



WWF-New Zealand Submission to Fisheries New Zealand on Proposed Amendments to Non-Fish and Protected Species Reporting Requirements 2023

Introduction

As one of the leading environmental Non-Governmental Organisations (eNGOs) in New Zealand, World Wide Fund for Nature – New Zealand (WWF-New Zealand) supports science-based, pragmatic solutions that can deliver a future where humanity lives in harmony with nature. We further consider that reducing human-induced extinctions, in line with Target 4 of the Kunming-Montreal Global Biodiversity Framework, should be a priority for New Zealand.

WWF-New Zealand appreciates the opportunity to provide input on the proposed amendments to extend reporting on non-fish or protected fish species (“NFPS”) interactions, currently set out in Schedule 1 Part 3 of the Codes Circular (“NFPS reports”). We believe that the proposed changes would support the provision of important information about the conditions and circumstances of an event that would be useful for both scientific and compliance purposes as required under the Wildlife Act 1953 (“Wildlife Act”) and the Marine Mammals Protection Act 1978 (“MMPA”).

The proposed amendments are:

- Amend the definition of “catch” to cover instances involving accidental or incidental injury or death where the marine wildlife has been able to move freely or free itself if caught.
- Introduce new codes to the Codes Circular to collect more accurate information on NFPS interactions.
- Make the notes field for NFPS reports mandatory where a NFPS interaction is reported to provide more detailed information on the conditions and circumstances of the event in line with the Wildlife Act and MMPA, and provide guidance on how to fill this out.

The current requirements for electronic reporting by permit holders under the Reporting Regulations represent a significant improvement in support of better fisheries management. Due to the reduced burden offered by electronic reporting over the previous paper reporting, we believe the proposed amendments should not substantively increase the reporting burden on fishers to provide this important information.

NFPS species are significant, not only to the ecology but to the cultural heritage of New Zealand. These species play unique roles within the marine ecosystem and are important for ecosystem function.

Many of these species are taonga species exclusive to New Zealand waters. It is critical that we protect NFPS and the more information we have about why bycatch and injury or death occurs and what the circumstances were, the better we can prevent it from happening. We strongly believe that information supplied through the NFPS reports continues to provide critical information to Fisheries New Zealand and the Department of Conservation in support of identification of trends or patterns, engagement with fishers, development of appropriate mitigation, and prioritisation of research.

We believe that the proposed changes would better capture Section 63B(3) of the Wildlife Act and section 16(3) of the MMPA to require a description of the “conditions and circumstances” of accidental death or injury of marine wildlife through the Reporting Regulations and the Codes Circular.

Extending the definition of “catch”

WWF supports the proposed definition of catch to include NFPS that have:

- become fixed, entangled, or trapped in such a way that it cannot move freely or free itself; or
- been injured or killed from interaction with fishing equipment or vessel but could move freely, or could free themselves from the fishing equipment or vessel if physically able to.

We should be reporting on all interactions with NFPS, especially those that result in injury and/or death. It is supported to amend the definition to include those instances where an animal was able to move freely or free itself if caught, because marine wildlife can still be negatively impacted by those interactions.

WWF also supports the inclusion of reporting on incidents that occur outside of fishing activity beyond just “deckstrikes”. However, the wording could go further to improve clarity on this point. Keeping in mind there is the wording set out in Schedule 1 Part 3 of the Codes Circular (“NFPS reports”) that states “If NFPS are captured but not associated with a fishing event, a separate report is required by the close of the day of capture (for example: deck strikes)”, moreover having some wording to this end provided in the definition of “catch” would be beneficial. For example, adding something like:

“or

been injured or killed from interaction with fishing equipment or vessel that occurs outside of fishing activity, such as deckstrikes or boat collisions”

We would also like more clarity on the definition of fishing equipment. Based on the consultation documents I am assuming we are using the Fisheries (Commercial Fishing) Regulations 2001 definition of fishing gear which is net, line, pot, trap, dredge, apparatus, device, or thing that is used, or is capable of being used, for the purpose of taking fish. This definition would be good to include in the Codes Circular document.

Changes to NFPS reporting codes

WWF also supports the additions to the species codes and the deletion of the generic code for sessile benthic species. The additional information offered through better differentiated species codes will provide a much better understanding of the impacts of fishing practices on those species. Although this is a good step, there is room for improvement.

WWF recommends an addition of a code for the Bryde's Whale, which is nationally endangered and a year-round resident of the Hauraki Gulf. Additionally, having a higher granularity of reporting for corals, sponges, and bryozoans or additional species-specific codes for birds and mammals, should also be considered. The rationale behind this is that over 40 cetacean species and over 90 bird species are known to inhabit New Zealand waters at some point in their migratory journeys.¹² Even though codes are provided for the common species, it would be beneficial to report those interactions with uncommon species with more specificity. The more specific information we have the more knowledge and understanding we gain of these species, why fishing interactions occur, and how to prevent accidental captures.

Mandatory notes field for NFPS interactions

WWF further supports making the notes field mandatory for NFPS interactions. We note that this information is important to understand the efficacy of mitigation tools as well as the contextual elements that led to the mortality or injury of an NFPS. This information is crucial to helping managers understand how to develop future tools to avoid such negative interactions to minimise both the impact on NFPS and on the fishers themselves.

WWF notes that these proposed amendments should be considered in the context of the current deployment of cameras on boats and whether information collected

¹ Stephenson et al. (2020) Modelling the spatial distribution of cetaceans in New Zealand waters. *Diversity and Distributions*;26(4) p. 495-516. <https://doi.org/10.1111/ddi.13035>

² Kerry-Jayne Wilson, 'Seabirds – overview - Seabird capital of the world', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/seabirds-overview/page-1>

through those systems could be used to substitute, supplement, or complement the data reported by fishers through the fisheries electronic reporting system. WWF also supports the notion that the information that comes from the notes field could influence further developments to the reporting requirements, as we believe that legislation settings should reflect current, up to date information.

WWF-New Zealand does want to express our appreciation that Fisheries New Zealand is desirous to strengthen the reporting of NFPS interactions. The proposed amendments are welcomed and will surely improve our understanding of NFPS and how to prevent future injury or death. It is not only our obligation under the Wildlife Act and the MMPA, but also our duty as kaitiaki for our species and environments here in New Zealand. We would be happy to meet with you to discuss any of our recommendations in this submission independently.