

25 May 2021

Conservation Services Programme

Department of Conservation
PO Box 10-420
Wellington 6143

Attention: Ian Angus, Manager Marine Species

Via email: iangus@doc.govt.nz

Re: Conservation Services Programme Draft Annual Plan 2021/22

1. We welcome the opportunity to comment on the Conservation Services Programme Draft Annual Plan 2021/22 (the Draft Annual Plan) and wider process. The points made below have formed the foundation of our level of support for the projects in the Draft Annual Plan. We have attached with this letter, our specific comments on projects within the Draft Annual Plan 2021/22.

Te Ohu Kaimoana's interest

2. Our interest arises from our responsibility to protect the rights and interests of Iwi in the Deed of Settlement and assist the Crown to discharge its obligations under the Deed and the Te Tiriti o Waitangi.
3. Te Tiriti o Waitangi guaranteed Māori tino rangatiratanga over their taonga, including fisheries. Tino rangatiratanga is about Māori acting with authority and independence over their own affairs. It is practiced through living according to tikanga and mātauranga Māori, and striving wherever possible to ensure that the homes, land, and resources (including fisheries) guaranteed to Māori under Te Tiriti o Waitangi are protected for the use and enjoyment of future generations. This view endures today and is embodied within our framework Te Hā o Tangaroa kia ora ai tāua (the breath of Tangaroa sustains us).
4. Te Hā o Tangaroa kia ora ai tāua is an expression of the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy, and other policies that may affect the rights of Iwi under the Deed of Settlement. In essence, Te Hā o Tangaroa kia ora ai tāua highlights the importance of humanity's interdependent relationship with Tangaroa to ensure our mutual health and wellbeing.
5. Te Hā o Tangaroa kia ora ai tāua does not mean that Māori have a right to use fisheries resources to the detriment of other children of Tangaroa: rights are an extension of responsibility. It speaks to striking an appropriate balance between people and those we share the environment with.
6. Our contemporary fisheries management system delivers these responsibilities through levies derived from rights holders. As Iwi are perpetual rights holders of fisheries quota under the Deed of Settlement, they also have a perpetual responsibility to provide funds to ensure the sustainability of fisheries resources. In addition to the quota provided through the Deed of Settlement, Iwi have invested significantly in the fishing industry, including increased quota ownership. Collectively, Iwi own about a third of all quota and are therefore a major contributor to the funds procured for the Conservation Services Programme (CSP).
7. The perpetual nature of settlement quota is an expression of the long-term aspirations Iwi have for protected species and the related cost recovered research programmes. We support efficient and principled use of cost recovered funds to deliver benefits for protected species.

Our view on the Conservation Services Programme Draft Annual Plan 2020/21

8. **Cost recovered research must stay within the bounds of the Fisheries Act 1996 (Fisheries Act).**

CSP is given its mandate through the Fisheries Act and therefore cost recovered research must be aligned to the purpose and principles of the Act. Non-statutory documents such as national plans of action and threat management plans can guide aspirational goals beyond legislation, however cost recovered research must not overstep the mandate provided by the Fisheries Act. Integration of aspirational documents into the CSP can lead to misled research, so it is important that clear lines are drawn between an aspirational goals and legislative obligations.
9. We hold concerns about the continuing use of zero bycatch goals in cost recovered research outputs. This goal is present in both the National Plan of Action for Seabirds and the New Zealand Biodiversity Strategy; however, this goal is far beyond the scope of what the Fisheries Act provides for. While we support aspirational goals and endeavours to mitigate adverse effects above and beyond the Act, it is not appropriate to use funds recovered under the Fisheries Act to conduct research towards this.
10. Further, there has been no technical explanation of what zero bycatch means. This is unhelpful for understanding how we should develop mitigation into the future. For example, tori lines reduce 98% of seabird warp captures, however we know some seabirds die as a result of these lines. Does zero bycatch mean we should be moving away from tori line use? Obviously, for the benefits of conservation and in the scope of the Fisheries Act, we would continue to use tori lines, however the continued push for zero bycatch without clarification of what this means creates uncertainty.
11. **It is important that the relationship between the department of conservation and Te Ohu Kaimoana continues to develop.**

In reference to Te Tiriti section (1.4) of the Conservation Services Strategic Statement 2018, we note the special reference to Te Ohu Kaimoana's mandate to act on behalf of Iwi. We appreciate an engaged kanohi ki te kanohi approach to consultation with the Department of Conservation (DOC) for the development of the Annual Plan and determination of conservation costs to quota owners. This approach provides opportunities for both parties to discuss their perspectives beyond the scope of specific research proposals and gain a longer-term aspiration for the outcomes of the marine environment. While we see our relationship with DOC gradually improving, we desire a more proactive approach from DOC in regard to communicating their long-term intentions for CSP.
12. **We support a greater focus on mitigation projects rather than lower priority population research.**

We consider that enabling better technology and strategies for fishers to mitigate adverse effects on protected species is the most effective use of cost recovered funds. Funds that are levied from quota owners should contribute to enhancing fishers ability to avoid interactions with protected species. However, similar to previous years, the CSP Draft Annual Plan 2021/22 has provided a research programme with 10 population projects, five interaction projects and four mitigation projects. While it is important to understand protected species population dynamics, we consider investing in improving mitigation to be a better way to deliver benefits to protected species.

Ngā manaakitanga,

Tamar Wells

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