Seafood New Zealand DEEPWATER COUNCIL

Seafood New Zealand INSHORE COUNCIL

Level 12
7 Waterloo Quay
Pipitea
Wellington 6011

31 May 2023

Director General
Conservation Services Programme
Department of Conservation
PO Box 10420
Wellington 6143

Dear Mr Kris Ramm,

DRAFT CSP PROGRAMME 2023-24

1. The Inshore and Deepwater Councils of Seafood New Zealand (SNZ) represent the majority of quota-owners and operators in the finfish sectors of the NZ commercial sector. Our role is to address marine management issues on behalf of the sector and to work directly with, and on behalf of, our members in both development of related fisheries management measures and their application at a regional level.
2. Our key outputs are the development of, and agreement to, appropriate policy frameworks, processes and tools to:
    - assist the sector to manage inshore, highly migratory species and deepwater fish stocks more effectively,
    - minimise the adverse effects of our sector's interactions with protected species and associated ecosystems; and
    - work positively with other fishers and users of the marine space where we undertake our harvesting activities.
3. SNZ has ongoing protected species risk mitigation programmes with our fleets and a history of innovation to improve the effectiveness of the measures applied on vessels. We have a history of both constructive criticism of the Conservation Services Programme (CSP) and, equally, support for relevant and deliverable workstreams that will demonstrably reduce risk to protected species from commercial fishing and improve our knowledge of those risks.
4. As per the CSP objectives outlined on page 5 of the draft annual plan, we expect the research is prioritised towards known risks, updating information to support risk assessments or aim to notably improve our knowledge of those risks what we know in order to demonstrate benefits. We agree that the primary focus of the programme is to support the management and subsequent reduction of adverse effects on marine protected species populations from commercial fishing. With only a limited budget available, we consider the programme must focus on maximising conservation value in relation to known risks to commercial fishing.
5. We see the future of this programme being driven guided by relevant managers to improve management with scientists supporting pre-set objectives to deliver evidence-based information that will close knowledge gaps and provide improved information relative to material risk to protected species populations. We see the programme quantifying the *relativity* of interactions between protected species and commercial fishing, and subsequently trialling and development of innovation to close those gaps on the water, where action counts.
6. The SNZ Councils attended the planning meetings and provided feedback on the initial project longlist in the preparation of the Annual Plan for 2023-24. This submission is on behalf of our members in relation to the CSP Draft Annual Plan for 2023-24.

SUMMARY

7. New Zealand's commercial fishing sector comprising of fishers, vessel operators, licensed fish receivers, quota owners and industry representatives are committed to reducing any adverse effects of fishing interactions with marine protected species populations.
8. We highlight that much of the feedback that we provided in the CSP Research Advisory Group (CSP RAG) in February 2023 and the additional written feedback provided in March 2023 on the longlist of projects has not been reflected in the draft annual plan for 2023-24.
9. We are very disappointed with the lack of response to or follow up engagement as requested in our initial feedback.
10. We are concerned about the lack of accountability that the CSP appears to show when cost recovering projects under the definition of "conservation services". We understand the CSP vision and objectives determine the scope of the proposed projects however, we emphasise that the cost recovery rules that apply to the commercial fishing industry are defined in section 263 (s263) in the Fisheries Act 1996 (FA96) and the Fishing (cost recovery) Rules 2001.
11. We have highlighted below a number of projects that the Plan proposes to have funded through full or partial cost recovery from the commercial fishing industry that we consider to sit outside the scope of "conservation services" under the FA96 and cost recovery rules. We request immediate engagement with the CSP manager to discuss those projects.
12. We request the CSP manager to review the engagement process for the CSP with key stakeholders and schedule an ongoing series of meetings to implement a more collaborative and accountable approach for the CSP Annual Planning process in the 2023/24 fishing year.
13. Any queries or response to the submission can be directed to Rosa Edwards, Inshore Council: rosa@inshore.co.nz, and Ben Steele-Mortimer, Deepwater Council bensm@southswell.co.nz.

THE ABILIITY TO COST RECOVER CONSERVATION SERVICES FROM THE FISHING INDUSTRY

14. The ability of the CSP to cost recover all "conservation services" activity has been repeatedly raised by SNZ in the past and we are extremely concerned that those previous attempts to highlight and develop a common understanding and application have not reflected by the recommendations proposed by managers in the CSP.
15. We are yet to receive any direct feedback or engagement on this critical issue and need to emphasise again that it matters.
16. We are aware that DOC seeks to achieve the objectives contained in Te Mana o te Taiao, the Aotearoa New Zealand Biodiversity Strategy and those are reflected in the CSP vision and objectives. Those aspirational objectives however, extend far beyond the scope of conservation services and associated objectives as defined in the FA96 and the cost recovery rules.
17. Our concern extends to a number of the projects, while possibly being justifiable from the perspective of managing protected species populations, do not appear to qualify as "conservation services" projects in terms of the FA96. To that extent any project proposals that fall outside of the scope of the FA96 and the cost recovery rules must necessarily not be funded through CSP levies but from either the wider DOC appropriation or other benevolent support.
18. Page 2 of the draft annual plan acknowledges part 14 of the Fisheries Act 1996 (FA96) that defines conservation services for the purposes of cost recovery to be:

> *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*

19. Only activities which relate to adverse effects from fishing can be funded and recovered in part or in full under the FA96. While the term "adverse effects" is not defined in the FA96, given the purpose of the FA96, the environmental principles in section 9 of the FA96 and the purpose of the Wildlife and Marine Mammal Protection Act, adverse effects are those that impact on the sustainability of protected species populations in a non-material manner. Any marine conservation activity that does not fit within the FA96 definition (and the cost recovery rules) must alternatively be undertaken from non CSP levy funding.
20. The Auditor-General's comments in his December 2002 report[1] on CSP activity referred to the need for evidence of an adverse effect and, in the absence of that evidence, affirmed that DOC activities should not be cost recovered under the FA96. DOC 's response was that there was often no accurate data on the extent of impact of bycatch on protected species and that there were sufficient grounds to believe an adverse effect existed.
21. **That might have been an appropriate response at that time, but we disagree that it still holds two decades later.**
22. Since that review, Fisheries New Zealand (FNZ) has developed semi-quantitative assessments of the risk posed by commercial fishing activities for protected seabirds, marine mammal, fish and reptile species. Those assessments are based on the overlap between commercial fishing and protected species. They identify the catchability of protected species derived from observer data and relate the estimated levels of deaths to the Population Sustainability Threshold – the number of deaths the protected species population can sustain **without** compromising the capability of the population to achieve an equilibrium population size appropriate to current environmental conditions.
23. In addition to those assessments, more informed assessments have been undertaken for a number of species to better assess any adverse effects from commercial fishing activity and a number of species-specific threat assessments have been undertaken to inform Threat Management Plans (TMPs) for the mitigation of risk from commercial fishing activity.
24. FNZ and DOC have implemented a range of mitigation measures to reduce those levels of risk to protected species. Regulated mitigation measures apply in respect of protected seabird species, New Zealand sea lions, Maui and Hector's dolphins and sharks. The assessments indicate that, where mitigation has been implemented, the adverse risk to the sustainability of the protected species populations has been eliminated. The level of residual risk to the protected species is monitored through protected species bycatch reporting, observer monitoring and electronic monitoring.
25. The draft annual plan includes proposed projects to assess the indirect effects of commercial fishing on protected species. The rationale offered is that commercial fishing affects the food chains by removing or altering the level of prey species to the point where the sustainability of protected species who rely on that food chain are impacted. CSP has commissioned a number of projects, particularly in the north-eastern areas to review that risk. Those projects have analysed, amongst other matters, the diets of seabirds, the species involved in boil-ups but without in any way demonstrating that commercial fishing has influenced or compromised the sustainability of the seabirds or their prey.
26. On the basis of the impending updated risk assessment and the results of the indirect effects research, it cannot be said that there is any evidence to support the contention that any seabird species, other than Black petrel, Southern Buller's albatross, Salvin's albatross, New Zealand white-capped albatross, Antipodean albatross, and Yellow Eyed Penguins, is at demonstrable adverse risk from domestic commercial fishing.
27. We understand and support the need for and desire of DOC to monitor the abundance and demographic characteristics of all marine protected species. We highlight that the CSP is not the sole funding stream to support that monitoring. We support the need for funding from the

[1] https://oag.parliament.nz/2002/doc-services/docs/conservation-services.pdf

DOC Natural Heritage appropriation for the work of the Marine Bycatch and Threats team and their research.

28. The commitment of DOC to provide adequate resources to the unit from core departmental funding over the last two decades is frankly appalling. The Marine team is responsible for the management of 1,570 indigenous marine species, of which 65 are considered by DOC to be threatened with extinction. We understand the funding provided to the marine team from the DOC appropriation is less than $2.5 million per year or an average of $1,600 per species.

LACK OF STRATEGIC PLAN

29. SNZ have raised the lack of a strategic plan for protected species populations on a number of previous occasions and disappointingly note again the absence of any development in that domain. We do not accept that the resource or funding allocation policy as has been practiced and is being proposed by CSP achieves material conservation benefits.

30. 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 needed to be undertaken in this and coming years through aligning the research projects in a strategic context. It would also strongly signal the priorities to researchers and preclude the annual need for the unseemly scramble for funding by research providers. It would also enable better stakeholder engagement on strategic approaches to successfully reduce adverse effects to marine protected species.

31. 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 towards mitigating excess risks, irrespective of the spread between activity areas.

THE DRAFT CSP ANNUAL PLAN 2023-24

Nature of Research

32. The key concern with the general apportionment of funding to the different categories of projects is the high apportionment to population projects. Population projects should only be undertaken using CSP funding where the risk assessment justifies such research. Accordingly, we do not support several of the projects proposed.

Table 1. Summary of draft 2023/24 levies

Activity	Levies 2021/22 $	Levies 2022/23 $	Levies 2023/24 $
Observers	2,443,951	2,455,762	1,757,624
Population Projects	274,047	602,698	738,388
Interaction Projects	284,566	378,080	649,362
Mitigation Projects	221,452	637,214	899,994
Under & Over	95,848	197,444	-532,933
Grand Total	**3,319,863**	**4,271,198**	**3,512,435**

Observer Programme

33. CSP has not provided information as to the observer programme for the coming year and therefore we are not in a position to provide direct feedback. We maintain concerns raised in our submission on the 2022-23 Draft Annual Plan regarding this lack of information being available in a timely manner. With the inability to place observers onboard a number of vessels in the 2022-23 fishing year due to watchkeeping legislation and the imminent implementation of cameras onboard we expect to see a reduction in observer costs for 2022-23 and 2023-24.

INTERACTION PROJECTS

- *INT2022-02 ID of seabirds captured in NZ Fisheries*
- *INT2022-03 – ID, storage and genetics of coldwater coral bycatch specimens (100% industry)*
- *INT2023-04 ID of marine mammals, turtles and protected fish captures in NZ fisheries (100% industry)*
- *INT2021-01 – ID, Collection and curation of tissues samples from protected fishes and turtles (100% industry)*

34. SNZ recognise the need for these projects in relation to determining relative risk of potential impacts from commercial fishing to these species. However we do not agree that the projects should be 100% funded by industry. As per s263 in the FA96 we expect to contribute a maximum of 50% of the costs.

35. We stress that the outputs of *INT2023-04* and *INT2021-04* have similar outputs and we disagree with the need for two projects targeted at identifying shark and turtle species. The process of collection and curation of tissue samples should be a part of the expert identification process.

36. Other than for genetic purposes to determine the sub-population of Leatherback Turtles, we do not agree that the collection and curation of tissue samples from protected fish species and turtles is relevant to should be funded through CSP. We consider this to be preparatory for taxonomic research with no nexus to the CSP focus of mitigation. The project should not be financed from the CSP budget but if it is to be so funded, it should not be cost recovered.

Coral Projects

- *INT2022-04 RA for Protected Corals (100% industry)*
- *INT2023-05 High Resolution estimation of species diversity for protected coral family commonly occurring as trawl bycatch (100% industry)*
- *INT2023-07 Expert Identification of protected corals (100% industry)*

37. The CSP Coral Medium Term Research Plan (MTRP) focuses on strategic planning for this research. However, notwithstanding Fisheries New Zealand (FNZ) is significantly investing in coral distribution and bycatch research, we are yet to see evidence of a coordinated research strategy between DOC and FNZ.

38. SNZ request that in the next CSP research round, to avoid replication and overlap, FNZ and DOC joint present an agreed collaborative approach to their research and clearly identify any synergies between and within the programmes.

39. SNZ agrees that some of the projects proposed for 2023-24 are important for improving our understanding of fishing-coral interactions and enable appropriate data being used to support the upcoming Benthic Risk Assessment. For *INT2022-04*, we defer to our previous comments in last year's submission whereby we agree with the premise that '*there is a lack of data on the status of protected coral population in New Zealand*'. However, it is difficult to agree with the premise that the "*limited number of taxa that have a conservation classification*" as a reflection of this – when the rationale is predicated on the gathering of "*information to determine their threat status*." It is evident that the lack of information is so vast that it is not even possible to ascertain whether the taxa of interest are threatened at all. It is well understood that for the most part the majority of information that is known about protected corals is fishery related information. Information about the biomass, distribution, abundance and extent of protected corals in areas that are not fished is not well understood and notwithstanding government responsibilities, we are not aware of any investment in investigations of this.

40. Until coral baseline work is undertaken that provides requisite understanding of key species in non-fished areas (work that is independent of the CSP program), it is not possible to know whether fishing interaction is having an adverse effect at the habitat or population level. Nor

can we understand how best to determine the nature of the interactions with a view to minimising or mitigating them.

41. It would follow then that of highest priority would be a project that supported the taking of an inventory of protected corals distribution in the New Zealand Waters outside areas commercially fished. On that basis the maximum portion allowable for cost recovery to the industry would be 50%.
42. We reiterate our concerns regarding the potential overlap between outcomes of some of these projects. We request that the CSP implements administrative synergies for data extracts from COD, using experts for ID and verification and genetics work.
43. For *INT2023-09*, SNZ request that an additional output is included "to develop guidance for observers and fishers on reporting of coral rubble".
44. Further, regarding *INT2023-05*, we highlight that it is impossible to ascertain whether fishing is having an adverse effect on the abundance and distribution the Paramuriceidae coral family due to an absence of known distribution and abundance of the Paramuriceidae coral family outside of commercially fished areas. It would be extra-ordinary to find that the coral is only present in fished areas - that would suggest the coral migrates to where habitat is fished! As with *INT2023-07*, the information available is sourced from a fishery related context. Gaining information on the identification, biomass, distribution, and relative abundance of protected corals in the entire EEZ remains a priority. We supported the work undertaken through *POP2021-02* as informative in this respect to this but we request continued work to ground truth the models before they are used to guide management.
45. However, until the risk of impact by fisheries can be quantified, we reject the notion that industry should pay 100% of these projects through CSP levies.

Seabirds Projects

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

46. We refer to our previous comments regarding our concern with this project. Both direct and indirect effects of fishing activity on hoiho diet is becoming widely advocated as a source of concern, notwithstanding previous research indicates that mainland hoiho diet is highly variable across time and space and potentially impacted by climate change / environmental variables too. Despite those outputs we continue to see projects being proposed to determine the sole impacts of fishing operations, while there is no investigation of wider stressors and environmental impacts fall by the wayside.
47. With the hoiho multi-threat risk assessment currently underway we request that this work postponed until the relative risk of all threats is determined. We support using the outputs of the multi-threat risk assessment to guide evidence-based prioritisation of future projects for both mainland and southern hoiho populations. Until we have seen the outputs of multi-threat risk assessment, we will not support hoiho projects that are not relative to direct overlap with our setnet fisheries i.e. *MIT-7*, or projects aiming to improve contextual knowledge of risk from commercial fisheries i.e. *POP-10*.
48. We also request that until the outputs of the multi-threat risk assessment are published, that the objective is then reviewed and expanded to investigate the key risks identified through that assessment and if identified it then include impacts of changing environmental variables, with that portion being crown funded. With the department having prime responsibility for managing the threats to the population so that its numbers thrive, we would expect our goals and focus to be aligned.

INT2023-08 Sub-Antarctic albatross diet composition of natural versus fisheries bait/waste

49. SNZ does not support *INT2023-08*. The proposal does not specify any particular species and therefore we query how DOC has determined an adverse risk from commercial fisheries exists in order to cost recover 100% of the budget. Further, there is no clear fisheries management

objective. How is it expected that the outcomes of this research will help inform or direct mitigation improvements?

50. It is also unclear how DNA testing would be able to distinguish between naturally foraged squid and bait. Therefore, we have low confidence in the methodology without conflating between the two bait sources. If the project continues we will want to be shown how this is to be achieved. We would prefer to continue to support engagement for bait/waste mitigation measures that are already proven to work.
51. The description appears to focus on the surface longline fleet but the stocks levied range far wider and we query how the allocation to stocks was undertaken, as well as the justification for this project to be 100% cost recovered to industry. If there is any levy under the CSP, the maximum level of contribution from industry would be 50%.

INT2023-10 Impact of fisheries extractions on pelagic foraging seabird populations in the wider Hauraki Gulf

52. We appreciate on the basis of prior feedback and recent engagement that this project has since been deferred from the 2023-24 research plan.

POPULATION PROJECTS

POP2021-04 Flesh-footed shearwater population monitoring and POP2022-01 Black petrel population monitoring

53. We support the ongoing monitoring of these populations and appreciate the appropriate cost recovery of 50% to industry. We request a review of the future cost apportionment of these ongoing monitoring progammes that industry pays when the updated SEFRA is available to determine risk.
54. In regard to *POP2022-01* however, we wish to see an independent review of the population monitoring research to date, and a subsequent re-focus on where the juvenile birds are going and their subsequent recruitment back to the New Zealand colonies. It is well-known that comprehensive information regarding juvenile recruitment is necessary to provide any resolution to the population modelling and estimate for black petrels.*POP2022-02 Flesh-footed shearwater juvenile survival and dispersal*
55. The objectives of this project are not based on identifying a potential adverse risk from NZ's commercial fisheries. The rationale states *"north to the tropics but then the tags progressively stopped working around one month post deployment"* and "*there has been a lot of development of tracking technology in the past five years with new light-weight tags and different attachment methods that allow birds to be monitored across multiple years"* and therefore we disagree that it should be cost recovered to industry at all. It should be Crown funded. We are concerned that these *"new light-weight tags"* are being prioritised to FFS juveniles over BP juveniles. Why, when we have a known paucity of data on BP juveniles, are they are not being more strategically used to fill that knowledge gap?

POP2022-08 Auckland Islands seabird research: Gibson's and white-capped albatross and POP2022-10 Antipodes Island seabird research: Antipodean albatross and white chinned petrel

56. SNZ request a breakdown of the attribution of cost by species.
57. The SEFRA provides known relative risk to these seabirds, the current risk score of
    - gibson's = 0.32,
    - white-capped = 0.29,
    - white-chinned = 0.07,
    - antipodean = 0.17.
58. We appreciate the indication of cost synergies, however we are concerned that based on the lack of demonstrable adverse impacts from domestic commercial fishing (as outlined in the SEFRA), industry is being requested to contribute an inappropriately high share of this work.

59. We have continuously expressed our concerns that there are no population management plans in place for Wandering Albatross and the confirmation of funding this research is left to CSP every year.

POP2023-01 Aerial survey of Leatherback Turtles (LBT) off Northeast North Island

60. As we indicated in our previous feedback, we support the need for more information for this species in a domestic context. We do not support this project however.
61. Firstly, the project objectives specifically state the project will *"assess feasibility of using aerial surveys to monitor leatherback turtles in New Zealand waters"* . We requested more information on the feasibility of survey methods including evidence that they have been used successfully elsewhere and will be comparable to LBT monitoring in other countries. We are concerned that there is no justification for the use of "overhead fixed wing aircraft, onboard Fisheries Observers, and digital video technology to record the transects".
62. Secondly, we highlighted that SNZ could facilitate engagement with industry pilots who have experience spotting megafauna in these areas and may be able to help determining the feasibility of any new methods.
63. Thirdly, we requested more information on the possible utilisation of drones for cost saving and sampling efficiencies.
64. It is disheartening that none of the above queries have been responded to and there has been no indication of potential engagement with industry regarding this project either. With no response we have no confidence that the work will provide useful and reliable information.
65. Further, any LBT work undertaken in a domestic context is somewhat exploratory and not based on known adverse risk, i.e. it is not yet confirmed which colonies LBT in New Zealand waters are from, nor is it known whether the risk from domestic commercial fisheries is having an adverse impact on those populations.[2]
66. We appreciate the notion of a 50-50 split to cost recovery, however we request a summary of the costs attributed to the methods feasibility trial and subsequently request that portion is funded by the crown and the remainder is split 50-50.
67. However we consider that a joint project with industry assisting would provide far better results. We request that there be discussion between CSP managers FNZ and industry to explore a collaborative progarmme before this project is committed.

POP2023-02 Southern Buller's population study

68. Given the imminent SEFRA update that is in its final stages of review and the foreshadowed changes to risk for this species from the commercial fishing industry, we support the inclusion of this work in the annual plan and agree with the 50% cost recovery to industry.
69. We find it particularly concerning however, that a number of 'population projects' for Southern Buller's albatross (*POP-5, POP-6*) and Salvin's albatross (*POP-7*), that we previously supported as high priority for the same reasons as in para 69, have since been removed while several other projects with seabirds that have no demonstrable adverse risk from domestic commercial fishing have remained, i.e. *POP2023-04, POP2022-08, POP-2022-10*.

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

70. An updated population estimate of hoiho on Campbell Island is long overdue and essential to put all risks to mainland hoiho in context at a species level. We do not agree with the

[2] The passage of tagged turtles through our fleets with no interactions and no mortalities suggest concerns are over-stated

inclination that quantifying foraging distribution of southern hoiho on Campbell Island is important for assessing impacts of trawling.

71. Campbell Island is surrounded by marine reserves meaning there is no trawling within at least 12 miles of the shore. We are not aware of any current trawling activity that occurs within the likely foraging range of hoiho on Campbell Island. In this context we highlight that any vessels that do operate in FMA6 have very high observer coverage, and none have reported captures of hoiho.

POP2023-04 Campbell Island seabird research

72. Firstly, present the relative risk score for each of these species based on the current SEFRA that outlines known adverse risk to seabird populations from commercial fishing,
    - Southern Royal = 0.02
    - Lightly mantled = 0.00
    - Grey headed = 0.01
    - Northern GP = 0.15
73. We request, on the basis of these risk scores, a justification as to why this research is proposed to be cost recovered to the commercial fishing industry.
74. We fundamentally disagree with the apportionment of these costs and the prioritisation of this project over *POP-5, POP-6 and POP-7* in the longlist, as outlined in para 69.
75. We also query why there is no indication of cost saving synergies between *POP2023-04* and *POP2023-03*.

POP2023-05 Auckland Islands New Zealand sea lions

76. Whilst 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 field work. The risk assessment has demonstrated that commercial fishing is not having an adverse or indeed even a significant effect on the Auckland Island sea lion population. The 2019 risk assessment[3] indicates that the recent mortality levels for these fisheries would not depress the equilibrium population below 95% of unimpacted status. For each of the fishery groups the upper 95% credible interval of the risk ratio, did not exceed 0.26, i.e., 0.21 for the squid trawl fishery, 0.26 for the scampi trawl fishery, and 0.06 for other trawl fisheries.
77. With a high level of observer coverage, industry is already paying an excessive amount for monitoring the sealion population. We consider the cost recovery level for the pup count should be decreased to 50% or less. For seabird population studies, CSP applies a 50% industry /50 crown cost split. The costs for annual sea lion population studies remain 90% industry funded but the same cost recovery rules should apply.
78. At the inception of CSP in the mid-1990s when the threats to the sea lion population were less known and the squid fishery contributed to an estimated 50-80 female sea lion deaths, a 90-100% industry funded model was appropriate. Since 2012, female sea lion deaths attributed to the Auckland Island squid fishery have been estimated at three or less per year.

    Again, we highlight our legislative obligations under s263 in the FA96 (and the Fishing (Cost Recovery) Rules 2001) whereby we should be cost recovered relative to the known risk posed by commercial fishing.

[3] AEBR 224: Spatial assessment of fisheries risk for New Zealand sea lions at the Auckland Islands. (niwa.co.nz)

MITIGATION PROJECTS

MIT2021-01 Liaison Programme

79. We continue to support the protected species liaison programme but are concerned that CSP has focused the project to have inputs and outcomes based on update of international best practice mitigation measures, rather than to demonstrably reduce protected species captures.
80. In its development the intent was to encourage fishers to innovate and find what works for that vessel in that fishery in that season for the birds while speeding up the learning curve by minimising repeated failure paths. Achieving the goal as quickly as possible was most important -not how we go there. However, that principle of vessel-specific fisher ownership and accountability has been progressively replaced by the imposition by DOC and FNZ of a regimented mitigation standard on vessels and a performance focus on the uptake of that standard to meet international 'best practice' rather than a focus on the capture performance.
81. We request that the principal stakeholders, FNZ, DOC and industry, have a candid discussion on the strategy, objectives and performance of the programme. The immediate consequence is that skippers and crew are being dissuaded from innovating to improve performance because of concern that better options found for one circumstance will then be regulated for all.

MIT2022-01 Longline Hauling Mitigation Devices

82. SNZ continue to support this project. The project objectives are entirely appropriate for the current knowledge base that we have for hauling mitigation devices. We reaffirm our offer to assist with engagement, particularly in regard to surface longline operators and we look forward to the outputs of this project.

MIT2023-01 Understanding the relationship between fish hook size and bait type with seabird and turtle captures

83. As per our previous comment, SNZ support this project and request that it incorporates a qualitative section to gain feedback directly from longline operators on their preferred hook size and bait type to deter seabirds/turtles in different fisheries in different regions at different times of year.
84. This information could be incorporated into PSRMPs, and the project could then provide insight into the characterising current gear set-ups of the different SLL fisheries.
85. If the recommendation for qualitative section is not implemented, we expect this work to be a desk-top study that could be done on a much smaller budget.
86. Due to the exploratory nature of this research and the inability to demonstrate any adverse impact to seabirds and turtle species as they are not listed in the project summary, we expect to contribute a maximum of 50% of the costs to this project.
87. This project appears to be surface longline focused and we query why other stocks are being recovered. We also highlight that of those stocks, GUR1, 7, 8, TAR1, 2 and 3 are not targeted using longline methods and should be removed.

MIT2023-02 Understanding and mitigation seabird and turtle bycatch during the pelagic longline soak period

88. SNZ continue to support this project and request engagement during the methodology design stage to ensure the outputs will produce meaningful and necessary results. We request that objective 3 uses supporting information to undertake that analysis, whereby mitigation is recognised and recorded as a potential contributing factor, i.e. length of snood and placement of weight on snood relative to the hook.

89. We have working relationships with several surface longline operators and are willing to assist with engagement between the researchers and those operators to ensure the project is implemented in a timely manner and that the objectives of the project can be met.

90. As with *MIT2023-01 (para 81),* we expect to contribute a maximum of 50% of the costs to this project.

MIT2023-03 Describing the marine habitat utilisation and diet of hoiho to analyse the effectiveness of mitigation tools at a major breeding colony on Rakiura

91. SNZ support this work in principle due to the need to continue to improve our knowledge of distribution and foraging overlap between commercial fisheries and northern hoiho. We offer to support the researchers to identify the appropriate commercial fisheries data to use to meet objective 1.
92. While we agree that spatiotemporal overlap between commercial fishing and habitat utilisation will assist in determining relative risk to 'the neck' hoiho colonies, we reject the presumption of objective 2 that this alone can explain differences in breeding success without further investigation.
93. Further, we disagree with the wording of objective 3. Understanding the habitat utilisation of hoiho in from 'the neck' colonies will not allow the effectiveness of the current voluntary set net exclusion zone to be determined. We highlight that the additional information will simply allow managers to review the appropriateness of the spatial placement of that voluntary set net exclusion zone.
94. We request that this project is cost recovered to set net methods only, and subsequently request that BUT5 set net is included. We also highlight that the inclusion of ELE3 needs to change to ELE5 set net.

MIT2023-04 Synthetic trawls to mitigate seabird warp strikes

95. We disagree strongly that the 2023-24 fishing year is an appropriate time to undertake this work.
96. There is already work underway that is considering trawl warp mitigation *MIT2022-07* and for that project we reiterate our offer to support engagement with those vessel operators that currently use dyneema warps.
97. We note that there is a universal knowledge gap as to determining efficacy of trawl warp mitigation and subsequently New Zealand has a critical problem in the SEFRA whereby cryptic mortalities make up approximately 85% of trawl associated seabird deaths. That is 5.6 times the number of observable (returned to deck) seabird deaths.
98. We highlight that given the current project underway (*MIT2022-07*) and the need to improve our ability to quantify cryptic deaths, there is an opportunity to redirect this project budget towards the latter.

MIT2023-05 Enabling uptake of best practice seabird bycatch mitigation in the surface longline fishery

99. We support this project contingent to the planned engagement with relevant industry person to re-scope the objectives.
100. We reiterate our concerns of imposing a one-size-fits-all "best practice" approach to the surface longline fleet and look forward to discussing how best to engage with the fleet to ensure uptake of relevant mitigation measures that allow for the heterogeneous nature of the different surface longline fisheries.
101. We appreciate DOC's acceptance of our request to engage further to ensure we are working towards our collective goal of reducing seabird captures.

MIT2023-06 Underwater line setting devices for bottom longline vessels

102. We do not support the ongoing funding of the underwater line setting devices for bottom longline vessels through CSP funding. These mitigation devices have progressed through several iterations with limited results showing increased sink rate. Although the techniques are novel, they have remained vessel-specific relative to target species and/or gear set ups and wider applicability across the fleet appears limited without significant resources being used. In light of that and noting that they have previously been funded through alternative project-based means, they should continue outside of CSP.

MIT2023-07 Novel seabird bycatch mitigation for floated demersal longline fisheries

103. We expect that current project aiming to test sink rates in this fishery will produce outputs to inform this work. We support this work being included as a placeholder until further detail is jointly defined.

104. We request the objectives and methods are determined through a workshop approach with relevant fishers, industry personnel and technical mitigation experts to assist in identifying appropriate changes to operations and/or methods to increase the sink rates in this sub-fleet.

ADDITIONAL PROJECTS

105. We request that the collective budget from *INT2023-10* and *MIT2023-06* be redirected to undertake an additional mitigation project to determine the effectiveness of dolphin dissuader devices (DDDs) on Hector's dolphins. Building on the previous review undertaken through CSP there is an urgent need to follow up with DDD trials using the latest versions available that should operate at the appropriate frequency, particularly given the newly implemented fisheries related mortality limits (FRMLs) for Hector's dolphin sub-populations.

Yours sincerely,

Rosa Edwards

Inshore Council

Seafood New Zealand