



## Office of Hon Phil Heatley

MP for Whangarei  
Minister of Fisheries  
Minister of Housing

30 JUN 2010

PH0867

Mark Jones  
Care for the Wild International, UK  
[mark@careforthewild.com](mailto:mark@careforthewild.com)

Dear Mr Jones

Thank you for your letter dated 19 May 2010 regarding Hector's and Maui's dolphins.

As you know, the High Court has directed me to reconsider the extension of the set net closure on the West Coast of the North Island (WCNI) between four and seven nautical miles and the commercial set net closure of part of the East Coast of the South Island (ECSI) without an exemption for targeted commercial butterfish netting.

The Court's decision was based on the finding that the then Minister of Fisheries, Hon Jim Anderton, had been given inaccurate advice that the Court perceived might have been potentially material to his decisions. In both instances, the Court has been very specific as to the nature of the information it has perceived to have been inaccurate and the measures I need to reconsider. I will therefore be reconsidering these measures with the benefit of having the inaccuracies resolved and any additional information now available that might be relevant to those specific measures. I will not be reviewing any of the other measures that were put in place in 2008 at this time.

Over the next couple of months the Ministry of Fisheries will, on my behalf, consult with the public on the matters under reconsideration. Care for the Wild International will therefore have an opportunity to make submissions before I make final decisions.

Threats to Hector's dolphins are managed on a population by population basis. Given there remains overlap between fishing and the dolphins range, there remains the risk of mortality occurring. While any mortality of these important mammals is unfortunate and of concern to me, the measures implemented in 2008 are designed to ensure that impacts of fishing on the entire ECSI population are reduced to levels I consider acceptable. The key factor for me is to ensure that over time the level of mortality does not impact adversely on the population. In my view there has been insufficient time since the measures were implemented to properly test their effectiveness. It is my intention to review the measures in 2013, when there will have been a longer time period to allow reasonable assessment of the measures.

In the meantime, the Ministry of Fisheries and the Department of Conservation will continue to monitor Hector's and Maui's dolphins and the wider set of mitigation measures established through the Hector's and Maui's Dolphins Threat Management Plan.

The incidents you mention have been identified and reported as a result of the monitoring programme. Factors potentially contributing to the captures have been identified and analysed and, I understand, work has been done with the fishers to target potential contributing factors on a case by case basis.

I agree with you that a transparent process for publicly reporting incidents involving Hector's and Maui's dolphins, and other endangered species, is desirable. Currently, the outcomes of the monitoring are made available to the public at the end of each annual monitoring programme. I am informed also that the Department of Conservation is trialling an online quarterly reporting system for Hector's and Maui's dolphin mortalities. Please refer to the following website for additional information:

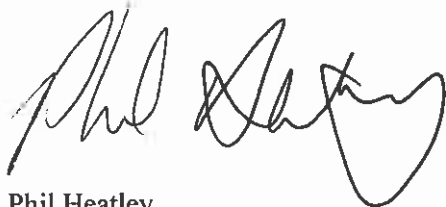
<http://www.doc.govt.nz/conservation/native-animals/marine-mammals/dolphins/hectors-dolphin/docs-work/hectors-dolphin-incident-database/>.

Overall I am concerned to ensure that any transparent process maintains incentives for fishers to report interactions and to work with agencies to manage the adverse effects from fishing. This will ensure that any monitoring programme can best contribute to the overall outcome of managing protecting species interactions, which is to reduce mortality levels as much as we can.

I take my responsibility to manage fishing-related threats to protected species very seriously and will continue to ensure that impacts of fishing on Hector's and Maui's dolphins are managed to ensure the long term viability of these important species.

Thank you for sharing your concerns with me.

Kind regards

A handwritten signature in black ink, appearing to read 'Phil Heatley', written in a cursive style.

Hon Phil Heatley  
**Minister of Fisheries and Aquaculture**