



31 August 2018

Richard Johnson
Manager EEZ Applications
Climate, Land & Oceans
Environmental Protection Authority

By email: richard.johnson@epa.govt.nz

Dear Mr Johnson

Request for advice under section 56 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 regarding the Tamarind Taranaki Limited applications – EEZ1000016

I refer to your letter of 20 August 2018 to Lou Sanson requesting advice regarding Tamarind Taranaki Limited's applications (EEZ1000016) under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act). The Board of Inquiry appointed to hear and determine the applications has sought advice and information from the Department of Conservation under s 56 of the EEZ Act: "*to help it understand the significance of any potential effects of the activities described in the Tamarind's applications on the management of marine mammals.*"

The four specific questions from the Board of Inquiry were:

- (a) A description of any marine mammal sanctuaries or conservation / population management strategies or plans that overlap with the proposed application site or apply in reasonable vicinity of the application site.*
- (b) A description of the purpose of any of the relevant matters identified under a)*
- (c) An assessment of any potential impacts of the application on those matters identified under a).*
- (d) In addressing the above, particularly advise whether there are any conservation concerns for specific species that may be at or the near the application area that the Board needs to take into account.*

These questions focus on sanctuaries and strategies/plans and are addressed collectively below. In brief, none of them apply in the EEZ and accordingly have no potential implications for the application. Nor do we consider there will be any potential impacts on these matters by the application.

Marine Mammal Sanctuary

Marine mammal sanctuaries are established under Section 22 of the Marine Mammals Protection Act 1978. There are no marine mammal sanctuaries that cover the area of the Tui field.

The closest marine mammal sanctuary is the West Coast North Island Marine Mammal Sanctuary which extends from Maunganui Bluff (north of Kaipara Harbour) to Oakura Beach southwest of New Plymouth (**Appendix 1**). The offshore boundary is 12 nautical miles from shore.

The sanctuary places various operational restrictions on seismic surveying throughout the area. Sea bed mining is prohibited out to two nautical miles along the full length of the sanctuary and to four nautical miles from south of Raglan Harbour to north of Manukau Harbour. Set net fishing is also prohibited in a defined area off the north Taranaki coast. Other activities are unaffected by the sanctuary.

Tamarind's operations in the Tui field are not affected by the West Coast North Island Marine Mammal Sanctuary. Further details regarding this sanctuary are provided on the [Department of Conservation website](#).

Māui dolphin

The West Coast North Island Marine Mammal Sanctuary was established to protect Māui dolphin (*Cephalorhynchus hectori maui*; threat status nationally critical (Baker *et al.* 2016a)). The most recent population estimate for this subspecies (63 individuals aged one-year or greater, the 95% Confidence Interval is between 57-75 (Baker *et al.* 2016b)) reaffirms the population's very small size.

Māui dolphin and Hector's dolphin are unable to be distinguished except by DNA analysis. Both subspecies have been recorded from the west coast of the North Island, though by far the most DNA-confirmed records are Māui dolphin (~95%).

The great majority of DNA-confirmed Māui dolphin records and visual sightings of Māui/Hector's dolphins are from south of the Kaipara Harbour to Raglan; this area is considered to be the core range of Māui dolphin. Lower numbers of records occur from Raglan to New Plymouth, mostly close to shore. There are comparatively few records along the south Taranaki coast. The south Taranaki coast is considered to be part of the historical natural range for Māui dolphin, and on the margins of their current range.

The Tui field is beyond the 12 nautical mile limit and beyond the range where Māui (or Hector's) dolphin are typically found. Although Māui dolphin may occasionally

be seen this far offshore, and there are two recorded sightings of Māui/Hector's dolphin from the Maui gas field platforms, sightings in these offshore waters are rare.

Hector's and Māui dolphin Threat Management Plan

The Hector's and Māui Dolphin Threat Management Plan (TMP) is a non-statutory document which *inter alia* underpinned past decisions regarding restrictions in the West Coast North Island Marine Mammal Sanctuary (see above) and fisheries restrictions along the west coast of the North Island. Various set netting and trawling restrictions under the Fisheries Act apply between Hawera and Maunganui Bluff out to between two and seven nautical miles from shore.

The Department of Conservation and Fisheries New Zealand is currently reviewing this TMP which may lead to future changes to these protection measures. In the meantime, the current protection measures apply. These measures do not apply to the area encompassed by the Tui oil field.

Population Management Plans

No Population Management Plans (to address fisheries-related mortality of marine mammals) have been established under Section 3E of the Marine Mammals Protection Act 1978.

Conservation Management Strategy

Conservation Management Strategies (CMS) apply to the outer limits of the Territorial Sea. Conservation Management Strategies provide an overview of conservation issues and give direction for the management of public conservation land and waters, and species for which DOC has responsibility. Their purpose is to implement general policies and establish objectives for the integrated management of natural and historic resources, and for recreation, tourism, and any other conservation purposes.

The Conservation Act creates a hierarchy of documents to guide the Department in its management. The Act is at the top, the General Policy is next, and below that are the CMS's and conservation management plans. The purpose of a conservation management plan is to implement the conservation management strategy (CMS) and to establish detailed objectives for the integrated management of natural and historic resources within a particular area¹.

¹ Conservation Management Plans are developed for areas where there is a greater role for iwi/hapū/whānau in the management of a conservation park or area as a result of the Treaty settlement process, or where there is a high level of activity or a complexity of issues which cannot be satisfactorily dealt with in the conservation management strategy.

The Wanganui Conservation Management Strategy 1997-2008 includes the territorial sea (i.e. out to the 12 nautical mile limit) from Mokau River in the north to Manawatu River in the South. The Wanganui CMS is due to be reviewed.

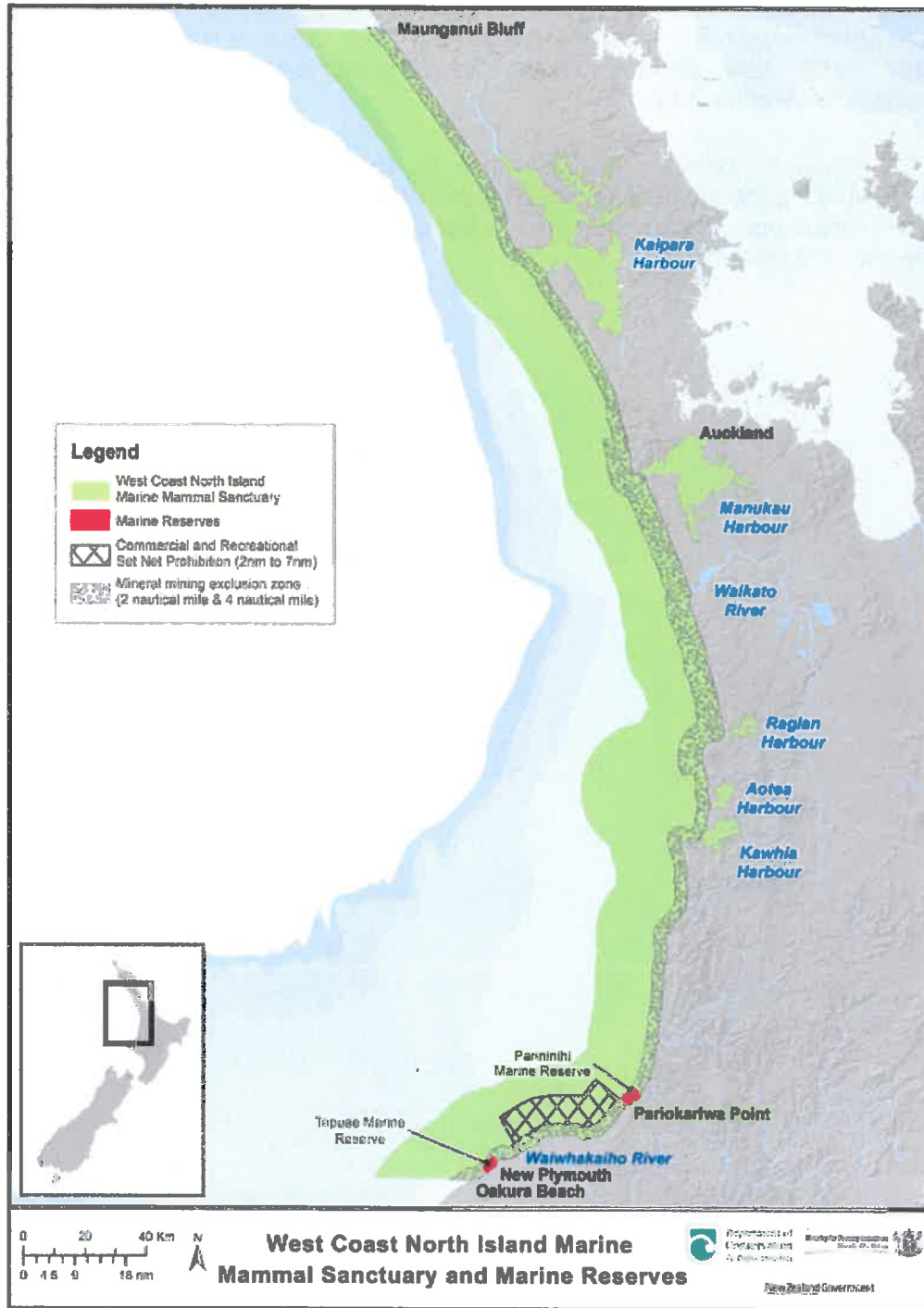
Nāku noa, nā



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Appendix 1. West Coast North Island Marine Mammal Sanctuary (and Marine Reserves).



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Date: 11/02/2014

Appendix 2. References

Baker, C.S.; Chilvers, B.L.; Childerhouse, S.; Constantine, R.; Currey, R.; Mattlin, R.; van Helden, A.; Hitchmough, R.; Rolfe, J. 2016: Conservation status of New Zealand marine mammals, 2013. *New Zealand Threat Classification Series 14*. Department of Conservation, Wellington. 18 p.

Baker, C.S.; Steel, D.; Hamner, R.M.; Hickman, G.; Boren, L.; Arlidge, W.; Constantine, R. 2016: Estimating the abundance and effective population size of Māui dolphins using microsatellite genotypes in 2015–16, with retrospective matching to 2001–16. Department of Conservation, Auckland. 74p.