

VOLUNTARY NATIONAL CETACEAN CONSERVATION REPORT

Submitted to the Conservation Committee by the Government of New Zealand

1. Legal and other developments

Cetaceans in New Zealand are fully protected under the provisions of the Marine Mammals Protection Act 1978, and the Marine Mammals Protection Regulations (MMPR) 1992, which prescribe the behaviour of vessels, aircraft and vehicles in the vicinity of marine mammals. While the accidental capture of marine mammals in fishing operations is not an offence *per se*, any such capture must be reported within 48 hours.

As reported to the Conservation Committee at IWC 60, the Minister of Conservation announced in 2008 the establishment of four new marine mammal sanctuaries in New Zealand waters, and the boundaries of an existing sanctuary were altered to enlarge it. Within the sanctuary located off the west coast of the North Island of New Zealand, sea bed mining will be restricted in areas where Maui's dolphins most frequently range. Seismic surveying will be restricted throughout all the marine mammal sanctuaries.

These proposals complement additional fisheries measures announced by the Minister of Fisheries to significantly extend the current prohibition on the use of gill nets and extend trawl fishing further offshore, to improve the protection offered to these endemic dolphins.

2. Information on whale watching operations

Whale and dolphin watching operations are an important part of New Zealand's attractions for overseas visitors, contributing over NZ\$120 million annually to the New Zealand economy. The Marine Mammals Protection Regulations 1992 are the primary tool for managing whale and dolphin watching operations.

Following discussions at the Whalewatching Subcommittee at IWC 58 and 59, at which it was postulated that bottlenose dolphins in Doubtful Sound, Fiordland, were suffering adverse impacts from a number of factors, including increased vessel traffic, the Department of Conservation implemented new management measures to reduce the impact of vessels on this population (see SC60/WW7).

Recent reports from the Department of Conservation and the University of Otago suggest that the status of the bottlenose dolphin population in Doubtful Sound remains a concern. Poor calf survival has been reported to be an underlying cause of the decline in dolphin abundance and calf survival remains low. The management measures implemented over the last year in respect to potential vessel impacts are being reviewed and investigations into other possible causes for the decline are ongoing.

3. International Affiliations and Cooperation

New Zealand is party to a number of multi-lateral agreements related to cetaceans, including:

- International Convention for the Regulation of Whaling (ICRW);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- Convention on Migratory Species (CMS)

New Zealand is a signatory to the Memorandum of Understanding on the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, developed under the auspices of the Convention on Migratory Species, and will participate in the Second Meeting of Parties in July 2009.

4. Research Projects

New Zealand supports the Southern Ocean Research Programme (SORP) initiated by Australia, and as part of the SORP research agenda will coordinate an expedition by a multinational team to the Auckland Islands this austral winter to study southern right whales.

The NZ Government is also funding a range of projects aimed at determining the population numbers and trend, migratory pathways and important habitat areas (calving, resting, feeding and breeding) for a number of other species of whales and small cetaceans. Several other organisations in NZ are also conducting and funding cetacean research.

A summary of relevant research activities in 2008-09 is provided in the following table:

Whale species	Research focus
Humpback	<ul style="list-style-type: none"> • Survey of northbound migration through Cook Strait (Department of Conservation)
Bryde's	<ul style="list-style-type: none"> • Investigation into population status and diving behaviour of Bryde's whales in the Hauraki Gulf (Auckland University)
Southern right	<ul style="list-style-type: none"> • Opportunistic sightings and genetic sample collection around New Zealand coastline to determine if individuals seen around the main two islands of New Zealand are genetically or geographically isolated from sub-Antarctic populations • Genetic analysis of archived right whale tissue • Survey in Auckland Islands planned for austral winter 2009 (Department of Conservation and Auckland University).
Inshore dolphins	<ul style="list-style-type: none"> • Aerial surveys of Hector's and Maui's dolphins (Department of Conservation and Otago University) • Observer programme on board inshore gill-net and trawl vessels to assess by-catch and distribution of Hector's and Maui's dolphins (Ministry of Fisheries and Department of Conservation) • Ongoing monitoring of the bottlenose dolphin populations of Fiordland (DOC and Otago University) • Necropsies of beach-cast common dolphins to assess cause of death (Massey University)

5. Ship Strike

New Zealand congratulates the ship strike working group on the continuing progress it has achieved. As previously reported to the Conservation Committee, there is an ongoing problem of ship strike in New Zealand, involving a semi-resident population of Bryde's whales in the Hauraki Gulf, near Auckland. These whales are present year-round and between 1989 and 2008 a total of 38 Bryde's whales were recorded as mortalities in the Hauraki Gulf region, an average of 2.1 whales per annum. Of these, 13 (34%) were attributed to vessel collision, an average of 0.72 deaths per annum. This is likely to be an underestimate of mortality, as most whales do not have a necropsy performed on them and whales may also be struck and not found.

Two abundance estimates, based on mark-recapture of photographed individuals, have been calculated. A closed population estimate produced an estimate of 159 whales (CV=0.35), but it is clear that this is not a closed population. The open population estimate of 46 (CV = 0.08) is for a small area of the Gulf, but it is the area of greatest density, and aerial surveys suggest Bryde's whales are not equally distributed throughout the Hauraki Gulf. Obtaining a more reliable abundance estimate is a priority, and Auckland University is engaged in a long-term programme to achieve this.

A project attaching d-tags to Bryde's whales in the Hauraki Gulf will commence in autumn 2010 and will be run out of the University of Auckland by Rochelle Constantine in collaboration with Mark Johnson (Woods Hole Oceanographic Institute) and Natasha Aguilar (La Laguna University). This research will help to understand the whales' sub-surface diving behaviour, speed of travel, behaviour when feeding and acoustic environment in these shallow (approx. 45m) waters in the busiest shipping region of New Zealand.

This research will provide information that will hopefully inform the mitigation of the vessel strike issue. The research will be completed in 2011 and is funded by the Auckland Regional Council (Coastal Enhancement Fund), The Royal Society of New Zealand, and with support from the Department of Conservation, Auckland. Auckland University and the Department of Conservation will be keeping stakeholders informed about the potential relevance of this research for the mitigation of ship strike.