



16 May 2024

Conservation Services Programme
Department of Conservation
Conservation House
Wellington



By email: csp@doc.govt.nz

Tēnā koe,

Submission on CSP Draft Annual Plan 2024-25

1. Seafood New Zealand welcomes the opportunity to submit on the Conservation Services Draft Annual Plan. Our comments are set out below, but we note that other fishing industry representative organisations, companies, quota holders and fishers may also make their own submissions, and we support them. We would appreciate the opportunity to meet with you to discuss our submission.
2. While Seafood New Zealand opposes the cost recovery of many projects proposed in this year's Draft Annual Plan, we consider that many of them are still important to undertake. Seafood New Zealand is open to working collaboratively with DOC and potentially providing funding to ensure necessary work can be completed.

Who we are

3. New Zealand's seafood industry generates \$5.2 billion annually in economic output and employs some 16,500 kiwis who provide New Zealand and the world with high quality, nutritious and great tasting seafood.
4. Seafood New Zealand (SNZ) is the representative organisation for New Zealand's Seafood Industry. Through our sector councils – both the Deepwater (DWC) and Inshore Councils (IC) - we are uniquely placed to provide sector specific expertise, as well as delivering industry-good services for the wider benefit of the seafood industry, including the development of responses on regulatory, policy and research proposals affecting the industry.
5. Seafood New Zealand works with other industry representative bodies, such as the New Zealand Rock Lobster Industry Council (NZ RLIC) and the Paua Industry Council (PIC), and with other organisations engaged in the management of New Zealand's fisheries and oceans. These include, inter alia, Te Ohu Kai Moana, Fisheries New Zealand (FNZ), the Department of Conservation (DOC), the Ministry for the Environment, regional councils and environmental advocacy organisations.
6. To continue to provide Kiwis with locally caught seafood, the seafood industry is wholly dependent on a healthy and sustainable marine environment and access to our traditional fishing grounds.



7. Our vision at Seafood New Zealand is that we are **leading a thriving seafood industry that creates value for all New Zealanders from a healthy marine environment.**
8. Our interest in this consultation arises from our role to represent quota owners who are levied under the Fisheries Act 1996 (FA96) to deliver conservation services.

Our Submission

Part I - Project Specific Feedback

Interaction Projects

9. We consider that all proposed interaction projects that do not pertain to a particular species¹, and therefore lack a demonstrated adverse effect on any population, should not be recovered. In the event DOC does not agree with this position, we make specific comments on attribution of costs and other related matters below in relation to specific projects.

INT2022-02 Identification of seabirds captured in New Zealand fisheries

10. This project relies on observer retained specimens; we note the Electronic Monitoring (EM) rollout is progressing as scheduled, which will reduce the observer deployments onboard inshore and HMS fishing vessels.
11. This will consequently reduce the number of specimens collected from inshore and HMS fisheries and therefore the associated costs.
12. We request that the total project cost recovered to inshore and HMS stocks is revised based on the outputs of INT2023-02¹.

INT2022-03 Identification, storage, and genetics of cold-water coral bycatch specimen

13. We reiterate our position from INT2022-02 in that the number of specimens available from observers on inshore and HMS fishing vessels is likely to decrease and the cost should reflect this reduction.
14. Further, the progress report for this project² states that more than 99% of all specimens were caught during fishing events targeting deepwater fish stocks.
15. On that basis, we request that all inshore and HMS finfish stocks are removed from the cost recovery for the final year of this project.
16. Furthermore, it is unclear how the list for the levied stocks was chosen. It would be more agreeable to have costs split pro rata based on the fisheries from which there are specimens and photos.

¹ INT2023-02 Species identification of camera-detected protected species captures in New Zealand fisheries

² <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservation-services/reports/202223-annual-plan/int2022-03-coral-id-1-july-2022-31-december-2022-progress-report.pdf>



INT2022-05 Determining the resilience of Fiordland corals to fisheries impacts

17. Please see our response to this project in Part II.

18. We endorse the comments on this project made by the New Zealand Rock Lobster Industry Council.

INT2023-04 Identification of marine mammals, turtles and protected fish captured in New Zealand fisheries

19. For the same reasons highlighted in INT2022-02 we request that the total project cost recovered to inshore and HMS stocks is revised based on the outputs of INT2023-022.

INT2023-06 Investigating the impact of fisheries on endangered hoiho diet, microbiome, and disease susceptibility

20. The project description indicates climate change may play a significant role in hoiho diet variation, and it is well known commercial fishing is not the only threat the mainland population is facing.

21. It is not possible to clearly separate natural environmental variation from indirect effects of fishing with respect to diet, microbiome and disease susceptibility. Therefore, it is inappropriate for this project to be 100% cost recovered from the fishing industry.

22. We recommend the final year of this project is supported by at least 50% crown funding and a maximum of 50% industry funding.

INT2024-02 Port-based audit and protected species retention programme

23. We do not support this project, see Part II for our concerns regarding its cost recovery.

24. We are supportive of EM data being utilised to assist the government in meeting their legislative requirements regarding protected species.

25. We refer to the current project INT2023-022 that aims to determine the quality of species identification through camera footage from EM. The final objective states the project will inform future processes of delivery once cameras are fully deployed. INT2014-02 aims to fill perceived data gaps that have not yet been identified through INT2023-02. We consider that INT2023-02 must be completed prior to a project aiming to fill data gaps can be designed.

26. Further, it proposes to audit vessel mitigation and protected species risk management plans, which we consider is a duplication of the core role of the Protected Species Liaison Programme and current work to utilise EM for that purpose.



27. We will continue to work with the protected species liaison team to PSRMPs and mitigation materials are appropriately audited.

INT2024-03 Understanding the effects of surface longline fishing depth on turtle and seabird bycatch

28. We support this project in principle however the title should reflect 'interactions during the soak period' rather than only refer to depth, as this project is essentially an expansion of the current project MIT2023-02¹.
29. Further, due to the considerable overlap with the MIT2024-02 objectives and research approach, we recommend INT2024-03 and MIT2024-02 are merged into one project.
30. We recommend DOC works with Seafood NZ's Inshore Council to refine and combine the projects. This would be a more efficient use of resources, improve targeted engagement with the fleet, allow mitigation to be development and trialled in situ and ultimately achieve the objectives of both projects.
31. We recommend the impending updates from three current CSP projects³ are used to assist development of any mitigation options to be tested within this project.

INT2024-04 Exploring impacts and recovery potential of protected deep-sea stony corals, utilising Remotely Operated Vehicle capability on RV Sonne in the New Zealand region

32. We agree that there is a gap in understanding coral diversity and distribution across the New Zealand EEZ. In principle we support this project as an opportunity for government and researchers to leverage off international resources and technology. This, along with the need for ground truthing, was also noted in our submission in 2023. However, we disagree that the cost of undertaking this work should fall on industry (see Part II).

INT2024-05 Testing bycatch mitigation scenarios for protected corals in New Zealand using best available information

33. We do not agree that DOC should be looking at bycatch reduction scenarios specifically for corals in isolation. From a fisheries and ecosystem management perspective, corals should not be treated in isolation from the wider benthic habitat. Any work to investigate bycatch mitigation scenarios should be done in conjunction with FNZ and their BRAG programme, to take the wider ecosystem into consideration.
34. Notwithstanding the above, we are also concerned with the use of the term 'hypothetical' scenarios used in the project description. There is a real risk of these

³ MIT2023-02 Understanding and mitigating seabird and turtle bycatch during the pelagic longline soak period, MIT2023-01 Understanding the relationship between fishhook size and bait in relation to seabird and turtle bycatch and INT2023-03 Characterising surface longline fishing fleet behaviour for sea turtle bycatch.

hypothetical scenarios being taken as real scenarios by groups or individuals who are less informed.

35. The available data being used to determine coral abundance and distributions are not likely able to support informed mitigation scenarios at this stage. Basing the outputs of such scenarios on limited data could lead to gross miss interpretations without proper caveats for the information.
36. If bycatch mitigation scenarios are to be trialled, we may support this in the future, but the approach must align with broader work programmes looking at benthic impacts and other social and economic considerations. The alternative may risk confounding outcomes.
37. Cost recovery concerns with this project are covered in Part II.

INT2024-06 Interaction of spotted shags with northern North Island set net fisheries

38. We recognise the sub-population of spotted shags has recently been identified as genetically distinct from the wider New Zealand population⁴.
39. However, the direct impact to this sub population from commercial fisheries is currently unknown and highly unlikely to have caused 100% of the documented decline.
40. Recreational setnet fisheries are present in most North Island harbours where these seabirds are present and a various number of terrestrial and oceanographic factors may also be contributing to the population decline, as is evident for other seabird species, including hoiho.
41. Please see Part II for our position on the cost recovery of this project.

INT2024-07 Collection and curation of tissue samples from protected fishes and turtles

42. We recognise the need for this project in relation to determining relative risk of potential impacts from commercial fishing to these species. Similarly, to INT2022-02, INT2022-03 and INT we would expect the total project cost to be reviewed based on the expected reduction in observer presence onboard inshore and HMS vessels.
43. We encourage DOC to continue analysing all available samples of protected fishes and turtles obtained outside of commercial fishing. However, we expect those samples would be solely crown funded.

⁴ Nicolas J Rawlence, Matt J Rayner, Tim G Lovegrove, Debbie Stoddart, Melanie Vermeulen, Luke J Easton, Alan J D Tennyson, R Paul Scofield, Martyn Kennedy, Hamish Spencer, Jonathan M Waters, Archival DNA reveals cryptic biodiversity within the Spotted Shag (*Phalacrocorax punctatus*) from New Zealand, *The Condor*, Volume 121, Issue 3, 1 August 2019, duz029, <https://doi.org/10.1093/condor/duz029>



INT2024-08 Westland petrel overlap with commercial fishing effort

44. We support this project in principle but the risk assessment⁵ indicates Westland Petrels are only at medium risk from commercial fisheries therefore, we would only expect to pay a maximum of 50% of this project cost and the Crown to fund the rest.

Population Projects

POP2022-01 Black petrel population monitoring

45. In principle, we support the continuation of this research, however we oppose it being cost recovered from industry due to the lack of a demonstrated adverse effect from commercial fishing.
46. To date approximately one million dollars of CSP funding has been used to support black petrel research, including significant contribution to the 28 consecutive years of population monitoring.
47. However, despite the long-standing time series, there are multiple areas of uncertainty in the demographic estimates. We repeat our previous recommendation for an independent review of the population dataset to help resolve those uncertainties.

POP2022-08 Auckland Islands seabird research: Gibson's and white-capped albatross

48. Support

POP2022-10 Antipodes Island seabird research: Antipodean albatross and white chinned petrel

49. Support

POP2023-01 Aerial survey of leatherback turtles off Northeast North Island

50. We are not supportive of paying for this exploratory aerial survey to determine localised distribution of a species with unknown risk from our domestic fisheries.
51. We are disappointed that this project has progressed.
52. While aerial surveys can offer information on abundance and distribution of highly mobile marine species, we are concerned that those benefits are only useful for management following long time-series of intensive data collection. Further, best practice methodology to collect such data has now moved to utilising satellite imagery as a lower cost and more precise abundance and distribution research tool.
53. This project is an inefficient use of Industry and Crown resources by attempting to establish a baseline for a time-series that is highly unlikely to be able to be continued

⁵ <https://www.mpi.govt.nz/dmsdocument/57181-AEBR-314-Update-to-the-risk-assessment-for-New-Zealand-seabirds>

in New Zealand due to the ongoing cost. Further, it is unjustifiable to recover 50% of the cost from industry as no adverse effect has been demonstrated.

54. We highly recommend that DOC explore more cost effective, best practice monitoring tools in future.

POP2023-02 Southern Buller's population study

55. Support as high priority.

56. In addition to the adult population count, we recommend the development of a three-year chick banding programme. This would significantly increase our long-term understanding of the Southern Buller's population.

POP2023-03 Updated population estimate and marine habitat utilisation of yellow-eyed penguins/hoiho breeding on Campbell Island

57. We support this project in principle because a population update at Campbell Islands is long overdue and would help us understand how multiple threats impact the species as a whole.

58. However, best available information currently indicates commercial fishing is not having an adverse impact on either the Northern or Southern populations.

59. On this basis, this research should not be cost recovered.

POP2023-04 Campbell Island seabird research

60. Support

POP2023-05 Auckland Islands New Zealand sea lions

61. SNZ supports the continuation of the sea lion pup count.

62. However, we have been disappointed over recent years with the lack in any action plan to treat the disease *Klebsiella pneumoniae*. It has been determined through the quantitative risk assessment that only the alleviation of the disease would allow a positive growth rate for the population. Ivermectin has been proven to be an effective treatment for the disease after successful trials in 2021. DOC should be developing a plan to roll out the treatment using crown funds. It is disappointing that industry is levied every year for this population study but there seems to be no interest taking action to reduce the threats of disease.

63. Refer to Part II for cost recovery concerns for this project.

POP2024-01 Flesh-footed Shearwater population monitoring

64. We support this project in principle; however, it should not be cost recovered from industry due to a lack of any demonstrated adverse effect to the population.

POP2024-02 Improving knowledge on coral life history traits: assessing reproductive capacity to infer productivity, vulnerability and resilience of protected deep sea corals in the New Zealand region

65. We recognise the need for improving understanding of coral reproduction and biology and support this project in principle
66. SNZ does not support this project being 100% cost recovered to industry. Please see our comments in Part II.

Mitigation Projects

MIT2023-06 Underwater line setting devices for bottom longline vessels

67. We only support the continuation of the underwater line depressor device (N. Hollands model), contingent to the device being developed for testing across a variety of inshore bottom longline gear set ups for multiple target species. This is to ensure that any progression is applicable across the wider fleet.
68. We do not support any further testing of the other underwater line setting device, which has shown limited useful results for the inshore bottom longline fleet over the last decade at significant cost to industry.
69. We recommend this project being completed in one year with a total research budget of \$75,000.

MIT2024-01 Protected Species Liaison Project

Need for independent assessment of programme

70. The Protected Species Liaison Programme (LOP) has been in its current form since 2017/18. We consider it is due for a comprehensive review to assess how the programme is performing and whether it remains efficient and effective.
71. We appreciate DOC's willingness to work with us on a review and will continue that work, however, we consider there is a need for an independent evaluation of the programme to date.
72. A comprehensive and independent review will demonstrate how the programme has developed over the past seven years, assess whether overall performance has changed and identify key contributing factors. It may also identify systemic issues not readily visible. This review will ensure we can collectively determine the most effective direction for the programme in the near future.
73. We have acknowledged our commitment to absorb some of the current work programme hoping to reduce pressure on current LOP resources.

Cost of programme should decrease over time

74. The nature of the LOP means that initial resource needs to engage and implement Protected Species Risk Management Plans (PSRMPs) on vessels will reduce as that work is completed. However, since its inception, costs for the LOP have not decreased – in fact they have increased.
75. We note the latest annual report⁶ indicates 100% of SLL, >80% of BLL, >90% of BT and 80% of SN are engaged in the programme with up-to-date PSRMPs. For these vessels the LOP focuses on annual review and updating of PSRMPs, and engagement with Liaison Officers in the case of NFPS Triggers.
76. In addition, the SN (<7m) which is significantly less engaged is confirmed to be absorbed by SNZ in the coming fishing year. Therefore, we should not be seeing an increase in resource requirements for those core fleets.
77. We query why in the seventh year of the programme, these fleets are proposed to have a \$12,000 increase in funding. We do not support this increase and request transparency about the reasons for the proposed increase in cost.
78. We support the reduction to the Purse Seine budget as this more appropriately reflects the size of the fleet.
79. We support the continuation of the LOP; however, we do not support the reallocation of costs from the purse seine fleet to other fleets. We consider total cost should be reduced to \$200k.

MIT2024-02 Enhancing seabird bycatch mitigation across the set and soak periods in surface longline fisheries

80. We support this project in principle. Please refer to our recommendations under INT2024-02 where we recommend DOC works with Seafood NZ Inshore Council to refine and combine these two projects.

MIT2024-03 Assessment of weighted hooks as a seabird bycatch mitigation option for surface longline fisheries

81. We support this project and request that the project funding is used primarily to support the data collation and analysis of impact of Procella 2.0 hooks on target catch rate and NFPS interaction rate.
82. In addition, we request the Research Approach includes at sea testing of a second model of weighted hook, that is currently in use by a small number of vessels in the fishery.

⁶ <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservation-services/reports/202122-annual-plan/mit2021-01-protected-species-liaison-project-annual-report-2021-22.pdf>

83. We request a total of 3000 hooks purchased using project funds to be provided for the trials trial. This would be approximately \$6000 of the budget, and we do not expect the total budget would need to be adjusted to include them.

MIT2024-04 Adaptive management tool for small vessel bottom longline

84. Support contingent to building on recommendations from SEA2021-34 AEER: *Monitoring of longline sink rates and estimation of depths achieved at streamer line extents (in prep).*

85. We suggest the name of the tool is changed to reflect its specific use to avoid confusion. For example: TDR User Interface or Fisher Sink Rate Calculator.

MIT2024-05 Testing the utility of visual deterrent options to mitigate incidental bycatch of protected species in set nets

86. We supported the inclusion of a replicate proposal of this project in Fisheries New Zealand's consultation on the Aquatic Environment DRAFT research long list 2024-25, Project Code: PRO2024-03.

87. We request that only one project goes ahead, either MIT2024-05 or PRO2024-03.

88. If MIT2024-05 goes ahead, we request the focus of this project remains primarily on understanding impacts of LED lights at depth to catch rate of target species.

89. We reiterate our previous comment that although the outputs may offer a precautionary tool for mitigating risk to hoiho, due to the extremely low interaction rate of hoiho in commercial set nets, it will be unlikely to provide statistically significant outputs.

MIT2024-06 Efficacy of seabird mitigation in large vessel trawl

90. We recognise the need to continue building our understanding of seabird net interactions and supports work to collect more at-sea data and information by appropriate means. SNZ also supports work to collect more information on the performance of different warp mitigation types and to develop data collection protocols for observers.

91. It will be essential for DOC and the research provider to work closely with SNZ and operators to shape the methods of this project.

MIT2024-07 Hector's dolphin acoustic deterrence devices in trawl fisheries

92. We support the inclusion of this project as a placeholder contingent to the ongoing collaboration between DOC and Seafood NZ Inshore Council to determine the actual project scope.

93. We request the title reflects the inclusion of setnet acoustic deterrent devices as well.

94. We are currently developing an inventory of the acoustic devices used in inshore trawl and setnet fleets and have an impending verification project for several acoustic

95. deterrents. The verification project will be completed prior to the end of the fishing year (30 Sep 24) with the aim to determine the next steps for quantitative at-sea trials to be undertaken within MIT2024-07.
96. We note that management measures in place under the Threat Management Plan and Bycatch Reduction Plan ensure that there is no adverse effect from fishing on HDO. As such, the costs of the project should not be recovered from industry.

Part II. Feedback on cost recovery

1. This appendix provides SNZ's view that the CSP unlawfully includes projects that do not fall within the definition of "conservation services" in the Fisheries Act 1996 (Act) and, therefore, cannot be included in the CSP or be subject to cost recovery from industry. This is because many of the proposed projects do not relate to the adverse effects of commercial fishing on protected species, as required by the Act. Rather the projects are aimed at gaining scientific knowledge more generally.
2. The unlawful inclusion of programmes in the CSP that do not fall within the definition of conservation services, has been consistently raised by industry representatives in respect of a range of different projects for which the Crown has sought to recover the costs from industry. Issues raised in previous submissions have not been addressed and remain unresolved. This is of increasing concern to the industry.

Overview

3. It is submitted that the following proposed services ought not be included in the CSP:
 - 2.4 INT2022-05 Determining the resilience of Fiordland corals to fisheries impacts
 - 2.7 INT2024-02 Port-based audit and protected species retention programme
 - 2.9 INT2024-04 Exploring impacts and recovery potential of protected deep-sea stony corals, utilising Remotely Operated Vehicle capability on RV Sonne in the New Zealand region
 - 2.10 INT2024-05 Testing bycatch mitigation scenarios for protected corals in New Zealand using best available information
 - 2.11 INT2024-06 Interaction of spotted shags with northern North Island set net fisheries
 - 2.12 INT2024-07 Collection and curation of tissue samples from protected fishes and turtles
 - 3.8 POP2023-05 Auckland Islands New Zealand sea lions
 - 3.10 POP2024-02 Improving knowledge on coral life history traits: assessing reproductive capacity to infer productivity, vulnerability and resilience of protected deep-sea corals in the New Zealand region
4. The disputed total amount to be cost-recovered from the industry as per the Cost Recovery Tables for these projects is \$705,000.

Cost Recovery Principles and Conservation Services

5. Cost recovery of services is only permitted to the extent allowed for under Part 14 of the Act. Section 262 sets out the Cost Recovery Principles. This section makes clear that cost recovery is limited to recovery of either "conservation services" or "fisheries services".



6. Conservation services are defined in s 2 of the Act as follows (emphasis added):

Conservation services means outputs produced in relation to the **adverse effects** of commercial fishing on protected species, as agreed between the Minister responsible for the administration of the Conservation Act 1987 and the Director-General of the Department of Conservation, including-

- (a) Research relating to **those effects** on protected species:
 - (b) Research on measures to mitigate the **adverse effects** of commercial fishing on protected species:
 - (c) The development of population management plans under the Wildlife Act 1953 and the Marine Mammals Protection Act 1978.
7. What this means is that a programme can only constitute a "conservation service" if the outputs of that programme relate to the adverse effects of commercial fishing. A programme will not fall within the definition of "conservation service" where the purpose of that programme is only to investigate what effect (if any) commercial fishing is having on a protected species.
8. Put another way, DOC must already have sufficient information about the interaction of commercial fishing and a particular protected species on which to form a reasonable view that commercial fishing is having an adverse effect on that species (or that such an adverse effect is likely) before a programme relating to commercial fishing and that species can fall within the definition of "conservation service". This does not, of course, mean that that the project cannot proceed. It just means that the Crown must itself pay for this research.
9. While it is acknowledged that DOC has a legitimate interest in investigating the scope of the research projects above this does not mean that such research presently constitutes a conservation service that is subject to cost recovery from industry.
10. In addition, it is submitted that even if a disputed project does meet the definition of a "conservation service" (which is denied), 100% cost recovery from industry for projects is not permitted in accordance with the Act's Cost Recovery Principles.



11. The Cost Recovery Principles specify that (emphasis added):

- (a) "*costs of conservation services or fisheries services provided in the **general public interest**, rather than in the interest of an identifiable person or class of person, **may not** be recovered*": s262(b); and
- (b) the costs of a conservation service aimed at avoiding, remedying or mitigating an adverse effect must "*be attributed to the persons who caused the risk or adverse effect*": s262(d).

12. Many of the projects disputed in this submission fall into the category of "general public interest" for the purposes of cost recovery and as such cannot be recovered from industry.

Disputed inclusions

13. SNZ objects to cost recovery being imposed on the following projects on the grounds set out below.

2.4 INT2022-05 Determining the resilience of Fiordland corals to fisheries impacts

14. The objectives of this project are clearly aimed at gaining a greater understanding of the interaction between coral and commercial fishing rather than relating to an identified adverse effect. This is not an output related to the "adverse effects" of commercial fishing so the project cannot constitute a conservation service for which costs are recoverable.

15. Spatial overlap between a protected species population and fishing does not provide sufficient information to establish that commercial fishing is having (or is likely to have) an adverse effect on Fiordland corals. SNZ is not aware of any reporting resulting from the project to date that establishes an adverse effect. Importantly, SNZ submits that there is a very low likelihood of overlap between areas where commercial fishing occurs and coral habitat. Commercial operators have been excluded from the internal waters of Fiordland since 2005 and the maximum depths of the fiords greatly exceed the range where the majority of the black coral population has previously been surveyed to occur.⁷ There is, therefore, no justifiable basis for assuming that commercial fishing is having an adverse effect. Even if the project did meet the definition of a conservation service, which is denied, then it is being provided in the general public interest. The project expressly recognises that to the extent there could be adverse effects on coral caused by environmental change, these are not all caused by fishing. Some relate to climate change and changes in land use. In the circumstances there is no basis for allocating 100% of this year's costs for the project to industry and the general public interest served by the project require that the project be funded by the Crown.

⁷ See NIWA documentation of the physical oceanography of the Fiords and work by Grange on the distribution of black corals in southern fiords.

2.7 *INT2024-02 Port-based audit and protected species retention programme*

16. This project appears to be seeking to recover from industry the costs associated with preparing to get a pilot programme underway. The pilot programme proposes to deploy responders to ports to process protected species and audit vessel mitigation and risk management plans. It is not accepted that either of those aspects (physical sampling to confirm identification of species or audit of the measures intended to mitigate adverse effects) constitute outputs produced in relation to the adverse effects of commercial fishing on protected species.

Even if the pilot programme was a conservation service, then the logistical arrangements for that programme cannot also fall within that definition. Outputs specified for the project include the development of audit forms and permission letters for the programme, resourcing of materials, and a pre-programme workshop to (among other things) obtain feedback on the audit forms. These are arrangements for the pilot programme, which are too far removed to be a conservation service. The associated costs of those should be borne by the Crown.

2.9 *INT2024-04 Exploring impacts and recovery potential of protected deep-sea stony corals, utilising Remotely Operated Vehicle capability on RV Sonne in the New Zealand region*

17. The stated objectives of this project are to assess impacts of fishing on corals and survey, assess and collect corals to improve coral distribution/fisheries overlap assessments. Given an identified “gap in understanding coral diversity and distribution,” the project proposes a deployment of New Zealand scientists on a research voyage to “substantially improve our understanding of offshore corals and the impacts of commercial fishing on them” by “exploring new sites in the region that are both unfished and potentially impacted by fisheries.”

Essentially, this project is a voyage of exploration to collect data for the purpose of assessing what effect (if any) commercial fishing is having on coral. The outputs of this project are not, therefore, related to the “adverse effects” of commercial fishing on the coral and cannot be subject to cost recovery from industry. DOC needs to have sufficient information to be able to show that commercial fishing is having an adverse effect on a protected species before it can constitute a conservation service and be liable for cost recovery. There is general public interest served by this project but that should be funded by the Crown.

2.10 *INT2024-05 Testing bycatch mitigation scenarios for protected corals in New Zealand using best available information*

18. This project builds on INT2024-04. Its stated objectives are to “update our understanding of coral overlap with commercial fishing”, engage with experts to draft options to reduce bycatch and then “assess how hypothetical scenarios” could mitigate and reduce bycatch. The identification of a spatial overlap between coral distribution and commercial fishing does not establish what impact (if any) commercial fishing has on coral. The outputs of the project are not, therefore, related to the adverse effects of commercial fishing on coral and cannot be recovered from

industry. Even if the project did constitute a conservation service (which is denied) the public interest served by this project should be funded by the Crown.

2.11 INT2024-06 Interaction of spotted shags with northern North Island set net fisheries

19. This project seeks to map areas where the spotted shag is “*at risk*” of bycatch in commercial fisheries. The existence of an adverse effect is assumed largely relying on limited data of “*likely, or known*” bycatch in a spatial ecology report, although it is expressly recognised that “*additional work is required to quantify this.*” This project appears predominantly focussed on using spatial distribution data to determine the extent of any “interactions” with commercial fishing. As such, these spatial assessments fall short of establishing any adverse effect and, do not constitute a conservation service for which costs are recoverable.
20. One of the stated outputs of the project is spatial data on distribution “*suitable for inclusion*” in risk management tools. The production of data that could be used by DOC for risk assessments at a later point in time is not a conservation service which is cost recoverable.

2.12 INT2024-07 Collection and curation of tissue samples from protected fishes and turtles

21. This project is to provide co-ordinated storage and curation of tissue samples and to ensure that relevant meta-data associated with such samples is available to researchers. The rationale for the project states that the samples provide “*valuable information on population structure, connectivity and size, and habitat preferences and feeding ecology, respectively.*” The output of this project is not related to the adverse effects of commercial fishing on a protected species. The curation and storage of these samples serves the public interest and should be funded by the Crown, not industry.

3.8 POP2023-05 Auckland Islands New Zealand sea lions

22. The purpose of this project is to produce survivorship data on certain of the Auckland Islands New Zealand sea lion population. The rationale for the project is mostly based on a previous literature review, which highlighted several key information gaps “*that prevent a full understanding of any ... potential indirect effects [of commercial fishing]*” on the Auckland Islands sea lions. The project’s rationale states that “*demographic data is vital to the ongoing assessment of direct and indirect risks to the species from commercial fisheries.*” Accordingly, the project is essentially an information gathering exercise to obtain data on what effect (if any) commercial fishing has on sea lions rather than research relating to a known adverse effect. Further, the Minister’s recent decision to remove the Fishing Related Mortality Limit for sea lions indicates that there is likely no adverse effect from commercial fishing. Even if the project did fall within the definition of a conservation service (which is denied), the public interest served by the project means it should be fully funded by

the Crown not industry. However, given the importance that this work continues, SNZ would be willing to contribute funding directly.

3.10 *POP2024-02 Improving knowledge on coral life history traits: assessing reproductive capacity to infer productivity, vulnerability and resilience of protected deep-sea corals in the New Zealand region*

23. This project seeks to collect and maintain in-aquaria deep sea coral specimens to observe and conduct experiments on reproductive and larval biology. The rationale is that such data will “*contribute to our understanding of the productivity and vulnerability of different coral species to fishing impacts and their ability to recover from these disturbances.*” The stated purpose of this project is to assess the reproductive capacity of relevant corals to draw inferences about the productivity, vulnerability and resilience of deep-sea corals. This project does not relate to a known adverse effect of fishing but rather is aimed at improving DOC’s general knowledge about the behaviour of coral. The project does not fall within the definition of conservation services and should not be funded by industry. There is a public service aspect which should be funded by the Crown.

Nā māua noa, nā



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