their bow wave unexpectedly.

The proposals need to pass the reasonableness test

22. Everyone who swims, dives or enters the water would be prohibited from being in the water with any marine mammal within the boundaries of the marine mammal sanctuary. Beachgoers, divers, paddleboarders, jetski operators, ocean swimmers and kayak operators will all need to be aware of the requirement to keep 400m from marine mammals in undertaking these activities in the water, in accordance with this requirement.

23. It's unclear what this might mean for swimmers and people on a beach. Should a dolphin or seal be sighted within 400m of the beach people would have to leave the water and possibly the vicinity of the beach. This seems to border on farcical and runs the risk of high non-compliance that could negatively impact on other more reasonable control measures. If one rule doesn't make sense then other rules would also be questioned.

24. Likewise the requirement for speed for all vessels is to be restricted to five knots at all times in the two 'marine mammal safe zones' seems overly restrictive. Vessels under sail will have considerable challenges maintaining or reducing to only five knots and the areas impose a major restriction on where sailing will be possible. It is a major undertaking to stop a vessel under sail, dropping sails. It may not be practical or safe to do. Holding course may be a safer and less impactful option for the dolphins and vessel operator.
25. Operators have also expressed concern that the proposed MMS will have major impact on key maritime events for the region, such as the Bay of Islands Sailing Week, Coastal Classic, Tall Ships Race, and Brecca swim. Under the proposals many, if not all, of these events would not be able to proceed.

A stronger focus on educating the public is required

26. TIA would support DOC in a strong educational approach to changing public behaviour. In 2019, DOC implemented new restrictions in the Bay of Islands to help mitigate the effects of vessel and human interaction on dolphins. These restrictions, largely focussed on commercial tourism operators who were quick to comply with these changes.
27. A greater focus on private vessels is now required and this will require a strong effort to educate the public about good practice when dolphins are sighted. Increased education is an important part of any management strategy. TIA is a strong advocate for education campaigns as the first response to managing significant issues. We've seen this approach work well as part of the response package to industry issues such as freedom camping and visiting drivers. While a regulatory/punitive approach is necessary, education should be used strongly first and then fines for those who choose not to comply. We would like DOC to implement a detailed education, and subsequent punitive action approach over the next two summers. Outcomes of this effort would be measured and results made publicly available. Implementation would involve education officers at key entry points to the Bay of Islands waters (e.g. boat ramps), and on-water patrol vessels providing education and, as necessary, fines.

Further research is required

28. TIA recognises the efforts undertaken by DOC to investigate the decreasing bottlenose dolphin population in the Bay of Islands including research projects. However we believe a wider context is required to understand and mitigate the decline of bottlenose dolphins. There appears to be no information available on the impact of possible over-fishing on food stocks in the region and its effect on bottlenose dolphin behaviour. Several sources have expressed their concern that the lack of food is leading to changed behaviour in the dolphins, making them more stressed as food sources reduce and they must hunt further afield.
29. Research in other areas of the country (notably Raglan Harbour) has also indicated that run off (due to increased farming and forestry activity) can significantly affect behaviours of marine mammals. TIA would like to see any proposal for a Marine Mammal Sanctuary be the result of a multi-lateral approach to research, along with a wide consultation process.

30. We are concerned that the BOIMMS restrictions as proposed will have little or no impact on the dolphin population. Operators have suggested that it would be more beneficial to develop an integrated marine protected area strategy that covers the wider Bay of Islands region and works in partnership with tourism operators as well as hapu and DOC. We understand that such a strategy has been discussed among regional and local stakeholders and is strongly supported. TIA also supports this approach.

FOLLOW UP PROCESS

31. TIA wishes to participate further in any follow-up process, including any formal meetings, to ensure that the potential impacts on tourism are adequately represented.