

Minutes of the 3rd meeting of the Natural Environment Committee held at Environment Canterbury, 200 Tuam Street, Christchurch on Thursday, 2 December 2021 at 10.30am.

Present

Committee Co-Chairs Councillors Claire McKay and Craig Pauling and Tumu Taiao Yvette Couch-Lewis and Tumu Taiao Iaeen Cranwell, and Chair Jenny Hughey and Councillors Tane Apanui, Phil Clearwater, Grant Edge, Ian Mackenzie, Nicole Marshall, Elizabeth McKenzie, Lan Pham, Peter Scott, Vicky Southworth and John Sunckell.

1. Mihi / Karakia Timatanga - Opening

A karakia was provided by Councillor Pauling.

The Chair advised that the meeting was being recorded and that the recording would be made available on the Council website.

2. Apologies

Apologies for absence were received from Councillor Megan Hands and for lateness from Councillor Tane Apanui.

3. Conflicts of Interest

There were no conflicts of interest reported.

4. Public Forum, Deputations, and Petitions

4.1 Deputation

There was one deputation.

- 4.1.1 Genevieve Robinson spoke, with a powerpoint presentation and additional information tabled (attached), in regard to item 6.2 Submission to Fisheries New Zealand regarding further measures to protect Hector's dolphins, in relation to additional measures that Council could expect from fisheries, being the Regional Council, governing out to 12 nautical miles.

RESOLVED

That the Natural Environment Committee:

- 1. receives the deputation from Genevieve Robinson regarding item 6.2 Submission to Fisheries New Zealand regarding Further Measures to Protect Hector's Dolphins.**

Chair Hughey/Councillor Pham
CARRIED

5. Minutes

- 5.1. Unconfirmed Minutes - Natural Environment Committee - 23 September 2021
Refer to pages 7-17 of the agenda.

RESOLVED

Staff recommendation adopted without change.

That the Natural Environment Committee:

- 1. confirms the minutes from the Natural Environment Committee meeting held 23 September 2021.**

Councillor Marshall/Councillor Pauling
CARRIED

- 5.2. Confirmed Minutes - Catchment Sub-Committee - 7 October 2021
Refer to pages 18-29 of the agenda.

RESOLVED

Staff recommendation adopted without change.

That the Natural Environment Committee:

- 1. receives the minutes from the Catchment Sub-Committee meeting held 7 October 2021.**

Tumu Taiao Cranwell/Councillor Mackenzie
CARRIED

6. Report Items

6.1. Financial Delegation to Support Flood Recovery

Refer to pages 30-32 of the agenda.

RESOLVED

Sub-Committee recommendations adopted without change.

That the Natural Environment Committee:

- 1. RECOMMENDS to COUNCIL that an additional financial delegation approval is given for unbudgeted May/June 2021 flood recovery expenditure of a further \$4.1 million for the year ended 30 June 2022 (noting that Council has already approved \$4.1 million for immediate flood recovery work)**
- 2. notes that potential options for rating changes for funding flood recovery are being explored by staff for inclusion in the draft 2022/23 Annual Plan.**

Councillor McKay/Councillor Mackenzie

CARRIED

6.2. Submission to Fisheries New Zealand regarding Further Measures to Protect Hector's Dolphins

Refer to pages 33-49 of the agenda.

Staff Recommendation:

That the Natural Environment Committee:

- 1. approves the Canterbury Regional Council submission on further fisheries proposals to protect the South Island's Hector's dolphins, and lodges it by 6 December 2021.**
- 2. approves the Canterbury Regional Council submission on the proposed wider rollout of on-board cameras, and lodges it by 6 December 2021.**
- 3. authorises the Chief Executive to make any changes to the final version of the submission to correct typographical, formatting or numbering errors.**

RESOLVED

That the Natural Environment Committee:

1. approves the Canterbury Regional Council submission on further fisheries proposals to protect the South Island's Hector's dolphins, with the amendments as discussed (below), and lodges it by 6 December 2021.
2. approves the Canterbury Regional Council submission on the proposed wider rollout of on-board cameras, with the amendments as discussed (below), and lodges it by 6 December 2021.
3. authorises the Chief Executive to make any changes to the final version of the submission to correct typographical, formatting or numbering errors.

Amendments to the submissions were agreed as follows:

- Amendment to Agenda page 37 (page 1 (letter) of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Insert 'of immense' ... into the second paragraph of the letter:

"The coastline of Canterbury is an important habitat for Hector's dolphins and their declining population is of immense concern to Environment Canterbury..."

- Amendment to Agenda page 39 (page 3 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

1.4 - fix the spelling of 'Taio' to 'Taiao'

"1.4 Environment Canterbury supports measures that will help to reduce Hector's dolphin mortality rates to zero, as set out in Te Mana o te Taiao."

- Amendment to Agenda page 40, 2.11 (page 4 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Insert extra words (below) and delete the words and encourage that this is reconsidered:

"...35 fishing related deaths is a significant number. Environment Canterbury wants this to be reduced to zero, so deaths are an absolute exception. We recommend zero tolerance to deaths from fishing."

- Amendment to Agenda page 42, 2.25 (page 6 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Reword to become:

"2.25 Trawling fishing...Ideally Environment Canterbury would like to see restrictions on trawling over in identified areas in the coastal marine area that are a natural and physical resource or habitat for Hector's dolphins (including all estuaries, harbours and bays, no matter distance offshore) out to 12 nautical miles or 100m depth."

- Amendment to Agenda page 42, 2.27 (page 6 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Reword to become:

"2.27. Hector's dolphins...deep. Environment Canterbury considers that extending the areas around Banks Peninsula out to 12 nautical miles or 100m depth is sufficient. (including all estuaries, harbours and bays, no matter distance offshore) would offer improved protection. However, any movement of set netting into other areas does need to be monitored to ensure the issue is not shifted to other areas within the Hector's dolphin's habitat."

- Amendment to Agenda page 42, 2.28 (page 6 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Reword to become:

"2.28 Environment Canterbury believe gill-netting is also a problem and hence also needs to be added to the prohibited set-net areas. Environment Canterbury would like to see restrictions on gill-netting out to 12 nautical miles or 100m depth (including all estuaries, harbours and bays, no matter distance offshore)."

- Amendment to Agenda page 42, 2.30 (page 6 of Protecting South Island Hector's Dolphins - further consultation on fisheries measures):

Reword to become:

"2.30 In terms of practicality, developing a comprehensive marine protected area for Hector's Dolphins may establishing a 'no take' marine reserve for Hector's dolphins would be more straightforward than a multitude of rules, and is something that should be taken into consideration. We would welcome working with Ministry of Primary Industries, Department of Conservation, mana whenua and the community on this."

- Amendment to Agenda page 44 (page 1 (letter) of Wider rollout of on-board cameras consultation document):

Insert 'of immense' ... into the second paragraph of the letter:

"The coastline of Canterbury is an important habitat for Hector's dolphins and their declining population, along with other marine species is of immense concern to Environment Canterbury..."

- Amend the letters and both submissions:

That wherever the words 'Hector's Dolphins' are, replace with the words 'Upokohue/Hector's Dolphins'

Councillor Pham/Councillor McKenzie
CARRIED

6.3. Overseer Interim Solution Update

Refer to pages 50-54 of the agenda.

RESOLVED

Staff recommendation adopted without change.

That the Natural Environment Committee:

- 1. notes the response to the Overseer review and the roll-out of a proposed way forward through to 2024.**

Councillor McKay/Councillor Scott
CARRIED

Councillor Sunckell left the meeting at 12.32pm and returned at 12.36pm during questions on item 6.4.

Councillor Pham left the meeting at 12.46pm and joined the meeting via audio/visual at 12.47pm, during questions on item 6.4.

6.4. Water Monitoring - Recent Results and New Programmes

Refer to pages 55-65 of the agenda.

Staff Recommendation:

That the Natural Environment Committee:

- 1. notes the information provided in this paper regarding LAWA, Recreational Monitoring, Monitoring Programmes and the Water Data Programme.**

An amendment of an additional resolution was moved by Chair Hughey and seconded by Councillor Edge.

RESOLVED

That the Natural Environment Committee:

- 2. request that staff report back with long term trends on water quality and flows as soon as possible in 2022.**

Chair Hughey/Councillor Edge
CARRIED

RESOLVED

That the Natural Environment Committee:

- 1. notes the information provided in this paper regarding Land, Air, Water Aotearoa (LAWA), Recreational Monitoring, Monitoring Programmes and the Water Data Programme.**
- 2. request that staff report back with long term trends on water quality and flows as soon as possible in 2022.**

Councillor McKay/Councillor Pauling

CARRIED

Tumu Taiao Cranwell and Couch-Lewis left the meeting at 1pm.

The meeting adjourned at 1pm and reconvened at 1.30pm.

Councillor Apanui joined the meeting at 1.30pm.

Tumu Taiao Cranwell and Couch-Lewis returned to the meeting at 1.31pm.

6.5. Canterbury Water Management Strategy Committee Update

Refer to pages 66-88 of the agenda.

RESOLVED

Staff recommendation adopted without change.

That the Natural Environment Committee:

- 1. receives this update on the Canterbury Water Management Strategy (CWMS) Zone Committees, their Action Plans and budget.**

Councillor McKay/Councillor Clearwater

CARRIED

6.7. Central Biosecurity Advisory Group Update

Refer to pages 94-97 of the agenda.

RESOLVED

Staff recommendations adopted without change.

That the Natural Environment Committee:

- 1. notes that the Biosecurity Advisory Groups are community advisory groups that support the delivery of Environment Canterbury's Regional Pest Management programme and encourage community engagement with biosecurity.**
- 2. notes the recent activities of the Central Biosecurity Advisory Group, including providing advice about community engagement methods, supporting the national wallaby and wilding conifer programmes, and encouraging youth engagement.**

Councillor Pauling/Councillor McKenzie

CARRIED

Chair Hughey and Councillor Scott left the meeting at 2.12pm during discussion on item 6.6.

Councillor Scott returned to the meeting at 2.14pm during discussion on item 6.6.

Councillor Pauling left the meeting at 2.22pm during discussion on item 6.6.

Councillor Edge left the meeting at 2.23pm during discussion on item 6.6.

6.6. Ki Uta Ki Tai: Plains, Lowland Streams and Urban Waterways Cross-portfolio Work Programme

Refer to pages 89-93 of the agenda.

RESOLVED

Staff recommendation adopted without change.

That the Natural Environment Committee:

- 1. notes the report Ki Uta Ki Tai: Plains, lowland streams and urban waterways cross-portfolio work programme overview.**

Councillor Scott/Councillor Clearwater

CARRIED

7. Notices of Motion

There were no notices of motion.

8. Extraordinary and Urgent Business

There were no extraordinary or urgent business.

9. Next Meeting

The next meeting will be held in 2022, the date is to be confirmed.

10. Mihi / Karakia Whakamutunga - Closing

A karakia was provided at the closing of the Transport and Urban Development Committee, which followed this meeting.

The meeting closed at 2.26pm.

CONFIRMED:

Co-Chair Councillor McKay
Environment Canterbury

Dated: 23 February 2022

Co-Chair Councillor Pauling
Environment Canterbury

Dated: 23 February 2022

Options for Banks Peninsula

And what they mean for our Hector's dolphins



Option 1: Status Quo

This option is not acceptable for many reasons,

- Set netting is allowed for 8 months of the year in Akaroa harbour
- Set netting is allowed in all remaining harbours and estuaries
- Hector's dolphin fisheries' related mortality remains too high
- There have been no additional protections to the coastline to the south, and north of Banks peninsula.

Option 2: Bycatch reduction Plan (Fisheries’ preferred option).

Focuses on reducing by-catch by means of self-regulation and self-reporting.

Under this option, a by-catch reduction plan is proposed for a regulated fishing mortality limit (FRMLo), for each of the five local populations.

Fisheries risk assessment model allows for 45.99 dolphin related deaths annually, with 18 for Banks Peninsula alone.

Self-regulated fishing-related mortality could increase the currently mortality limit,

Includes “voluntary codes of practice”.

Option 3: Trawl Gear Restrictions – not proven to be effective

“The use of trawl gear in the areas of Pegasus Bay to south Canterbury bight to Timaru, is prohibited – unless a commercial fisher is using a LOW HEADLINE HEIGHT TRAWL NET, or LOW TOW SPEED, or both.

There is NO scientific evidence showing that by changing headline height or trawl speed will prevent by-catch.

Table 2 in the submission documentation uses 7 examples of trawl captures where information on headline height, tow speed and vessel power are available – please note:

- just 7 examples are given over the period of more than 24 years.
- These examples are purely anecdotal, observational information – this not research, therefore should not be relied upon.
- Fisheries accepts that research has only just started on dolphin interactions with trawl vessels using these so-called “dolphin by-catch prevention” measures.

Option 4: Set Net Closure

This option considers extending current range, in places, though once again, doesn't go far enough. It does not include harbours. (See Figure 6 – page 17) – Map highlighting proposed set net closures

Set netting in the inner Akaroa Harbour would remain unchanged – allowed for a staggering 8 months of the year.

What we know:

Based on 37-year research of the NZ Whale and Dolphin Trust, approximately 2,000 hectors live in the Canterbury region, and less than 10,000 in total – sitting at less than 30% biomass.

The MPI estimate of more than 9,000 Hector's on the east coast of the South Island is not credible and has not been published in a scientific journal – or peer reviewed.

The International Union for the Conservation of Nature (IUCN) has recommended since 2012, protecting Hector's dolphins from both set net and trawl fisheries in all their habitat, from the shoreline to the 100m depth contour.

Hector's dolphins are on the “red” list of endangered species, alongside the Maui, and Vaquita.

In Summary:

It still looks as though dealing with trawling related deaths is still in the “too hard” basket, most likely because it brings in much more money than that of gillnetting.

However, both fishing methods kill dolphins around the world, with Hector's no exemption.

The big difference here, is that NZ has its very own dolphin species, and very few of them.

Bottle nose and Common dolphins can be found in most oceans and seas in the world, but with hectors sitting at around 30% of its original population size, we need to do everything we can to save them.

It's interesting to see that Fisheries includes an option 1) Do nothing, yet fails to include an Option 5, do everything!

So here's the recommendations of the IUCN, the IWC, The NZ Whale and Dolphin Trust, and many, many others, including myself.

Option 5: Do everything in our power:

As a Regional council, your voice for the dolphins of Canterbury could mean the difference between more than 18 reported dolphins deaths each year, or not.

To protect, we need to create an alternative option and approach, highlighting that every population of Hector's is unique – from the river dolphins near Riverton, to the jumping and surfing dolphins of Curio Bay, the Catlins – to the harbour and bays dolphins of Banks Peninsula – we need protect them all.

We can not do this, but allowing Banks Peninsula to absorb additional fatalities to safeguard the Hector's of Southland and fiordland.

- We need to remove set nets, from all areas of our region.
- We need to push trawl fisheries out to 12 nm in Canterbury (Regional council jurisdiction).
- To not allow the anecdotal research of trawler head height and tow speed to dictate areas where we can and can not apply additional protections
- We need to remove fishing close to shore – (within 4nm) immediately, with no exemptions,
- set net and trawl fisheries must be progressively pushed out to 12nm in all dolphin habitat.
- We must follow international advice – as a nation, we must protect both Maui and Hector's out to the 100m depth contour as recommended by the IUCN, or 20nm by IWC.

Thank you.

Here is some additional reading, for members - for circulation

<https://www.frontiersin.org/articles/10.3389/fmars.2021.606547/full>

From the IWC cetacean experts:

<https://archive.iwc.int/pages/download.php?ref=5971&size=&ext=pdf&k=&alternative=2652&usage=-1&usagecomment=>

portals.iucn.org
reliable approach for saving the species is to remove entangling gear from areas where the animals occur, and recommended such removal from the upper Gulf of California immediately;

AWARE that the *IUCN Red List* has also classified the Maui's Dolphin subspecies (*Cephalorhynchus hectori maui*), which is resident along the west coast of the North Island of New Zealand, as Critically Endangered;

NOTING that scientists have in 2012 estimated that the Maui's Dolphin population has only 55 individuals (excluding calves), has very low fecundity and is also susceptible to gill netting, boat strike and other human impacts;

ALSO NOTING that the *IUCN Red List* has classified the New Zealand Hector's Dolphin (*Cephalorhynchus hectori*) as Endangered;

AWARE of the advice given by the IUCN Species Survival Commission (SSC) and the SSC Cetacean Specialist Group to the New Zealand Government on the need to expand the areas of protection from gill netting and trawling to cover the entire range of the Maui's and Hector's Dolphins;

RECOGNIZING the recent recommendations of the IWC Scientific Committee (Panama, 2012) requesting the ban of gill nets and trawl fisheries from the entire Maui's Dolphin range, as well as adequate observer coverage;

AWARE of the advice of the SSC Cetacean Specialist Group over the decades, and in particular that Group's advice in relation to the 2002–2010 Conservation Action Plan for the world's cetaceans;

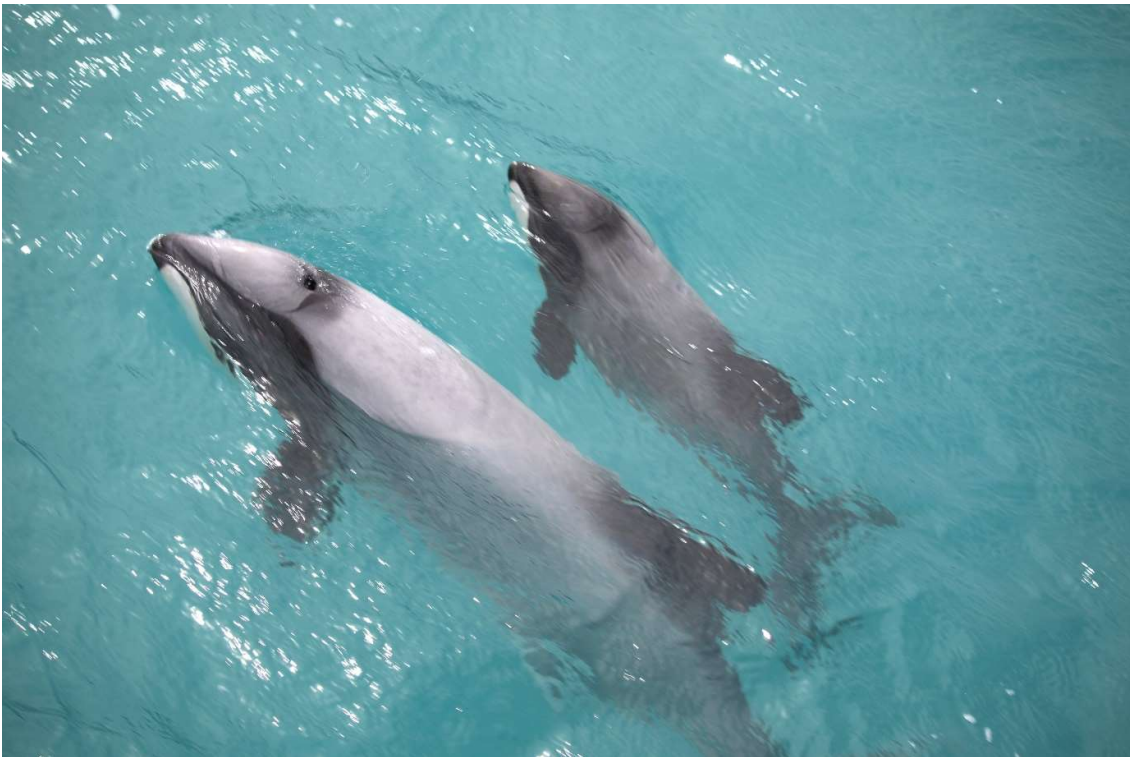
The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–12 September 2012:

1. URGES the New Zealand Government to:

- a. urgently extend dolphin protection measures, with an emphasis on banning gill and trawl net use from the shoreline to the 100 metre depth contour in all areas where Hector's and Maui's Dolphins are found, including harbours;
- b. to increase immediately the level of monitoring and enforcement with an emphasis on requiring 100 per cent observer coverage of any gill net or trawling vessels allowed to operate in any part of the range of Hector's and Maui's Dolphins until such bans can be implemented; and
- c. to report such action and monitoring and enforcement results;



Hector's caught in net - Banks Peninsula - image by Prof Steve Dawson



New Calf with mother - Banks Peninsula 2020



Hector's follows fishing vessel for 90 mins. Banks Peninsula 2019.





Just a few of the species that could benefit from further fisheries restrictions (min 12nm)