

3 June 2019

Mr L Sanson
Chief Executive
Department of Conservation
PO Box 10420
Wellington 6143

Dear Sir

SUBMISSION ON DRAFT CSP PROGRAMME FOR 2019/20

1. Thank you for the opportunity to comment on the draft 2019/20 projects for the Conservation Services Programme (“CSP”). We previously contributed comments to the working group CSP initiated to discuss possible projects.
2. This submission is presented on behalf of Fisheries Inshore New Zealand (FINZ) and the Deepwater Group Ltd (DWG).

Lack of a Strategic Plan

3. In previous submissions on CSP programmes, we have raised the absence of a strategic prioritised approach to the programme. We must again raise this matter to your attention.
4. The draft programme is a disjointed assemblage of projects promoted by research providers or DOC officers but which lacks the underpinning of a strategic analysis that identifies the priorities, management and research approach for high priority aquatic protected species. The draft programme needs to be set in the context of wider species management planning and incorporate other research funded by DOC, MPI or other sources.
5. We have repeatedly requested a process with DOC, MPI and other stakeholders to identify, prioritise and consider a strategic plan that would guide the application of CSP’s scant resources. The absence of this engagement is to the detriment of having a plan with strong structure and strong stakeholder commitment. Over the years, our request has been rebutted with arguments such as “CSP doesn’t have the mandate”, “CSP doesn’t have the resources”, “CSP has its strategic plan”. We do not accept those responses and consider the existing CSP strategic statement provides a contextual background but fails to provide any assessment of where the current issues and priorities exist, what are the strategic plans for species at risk and where CSP should focus its resources. The existing medium term plans have no population management objectives to guide them and are nothing more than population monitoring plans – not research plans focused on understanding and resolving issues.

6. We again request that CSP establish a process that would enable all interested parties to contribute to the identification and preparation of a strategic plan for aquatic protected species. We are willing to assist in that development and participate in strategic planning workshops.

Cost Recoverability of CSP Activities

7. We have raised issues in previous years with the eligibility and consistency of the legislated definition of CSP for a number of projects proposed for the CSP annual programme. We hold to our previous position that, unless the projects can be related to adverse effects of commercial fishing on protected species, they are ultra vires of the Fisheries Act 1996 and cannot be included in the CSP programme or be cost recovered from the commercial fishing sector.
8. Risk assessments have indicated that commercial fisheries do not pose adverse risks to the long term viability of many species of seabirds and marine mammals yet we continue to be charged for full cost recovery of observer activity and related services such as species identification and specimen protocols. We consider those cost recoveries to be unfair and would expect a Crown contribution to recognise the absence of adverse risk and, to the contrary, the existence of public good in the activity.

Comments on Proposed CSP 2019/20 Programme

9. We submit the following comments:

Interactions Projects

10. The Interaction Projects has a total spend of \$1,335,456 consisting of:
 - a. Observer Activity -involving 8,696 days and a cost of \$1,187,177; and
 - b. Research projects - 7 projects and \$290,025.

Observer Activity

11. It appears to us that the need to monitor interactions with protected species is the principal factor behind the allocation of observer activity for the inshore and highly migratory fleets. As such, we would like to engage with CSP and FNZ in strategic workshops as to where and why observer activity should be allocated between the fleets. The observer plan has been re-worked this year to accommodate additional monitoring for setnetting and trawling activity in Maui and Hector dolphin territory. However, we consider the plan to be inappropriate.
12. We agree with the need to monitor fishing activity and protected species interactions in a cost-effective, justified and appropriate manner. We consider the per unit costs for observer coverage in the inshore to be excessive and would support the targeted use of electronic monitoring where appropriate. Existing electronic monitoring work has been conducted by FNZ and we urge DOC to actively engage in the FNZ scientific working group process so that the learnings of these EM projects can benefit any future projects and facilitate engagement with industry.
13. In our view, monitoring coverage in 2019/20 should be focused on:
 - a. confirming the level of risk to Hector's and Maui dolphins;
 - b. confirming the level of interactions with seabirds with high risk scores; and
 - c. evaluating the utilisation and performance of mitigation measures in the bottom longline and surface longline fleets.
14. However, we cannot agree with the operational 2019/20 approach for assessing the risk to Maui and Hector's dolphins from commercial setnetting and trawling. We consider the 2019/20 observer plan for set-netting and trawling to be ill-advised, shallow, inappropriate and a futile waste of available scarce resources.

Inshore Setnetting –

15. We agree coverage is required for the East Coast South Island but would prefer to see the coverage focused on the Banks Peninsula and Kaikoura regions where the risk to Hector's dolphins was

assessed to be unsustainable. In addition to normal observer duties, we consider it would be useful if observers could photograph unusual or otherwise distinctive dolphin fins to allow for later possible research into survival rates.

16. We consider that further coverage on the Southland and Otago coasts is unnecessary given the coverage levels in the last four years have provided robust information on protected species captures.
17. We also cannot support continued coverage of setnetting in the Taranaki area to observe Maui/Hector dolphin interactions. Commenced in 2014/15, coverage in Taranaki has totalled over 1,000 days to date with no *Cephalorhynchus hectori* dolphins captured or even sighted. The purpose of the coverage was to establish the southern extent of the Maui dolphin range and the species of any dolphins in the Taranaki area. The programme has been less than successful to date with no dolphins sighted, a cost of over \$1 million, less than 20 protected species captures recorded and still no more definitive information as to the southern extent of Maui dolphin range. We consider there are other better and more cost-effective options available to achieve the management objectives, such as a satellite tagging proposal or aerial surveys, rather than continuing with the placement of observers on vessels.

Inshore Trawl –

18. We agree there is a need to establish the level of risk to Maui and Hector's dolphins from trawling activity in their range. The first priority is to obtain a robust estimate of the capture rate and then apply that to all areas taking into account the dolphin and fishing effort distributions, as was done for the Timaru setnetting estimate. However, we consider FNZ/DOC have adopted an ill-conceived, totally inappropriate strategy that will not provide robust information and will only serve to waste valuable resources and time.
19. It is futile monitoring 100% of WCNI trawl activity when the current estimated number of MDO deaths from trawling is one dolphin per 114 years, - a rare event. The prospects of observing such a capture are infinitesimally low. Yet the cost is high - a programme of 650 days at \$950 per day has an annual cost of \$617,500 or over \$70million to observe one death in the 114 years. Under no circumstances can that level of expenditure or even part of it be warranted. Effectively, the observer needs only be present to observe the landing on the deck of the tows- - probably no more than 30 mins work per day – at a cost of \$950 per day.
20. It should be remembered that there has been a significant level of voluntary video monitoring on WCNI trawl vessels for the past four years and it is planned to continue that coverage into the future. The video footage has been offered to MPI and DOC for analysis, but that offer has not been accepted.
21. We consider CSP and MPI have adopted an entirely inappropriate strategy – we understand the need to be seen managing risks to Maui dolphins and the need to be assured that commercial trawling is not a threat to Maui dolphins, but that objective would be better served by obtaining a robust estimate of the possible capture rate rather than looking for the proverbial “needle in a haystack”. The better alternative would be to increase the observer coverage in the Banks Peninsula and Timaru trawl (including Danish seine) fleet where captures are known to occur and a capture rate can be robustly estimated and approach industry for video access to haul events on WCNI trawl efforts.
22. The funding saved from the WCNI trawl observer programme could be then better spent on obtaining robust information on Maui dolphin demographics such as the survival rate, the spatial distribution and the use of the habitat by the dolphins to inform more appropriate and more effective conservation measures.

Inshore Bottom Longline –

23. We agree there is a need to maintain some coverage in this fishery to monitor the utilisation and performance of approved mitigation measures. We concur with the observer coverage spread across all BLL vessels but would remind CSP and FNZ that the level of risk to black petrels and flesh-footed shearwaters has been re-estimated and they should not be using statistics from the 2013 risk assessment.

24. We are concerned that government organisations seem determined to find fishing accountable for the high risk score for the black petrel when demographic research indicates the problem lies in identifying where or if juvenile birds return from South America to breed. We would welcome an opportunity to discuss the circumstances of black petrels and the future direction of research for the species. We are well aware of the risk score for the species and further observer activity is not warranted.

HMS – Surface Longline –

25. The surface long line fleet remains the fleet with the highest estimated impact on seabirds. Continued observer coverage is warranted but a higher coverage rate would provide more definitive outcomes.

Interaction Research Projects

26. There are seven research projects into interactions, two of these date from previous years. The projects are essentially focused on the identification and measurement of protected species interactions.
27. We are concerned that CSP seeks to cost recover all these research projects in full despite risk assessments having indicated that commercial fishing does not pose an adverse risk to the long term viability of the vast majority of protected species. We submit the maximum level of cost recovery that should be applied to research projects other than observer activity should be 50%.
28. The 2019/20 programme includes the following which we cannot support:
- a. *INT2019-06 post-survival capture of seabirds* - the project consists of a literature review and an expert workshop to establish a methodology for a subsequent research project. At present, the seabird risk assessment assumes that 16% of captures are live captures and 50% of the seabirds released alive do not survive as a result of their interaction with commercial fishing. We cannot support this project unless CSP is able to indicate the relative conservation costs or benefits of the project. We cannot support the cost recovery of this project since it seeks not to provide research but is instead a preliminary project to assess how research might be undertaken, if at all necessary.
 - b. *INT2019-03 characterise marine mammal interactions* - with risk assessments and previous research projects in place, we see little value in this project. The driver for the project appears to be demonstrating New Zealand's commitment to the International Whaling Commission's Bycatch Mitigation Initiative.

We note the overlap that will exist in the data collection phase with the FNZ project to establish a database of protected species and consider the project should be deferred until that database is completed, thereby decreasing the cost of the project. We are unable to support the project at the current cost. We consider that the 2018 FAO report (*Expert Workshop on Means and methods of Reducing Marine Mammal Mortality in Fishing and Aquaculture Operations 2018 FAO ISSN 2070-6987*) on marine mammal mitigation measures should be the primary source of information and reduce the resources needed for that aspect of the project. We cannot support 100% cost recovery of this project. The marine mammal risk assessment indicates that commercial fishing does not pose adverse levels of risk to the sustainability of marine mammals and the costs recovered should be no more than 50% at the highest.

We are unable to reconcile the stocks to be cost recovered with the captures of marine mammals. We request you re-consider the stocks for greater alignment with marine mammal captures.

29. We note the project costs for *INT 2019-04 Identification and storage of cold-water coral bycatch* have increased from \$40,000 to \$60,000 without any justification. We cannot support this without any clear explanation of what additional work is being done or why.

Population Projects

30. We have expressed our disagreement with demographic, biological and population research being undertaken by CSP and cost recovered. Such work generally is not related to adverse effects of fishing on protected species. Risk assessments require demographic information on protected species. However having established the broad parameters to inform the risk assessments does not require ongoing population research to monitor abundance and demographic trends. Further refinement and precision is unlikely to materially affect risk scores or management actions. Research of that nature should be undertaken from DOC's mainstream appropriations.
31. Of the projects, six arise from previous approvals and six are new proposals. In respect of the new proposals, we comment as follows:
- a. *POP2019-01 Electronic device options to assess distribution, diving behaviour and foraging behaviour of Hector's dolphins* -while commercial fishing has been shown by the recent TMP related research not to impose adverse effects on Hector's and Maui dolphins, the information to be gained from such research will assist in achieving more effective conservation measures. We have long advocated the use of satellite tagging to provide information on the behaviours of the dolphins. We have advocated the trialling of such devices on Hector's dolphins rather than Maui dolphins. We support this project and view it as the highest priority for population research. We note the support for the approach from Barb Taylor, an international cetacean scientist. Since the project is a literature review, we would expect the project to be completed in sufficient time so as to allow contracts to be let for a 2020/21 implementation of the devices.
 - b. *POP2019-03 Antipodes Island seabirds research* – we cannot support the research into Northern giant and White-chinned petrels being undertaken as an adjunct to research into the Antipodean albatross. Research into the Antipodean albatross is the priority and we would not wish to see any other activity divert resources from that primary objective nor industry paying to survey birds with low risk and overlap attributes.
 - c. *POP2019-05 Fur seals – Bounty Islands population* – we support the project not so much for the population abundance estimate but for the evaluation of using a UAV as the basis for population counts. The footage obtained should be used subsequently to evaluate the possibility of electronic identification of marine mammals to further the benefits of the technology.
 - d. We cannot support the remaining projects and have already provided detailed reasons with regard to each project in previous submissions. The shoal dynamics project in particular is focused on understanding fish behaviour and the ecological factors behind shoaling. The project appears to have no linkage to protected species impacts.

Mitigation Projects

32. We consider the mitigation projects that focus on practical and effective vessel related mitigation in general provide the greatest conservation benefits to protected species and the fishing industry. For that reason, we have generally supported this component of the CSP programme for 2019/20.
33. *MIT2017-01 – Protected Species Liaison Project* - we support this project but as in previous years, we are concerned at the level of funding allocated to this project. The scope of the project is not limited to the generation of vessel specific plans – the full benefits of the programme can only be achieved by continued engagement with vessel operators.
34. *MIT2019-01 - Evaluation of the Dolphin Dissuasive Device*- we proposed the device as a means to address the capture of Hector's and Maui dolphins in setnets or inshore trawling. We consider that to be the priority and wish to see the research confined initially to that pressing issue. While the device may hold benefits to mitigate captures of other marine mammals in other fisheries, those benefits are of lesser value and we would not want to see Hector related research stalled or delayed by extending the scope to other mammals and other fisheries. We consider the scope of the project should be limited to only assessing the potential to mitigate Hector's and Maui dolphin captures but should be

extended beyond the development of a methodology to include the completed research project, including the field research. Given the need to decrease dolphin captures, we see no point in limiting the research to only establishing an appropriate methodology. The conservation benefit arises from the testing and evaluation of the performance of the device. We do not support the project as currently scoped but would support an integrated evaluation of the potential to decrease interactions for Hector's and Maui dolphins.

35. *MIT2019-02 Review of mitigation techniques to reduce benthic impacts of trawling* – we support this project
36. *MIT2019-03 – lighting adjustments* – of the observed seabird captures contained on the Dragonfly website, deck captures account for 18% of the total captures but only 1.3% of the deaths. There were no deck captures of black petrels and fleshfooted shearwaters that resulted in deaths. We cannot support this project.
37. *MIT2019-04 – optimum discharge intervals for scampi vessels* – we do not support this project. The same output could be achieved by the liaison officers working with the fleet and FNZ observers to determine appropriate protocols for the vessels. We see no reason why an operational mitigation setting should require a research project of the nature proposed.



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