

Mission Blue Hope Spot Online Nomination Form

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Why is this proposed Hope Spot special?

Our Hope Spot covers most of the waters of New Zealand's more than 17,000 km coastline up to a water depth of 100 meters. These rich and complex waters range from subtropical in the north to subantarctic in the south and incorporate spectacles of outstanding natural beauty both above and below the water line. It boasts a host of rare marine species, many of which occur or breed nowhere else. New Zealand sea lions, yellow-eyed and little blue penguins, fairy terns, Buller's and Northern royal albatross, as well as population of at least 718 pygmy blue whales that was only recently confirmed as a New Zealand resident. Our Hope Spot has them all. It also touches the migratory path of some of the great whales (Southern right and Humpback whales), long-finned pilot whales, as well as great white sharks, basking sharks and spinetail devil rays. The area is also home to a wide variety of dolphin species, one of which is our Hope Spot's undisputed star: New Zealand's Hector's dolphin (*Cephalorhynchus hectori*).

The habitat of Hector's (*Cephalorhynchus hectori hectori*) Māui dolphins (*Cephalorhynchus hectori Maui*) makes up the area of our Hope Spot. The subspecies occur only in coastal waters of New Zealand up to a depth of 100 m: Hector's around the South Island, Māui off the North Island (mainly the west coast). *Cephalorhynchus hectori* is one of the smallest and rarest marine dolphin species on earth and has one of the most restricted distributions of any cetacean. The South Island subspecies consists of at least 3 subpopulations. Such genetic differentiation over a small geographic range is unique amongst marine mammals. Both Hector's and Māui dolphins have suffered devastating declines since the 1970s. Hector's dolphin abundance: 14,849, down from 29,000. Only a small and declining population of some 50 Māui dolphins (Cooke et al. 2018) remains.

Hold significant/representative populations of rare or endemic species

FISH & SHARKS

- Great white shark (*Carcharodon carcharias*), IUCN Red List: Vulnerable globally, CITES: Appendix II
- Basking shark (*Cetorhinus maximus*), IUCN Red List status: Vulnerable, decreasing
- Deepwater nurse shark (*Odontaspis ferox*): IUCN Red List status: Vulnerable (population trend: decreasing).
- Spinetail devil ray (*Mobula japanica*): IUCN Red List status: Near Threatened globally and Vulnerable throughout Southeast Asia
- Spotted black grouper (*Epinephelus daemeli*): IUCN Red List status: Near Threatened

BIRDS

- Fairy tern (*Sternula nereis davisae*) New Zealand's rarest bird
- Yellow-eyed penguin (*Megadyptes antipodes*): rarest penguin species on earth, IUCN Red List: Endangered, decreasing
- Northern Royal albatross (*Diomedea sanfordi*): breeds only in NZ, IUCN Red List: Endangered, decreasing
- Blue penguins (*Eudyptula minor*): the world's smallest penguin, IUCN Red List status: not yet assessed, nationally listed as declining.

CETACEANS

- Southern right whale (*Eubalaena australis*), North and South Island waters
- Humpback whale (*Megaptera novaeangliae*), North and South Island waters
- Long-finned pilot whales (*Globicephala melas edwardii*), most numerous cetacean to strand on New Zealand shores
- Orca (*Orcinus orca*): resident population of 150- 200 individuals in 3 main populations, North and South Island waters
- Pygmy blue whale (*Balaenoptera musculus brevicauda*): West coast North Island. Resident population concentrated in the South Taranaki Bight. Genetically distinct from other blue whales in the Pacific and Southern Oceans. Minimum population estimate: 718 (SD = 433, 95% CI = 279-1926), Barlow et al.2018)
- Hector's dolphin (*Cephalorhynchus hectori hectori*): about 10,000 individuals, Mainly South Island, isolated individuals off the North Island east and west coast, IUCN Red List Status: Endangered, decreasing
- Māui dolphins (*Cephalorhynchus hectori Maui*): 57, declining, North Island, IUCN Red Status: Critically Endangered

Contain an umbrella species

Hector's and Maui dolphins. Dolphin protection from fishing, acoustic seismic exploration, marine mining and industrial as well as agricultural pollution would benefit a great number of invertebrate and vertebrate species across and beyond the boundaries of the proposed Hope Spot.

Hold a wide diversity of species

NZ is home to over 1000 known marine fish species. Around 11% are endemic. Of 270 species of coastal fish, some 25% are endemic. 77% of coastal fish species occur widely off both main islands. Southern species (8% of coastal fish) prefer cooler waters and reach their northern limits between Banks Peninsula and the Cook Strait.

At least 25 mostly endemic species of triplefins (Tripterygiidae), seahorses (*Hippocampus abdominalis*), the endemic wrasse called the spotty (*Notolabrus celidotus*), as well as 11 species of right-eyed flounder, including sole (*Peltorhamphus novaezeelandiae*), sand flounder (*Rhombosolea plebeia*), black flounder (*Rhombosolea retiaria*). Great white sharks (*Carcharodon carcharias*), basking sharks (*Cetorhinus maximus*), deepwater nurse shark (*Odontaspis ferox*), spinetail devil ray (*Mobula japanica*), spotted black grouper (*Epinephelus daemeli*), yellow-eyed mullet (*Aldrichetta forsteri*), grey mullet (*Mugil cephalus*), Piper (*Hyporhamphus ihi*), Kahawai (*Arripis trutta*), snapper (*Pagrus auratus*), yellowtail kingfish (*Seriola lalandi*), barracouta (*Thyrssites atun*), small common octopus (*Pinnoctopus cordiformis*) and Octopus *huttoni*.

New Zealand fur seals (*Arctocephalus forsteri*), Leopard seals (*Hydrurga leptonyx*), Southern elephant seals (*Mirounga leonine*), NZ sea lions (*Phocarctos hookeri*),

The fairy tern (*Sternula nereis davisae*), white-fronted tern (*Sterna striata striata*), white heron/great egret (*Ardea modesta*), yellow-eyed penguins (*Megadyptes antipodes*), Northern Royal albatross (*Diomedea sanfordi*), Buller's albatrosses or mollymawks (*Thalassarche bulleri platei*), Blue penguin (*Eudyptula minor*), gannets

Southern right whale (*Eubalaena australis*), Humpback whale (*Megaptera novaeangliae*), Long-finned pilot whale (*Globicephala melas edwardii*), Common dolphin (*Delphinus delphis*), Dusky dolphin (*Lagenorhynchus obscurus*), Orca (*Orcinus orca*), Pygmy blue whale (*Balaenoptera musculus brevicauda*), Bottlenose dolphins (*Tursiops truncatus*)

Hold a significant process or ecosystem here (e.g. phytoplankton bloom, reefs, kelp forests)

The South Taranaki Bight region is characterized by a wind-driven upwelling system that produces a plume of cold, productive water that supports high concentrations of krill (*Nyctiphanes australis*; endemic to New Zealand and south-east Australian waters). These oceanographic conditions are unique within New Zealand and are consistent with well-documented blue whale habitat in and California. In summer, a plume of cold, nutrient-rich, upwelled water extends from the Kahurangi Point-Cape Farewell area into western Cook Strait. Here, concentrations of chlorophyll exceed ambient levels four to six times. Densities of the Copepod nauplii are up to four times higher than in the source waters of the plume. It is the most common krill species in this upwelling region and forms an important component of the New Zealand coastal food web as a food source for many species of fish. It is highly productive and said to have a higher production to-bio-mass ratio than any euphausiid studied to date. To the north lies a large bay which extends around 110 km north-east to Cape Egmont and circa 185 km south-east to the Wellington coast of the North Island, referred to here as the Taranaki Bight. At its south-east corner, Cook Strait separates the North and South Islands and leads to the east coast waters. It has some of the strongest tidal currents in the world. It is part of the migration route of Southern right and humpback whales, forms part of the habitat of NZ's resident pygmy blue whales, as well as that of Maui and Hector's dolphins.

Potentially have a spill-over effect if under legal protection

The protection of Maui and Hector's dolphin habitat will help to rebuild overfished and disturbed coastal areas and ecosystems across many parts of New Zealand and act as a source area for organisms of all sizes. This will greatly benefit the long-term sustainability, profitability and reputation of New Zealand's fisheries. Allowing fish stocks to recover will make it possible to catch the same amount of fish expending less travel time and fuel. Selective, sustainable fishing methods tend to be more labour intensive but much less energy (fuel) intensive. The results will be more jobs and a higher value for each fish that is caught. Indiscriminate bulk fishing methods like gillnets and trawling are wasteful of marine resources. Enormous quantities of fish are caught and discarded, because they are damaged or not the target species (Simmons et al. 2016). Selective and environmentally sustainable fishing therefore have a lesser impact on marine mammals, seabirds, target and non-target fish populations and ecosystem health as a whole. Spill-over from inshore waters into fisheries operating further offshore will also benefit these fisheries.

Placed on or part of a migration route

Some tropical fish during summer. SPINETAIL DEVIL RAYS migrate around northern NZ waters in spring and summer.

SOUTHERN RIGHT WHALES: Slow recovery despite protection since 1935. Strong preference for shallow, sheltered waters in the Auckland Islands when calving with few seen outside harbours, especially females & calves. Port development, shipping, fishing and aquaculture may impede the whales' return to Otago and other NZ harbours.

HUMPBAC WHALES: North & South Island waters. Migrate from Antarctica up the coast of New Zealand to tropical waters near Tonga, Fiji and other Pacific islands and back down again. Numbers have risen slowly since the end of persecution. Recovery in Australian waters is much faster.

LONG-FINNED PILOT WHALES roam throughout the Southern Ocean. Feed mainly on arrow squid and common octopus in New Zealand, both of which are commercially fished.

Adult and juvenile GREAT WHITE SHARKS migrate between sites near Stewart Island and the Chatham Islands to the tropical and subtropical Pacific between March and September. Appear to spend at least 5-7 months north of NZ before returning. Protected in since 2007, but many are still caught in gillnets and other fishing gear.

BASKING SHARKS aggregate in shallow coastal waters in parts of North and South Island (see map Francis & Duffy 2002, Francis 2017). Frequent bycatch in trawl and gillnet fisheries. Numbers have declined substantially since the 1970s, with basking sharks rarely seen in areas where they used to be very common a few decades ago (e.g. Banks Peninsula).

NORTHERN ROYAL ALBATROSS: breeds only in NZ but spends much time off South America. 5200-5800 breeding pairs; 30 near Dunedin. The rest on remote islets of the Chatham Islands.

BULLER'S ALBATROSSES: mainly coastal areas south of Cook Strait. Breeds mostly off the Chatham Islands, eastern North Island, a small population on Rosemary Rock, Three Kings Islands. Migrate to Peru and Chile after breeding.

A site that could enhance connectivity between other marine protected areas or specific population?

Overall, less than 20 percent of Hector's and Maui dolphin habitat is free from harmful gillnets and trawling. Current protection measures represent an arbitrary mix of inconsistent and biologically ineffective fisheries exclusion zones, which extend from zero to two, or four and seven nautical miles offshore and reflect fishing interests rather than dolphin distribution. Creating a habitat-wide sanctuary, as envisaged by IUCN Motion 035 in 2012: Actions to avert the extinctions of rare dolphins: Maui's dolphins, Hector's dolphins, Vaquita porpoises and South Asian river and freshwater dependent dolphins and porpoises, will connect this disjointed patchwork of areas offering different degrees of protection. Together with other initiatives (see below) this will transform Maui and Hector's dolphin population management into a scientifically sound conservation tool. Area-based protection has been shown to slow the decline of Hector's dolphins off Banks Peninsular by increasing survival rate (Gormley et al. 2012; Slooten 2013). In doing so, Slooten's study illustrated the need for sufficiently large protected area to arrest population decline and facilitate recovery. The Cook Strait, which separates the North and the South Island is a critical link between Maui and Hector's dolphins. However, there area is entirely unprotected against either gillnetting or trawling and effectively isolates Maui dolphins. Hector's dolphins are known to follow inshore trawlers around Banks Peninsula (see photos). This video of a hoki trawler operating in the Cook Strait further illustrates the risks:

<https://www.youtube.com/watch?v=6wGqLQndCH8&t=11s>). With just 57 individuals remaining, these Critically Endangered dolphins is almost certain to go extinct unless gillnets and trawl nets are removed from their habitat immediately.

An area of cultural significance to a local or regional population (historical, cultural or spiritual value)

SHARKS: In Māori mythology, the demi-god Māui placed the shark Te Māngōroa in the sky, forming the Milky Way. Sharks and rays, along with other animals living in the sea, were considered to be the children of the god Punga. Māori likened their warriors to sharks, invoking them in battle cries such as: 'Kia mate uruora tātou, kei mate-ā-tarakihi' (let us die like white sharks, not tarakihi fish).

It is said that whales guided the canoes that brought the first people to New Zealand. In one story, the Tākitimu canoe travelled behind a pod of whales during a storm. In another, a water spirit, thought to be a whale, calmed the waves for the canoe of the Tainui tribes.

- The whale has often been commemorated in place names:
- Moutohorā (captured whale), an island off the coast at Whakatāne
- Te Ara-a-Kewa (the path of the right whale), the name for Foveaux Strait
- Te Ara-a-Paikea (the path of Paikea), a whale-shaped hill on the Māhia Peninsula
- Whangaparāoa (bay of sperm whales) in Auckland and the East Cape
- Te Waiū-o-Te-Tohorā (the breast milk of the whale) is the name of a spring of white water associated with hills around Welcome Bay and Pāpāmoa in the Tauranga area. The hills represent a family of whales (mother, father and baby) that lost their way.

For Hector's and Maui dolphins (Maori name: Pahu) see "Beyond the Kelp":

<https://youtu.be/H7S7zDmesng>

A nomination that has community based support

Our work enjoys both local and international support. Our Facebook groups (<https://www.facebook.com/groups/hectorsandmauissos>, <https://www.facebook.com/whaledolphintrust/>, <https://www.facebook.com/OurSeasOurFuture/>) benefit from widespread support within New Zealand and internationally. We have initiated international petitions that have reached over a quarter of a million supporters, coordinated international NGO sign-on letters supported by over 100 NGOs, developed and distributed education material across hundreds of NZ schools, work closely with volunteers and supporters in New Zealand and Australia, make representations at scientific forums, and have carried out and fund Hector's and Maui dolphin research to strengthen the dolphins' protection. We are also involved in a documentary featuring Maui and Hector's dolphins that will be screen before the end of this year (initially in Korea and then worldwide). We have secured the support of sports personality and freedive world champion William Trubridge and are hoping to soon begin work with Indian Emi Award-winning composer Ricki Kej. Working closely with Prof Liz Slooten, the world's leading expert on Hector's and Maui dolphins, for 15 years has been instrumental to our efforts. Having the dolphins' habitat recognised as a Hope Spot would bring the different strands of our work together and focus much needed attention on the dolphins' plight.

A site that contains economic/touristic appeal (natural spectacle)

HECTOR'S DOLPHINS: Akaora (east coast South Island). World famous dolphin cruises, kayak and swim with experiences. Year-round operation but most popular in summer. Since 2002, about 50% of jobs here depended directly or indirectly on tourism, which centres around Hector's dolphins. Total direct tourist spending then was NZ\$17.3 million, with value-added income raising an additional NZ\$6.0 million. Since the 2010/11 earthquakes, which damaged Lyttleton Harbour, the number of visitors to Akaora has risen dramatically as a result of Akaora hosting the majority of cruise ship arrivals to Canterbury. This relocation coincided with a notable growth in cruise ship tourism to NZ. For over 70 days a season 2000- 4000 people come ashore when in port. Tourism is a major contributor to the economy of Akaora. A major decline in tourism could lead to high levels of unemployment. A 10-year ban on new dolphin tourism ventures is intended to protect the dolphins from human activities associated with viewing or swim with dolphins, seals or whales in the harbour. The moratorium will expire in 2026.

SPERM WHALES attract thousands of tourists to towns like Kaikoura. In the late 1900s and early 2000s the Ngai Tahu tribe set up tourism trips called Whale Watch. They take people to see the whales off the Kaikoura coast.

FUR SEALS

South Island: Kaikōura, Cape Foulwind on the West Coast near Westport, Nugget Point in the Catlins, v Otago Peninsula. North Island: Red Rocks near Wellington, Turakirae Head, Palliser Bay in the southern Wairarapa.

NZ SEAL LIONS

South Island: Otago Peninsula (e.g., Sandfly Bay and Allans Beach)

ELEPHANT SEALS: South Island, south eastern coastline south from Ōamaru

ORCA: North & South Island: Bay of Plenty, East Cape and Hawke's Bay in June, and from October to December.

LITTLE BLUE PENGUINS: Oamaru penguin colony (> 200 come ashore each evening during the peak of the breeding season).

YELLOW-EYED PENGUINS: South Island, esp. Otago Peninsula at Sandfly Bay.

Made up of significant aesthetic qualities that it can attract attention to threatened or weakened ecological qualities

The town of Akaroa on the east coast of the South Island (Banks Peninsula) lives from dolphin tourism. However, education about the threatened status of Hector's and Maui dolphins is poorly represented. Lack of dolphin related merchandize and educational material is means a big opportunity is missed. It would be the ideal location for a Hector's and Maui dolphin festival or centre, perhaps supported by a coalition of tour operators. Thousands of visitors reach the picturesque little town of Akaroa each year by car, boat and cruise ship.

A dedicated exhibition at the National Museum in Wellington (Te Papa) could highlight the changing relationship between New Zealand - a former whaling nation - and cetaceans, since the country's human settlement. The event could track New Zealand's, including Maori cultural history with regard to the ocean, including New Zealand's transition from a whaling nation to a nation of cetacean lovers. Special focus should be on New Zealand's resident blue whales in the Taranaki Bight and on Maui and Hector's dolphins, who as largest and smallest and cetaceans are both in need of effective protection against anthropogenic harm.

Potentially encouraging of scientific research projects

Clarify the range boundaries of Maui dolphins across suitable habitat using eDNA obtained from water samples to facilitate range-wide protection for Maui dolphins from fisheries bycatch and other anthropogenic threats. University of Otago research project funded by NABU international.

Independent research into the potential effects of industrial activities such as acoustic seismic surveys, oil and gas drilling and extraction, seabed mining, vessel traffic and their cumulative impact on the behaviour and health of different elements of the marine food chain, including Maui and Hector's dolphins and blue whales.

Research on the effectiveness of current protection (and hopefully improved protection soon) by studying survival and reproduction of Hector's dolphins. Due to extremely low abundance. this is not practical with Maui dolphins, for whom the immediate priority is precautionary protection. Due

to the dolphins' very low reproductive rate, it will take a decade or more before any population growth can be reliably detected. But for the South Island Hector's dolphins an increase in survival has already been found in response to past protection measures. Survival is still too low to allow population recovery. However, continued monitoring is required to determine if the population is finally sustainable following the implementation of improved protection measures.

Cover the location of species assemblages (e.g. breeding and aggregation of mammals/coral/fish)

All of the breeding, aggregation and feeding habitat of marine mammals mentioned in previous sections - in particular those of the endemic Hector's and Maui dolphin. NZ sealions are worth mentioning as well. After a sustained period of intense persecution, the species is trying its best to recolonize the NZ mainland. NZ sea lions are endemic with a highly restricted distribution around several subantarctic islands south of New Zealand and their surrounding waters. Most pups are born on the Auckland Islands, followed by Campbell Island. Some have returned to the southeast coast of the South Island and Stewart Island. They are subject to significant bycatch (<http://www.pnas.org/content/early/2017/10/03/1703165114>). Protecting their feeding grounds, which are situated close to shore off the Otago and Southland areas, would greatly support their recovery. NZ sealions breed faster, reach adult size earlier and give birth to larger pups, etc. at Otago Peninsula than in the southern islands (Auckland Island, Campbell, Snares). Sealing exterminated sea lions from the mainland, just as whaling all but eliminated right whales from the mainland. Both sealions and right whales managed to retain a flipper hold in the sub-Antarctic islands. Now the sealions are caught there as bycatch in the commercial squid trawl fishery, which is also impacting their prey base. Mainland sealions are feeding much closer to shore than their sub-Antarctic cousins and are doing well. However, for them to flourish, fishing practices need to be sustainable and selective, so that neither the sealions nor their food is caught. This will support their recovery to their historic mainland rookeries and reduce the threat posed by relying on a single breeding location. According to Royal Forest & Bird, 7,757 seals died in the MSC certified hoki fishery between 1988 and 2003, and at least 2,000 New Zealand sea lions were killed in the Auckland island squid fishery since 1980. IUCN Red List status: Vulnerable (decreasing)

Hold importance for the dispersal of adults and/or juvenile (any species including hope spot species)

Inshore waters around the NZ mainland are critical for the whole ecosystem. Fisheries management is slow to make the transition to ecosystem-based management. Protecting inshore waters from bulk fishing methods such as gillnets and trawling will provide a huge boost to Hector's and Maui dolphins, the fish and squid they depend on for food, not to mention fish and other marine mammals and seabirds that rely on the inshore habitat. In the past, very large colonies of seabirds in coastal areas provided nutrients to inshore plant communities. These have become very rare, because both birds, including endangered penguins, petrels and albatrosses, and their food are killed in the in the commercial and recreational gillnets and trawl fisheries.

Accessible for educational projects, directly or indirectly (through digital means)

Websites and social media pages maintained by all partners involved with this nomination (NABU International: English and German sites, the New Zealand Whale and Dolphin Trust, the Our Seas

Our Future Charitable Trust). We are also working with a series of youth education and nature champion groups which are active on social media. Additional direct media outreach.

Threats

Bycatch in commercial and recreational gillnets and trawls pose by far the biggest threat to both subspecies. Other threats include seismic surveys, marine mining for oil, gas and sand, industrial and agricultural pollution, disease, noise, ship strikes and tourism.

Less than 20% of the species' habitat is protected against harmful fishing nets. 81% and 95% of Māui dolphin habitat remain unprotected from gillnetting and trawling respectively. Maui dolphins are also at risk due to low numbers, slow population growth, a severely restricted range, and low genetic diversity. They have become so rare that they sustain just 1 human induced death every 10-23 years. Yet fisheries bycatch alone however amounts to 3.28 – 4.16 Maui dolphins a year-over 54 times the sustainable level (PBR). Although still more numerous and more widely distributed Hector's dolphins too are predicted to decrease due to bycatch and other threats.

Since 2012, the Scientific Committee of the International Whaling Commission has urged New Zealand to address the dolphins' decline by banning gillnet and trawl fisheries across their habitat. The IUCN and the Society for Marine Mammalogy have issued similar recommendations (Summary: Maas 2014). Current protection measures fail to meet the recommendations by the IWC and its Scientific Committee, the IUCN and the SMM and fall significantly short of requirements for recovery. Both subspecies are expected to decline towards extinction.

Star Quality

Our Hope Spot covers the home of 2 of New Zealand's most spectacular cetaceans. Hector's and Maui dolphins – the Hobbits of the Sea – on the small end of the spectrum, and the largest animal on Earth - New Zealand's recently described population of resident blue whales - at the other. Between them they will protect a host of ocean dwellers above and below the waterline. Both cetacean species are trapped in an environment that is dominated by harmful human activities.

The oil and gas industry have a strong presence in the South Taranaki Bight, which is critical habitat for both Hector's dolphin subspecies and blue whales. There are active extraction platforms and ongoing seismic survey efforts to search for new oil and gas reserves and drilling locations. The area already has several oil and gas extraction rigs. Vessel traffic is intense, with several major ports and the adjacent Cook Strait shipping channel. The government recently also granted a permit for the country's first seafloor iron sands mining operation, which is scheduled to extract 50 million tons of iron sands a year from the area for 35 years. The immediate and long-term effects of the resulting sediment plume on the marine food chain are likely to be severe. Overall, the chronic exposure of anthropogenic pressures on this critical Māui dolphin and blue whale habitat are set to rise, bringing with them an increase in pollutants, ocean noise and vessel traffic and the threat of food shortages. While NZ will no longer issue new seismic survey permits in its EEZ, existing permits and the potential fossil fuel or mineral extraction that will follow are set to run for decades. These factors threaten the survival of countless species that depend on our Hope Spot. However, with just 57 individuals, Maui dolphins find themselves precipitously close to oblivion. If they are to survive, they need full protection now.

Government position

The first protected area for Hector's dolphins was created in 1988. It was followed by a second in 2003 to protect Māui dolphins, who was recognized a separate subspecies in 2002. 2008 saw the creation of a network of protected areas for Hector's and Māui dolphins, which covers small parts of most populations (see map). Calls by international experts for full protection have been ignored and brushed aside. The resulting lack of areal coverage means both North and South Island Hector's dolphin populations continue to decline.

Prior to last year's election, 2 of the 3 political parties that now form a coalition government in New Zealand had pledged to implement the IUCN's recommendation of a gillnet and trawl ban throughout the habitat of Māui and Hector's dolphins, as well as tackle other threats. Nine months later, there have been no new developments.

Additional Information

MAORI TREATY CHALLENGE OVER MAUI DOLPHINS

In May 2016 the New Zealand High Court rejected a challenge over the government's handling of Māui dolphin conservation by Ngati Te Wehi and Ngati Tahinga, two Maori communities based near Aotea Harbour on the west coast of the North Island. The communities argued that the government's 2013 Threat Management Plan fell short of what was necessary to prevent the dolphins' extinction, did not take account of international expert advice and failed to adequately consider the dolphins' importance as a "taonga" (treasure), as set out in the Treaty of Waitangi. The Waitangi Tribunal's found that the Crown's policies did not breach the Treaty of Waitangi, nor its obligations to Ngati Te Wehi and Ngati Tahinga added that its function was not to pass judgment on the decline of an endangered species, but to assess whether the Crown's policy in relation to Maui's dolphin was in breach of the Treaty.

RELEVANT US LEGISLATION

US Endangered Species Act listing

On the 19th September 2017, the US National Oceanic and Atmospheric Administration (NOAA) ruled to list Māui dolphins as endangered and Hector's dolphins as threatened under the Endangered Species Act. The move recognizes and confirms New Zealand's failure to stem the longstanding decline of Māui and Hector's dolphins. (See: <https://www.fisheries.noaa.gov/action/Māui-dolphin-listed-endangered-and-south-island-nectors-dolphin-threatened-under-esa>, <https://www.federalregister.gov/documents/2017/09/19/2017-19903/endangered-and-threatened-wildlife-and-plants-final-rule-to-list-the-Māui-dolphin-as-endangered-and>)

US Marine Mammal Protection Act

On 1 January 2018, the US government passed a final rule of its Marine Mammal Protection Act (MMPA, <https://www.federalregister.gov/documents/2016/08/15/2016-19158/fish-and-fish-product-import-provisions-of-the-marine-mammal-protection-act>). The new regulations could stop imports of fish from fisheries in countries with associated marine mammal bycatch if proof that any marine mammal bycatch is sustainable cannot be provided. Although the ruling will not come into effect for five years, an emergency clause could enact an earlier import ban for endangered species such as Maui dolphins for example.

NEW ZEALAND LEGISLATION

New Zealand's Marine Mammals Protection Act (1996) sets out that, threatened species should become non-threatened as soon as practicable and in any case within 20 years. In the absence of a population recovery plan, there is no statutory obligation to meet this requirement.

Organisations involved

- NABU International
- The University of Otago
- The New Zealand Whale and Dolphins Trust
- Our Seas Our Future Charitable Trust

Outreach to

- Ngati Te Wehi and Ngati Tahinga, Maori communities based around Aotea Harbour in the Waikato re. Treaty challenge
- Blue whale researchers Torres and Barlow, Oregon State University

Hope spot goals

A contiguous protected area for Maui and Hector's dolphins across the 100m isobar where commercial and recreational gillnetting and trawling, seabed mining, petroleum exploration, drilling and production is prohibited.

- Banning seismic testing within at least 20 nautical miles of the protected area boundary.
- Transition affected fishermen to environmentally sustainable fishing methods or alternative livelihoods (estimated cost: \$26 - \$40 million)
- Appropriate speed and noise restrictions are implemented and strictly enforced, particularly in Hector's and Maui dolphin and other marine mammal 'hotspots'
- Dolphin and swim with operations targeting Maui and Hector's dolphins are regulated, monitored and adhere to internationally accepted best practice
- Targeted education and conservation awareness initiatives about the importance of the proposed measures amongst affected stakeholder groups

How will it give hope?

The science behind averting the extinction Maui's and Hector's dolphins is as clear as the inevitability of outcome if the status quo is maintained. But the dolphins' extinction is not inevitable. We know what has to be done to prevent it. We just have to start doing it – and soon. If we don't, Hector's and Maui's dolphin will disappear in a country that woos millions of international tourists with the slogan "100% PURE NEW ZEALAND". With around 80 million people actively thinking about a New Zealand holiday according to Tourism New Zealand, and international tourists spending of nearly NZ\$12 billion, New Zealand depends on its much referenced "clean and green" reputation.

The tragedy that currently plays out beneath the waves of New Zealand's coastal waters and the extinction of endangered cetaceans that will flow from it is incompatible with this image. With the review of the Maui and Hector's Dolphin Threat Management Plan now underway, last month's confirmation of a resident pygmy blue whale population, and a government that is more likely to act in line with international scientific consensus and any other before it, the chance of success for an

international awareness campaign has never been better. The proposed changes therefore also make economic sense and will ultimately even benefit NZ's fishing industry.