



OIA19-0740

27 JAN 2020

Shaun Lee  
shaun@stet.co.nz

Dear Shaun Lee

## OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 6 November 2019 asking for photos of bycatch in the Hauraki Gulf Marine Park.

On 11 November 2019, following a discussion with the Official Information Act team, you narrowed the scope of your request to ask for eleven specific photographs of various protected species contained in bycatch.

'Bycatch' is the name given to commercial fisheries catch (in New Zealand) of species that are not targeted by the fishing operation, and includes:

- Non Fish bycatch (seabirds, sea lions etc... all protected non fish species)
- Fin-fish bycatch

There are many protected species that live in and use New Zealand's marine environment. These species can face a range of threats including changes to habitat, invasive predators, climate change, disease, pollution, and fisheries-related mortality. Fisheries New Zealand's work includes helping to protect and manage our marine resources, wildlife, and environment from the impacts of fishing.

It is illegal in New Zealand for commercial fishers to "land"/retain endangered and protected species that have been caught during commercial fishing, unless instructed to do so by an on-board Fisheries New Zealand observer or by the Department of Conservation. Commercial fishers are required by law to report all bycatch of endangered and protected species that have been impacted by fishing activity.

Fisheries New Zealand observers independently collect information about commercial fishing, and observer coverage is often focused in areas where we know there is a higher likelihood of captures of protected species.

Fisheries Observers also collect and report information about environmental interactions like the capture of protected species. The Conservation Services Programme managed by the Department of Conservation relies, in part, on data collected by observers to ascertain the adverse effects of commercial fishing on protected species. Observers can facilitate the return to land of specimens of certain protected species for autopsy and / or identification, and in some cases the observer collects biological samples for analysis (i.e. genetic studies). Observers also report on, or recommend, ways to avoid or mitigate the effects of taking protected species bycatch.

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In addition to on-board Fisheries Observers, New Zealand regulations for on-board cameras on commercial fishing vessels came into effect in 2018.

Since then, Fisheries New Zealand has been developing the systems and processes to support this and, as of 1 November 2019, commercial fishing vessels that pose the greatest risk of encountering the rare Māui dolphin have begun operating with on-board cameras. This will provide Fisheries New Zealand with independent, accurate information about the impacts of commercial fishing in this area and will encourage compliance and ensure fishing practices are sustainable and verified. The regulations apply to these vessels in a defined fishing area on the west coast of the North Island, a core habitat of New Zealand's Māui dolphins.

In protecting the Hector and Māui dolphins, the Ministry for Primary Industries (MPI) wants to ensure the long-term survival of these unique marine mammals. In August 2007, the Ministry of Fisheries (now Fisheries New Zealand) and the Department of Conservation (DOC) released a Threat Management Plan (TMP) for these dolphins. This was in response to public and government concern over human-caused deaths among these species. More information on this can be found here: [www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/protecting-hectors-and-maui-dolphins/](http://www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/protecting-hectors-and-maui-dolphins/)

Another of our roles is to limit or reduce the impacts of fishing activity on seabirds. Our first National Plan of Action for seabirds was released in 2004, and we released a second version in 2013. Broadly, National Plans of Action for seabirds (NPOA-Seabirds) set out our commitment to reducing the risk that fishing poses to seabirds. They set out how we're going to reduce seabird captures as well as how we're going to undertake monitoring to check we're on the right track. More information can be found here: [www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/seabirds/](http://www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/seabirds/).

More information on what Fisheries New Zealand is doing to help endangered and protected species, and where possible to mitigate the impacts of fishing on wildlife and non-commercial species, can be found on our website here: <https://www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/>

I will quote and respond to each individual part of your request in appendix one, located at the end of this letter.

Some information has been withheld pursuant to the following sections of the OIA:

- Section 9(2)(a) – to protect the privacy of natural persons.
- Section 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied the information.

MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to withhold information and refuse part your request.

Yours sincerely



David Howes  
Acting Director Fisheries Science and Information

## Appendix One

1. *The photo of a flesh-footed shearwater caught by a small vessel long lining between 2017-18 in the lower part of this map: [psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/bottom-longline/small-vessels/northland-and-hauraki/2017-18/](http://psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/bottom-longline/small-vessels/northland-and-hauraki/2017-18/).*

The Ministry for Primary Industries (MPI) is releasing the relevant photograph in response to this part of your request.

2. *The three photos of a black petrel caught by a small vessels inshore trawling between 2016-17 in the lower part of this map: [psc.dragonfly.co.nz/2019v1/released/black-petrel/inshore-trawl/small-vessels/northland-and-hauraki/2016-17/](http://psc.dragonfly.co.nz/2019v1/released/black-petrel/inshore-trawl/small-vessels/northland-and-hauraki/2016-17/).*

MPI is releasing two photographs in response to this part of your request. The third photograph you have requested does not exist, therefore this part of your request is refused under section 18(e) of the Official Information Act 1982 (OIA).

3. *The photo of a bottlenose dolphin caught by a small vessel inshore trawling between 2016-17 in this map: [psc.dragonfly.co.nz/2019v1/released/bottlenose-dolphin/inshore-trawl/small-vessels/northland-and-hauraki/2016-17/](http://psc.dragonfly.co.nz/2019v1/released/bottlenose-dolphin/inshore-trawl/small-vessels/northland-and-hauraki/2016-17/).*

MPI is releasing the relevant photograph in response to this part of your request.

4. *The photo of a flesh-footed shearwater caught by a small vessels snapper longlining between 2016-17 in this map: [psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/snapper-longline/small-vessels/northland-and-hauraki/2016-17/](http://psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/snapper-longline/small-vessels/northland-and-hauraki/2016-17/).*

MPI is releasing the relevant photograph in response to this part of your request.

5. *The photo of a black petrel caught by a small vessels inshore trawling between 2015-16 near Little Barrier Island in this map: [psc.dragonfly.co.nz/2019v1/released/black-petrel/inshore-trawl/all-vessels/northland-and-hauraki/2015-16/](http://psc.dragonfly.co.nz/2019v1/released/black-petrel/inshore-trawl/all-vessels/northland-and-hauraki/2015-16/).*

MPI is releasing the relevant photograph in response to this part of your request.

6. *The two photos of flesh-footed shearwater caught by a small vessels snapper longlining between 2015-16 in the lower part of this map: [psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/snapper-longline/small-vessels/northland-and-hauraki/2015-16/](http://psc.dragonfly.co.nz/2019v1/released/flesh-footed-shearwater/snapper-longline/small-vessels/northland-and-hauraki/2015-16/).*

MPI is releasing the relevant photograph in response to this part of your request. The second photograph you have requested does not exist, therefore this part of your request is refused under section 18(e) of the OIA.

7. *The photo of 'other bird' caught by a small vessels snapper longlining between 2015-16 in this map: [psc.dragonfly.co.nz/2019v1/released/other-birds/snapper-longline/small-vessels/northland-and-hauraki/2015-16/](http://psc.dragonfly.co.nz/2019v1/released/other-birds/snapper-longline/small-vessels/northland-and-hauraki/2015-16/).*

The photograph you have requested does not exist, therefore this part of your request is refused under section 18(e) of the OIA.

8. *The two photos of common dolphin caught by a inshore trawl fisheries between 2015-16 near Great Barrier Island in this map: [psc.dragonfly.co.nz/2019v1/released/common-dolphin/inshore-trawl/all-vessels/northland-and-hauraki/2015-16/](http://psc.dragonfly.co.nz/2019v1/released/common-dolphin/inshore-trawl/all-vessels/northland-and-hauraki/2015-16/).*

MPI is releasing two photographs in response to this part of your request.