CSP Annual Plan 2022/23
Summary of Submissions

List of Submitters

Submitter	Shown in Comment Summary as:
Fisheries Inshore New Zealand & Deepwater Group	FINZ & DWG
New Zealand Rock Lobster Industry Council	NZRLIC
BCO5 Association Incorporated	BCO5
Northern New Zealand Seabird Trust	NNZST

PART A: General comments

Submitter	Submission Summarised by DOC	DOC response
NNZST	Feedback on the survey of light use in commercial fishing vessels. Supportive in general with some concerns around methodology. Encourages wider investigation to include light impacts from urban environments (out of CSP scope). Support moving towards mitigation project involving action that reduces lighting impact given it has already been established that vessel lighting negatively impacts seabirds.	Noted. DOC will consider these aspects in the experimental design and project deliverables.
FINZ & DWG	In general, support for projects relating to the identification of protected species fisheries bycatch, subantarctic seabird populations, and work on spine-tail devil ray bycatch. Lack of support for projects being cost recovered through CSP where there is uncertainty around data to support impacts from fisheries on species, in particular corals. Strong preference for a shift away from population projects towards those focused on mitigation and an acknowledgement that this year's annual plan is a step in that direction with a higher number of mitigation projects proposed. Concern over a perceived lack of strategic direction for CSP research planning and fund allocation to better prioritise issues to species most at risk from fishing activities. Funding of the Observer Programme and prioritisation of fleets with greatest risk to protected species has raised concern and support is given to favouring electronic monitoring on vessels in place of observers. Ongoing concern around population estimates for black petrels and industry cost recovery and a request	DOC notes support for research on spine-tailed devil ray, identification of protected species bycatch, identification, storage and genetics of cold-water bycatch, black petrel, Westland petrel, flesh-footed shearwater, Gibson's and white-capped albatross, and Antipodean albatross and white chinned petrel. We also note lack of support for coral research funded through CSP, marine mammal bycatch, and Northern Royal albatross research, but consider sufficient justification exists for these projects to progress. The decision has been made to not cost recover for the Fiordland coral project in the 22/23 financial year. We note that any updated seabird risk assessment may result in changes to species priorities in future. DOC acknowledges that whilst there have been good gains made by the fishing industry to reduce protected species bycatch, the work needs to continue. We also acknowledge the request for collaboration in improving the strategic direction for CSP research in areas of greatest risk to protected species from commercial fishing, and for assurance that projects fit within the terms of reference for CSP research

	to develop a strategic threat management plan. Request for breakdown of CSP annual spend in recent years.	objectives and are happy to discuss. We continue to review the current method for developing and prioritising research with a view to continued progress towards streamlining the process in future annual plans. With regards to the amount of funding for CSP in recent years we refer you to the Appendices in annual plans which contains a breakdown of funding allocation. These can be found on the CSP webpage. Whilst DOC has a zero-bycatch goal under the ANZBS, and these are consistent in nature with aims within the CSP, they do not drive new research proposed in CSP annual plans. We note your continued lack of support towards population projects and a desire to see more mitigation research, and this has been reflected in the number of mitigation projects in the current annual plan compared to recent years. We also note the desire for development of threat management plans for black petrels (and review of levies) and Antipodeans and Gibson's albatross. Regarding the roll out of electronic monitoring (EM) on inshore fishing vessels by FNZ, DOC staff are active members of working groups with a focus on the use of cameras providing data in relation to protected species bycatch. However, DOC has no control of camera utility and this a matter for FNZ and their contractors. Observers serve multiple functions for DOC that cannot be achieved by EM alone and are therefore we not supportive of their full replacement by EM. We acknowledge that currently 50% of CSP funds are

		spent on the observer programme but deem this work imperative for data driven risk assessments, but and are happy to discuss potential for reprioritisation of efforts in this area.

PART B: Comments specific to INT2022-01 Observing commercial fisheries

Submitter	Submission	DOC response
INT2022-01 Observing commercial fisheries		
FINZ & DWG	FINZ have concerns about 50% of CSP funding going to the observer programme and it needs to be reprioritised to fleets of greatest risk to protected species and would like to be engaged on this. They also support removal of observers once electronic monitoring is implemented.	Noted. DOC welcomes this discussion and industry feedback on the strategic placement of observers. Observer planning is done with FNZ, and placement of inshore observers is undertaken in light of protected species risks, NPOAs or TMPs, and other objectives as outlined in the Annual Plan. We agree that increased industry engagement in this process could benefit both agencies.
FINZ & DWG	With proposed introduction of electronic monitoring on boats, observer coverage should be better applied to inshore risk areas including Kaikoura, South Coast SI trawl fleet and SLL.	Noted. DOC welcomes this discussion and a revisit to strategic placement of observers, especially on the inshore fleets and considering the proposed camera deployment schedule.
FINZ & DWG	Would like to be engaged in guiding redistribution of resources to higher priority areas.	Noted.

PART C: Customary practices

Nil this year

PART D: Comments specific to proposed projects

Submitter	Submission	DOC response
INT 2022-02 Identification of seabirds captured in New Zealand fisheries		
FINZ	Supportive	Noted.
INT 2022-03 Identification, storage and genetics of cold-water bycatch		
FINZ	Supportive	Noted.

INT 2022-04 Risk assessment for protected corals		
DWG	Qualified support for the idea - but at this juncture DWG does not support this project (Low Priority). Dependent on nature and extent work. Hard to see how the output of this quantitative RA will provide us with anything more concrete than the coral/benthic distribution models and the Benthic Env Support Tool, that we have now that are just as likely to be inaccurate as they are accurate. *Note: at the Research Advisory Group, DWG expressed support for this project as long as the objective is primarily conservation gains and fisheries management, and coral research prioritisation as a secondary objective.*	Noted. CSP sees this project as a priority project for corals in line with our Coral Medium Term Research Plan, and the CSP Objectives. CSP and FNZ have several related coral projects, including ongoing distribution projects that incorporate abundance estimates, so these models will greatly improve risk assessment methodology from the pilot study in 2014. We agree that this project needs aligning with benthic work at FNZ and CSP will engage with the FNZ science team to align approach and methodology. To further ensure research synergies and to make the project timing works to leverage outputs of additional research, we have split the project across 2 years, with the first year devoted to methodological development. CSP will invite stakeholder feedback into this process via technical advisory groups.
FINZ	Endorse DWG comments	Noted
INT 2022-05 Determining the Resilience of Fiordland Corals to Fisheries Impacts		
BCO5	Unsupportive and opposed to funding this project. The submitters state that almost 100% of commercial blue cod fishing done in Fiordland is via cod-potting, not trawl, and provide information on fishing effort and distribution until 2012. They consider there to be no demonstrable actual or potential adverse effects of blue cod fishing on the black coral *A. fiordensis.* Expressed disappointment in misunderstanding of the BCO5 fishery and do not believe cod pots are set in habitat that is suited to *A. fiordensis*.	Noted. As outlined in the project description, the current knowledge of black coral distribution is outdated (largely limited to SCUBA depths) and Fiordland also contains various other protected corals besides black corals such as stylasterids. Therefore, we cannot unequivocally say that effort for BCO5 does not overlap with coral habitat at this stage, and the project seeks to improve distribution data for all these species through methodology proposed. CSP notes that potting rather than trawl is the predominant method for BCO catch in FMA5. We are interested in the impacts of pot fisheries on the impacts of corals in the area (but had considered impacts more in relation to other target fisheries). CSP agrees with the submission that the extent of effort in

		the area by BCO5 fishers is minimal relative to the overall effort for the BCO stock, as described in the 2021 Fisheries Assessment Plenary that uses recent effort data. CSP did reach out to FNZ to get a better understanding of recent effort in the project area by method, these data had not become available at the time of consultation. Considering information now available, CSP agrees with the submitters and will remove BCO5 from the cost recovery model for this project.
FINZ	Not supportive of full cost recovery due to a lack of information on fishing impacts to corals and endorse previous comments made by the DWG comments in the CSP RAG meeting.	Noted.
NZRLIC	Not supportive and opposed to cost recovery of this project on the basis that they consider it does not constitute a conservation service under the Fisheries Act (1996) because the effect of rock lobster fishing on corals is unknown and no supporting evidence of adverse effects is given. In addition, they state based on current information that little if any fishing takes place in habitats where corals live. Also suggest that is it more a public interest project and therefore not cost recoverable through CSP.	CSP welcomes the opportunity to discuss the project and the submission with NZRLIC. As noted in the project description, the current knowledge of black coral distribution is outdated (largely limited to SCUBA depths). CSP also points out that Fiordland contains various other protected corals besides black corals, such as stylasterids. Recent video data and SCUBA surveys have demonstrated *A. fiordensis* occurs at the entrances to the sounds, and in some areas stylasterids are abundant. Therefore, we cannot unequivocally say that effort for CRA8 does not overlap with coral habitat at this stage, and the project seeks to improve distribution data for all of these species through methodology proposed. CSP disagrees that the CSP component of the project is being provided predominantly in the public interest. As noted in the project description, the proposed cost recovered part relates specifically to fisheries impacts (not other

		environmental impacts such as climate change). Until we have more information, CSP has decided to progress the project with crown funding, and we will not seek to cost recover it this year. Next year, depending on research outcomes and in consideration of more detailed geo-spatial effort data than was available during consultation, we may revisit this decision.
INT 2022-06 Distribution and abundance of marine mammals observed around commercial fisheries		
FINZ	Not supportive, similarly to INT2021-04 no proposed output relating to adverse effect of fishing on protected species and therefore deemed not relevant to CSP.	Noted.
INT 2022-07 Post release survival of devil rays in purse seine fishery		
FINZ	Endorses previous support for the project from Pelco NZ following the RAG meeting, 7 Mar 2022. Pelco NZ recommended ongoing discussion with industry, including potential re-evaluation of the experimental design and timing of operations due to the unpredictable nature of ray interactions.	Acknowledged.
POP2022-01 Black Petrel population monitoring		
FINZ	In principle, supportive of ongoing monitoring, and accept black petrel are the highest risk seabird. However, they are concerned around the lack of an agreed management strategy for this species and note that industry have spent $1 million on research over the past 10 years. They request an independent review of the black petrel research to date, a review of the population modelling and the development of a research strategy to provide a comprehensive resolution of population modelling for black petrels. Until that review is completed, they consider research into black petrel population issues should be funded from other DOC appropriations rather	Noted. A wider consideration of threats and management actions is planned as part of Budget 2022, scheduled for 2024/25.

	than drawing needed resources from CSP.	
POP2022-02 Flesh-footed shearwater juvenile survival and dispersal		
FINZ	Supportive as more quantitative information is required on foraging movements and distribution. Recognise that the major data gap for flesh-footed shearwaters is relative to juvenile seabirds and hence they consider POP2022-02 is more valuable than POP2021-04.	Noted.
POP2022-03 Deep sea coral reproduction		
DWG	This could have applications later, but at this juncture DWG does not support this project (low priority). Of higher priority is understanding the nature and extent of coral distribution within the NZ EEZ.	Noted. Under CSP Objective E, CSP considers this project important to provide input data to the concurrent Coral Risk Assessment we are proposing. A gap in coral reproductive knowledge is recognised in the coral MTRP and pilot risk assessment. There is ongoing and concurrent research on coral distribution, so we consider it to be timely.
FINZ	Endorse DWG comments.	Noted.
POP2022-04 Deep diving into decades of uncatalogued corals		
DWG	Questions applicability to CSP work programme.	Noted.
FINZ	Endorse DWG comments from CSP RAG.	Noted.
POP2022-05 Northern Buller's albatross population monitoring		
FINZ	Supportive of the need for research but don't consider this species is ranked high enough in the Seabird Risk Assessment to justify the proposed expenditure being fully recovered from the fishing industry, as there is no quantitative evidence that commercial fishing is posing an adverse risk to these species. Request input from updated Seabird Risk Assessment.	Noted. DOC considers the species sufficiently high priority, and further notes the substantial cost effectiveness by leveraging previous Crown-funded work.
POP2022-06 Northern Royal albatross population monitoring		
FINZ	As for POP2022-05.	Noted. DOC considers the species sufficiently high priority, and further notes the substantial cost effectiveness by leveraging previous Crown-funded work
POP2022-07 Westland petrel foraging movements and diving behaviour		

FINZ	Supportive for the same reasons as POP2022-02 (above).	Noted.
POP2022-08 Auckland Islands seabird research		
FINZ	Supportive as the species identified are high risk in the Seabird Risk Assessment. Appreciate CSP efforts to reduce research costs for these expeditions by the inclusion of two species for each research project (POP2022-10). There is concern at the lack of species-specific management plans and the annual apprehension to secure funding to complete this work on these remote islands. They request that the CSP develop a strategic management plan for these species to future proof the long-term monitoring and research requirements and associated budget.	Noted. The strategic management of Gibson's albatross is included as part the CMS Concerted Action plan for Antipodean albatross.
POP2022-09 Auckland Islands New Zealand sea lions		
FINZ & DWG	Have consulted with DWG and while both consider importance of continuing to monitor Auckland Island sea lion pup production, and are supportive, they do not consider the commercial fishing industry should continue to be levied for 90% of the cost of the fieldwork and it should be reduced to 50%. They consider the risk assessment has demonstrated that commercial fishing is not currently having an adverse effect on the Auckland Island sea lion population. With a high level of observer coverage, the industry is paying an excessive amount for monitoring the sealion population.	DOC recommends that this project continue to be cost-recovered at 90% as the most recent risk assessment for New Zealand sea lions at the Auckland Islands indicated that commercial trawl fisheries pose a higher risk to the population than the total risk of other human interventions. The Schedule of Cost Recovery Rules states: *research relating to protected species populations* ***where risk to those populations by human intervention has been estimated*** *will be cost recovered from Industry at a rate of "A / B, expressed as a percentage, where A is the risk to the populations posed by commercial fishing in the EEZ of New Zealand B is the total risk of human interventions on the populations".* A quantitative risk assessment of threats to NZ sea lions was completed in 2016. The greatest risks to recovery of this population were *Klebsiella*, commercial trawl captures, male sea lion aggression and trophic effects/food availability. Of these four greatest risks, **two (trawl captures and trophic effects) are directly**

		linked to commercial fishing near the breeding colonies, while the other two have not been linked with human activities. All other threats were determined to have a minor effect on population trajectory.
POP2022-10 Antipodean Island seabird research		
FINZ	Supported. As for POP2022-08.	Noted. The strategic management follows the CMS Concerted Action plan for Antipodean albatross, with wider alignment through the Toroa engagement hui hosted by DOC.
POP2022-11 Campbell Island seabird research		
N/A	No specific feedback received on this project.	The project has been rescoped as field research will not be possible due to changes to associated research plans at the island. The project now focusses on utilisation of satellite imagery and preparatory actions for field research which is expected to be possible in 2023/24.
MIT2022-01 Longline hauling mitigation devices		
FINZ	Having reviewed the recommendations of the previous MIT2018-02 project they consider that promoting the uptake of hauling mitigation devices is important but wish to see the recommendations from that project implemented prior to this new project beginning. They also suggest some changes are made to the proposed MIT2022-01 objectives including greater collaboration with vessel operators, cost reduction and reduced timeframes for the research.	This project forms a key step in implementing the recommendations from project MIT2018-02, specifically in further investigation of effectiveness, and by facilitating wider uptake. As outlined in the project description, engagement with the industry forms a key mechanism to implementing this project, and all opportunities will be pursued to maximise cooperation. DOC considers that the very limited number of vessels involved in project MIT2018-02, and the diversity amongst small longline fleets, does require further quantification of effectiveness to ensure the devices can meet the robust requirements of being considered best practice. Further, DOC is committed to a process of ongoing improvement in mitigation effectiveness as we work towards the vision of the NPOA-Seabirds 2020.
MIT2022-02 – Understanding drivers and barriers to mitigation in small vessel bottom longline		

FINZ	Acknowledges the need to improve the uptake of better mitigation but does not consider the proposed expenditure warranted without Liaison Officers actively working with fishers to provide solutions for improving mitigation performance including better fisher knowledge on mitigation standards in relation to regulations. FINZ suggest as a first step holding a workshop with the Liaison Officers and surface longline fishers to discuss with them how they might address the issues and consider extending to include bottom longline fleet. Supportive of funding targeted at providing workshops and a more focused implementation plan to achieve improved performance.	DOC notes comments relating to further action from the research findings in the surface longline fleet and is committed to ongoing implementation of actions in this area. This project is only focussed on small vessel bottom longline, and DOC believes the differences between surface and bottom longline fleets is sufficient to warrant new and targeted research specifically on the bottom longline fishery. DOC acknowledges the value of Liaison Officers in motivating fishers to adopt higher standards of mitigation. The project description explicitly outlines the linkage between the research project and the Liaison Programme. DOC agrees that there would also be value in a workshop with Liaison Officers and has already included this under Output 5 of the project description.
MIT2022-03 – Coral Symposium		
FINZ	As highlighted by DWG in the CSP RAG meeting, FINZ agree that Objective 3 is more relevant to management and research planning and does not fit into the scope of 'conservation services.' Fisheries Inshore endorses DWG's previous comments on this project.	Noted. The symposium has been split into two different components accordingly, with crown funding for objectives less relevant to CSP.
DWG	Supportive in principle but needs to include all the many moving parts (e.g., outcomes from FNZ Benthic Environmental Forum). Essential that Industry presents, engages, and participates. Do not support 100% industry funding due to being the public interest application.	Noted. The symposium has been split into two different components accordingly, with crown funding for objectives less relevant to CSP. We will engage with FNZ to align parallel and related benthic work.
MIT2022-04 – Bait retention as a driver to mitigation use in the surface longline fishery		
FINZ	Not supportive on the basis that outputs of improved mitigation performance can be achieved by	Noted. Research to understand drivers of mitigation uptake falls beyond the current scope of the

	encouraging Liaison Officers to address the issue of bait retention with fishers rather than undertaking research into current behaviour. Also see an opportunity to align discussions regarding this issue with the workshop we request CSP arranges with surface longline operators to address barriers to mitigation uptake.	Liaison Programme, thus a targeted research project is required.
MIT2022-05 Large vessel trawl warp mitigation		
DWG	No comment	
FINZ	Endorse DWG comments. Noted at the CSP Research Advisory Group that 4 years of observer data would be needed to get good results.	Noted.
MIT2022-06 – Light Mitigation: reducing vessel interactions with seabirds		
FINZ	Have queried the methods to be used and lessons learned from previous projects to ensure any outputs from this proposed research will be beneficial. Also consider that the focus for future light mitigation research needs to investigate a broader fleet than just commercial fishing vessels. Acknowledgement that the inshore finfish fishing flee are encouraged to mitigate vessel and operating lighting impacts through the Liaison Programme and are audited annually. Request the scope of high-risk vessels be broadened across more vessel types other than fishing and remove sole cost recovery from the fishing industry accordingly. Also query whether Objective 2 (light set ups on land), is cost recoverable through CSP.	DOC will take lessons learned from MIT2019-03 into consideration during the contracting and project development phase, and consequently, outputs from MIT2022-06 will be beneficial. We acknowledge that fishers are indeed encouraged to mitigate the adverse effects of lights through the Liaison Programme. Yet, that stream of work does not provide novel solutions for light mitigation. In contrast, MIT2022-06 will enable steps towards the goal of reducing adverse interactions of protected species with fisheries; specifically, MIT2022-06 aims to identify lights that reduce adverse interactions while still being fit for purpose for fishing, and therefore, DOC considers MIT2022-06 an appropriate CSP project. The light set-ups on land will be representative of lights used on vessels, and as such, the on-land terrestrial experimental set-ups are a fundamental and appropriate part of the project.
NNZST	Supports at-sea experiments being the focus of this project (not land-based) and should take place on a working commercial fishing vessel. Suggested variety of alternative methods to previous project (MIT2019-03) including rigging and	DOC considers the land-based experiments a part of this project, as previous work was not sufficient to provide statistically supported conclusions (as stated in MIT2019-03). DOC considers the deck strike mapping exercise useful, but better

	light colours, the need for spatial/temporal considerations, and consideration of vessel type and overlap in lighting types from cruise ships and rec fishing vessels.	placed as a standalone project in conjunction with VIIRS remote sensing data. Inclusion of other light sources (e.g., cruise ships) is out of scope for a CSP project. Sub-contracting for AI applications is also out of scope and poor use of resources. Finer details of logistics and experiments can be adjusted during the project development phase.
MIT2022-07 Inshore trawl warp mitigation		
FINZ	Support the continuation of fine-tuning of trawl warp mitigation and request to see more details on the MIT2022-07 objectives particularly around testing the efficacy of different techniques. Noted that the Seabird Risk Assessment is due to be updated and it is likely that the extent of those cryptic captures will be lowered. Would value an evaluation of the performance of trawl warp options as used in the inshore fleet.	Noted. DOC will include an initial workshop to discuss further details of the project and will consider the recent risk assessment findings to make sure that the project is focused on components of the highest risk fleets.
MIT2021-01 Protected Species Liaison Project		
FINZ & DWG	Continues to support the Protected Species Liaison Project but holds some concerns and considers current response to significant capture events is ineffective and response times inadequate. Highlighted the limited consultation between FNZ, DOC and Fisheries Inshore to review events in the context of vessel, fleet and mitigation option performance due to data sharing constraints. Supportive of the development of an advisory group for the Liaison Programme however we request that the principal stakeholders, DOC, FNZ and Fisheries Inshore are all equally involved.	Noted. However, CSP consulted on this project last year. We will take this feedback into consideration if the project is renewed in the 2024/25 financial year.

PART E: Specific feedback from submitters

1) Fisheries Inshore New Zealand

FISHERIES
INSHORE NEW ZEALAND

Level 12

7 Waterloo Quay

Te Aro
Wellington 6011

31 May 2022

Conservation Services Programme
Department of Conservation
PO Box 10420
Wellington 6143

Dear Ms Nelson

DRAFT CSP PROGRAMME 2022-23

1. Fisheries Inshore New Zealand Ltd (Fisheries Inshore) represents the majority of quota-ownersand operators in the commercial inshore and highly migratory fisheries of New Zealand.
2. Fisheries Inshore's key outputs are the development of, and agreement to appropriate policy frameworks, processes and tools to assist the sector to more effectively manage inshore, pelagicand tuna fish stocks, to minimise their interactions with the associated ecosystems and work positively with other fishers and users of marine space where we carry out our harvesting activities.
3. Fisheries Inshore are committed to working with our members to mitigate the effects of our fishing activities on the environment including protected species. We have ongoing programmes with ourfleets and a history of innovation to improve the effectiveness of the measures applied on vessels. Aligned with these as stated previously, we have a history of both constructive criticism of proposed CSP projects and, equally, support for relevant and deliverable workstreams that willmaterially reduce risk or improve our knowledge of risk.
4. Where there is regional overlap in issues, Fisheries Inshore works closely with other commercial stakeholder organisations that focus on regional and operational issues, including the Southern Inshore Fisheries Management Company (SIFMC) and Deepwater Group Ltd (DWG), which arethe mandated organisation for the management of the regional fish stocks as well as.
5. Fisheries Inshore believe research and monitoring must feed directly into extant risk assessmentsor other such processes or significantly change what we know and can therefore change what weimplement if required.

6. The focus to achieve conservation value must be the reduction of material risk to protectedspecies through understanding and actively mitigating the risk. With only a limited budget available, we consider the programme must focus on maximising conservation value.

7. The Department of Conservation (DOC) has sought feedback on projects to be considered forinclusion in the Conservation Services Programme (CSP) for 2022-23. Fisheries Inshore have attended the planning meetings and provided submissions on projects in the preparation of the programme.

8. We advocated in previous submissions that DOC needed to shift the emphasis to mitigation and species at risk consistent with the purpose of the CSP. We maintain that opinion.

9. We make no comment on projects that are the domain of the deepwater sector. We have discussed this submission with DWG and included their views in this submission.

10. Any queries should be directed to Rosa Edwards, Fisheries Manager, Fisheries Inshore, rosa@inshore.co.nz or on 027 1800 1751.

FUNDING FOR MARINE PROTECTED SPECIES CONSERVATION

11. The conservation activities for marine protected species by DOC is, in our opinion, woefully inadequate. That is by no means a comment on the Marine Species Team but on the funding allocations provided to them by DOC.

12. We have consistently requested information on the level of funding from mainstream DOC appropriations for marine protected species conservation and other than comments that it is limited, we have received little information.

13. We note the DOC budget for Conservation of Natural Heritage totals nearly $400 million per annum and the DOC budget for Recreational Opportunities nearly $200 million per annum. We have been informed the total expenditure for the Conservation of Marine Protected Species by DOC is less than $6million per annum but would appreciate some confirmation of the actual totalin recent years.

14. We understand the constrained funding position for the Marine Species Team activities and their dependence on CSP levies to fund activities they consider critical to marine protected species conservation. That they receive little other funding from mainstream DOC appropriations is no justification for improper levies under the CSP programme.

ABSENCE OF A STRATEGIC MANAGEMENT PLAN

15. Fisheries Inshore has long expressed our concern as to the lack of strategic allocation of the scarce CSP funding. The CSP team has indicated they feel a need to provide funding for each oftheir programme streams – Population, Interactions and Mitigation – and within that across the range of protected species.

16. The $1,800,000 spent on research projects is spread over 33 projects, an average spend of $56,000 per project per annum with many of these being single-year projects. Realistically, little can be achieved with a $56,000 budget for a research project.

17. We do not accept that the resource or funding allocation policy as practiced by CSP achieves material conservation benefits. To better support CSP's mandate to reduce adverse effects, we request that CSP adopts a more strategic approach to its resource allocation, underpinned by a strategic plan that identifies priority issues, species at highest risk and then plans activity towardsmitigating excess risks, irrespective of the spread between activity areas.

18. As we have continuously emphasised in previous submissions, the absence of a strategic plan for management of marine protected species does not provide strong guidance as to the allocation of

available funds. A strategic plan would allow CSP to identify the research to be undertaken in thisand coming years, while putting the research projects in a strategic context. It would also preclude the annual need for the unseemly scramble for funding by research providers and allow for better stakeholder engagement on strategic approaches to successfully reduce adverse effects to marine protected species.

NATURE OF PROJECTS

19. As we have identified in previous submissions, the CSP programme is fundamentally concernedwith achieving conservation benefits by identifying and implementing effective mitigation for protected species adversely affected by commercial fishing. If that is not the fundamental goal, we would wish to know what the goal is. If it is the goal, then CSP needs to revisit their programmes and re-align their programme to that goal. Many of the current projects do not aligndirectly to that goal and should not proceed with CSP funding.

20. We favour projects that directly relate in implementation of mitigation of risk rather than research into options for mitigation. A number of mitigation concerns, such as lighting and retention of bait,could be better addressed by using liaison officers to raise the issues directly with fishers rather than undertaking research into possible mitigation options. It is for fishers to address risks by making such adjustments as they consider appropriate, not for scientists to provide answers.

21. The table below summarises the 2022/23 CSP Levies across the different project categories.

TABLE 1. SUMMARY OF DRAFT 2022/23 LEVIES

Activity	Levies 2022/23 $	Levies 2021/22 $	Percentage of 2022/23 Levies
Observers	2,455,762	2,443,951	57.5%
Population Projects	602,698	274,047	14.1%
Interaction Projects	378,080	284,566	8.9%
Mitigation Projects	637,214	221,452	14.9%
Under & Over	197,444	95,848	4.6%
Grand Total	4,271,198	**3,319,863**	100.00%

22. While the amount of levies for observers have declined as a proportion of the total budget this year, we remain concerned at the level of expenditure for observer activity. We believe that observer activity needs to be more targeted to fisheries where there is greater uncertainty of theinteraction level or where the level of interactions constitutes a sustainability risk to protected species. We cannot accept that conservation value is maximised with such a high spend on observer activity.

23. We are pleased to see the level of expenditure for mitigation projects has been increased this year but have some problems with the projects proposed. Not all are addressing impacts risks. Inparticular, we see no material value in the project to understand the drivers or resistance of fishers to adopt mitigation measures in the bottom long line fleet. The same project for the surface longline fleet provided no new

insights that we did not already know. We consider the funds for that programme would be better spent on implementing or reviewing the effectiveness of measures.

24. We have raised previously our concern relating to the funding of population projects. Populationprojects should only be undertaken using CSP funding where the risk assessment justifies such research. Accordingly, we cannot support several of the projects proposed.

COST RECOVERY OF CSP EXPENDITURE

25. The CSP was established to ensure the mitigation of adverse effect and risk to protected species.It was intended to address those issues and then phase down its activity as the risk reduced.

26. New Zealand has adopted the risk assessment ratio as indicative of the level of threat from commercial fishing. Any species that requires an increase of more than 50% of the current capture rate to produce a risk ratio of over 0.8 (or an upper 95% confidence interval) cannot besaid to have a high risk to the sustainability of the population from commercial fishing.

27. With the exception of a few seabird species, which we contend are also impacted by factors otherthan New Zealand commercial fishing, we passed that threshold long ago for seabirds and marine mammals as risk and threat assessments confirm. Continued CSP expenditure on species without a high risk to their sustainability from commercial fishing is not valid under the Fisheries Act.

28. We have seen significant progress in reducing the risk to seabirds and marine mammals from commercial fishing to the point where we believe that a re-examination of the CSP strategy andCSP expenditure is warranted.

29. The goal for the Fisheries Act is the absence of adverse effect for a population, that is, where therisk of extinction from fishing has been mitigated. While DOC might wish to adopt zero captures as contained in the New Zealand Biodiversity Strategy as their goal, that is not the objective for CSP activity or funding.

30. That is not to say that industry will not continue to seek lower capture levels of protected speciesthan the prescribed maxima. All operators would prefer to and seek to catch less protected species, but they are realistic that catches will and do occur.

31. Cost recovery of CSP expenditure for activities where protected species are not at a demonstrable adverse sustainable risk is not permitted by the Fisheries Act. Commercial fishersshould not be penalised by undue levying when they have already achieved the environmental bottom line of sustainability.

32. We estimate that 81% of the research funding is allocated to species which demonstrably do nothave a sustainability risk from commercial fishing.

SUBMISSIONS ON PROPOSED PROJECTS

INTERACTION PROJECTS

INT2022-01 Observing commercial fisheries

33. Fisheries Inshore are extremely doubtful that the observer programme warrants spending over half of the CSP funding on it. The role of the observer services in the inshore and HMS sectors isfocused on monitoring, particularly for protected species interaction activities. When the uncertainty level of protected species captures within a fishery sector has been addressed and the sector is not imposing adverse effects, we see no justification for continuing to place observers in that sector.

34. As we have emphasised in the past, Fisheries Inshore supports the observer programme, at leastuntil any alternative or more likely complementary electronic monitoring option has proved effective and cost-effective coverage than is possible with observers. For example, we believe

that as particular fisheries become monitored by cameras, observers should be moved to other, higher risk fleets. We cannot support that observers should be deployed in fleets that have camera monitoring. Since both the observer programme and camera monitoring have protected species monitoring as a prime objective and both deliver the same output, over time observers should be withdrawn from fleets when cameras are installed. This would for example include the west coast North Island trawl and setnet fleets, the east coast South Island trawl and setnet fleet.

35. Fisheries Inshore see those priority areas where observers should be redistributed to as includingthe Kaikoura fleet, the south coast South Island trawl and setnet fleets and the surface long line (SLL) fleet. In respect of the SLL fleet, we would like to discuss the use of the observers to provide additional information on the fishing practices and protected species interactions as the basis for reviewing current mitigation measures.

36. As financers of the programme, Fisheries Inshore would like to be engaged in guiding a morestrategic redistribution of observer resources to higher priority risk areas.

37. With the inshore observer services predominantly focused on protected species interactions, we are extremely concerned that DOC has not been able to confirm the utility of cameras to adequately record those interactions. We note a research project was proposed this year to do so, however it has been withdrawn from the CSP and incorporated into an FNZ workstream. As the observer programme provides a baseline input of observed captures into all protected speciesrisk assessments, and fisher reporting is not necessarily reliable, with an increasing lack of species-specific reporting of captures, we request that DOC ensure the continuity of species capture reporting.

38. It is difficult to understand how the Government has committed to an expenditure of over $68 million for the implementation of cameras when the utility of cameras to record protected species interactions has not been verified. Past experience with cameras has demonstrated that for seabirds, unless specific actions are taken by crew to present captured seabirds to a camera withfive aspects, species identification is not feasible. We have no confidence that camera technologywithout significant changes to at sea practices will provide robust evidence of interactions. The species identification of seabird bycatch is critical to estimating the risk of commercial fishing to seabirds. Without robust identification, the quality of risk assessments will diminish.

39. Fisheries Inshore wishes to discuss with CSP the possibility of instituting a contingency processof landing all protected species caught to provide DOC with robust, quantitative evidence of species captures as we have recently done with the Maui and Hector's dolphin retention programme.

Other

40. Fisheries Inshore supports the projects; INT2020-02, INT2022-02 and INT2022-03, relating to the identification of protected species bycatch including seabirds, marine mammals, fish, reptiles and coral. We expect that with climate change and rising sea temperatures, New Zealand will likely see ongoing increases in turtle and chondrichthyan species interactions and industry wishes to beprepared for these with appropriate mitigation measures.

41. Fisheries Inshore recognise the potential for broader scientific benefit that may arise from the proposed research in INT2021-04, and to that extent, can support the project in principle. However, the definition of conservation services is "outputs produced in relation to the adverse effects of commercial fishing on protected species…" and therefore we cannot support that the project as within the scope of conservation services, and strongly oppose that it is cost recoveredto industry.

42. With respect to the remaining protected corals projects including INT2022-03, INT2022-04 and INT2022-05, the majority of information that is known about protected corals is fishery-related information. It is information regarding population dynamics, biomass, distribution, abundance and extent of protected corals in areas outside areas that are fished is not well understood.

Hence, we cannot agree with the decision to fully cost recover the coral research, and we endorse DWG's comments in the CSP RAG meeting on these projects.

43. Fisheries Inshore also acknowledges that FNZ is significantly investing into coral distribution andbycatch research, and therefore we are flagging our concern toward the lack of a strategic approach to the proposed research between FNZ and DOC. A more strategic and collaborative approach is needed to guide our collective understanding of the knowledge gaps of deepwater corals, in order to address conservation services needed for these species.

44. Fisheries Inshore do not support INT2022-06 as, similarly to INT2021-04, there is no proposed output in relation to the adverse effect of fishing on protected species. Therefore, we do not consider the research as relevant to CSP nor do we support that the research cost entirely covered by industry. All current Marine Mammal Risk Assessments show limited risks from commercial fishing to marine mammals except for common dolphins, for which we believe the riskis mitigated through industry measures.

45. Fisheries Inshore endorses the comments from Pelco NZ Ltd on the final interaction project, INT-2022-07.

POPULATION PROJECTS

46. We consider only the population projects relevant to inshore commercial finfish fisheries thatmight be validly undertaken by CSP are:
    a. POP2022-01 Black Petrel population monitoring,
    b. POP202207 Westland petrel foraging movements and diving behaviour,
    c. POP2022-02 Flesh-footed shearwater juvenile survival and dispersal,
    d. POP2022-08 Auckland Islands seabird research: Gibson's and white-capped albatross,
    e. POP2022-10 Antipodean Island seabird research: Antipodean albatross and whitechinned petrel,

    although in all cases more information is needed as to the specific activities to be undertaken.

POP2022-01 Black Petrel population monitoring

47. While Fisheries Inshore supports the ongoing monitoring of black petrels, we are particularly concerned with the lack of an agreed management strategy for this species. Black petrels have featured annually in CSP but there has been little progress achieved in identifying and addressingcommercial fishing pressures through this programme. Industry has led a number of developments to provide better estimates and lower the level of capture. Notwithstanding those results, DOC continues to pour, and cost recover, a disproportionate share of its resources into population projects relating to black petrels.

48. We acknowledge that black petrels remain the highest risk scoring seabird but that does not of itself justify ongoing research with limited robust and practical results. We wish to see an independent review of the black petrel research to date, a review of the population modelling andthe development of a research strategy to provide a comprehensive resolution of population modelling for black petrels. Until that review is completed, research into black petrel population issues should be funded from other DOC appropriations rather than drawing needed resources from CSP.

49. We have spent nearly $1 million on black petrels in the past decade and are still yet to be provided with sufficient robust science to understand the demographics of the population. Weappear to be satisfied that the reproduction rate is sufficiently high enough and estimated captures, albeit they have yet to incorporate updated capture levels, are low enough to sustaingrowth in the population. Uncertainty as to the rate of return of juvenile birds appears to be theunknown that needs to be researched. That is not a CSP project to be levied from the New Zealand fishing industry

POP2022-02 Flesh-footed shearwater juvenile survival and dispersal and POP2022-07 Westland petrel foraging movements and diving behaviour

50. Fisheries Inshore supports these proposed research projects as we require quantitative information on foraging movements and distribution of both of these species. We recognise thatthe major data gap for flesh-footed shearwaters is relative to juvenile seabirds and hence we believe POP2022-02 is more valuable than POP2021-04. We see value in quantifying the distribution of juveniles, meaning in turn we will be able to identify areas of high crossover with inshore vessels. We also support gaining foraging distribution and diving behaviour of Westlandpetrels for the same reasons, as this information is critical in order for industry to most appropriately mitigate interactions with these seabirds both spatially and during sets.

POP2022-08 Auckland Islands seabird research and POP2022-10 Antipodean Island seabird research

51. Fisheries Inshore supports this work as the species identified are high risk in the Seabird Risk Assessment and require active management to mitigate adverse effects from commercial fishing.We appreciate the inclusion of two species for each research project to minimise research costs for these expeditions. We are concerned at the lack of species-specific management plans and the annual apprehension to secure funding in order to complete this work on these remote islands. Therefore, we request that CSP develops strategic management plans for these speciesin order to future proof the long-term monitoring and research requirements and associated budget for these protected species.

POP2022-05 and POP2022-06 Northern Buller's and Northern Royal albatross population monitoring

52. Fisheries Inshore recognises the need to complete the work in both POP2022-05 and POP2022-06. However, neither of these species are ranked high enough in the Seabird Risk Assessment to justify the proposed expenditure being fully recovered from the fishing industry, as there is no quantitative evidence that commercial fishing is posing an adverse risk to these species. Therefore, we disagree with the continuation of further cost-recovered research for both of these species on the basis of "conservation services" until the updated Seabird Risk Assessment is available to guide protected seabird research priorities after the 2022/23 CSP research round.

POP2022-09 Auckland Islands New Zealand sea lions

53. Fisheries Inshore have consulted with DWG on this proposed research and while we note the importance of continuing to monitor Auckland Island sea lion pup production, we do not accept that commercial fishing should continue to be levied for 90% of the cost of the fieldwork. The riskassessment has demonstrated that commercial fishing is not currently having an adverse or indeed even a significant effect on the Auckland Island sea lion population. With a high level of observer coverage, the industry is paying an excessive amount for monitoring the sealion population. We consider the cost recovery level for the pup count should be decreased to 50% orless as is done with population monitoring for other protected species.

54. Fisheries Inshore also endorse DWG's comments from the CSP RAG Meeting on the followingcoral related population projects: POP2021-02, POP2022-03, and POP2022-04.

55. Additionally, we support the proposed crown-funded research (POP2021-06, POP2021-07, POP2021-08). We acknowledge that the protected species in these projects do not hold a risk- status high enough to warrant cost-recovery from the commercial fishing industry. Therefore, wethank DOC for seeking crown funding to cover this research.

56. We do not agree that the remaining projects warrant cost-recovery from the commercial industry.

MITIGATION PROJECTS

MIT2021-01 – Protected Species Liaison Project

57. Fisheries Inshore continues to support the Protected Species Liaison Project however are concerned with the ability of the programme to consistently and adequately respond to significantcapture events. This is by no means a concern about the liaison programme team, but rather theframework that the programme sits within.

58. Fisheries Inshore is extremely concerned that the review of protected species capture events, particularly those events more significant than the triggers, is neither effective nor productive. Ourconcern is based around the collective inability of the stakeholders – FNZ, DOC and Fisheries Inshore - to review those events in the context of vessel, fleet and mitigation option performance. There appears to be no timely notification, review and subsequent response to significant captureevents. All parties require access to an up-to-date database of events, and processes need to bedeveloped to respond to significant capture events.

59. The notification of triggers and/or significant capture events is currently slow and follow up is not immediate. There are major data-sharing constraints that restrict industry from receiving fleetwidedata on protected species captures and trigger events and industry believe we can add benefit tothe capture response if we have access to our own fleets' data.

60. The result of this is a dis-jointed management response and review of significant captures where industry is essentially left 'in the dark' with no ability to transparently assist DOC and FNZ (or viceversa) in the review process. There is currently very limited consultation within regional fisheries management unit at FNZ regarding capture responses, and we see no consistent or timely process maintained to address significant events from those units.

61. While the Protected Species Liaison Programme holds the front end to a high standard, the management processes to review events in a wider context, particularly in relation to systemicissues within fleets, remains limited.

62. Fisheries Inshore believe that work needs to be done to address the backend management framework of inshore and highly migratory protected species to allow for timely, consistent and effective approach to respond to and mitigate significant capture events involving all parties (DOC, FNZ and Fisheries Inshore). FNZ and DOC do not possess the knowledge of fishing activity or the contacts in industry to initiate change. Their role is to achieve high scale outputs,not to manage industry at a fine-scale or vessel basis to achieve outputs. That is the role of industry, as represented by Fisheries Inshore.

63. We are pleased to see the development of an advisory group for the Liaison Programme howeverwe request that the principal stakeholders, DOC, FNZ and Fisheries Inshore are all equally involved. The advisory group to-date has been unable to fulfil the needs for a capture response process.

MIT2022-01 Longline hauling mitigation devices

64. Fisheries Inshore have reviewed the recommendations of the project MIT2018-02 and consider that promoting the uptake of hauling mitigation devices is an important aspect of operationalisingthe previous research. However, we suggest some minor changes are made to the proposed MIT2022-01.
65. Fisheries Inshore believe that the methods and devices determined in MIT2018-02 proved adequate at minimising seabird captures during the haul and therefore objective two "to further quantify the effectiveness of haul mitigation devices used" is not required. We also believe that the longline skippers themselves are best placed to develop recommendations for modifications to the haul mitigation devices in order to achieve objective three. There is significant heterogeneity across longlining operations, and skippers best understand their vessels relative totheir fishing operations, crew safety, and appropriate mitigation measures while operating.

Given that experience, this is not an issue where a one-size-fits-all approach would be successful, therefore we request the outputs from this research are actively communicated with relevant skippers in a timely manner.

66. In particular, the inshore bottom longline fleet includes many proactive operators who have proven records of working towards minimising seabird bycatch. As a direct result of being the highest risk fleet to black petrels in New Zealand, the operators in this area have worked closely with the Liaison Officers, Fisheries Inshore, and FNZ. Several operators have been involved in previous mitigation projects through the CSP and continue to attend collaborative working groupsto ensure they are aware of the latest information regarding protected species issues in their area.

67. This fleet has a number of experienced skippers who are responsive and have actively been involved in finding the best mitigation measures they need, while meeting regulations. FisheriesInshore hopes to see these operators being supported and encouraged toward innovation and ownership of any voluntary hauling mitigation measures.

68. Consequently, Fisheries Inshore do not agree that the promotion of hauling mitigation devices and subsequent recommendations to gear improvements warrants the proposed expenditure forthis project, nor does it warrant a two-year timeline. Based on the results from MIT2018-02 we believe it could be completed within 1 year, if assisted by the Liaison Programme and/or a well- respected researcher with experience in this fleet.

69. We request that prior to further developments of this research, the recommendations from MIT2018-02 are implemented if they haven't been already. The inshore bottom longline fleet inFMA 1 has already been involved in an EM programme, and the use of that multi-year data is extremely valuable for evaluating uptake of these mitigation measures.

MIT2022-02 – Understanding drivers and barriers to mitigation on in small vessel bottom longline

70. Fisheries Inshore acknowledges the need to improve the uptake of better mitigation but we do notsee that need warranting the proposed expenditure of this project without actively working with fishers to provide solutions.

71. As stated previously, the inshore bottom longline fleet is predominantly made up of proactive operators who have a keen interest in mitigating protected species captures. A number of these vessels have voluntarily housed cameras onboard in relation to mitigation projects for the past four years. Furthermore, recent feedback to the Seabird Advisory Committee regarding outreach to this fleet from a Liaison Officer favoured a large portion of the skippers being actively engagedin the Liaison Programme, while requesting support in gaining access to the remaining operators.

72. Fisheries Inshore agree that there have been issues across all inshore and highly migratory species fleets for the uptake of the mitigation methods. We do, however, note there has been anincreasing trend for uptake of mitigation measures as outlined in the recently published Liaison Programme Annual report. Specifically for the surface longline fleet, we acknowledge the lack ofuptake of hookpods, and the associated research into a better understanding the barriers to uptake. However, those barriers and causes of hesitancy have not yet been resolved by the commissioned study.

73. Our general takeout from the surface longline study was the need for Liaison Officers to forge stronger relationships with fishers and motivate the fishers to adopt higher standards of mitigation. Much of the feedback indicated a general lack of knowledge and/or understanding of the mitigation standards in relation to the regulations. There was also a strong signal to the researcher that the fleet would appreciate having in-person conversations with relevant experts toassist in working towards the mitigation standards. Fisheries Inshore see Liaison Officers as being the most appropriate parties to work with fishers. To that end, we would request CSP arrange a workshop with the Liaison Officers and the more influential surface longline fishers to

discuss with them how they might address the issues raised in the surface longline report. That would be a more productive approach to improving mitigation in that fleet.

74. Depending on the success on that process, Fisheries Inshore would request that a similar process be undertaken for the bottom longline fleet. We would far prefer to see action taken toimprove mitigation performance rather than yet more research.

75. Fisheries Inshore rejects the proposed expenditure to perform the same research methods for theinshore bottom longline fleet. We would prefer to use the funds to provide workshops and a more focused implementation plan to achieve improved performance.

MIT2022-03 – Coral Symposium

76. As highlighted by DWG in the CSP RAG meeting, we agree that Objective 3 is more relevant to management and research planning and does not fit into the scope of 'conservation services.' Fisheries Inshore endorses DWG's previous comments on this particular project.

MIT2022-04 – Bait retention as a driver to mitigation use in the surface longline fishery

77. Fisheries Inshore does not support this proposed project.

78. Fisheries Inshore believe the outputs of improved mitigation performance can be achieved by encouraging Liaison Officers to address the issue of bait retention with fishers rather than undertake research into current behaviour. That is after all what the Liaison Officer programme isfor. We also see an opportunity here to align discussions regarding this issue with the workshop we request CSP arranges with surface longline operators to address barriers to mitigation uptake.

MIT2022-06 – Light Mitigation: reducing vessel interactions with seabirds

79. Fisheries Inshore has reviewed the preceding light mitigation project MIT2019-03 and are interested in better understanding the methods that will be used. We have some reservations based on the fact that the data was considered inappropriate in MIT2019-03, and hence we wantto ensure any outputs from this proposed research will be beneficial.

80. Fisheries Inshore also consider that the focus for future light mitigation research needs to investigate a broader fleet than just commercial fishing vessels. The risk of lighting causing vessel interactions with birds is evident across a variety of vessels, many of which transit throughthe shipping lanes on the east coast of the North Island. Within the inshore finfish fishing fleet, skippers are already actively encouraged to mitigate the effects of vessel and operating lights to seabirds, through the Liaison Programme and are audited against that mitigation by observers annually.

81. Fisheries Inshore sees the scope of high-risk vessels being targeted within this project should be broadened across more vessel types other than fishing, and therefore we do not agree that the proposed expenditure should be entirely cost recovered from the fishing industry. We also question to what extent this project falls within the scope of "conservation services" and the CSPparticularly given that Objective 2 includes light set ups on land, which we do not agree warrantscost recovery by fisheries.

MIT2022-07 Inshore trawl warp mitigation

82. Fisheries Inshore support the continuation of fine-tuning of trawl warp mitigation and endorse DWG's comments on MIT2022-05 and SIFMC's comments on this project. We request to seemore details on the MIT2022-07 as we understand that while the Mitigation Standards alreadyaim to encompass this work and outline best practice mitigation techniques, research into the efficacy of different mitigation techniques would be beneficial.

83. Fisheries Inshore also notes that the substantial portion of risk to seabirds from inshore trawl fleetis based on cryptic captures, and observed captures make up a very low proportion of overall

captures. We note the Seabird Risk Assessment is due to be updated and it is likely that the extent of those cryptic captures will be lowered.

84. Notwithstanding the prospect of a lower risk score from that revision, Fisheries Inshore would value an evaluation of the performance of trawl warp options as used in the inshore fleet.

SUMMARY

85. If a strict adverse effect test was applied to the proposed 2022/23 CSP programme as per the Act's provisions, few projects would qualify as conservation services.

86. However, industry recognises that many of the proposed projects have conservation merit and high value in continuing long-term monitoring programs and therefore they should be undertaken to assist the management of the protected species.

87. We request that CSP develop a strategic plan for the conservation of marine protected species asthe basis for a greater allocation of DOC heritage funding and a correct application of the cost recovery rules for conservation services. That plan should identify the conservation priorities and the management and research plans to address the conservation issues.

88. We request that particular focus is put on the following short-term strategic issues:
    a. Develop a strategic plan for CSP to ensure projects levied to the commercial fishing industry address the specific objectives of the CSP and are therefore legally appropriate.
    b. Develop and implement a more responsive and collaborative protected species capture-response framework with the objective of reducing protected species captures through a collaborative focused process.
    c. Resolve the ongoing uncertainties regarding the population estimate for black petrels and develop a strategic threat management plan that includes terrestrial threats. We request a subsequent review of the share of research costs levied to the commercial fishing industry for this species.
    d. Establish a strategic approach to the management and development of a Threat Management Plan for wandering albatross (Antipodeans and Gibson's).

Yours

Rosa

Edwards

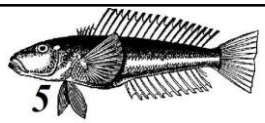
Fisheries

Manager

Fisheries Inshore New Zealand

2) BCO5 Association Incorporated

BCO5 ASSOCIATION INC



C/- R Tribe P.O Box113,
Bluff, Southland

Ph (021) 2261258 Email: Rodney.tribe@ngaitahu.iwi.nz

Cost Recovery
Ministry for Primary Industries, PO Box 2526,
Wellington 6140

27th May 2022

Dear Sir/Madam

Re: Submission from the BCO5 Association (BCO5) on the draft ConservationServices Programme Annual Plan 2022/23

The BCO5 Association (BCO5) represents all commercial fishermen and quota owners who utilise the blue cod resource in Fisheries Management Area 5 (FMA5). The objectives of BCO5 are to promote sustainable management of FMA 5 blue cod stocks, protect harvest and access rights and protect/enhance quota value. All commercial blue cod fishing in BCO5 is done by cod-potting.

The address for service for this submission is: Attn: Rodney Tribe, P.O Box 113,Bluff, Southland. Ph (021) 2261258, email Rodney.tribe@ngaitahu.iwi.nz

BCO5 has read the submission of the Rock Lobster Industry Council (RLIC). BCO5 agrees with and endorses all comments and points made in the RLIC submission. For brevity, theyshall not be repeated in this submission.

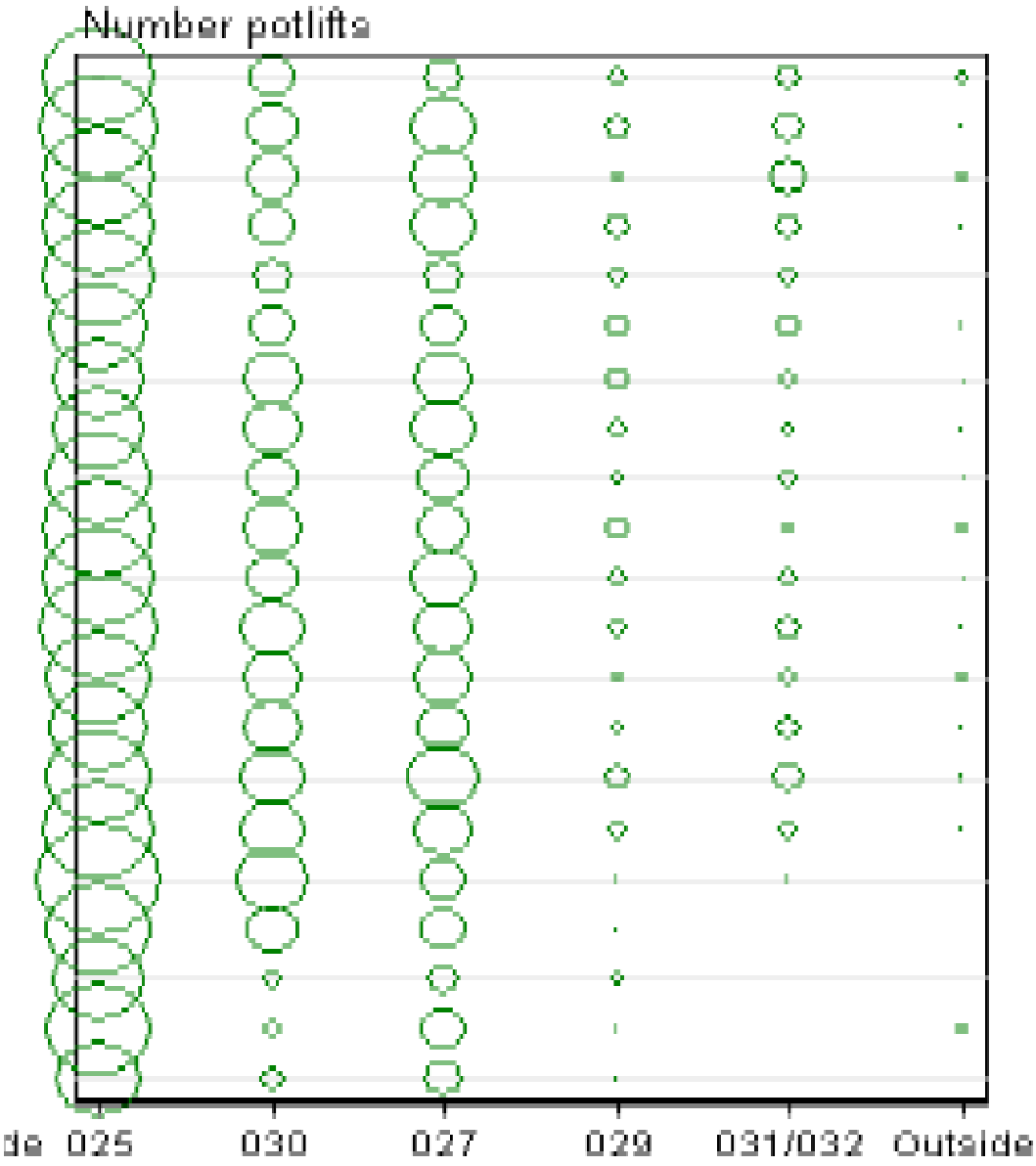
More specifically, BCO5 is concerned with Section 2.7 of the proposed Plan, whereby a Project is outlined with title "Determining the Resilience of Fiordland Corals to Fisheries Impacts – Project Code INT 2022-05". This project budgets $30,000 per year for three years (total $90,000), with 100% cost recovery imposed on BCO5 and CRA8 fish stocks. The rationale for this appears to be principally based on:

Commercial fishing is prohibited in the inner waters of Fiordland, however, rock lobster potting and trawl fishing for blue cod is known to occur in the outer areas of the fiords, where A. fiordensis is abundant and there is virtually no fisheries observer presence.

The proposal suggests that BCO5 should co-fund this project along with CRA8. However, BCO5 cannot contribute to this proposed study for the following reasons:

1. Nearly 100% of the commercial catch is done by cod-potting, not trawling. While a miniscule amount of BCO is caught as a by-catch in trawl vessels, they are never targeted viatrawling. No information is provided by the proposal which demonstrates that setting or retrieving cod pots is likely to have a significant adverse effect on *A.fiordensis* populations.

2. The figure below (from Starr 2012) shows the extent of blue cod potting in FMA5 by sub-statistical area. Fiordland is “Sub-statistical area 031/032”. It can be seen that there iscomparatively little commercial blue cod fishing in Fiordland waters.



The recorded catch in 031/032 is insignificant and is not generally used in stock assessment calculations for BCO5. Any effect on *A.fiordensis* of this small amount of commercial bluecod fishing would be correspondingly minor.

3. The map below shows the extent of the blue cod commercial harvest by habitat type (from Pomerade 2012).

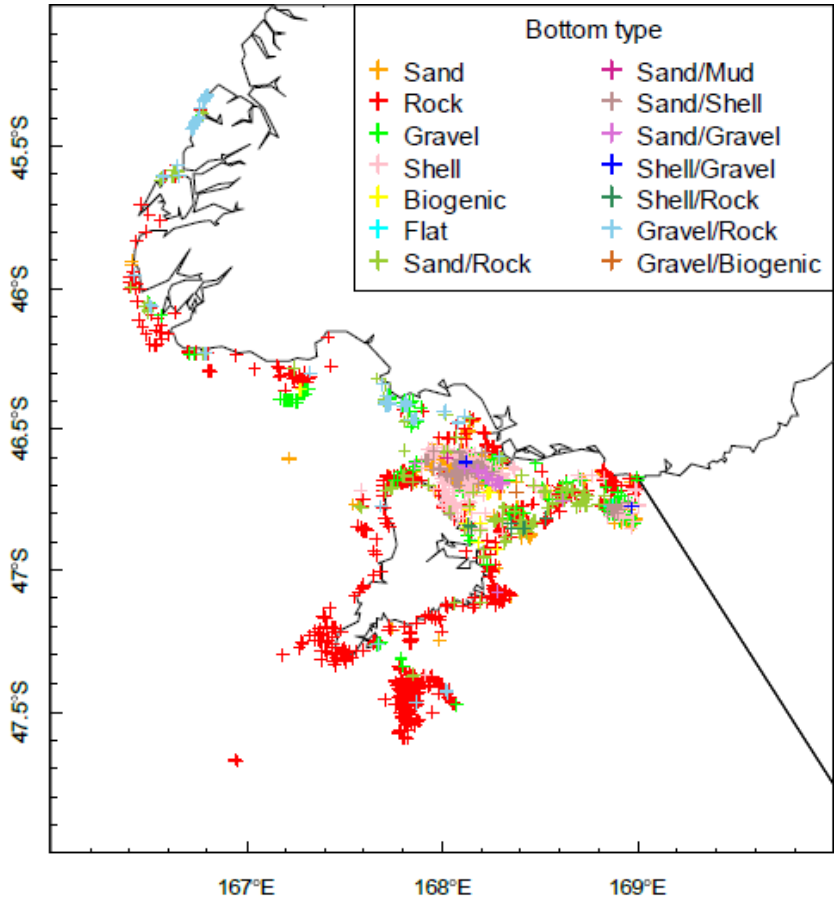


Figure 14: Bottom complexity for the full diary dataset.

This map shows that commercial cod potters generally do not set their pots in sheltered Fiordland waters where *A.fiordensis* is likely to be present. In Fiordland, pots are mostly setin open waters on “rock” or “sand/rock” habitats. These open-water habitats are not typical habitats of *A. fiordensis*.

Furthermore, Carbines & Usmar (2012) studied blue cod benthic habitat preferences in Foveaux Strait. They found that blue cod were observed most often with cobble/macroalgae/sea tulip/sponge and macroalgae/sponge. These habitats are more associated with open coastline habitats, not the more sheltered habitats frequented by *A fiordensis*.

General comment:

It is disappointing that the proposal shows so little understanding of the BCO5 commercial fishery, including a surprising lack of knowledge on BCO5 fishing methods and (un)likely interactions with *A. fiordensis*. This lack of knowledge could have been quickly cleared up by the proponents contacting BCO5 directly. BCO5 contact details are readily available from

Fisheries New Zealand's Dunedin office. The fact that this wasn't done reflects poorly onthe Conservation Services Programme and those involved with this proposal.

BCO5 wholly rejects the notion that its members have any actual or potential adverse effect(s) on *A. fiordensis.* Accordingly, BCO5 will not contribute to this proposed research inany way.

Yours faithfully

R.Tribe

Chairman – BCO5 Association Inc.

References

(NB: Copies of all references are available from BCO5 on request).

Carbines, G.D.; Usmar, N.R. 2012. Comparative estimates of abundance and size of blue codderived concurrently from potting and flown video methods at fixed sites in Foveaux Strait 2009. Video derived descriptions of benthic habitat and blue cod utilisation. Saltwater Science Client Report 2012-02. 23 p.
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Pomarede, M. 2012. Mapping of habitat data from the BCO 5 fishers' diary programme.
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3) Northern NZ Seabird Trust

Feedback on CSP Draft Annual Plan 2022/23

Prepared by Chris Gaskin and Kerry Lukies (Northern NZ Seabird Trust) and Megan Friesen (St Martin's University)

Survey of light use in fishing fleets

Characterising current light set ups in use of fishing vessels is one of the objectives in the project description. This survey could be expanded to determine the distribution of reported deck strikes due to light attraction in Aotearoa New Zealand waters. Also, to include the occurrence of deck strikes with respect to fishing operations: i.e., line/net setting, line/net hauling, cruising (no fishing), and at anchor close to islands.

Island and sea-based experiments

As per our earlier feedback we are not sure what additional information you are seeking from land trials outside of what has already been done (Atchoi et al., 2020; Lukies et al., 2020; Rodríguez et al., 2017; Rodríguez et al., 2014). The at-sea work, however, is completely different from what we are seeing in this space and that, we believe, is where the focus of this project should be.

As it stands the project description for the land-based component highlights the need to substantially increase the number of experiments and trying to do both (land and at seabased experiments) in a single year and within the estimated budget is not feasible.

There is no question, seabirds attracted to lights is a major problem. This is especially so for Procellariforms breeding in the Hauraki Gulf and we support research and action to address this threat. However, that research needs to be investigating light use in coastal situations (urban environments, all types of vessels) which could be argued, as expressed at the RAG meeting, outside the scope of CSP.

We also raise the concern of disturbance from running experiments night after night and the effects on all the species breeding on these islands, as well their habituation to the lights including vulnerable species. There is also the question of predation of birds by morepork and possibly harrier if light experiments run continuously and predatorial birds become habituated to activity.

Light attraction close to seabird islands

There have been major deck strikes of birds on vessels close to seabird islands, not only commercial fishing vessels, but also other types of commercial vessels (e.g., cruise ships, ferries) and recreational boats.

We know this is a problem, then shouldn't we be introducing restrictions/protocols that reduce the lights and light level used?

We do not need to conduct light experiments on islands (as above) to show that this is a problem. It is a problem and needs to be addressed.

In the Hauraki Gulf fishing vessels anchor very close to islands and run extremely bright deck lights while crew do maintenance tasks. At times these can be left on while crew are in the wheelhouse or down

below.

Crayfish fishing vessels will operate late into the night and predawn around islands using extremely bright spotlights to locate the buoys marking their pots. Spotlighting surveys for NZ storm petrels highlighted the problem of attracting birds and risk of hitting superstructure, sides of the hull and rigging.

Key islands where light attraction is a major risk need be identified – for example: Whenua Hou / Codfish Island, Aldermen Islands, Taranga / Hen Island, Marotere / Chickens Islands, Mokohinau Islands, Mercury Islands, Manawatāwhi / Three Kings Islands, islands around Rakiura, as well as all the subantarctic islands and Chatham Islands. Species breeding on these islands would need to be factored in to identify when they would be most at risk.

An expanded survey to include the distribution of reported deck strikes due to light attraction in Aotearoa New Zealand waters could populate the list of islands where deck strike is an issue.

At-sea experiments

We would suggest that the at-sea experiments are the focus of this project and take place on a **working commercial fishing vessel,** one that continues with fishing operations. It is possible this may circumvent the issue of compensating an operator for time away from fishing, especially if the number of nights is substantially increased. However, such an approach will require a major commitment from skipper, crew and fleet owner to tolerate jiand accommodate a two-person team working night after night for an extended period.

We suggest conducting an alternative method from previously, although this would mean data collected not be directly comparable to data collected in MIT2019-03.

The alternative method is to rig a vessel (or vessels) so that all working lights are set up in such a way that light colours and arrangements could be varied through repeatable sets including control periods (no fishing). Control periods are important to gauge attraction to scent/habituation to the vessel and to the lights, a critical part of the analysis.

Deck strikes and interactions would be counted throughout experiments on the vessel which continues operating commercially. Thermal imaging could be required during control periods, however there are limitations in terms of coverage.

It should be accepted that lights used in operating a long line vessel and trawl / purse seine vessel at night are markedly different. This would need to be established through a comprehensive survey of light use across all fisheries.

Logistical issues to overcome

1. Two persons to run the experiments would need to be accommodated throughout voyages (with a huge amount of tolerance from the fishing crew)
2. Rigging a vessel out with an appropriate and compliant lighting set up would need to be costed and included in the contract budget.
3. Light types (colour and intensity) are required that do not compromise the safe operation of fishing vessels.

4. Control periods of no lights or as little light as possible. Total blackout is not possible under NZ Maritime regulations.
5. Whoever does this contract would the need to sub-contract someone to code automated detection in videos as well.

The project as proposed covers one season, however lights used vary between different fishing vessel types. Comparing light arrangements between, for example, long-liners and trawlers should be undertaken.

Given the threat to seabirds from light attraction from vessels, it would be useful to see what the overlap is in lighting types between fishing and other marine activity (cruises) and aim to get a good sample size (i.e., two years).

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An educational poster on Pollution and light attraction produced by the Northern NZ Seabird Trust. Available through the Hauraki Gulf Forum https://gulfjournal.org.nz/?post_type=poster

POLLUTION

When we think about pollution we usually think of rubbish, toxic smoke and oil spills. Did you know that light can also be pollution? Light pollution from big urban centres like Tāmaki Makaurau (Auckland) is a serious threat to seabirds in our region.

OIL

An oil spill in the Hauraki Gulf would kill thousands of seabirds of every species and it would also destroy the sensitive marine and coastal habitats where they live. Oil prevents a seabird's feathers from working properly - they can't fly or keep warm in the water. When they try to clean themselves, they swallow the toxic oil.

PLASTIC

Plastic pollution is a huge problem all over the world. Seabirds can get tangled in dumped fishing gear, or mistake rubbish for food. Eating plastic can kill seabirds by blocking their digestive system or leaching chemicals into their bodies, causing health problems and leading to less successful breeding.

Because the Hauraki Gulf is so close to a city, a lot of rubbish ends up in the sea. Being thoughtful about the plastic we use and then disposing of it carefully is a good way to help!

Bright lights at night confuse nocturnal seabirds like petrels and shearwaters. It causes them to land in places that are unsafe, or where they get stuck and can't take off again.

Tītī (Cook's petrels) need to fly over Auckland on their way from their feeding grounds in the Tasman Sea to their breeding grounds in the Hauraki Gulf.

Fishing vessels and cruise ships often have very bright lights on their decks. Reducing the number of lights on, their brightness is an important and helpful action, especially when these boats travel close to seabird islands.

Young seabirds leaving their burrows for the first time are at particularly high risk from light pollution because they have never seen bright lights before.

FOUNDATION NORTH
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NORTHERN NZ SEABIRD TRUST

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Conservation Services Programme
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Tēnā koutou

SUBMISSION ON CONSERVATION SERVICES PROGRAMME - DRAFT ANNUAL PLAN FOR 2022/2023

Purpose

1 I have provided advice to the New Zealand Rock Lobster Industry Council (**NZ RLIC**) on certain legal issues relating to the Department of conservation's Draft Conservation Services Programme Annual Plan for 2022-23 (**CSP**). Having done so, this memorandum now provides a submission on NZRLIC's behalf on the draft CSP, primarily addressing those legal issues.

Overview

2 NZ RLIC submits that the CSP unlawfully includes programmes 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.

3 In particular, proposed service 2.7 "*Determining the resilience of Fiordland corals to fisheries impacts*" (**Fiordland Coral Project**) does not constitute a conservation service as the output of this programme is not related to the "*adverse effects*" of commercial fishing on the coral. This is because:

3.1 it is not yet known what effect (if any) commercial rock lobster fishing is in fact having on coral in the Fiordland region; with the Fiordland Coral Project aiming to gain a greater understanding of the interaction between coral and commercial fishing; and

3.2 the lack of overlap over between the location of coral habitat in Fiordland and commercial rock lobster fishing grounds suggests that there is no justification, based on the best available information, for assuming that commercial rock lobster fishing is having an adverse effect on coral.

4 Even if the Fiordland Coral Project does constitute a conservation service, which has clearly not been established, there is no legitimate basis for seeking full cost recovery from industry given the general public interest aspects of the research.

5 The central legal issue addressed in this submission, regarding the application of the cost recovery principles in the Act, has been consistently raised by industry representatives over many years in respect of a range of different projects which the Crown has sought to recover the costs of from industry, including matters that relate to conservation services. Many of the issues raised in previous submissions have not been addressed and remain unresolved.

6 This is of increasing concern to industry and if not addressed must inevitably lead to legal proceedings.

Cost Recovery Principles and Conservation Services

7 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*".[1]

8 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.

9 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.

10 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". That is hardly surprising conclusion – before this selective tax can be imposed on those causing an adverse effect, it needs to have been established that their actions are having that effect. This does not, of course, mean that that the project cannot proceed. It just means that the Crown must itself pay for this research.

[1] Noting that cost recovery is not permitted where such services are provided in the general public interest: s 262(b).

11 The need for DOC 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 was confirmed by the Office of the Auditor General in their 2002 and 2005 reports on the Conservation Services Programme.[2] A copy of the 2005 report is attached. It summarises the findings of the 2002 report. The Office of the Auditor General stated in its 2005 follow up report that, without sufficient information to show that commercial fishing was having an adverse effect "*it is appropriate, in our view, for the Crown to fund this research (rather than the commercial fishing industry)*".[3]

Proposed service 2.7 Determining the resilience of Fiordland corals to fisheries impacts

12 The CSP proposes that Fiordland Coral Project is 100% cost recovered from the CRA8 and BCO5 stocks.[4] NZ RLIC submits that this project does not fall within the definition of conservation service and, therefore, **cannot** be subject to cost recovery from industry.

13 The Fiordland Coral Project cannot constitute a conservation service as the output of this programme is not related to the "*adverse effects*" of commercial fishing on the coral:

13.1 DOC does not have sufficient information about the interaction of commercial fishing and the coral on which to have reasonable grounds to believe that commercial fishing is having (or is likely to have) an adverse effect on the coral.

13.2 Mere speculation or the use of simplistic proxies, such as spatial overlap between fishing and a protected species population is not sufficient to justify the existence of an adverse effect.

13.3 Before there is sufficient information to establish that commercial fishing is having an adverse effect on coral, then it appropriate for the Crown (and not the fishing industry) to fund this research as such research cannot fall within the definition of conservation service.

Interactions do not equal adverse impacts

14 The CSP looks to **obfuscate** this issue by referring to "interactions" between commercial fishing and the coral when describing the Fiordland Coral Project. However, "interactions" do not legally equate to "adverse effects".

15 It is clear from the objectives of the Fiordland Coral Project itself that there is not yet sufficient information to establish a link between commercial fishing and any adverse effect on the coral. Rather the Project's objectives make clear that this project is aimed at gaining a greater understanding of the interaction between coral and commercial fishing rather than relating to any adverse effect:

15.1 "*Increase understanding of the ecology and impacts of fishing on protected corals in Fiordland*" – this shows that the impacts of fishing are not yet known;

15.2 "*Improving our understanding of the distribution of Fiordland corals inside and outside of protected areas*" – that is, the distribution and abundance of corals are not well known;

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[2] https://oag.parliament.nz/2005/doc-csp/department-of-conservation-administration-of-the-conservationservices-programm-2013-follow-up-audit

[3] Office of the Auditor General "*Department of Conservation: Administration of the Conservation Services Programme – Follow-up Audit"*, February 2005, at [2.19]. This statement was made in relation into the Auditor General's consideration of the Black Petrel research programme.

[4] CSP, p 43.: 2017

15.3 "*Inform our understanding of black coral resilience to fishing*" – that is, the impacts of fishing are not known.

16 The scope of the Fiordland Coral Project is confirmed by the DOC statement in the relevant Medium Term Research Plan that describes the Project.[5] This makes it clear that there is no information that could support a view that commercial fishing is having an adverse effect on the coral but rather that the research is aimed at determining whether any such adverse effects exist (emphasis added):

> Shallow water corals (e.g., 10-40m in Fiordland, Port Pegasus) in New Zealand possibly interact with commercial fishing methods such as potting for crayfish and blue cod……. Currently there is **no quantitative data on the interaction between these fisheries and protected coral species**. Gaining this data is essential to identifying the potential impacts of these fisheries on the protected corals in these waters.

17 While it is acknowledged that DOC has a legitimate interest in investigating the distribution and abundance of corals and what environmental or other factors might be adversely affecting corals as protected species, this does not mean that such research presently constitutes a conservation service that is subject to cost recovery.

Limited overlap between commercial fishing and coral habitat

18 In addition to this, NZRLIC submits that current understanding suggests that there is a low likelihood of overlap between areas where commercial rock lobster potting is undertaken and coral habitat. Accordingly:

18.1 there is no justifiable basis for assuming that commercial rock lobster fishing is having an adverse effect on coral: and as such

18.2 the Fiordland Coral Project cannot constitute a conservation service and be liable for cost recovery.

19 The information relevant as to the low likelihood of overlap includes the following:

19.1 The fjords are closed to commercial fishing inside the habitat lines. The habitat lines represent the place where the ecology of the fiord changes from one of an inner fiord to one of an open coast. The known black coral distribution is mainly inside these habitat lines and in areas where the inversion layer limits light penetration.

19.2 There are substantial areas of the fjords and sounds inside the habitat lines that have been designated as marine reserves and "china shops" – for the purpose of protecting rare, unique and fragile habitats including corals, and other areas are closed to anchoring to address concerns about impact on habitat.

19.3 Commercial rock lobster fishing (and all other commercial fishing) has been excluded from the internal waters of Fiordland (and other areas) since 2005, as per amendment to the Commercial Fisheries Regulations (1986). Maps that depict the boundaries of the restricted areas for the various fiords and sounds can be found in the Fiordland Marine Guardian's *Beneath the Reflections* publication.

19.4 NIWA has documented the physical oceanography of the Fjords, with the sounds mentioned in the project proposal (Doubtful, Dusky and Breaksea) reaching a maximum depth of 300-400+ meters, before raising up to 60-100 meter depths at their entrances. Work by Grange on the distribution of black corals in southern fiords, suggests the majority of the black coral population of Fiordland are restricted to the rock walls at depths of 40 meters or less.

[5] From *Protected Coral Medium Term Research Plan*, February 2022

19.5 Critically, there is no information to suggest the open coast foul ground fished by commercial rock lobster potting is coral habitat.

20 Overall, with the spatial restrictions excluding commercial operators from fishing within the internal waters (i.e., inside the habitat lines) of Fiordland, and the maximum (and entrance) depth of the fjords greatly exceeding the range where the majority of the black coral population has been surveyed to occur, the best available information confirms that overlap is likely to be minimal.

Fiordland Coral Project in general public interest and not liable for cost recovery

21 NZ RLIC submits that even if the Fiordland Coral Project did meet the definition of a "conservation service", 100% cost recovery from industry for this Project is not permitted in accordance with the Act's Cost Recovery Principles.

22 The Cost Recovery Principles specify that:

22.1 a conservation service cannot be recovered if the service provided is in the general public interest: s262(c); and

22.2 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).

23 Even on DoC's rationale, the Fiordland Coral Project is being provided predominantly in the general public interest. This is made clear by the rationale for the Project that expressly states that the purpose of the research is to determine how coral responds to a range of environmental impacts including climate change, changes in land use and fishing. Accordingly, it is appropriate for the Crown to fund this research, not industry.

24 Further, given that the Project expressly recognises that to the extent that there could be adverse effects on coral caused by environmental change, these are not all caused by the fishing industry. Some may relate to climate change and changes in land use. To the extent there are any fishing impacts on black corals in the fjords and sounds, they are much more likely to be from recreational potting because they do operate in the areas of known black coral distribution.

25 In short, there is not legitimate basis for seeking to recover 100% the cost of this Project from the fishing industry.

Meeting and response by DoC needed

26 As noted earlier, there is nothing new about the important issues raised in this submission concerning DoC's ability to seek recovery of the cost of research in circumstances where (a) there is insufficient evidence to establish that the industry is having an adverse effect; (b) a research project is primarily aimed at establishing the nature and extent of any interaction with the commercial fishing sector as well is the impact of other environmental changes and(c) it is acknowledged by DoC that there are other potential contributing causes to impacts on a protected species population, not connected to the fishing industry, which are being investigated through this research.

27 It is, with respect, no longer acceptable for Doc to simply continue to ignore these important issues. The fishing industry would much prefer to try and resolve them by discussion. To that end NZ RLIC would welcome the opportunity to meet to discuss these issues at the earliest opportunity and would like a written response to them following that meeting, if the meeting cannot resolve the issues.

28 I look forward to your response.

Nāku noa, nā

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Copies to: NZ RLIC
MPI - Cost Recovery

Enclosures: Auditor General (2005) Follow up report - DoC Administration of the Conservation Services Programme.