



**Fiordland
Marine Guardians**
Beneath the Reflections

Annual Report **2022/23**



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Vision and purpose

The Fiordland Marine Guardians (the Guardians) were formally recognised in the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

Our vision is that the quality of Fiordland's marine environment and fisheries, including the wider fishery experience, be maintained or improved for future generations to use and enjoy.

Our focus is the Fiordland (Te Moana o Atawhenua) Marine Area which extends from Awarua Point on the West Coast to Sandhill Point, Te Waewae Bay, and to 12 nautical miles offshore. However, we frequently address issues at a regional and national level if we believe they will have an impact on the Fiordland Marine Area.

We work closely with the agencies that have an interest in the Fiordland Marine Area, to enhance collaboration in the region and ensure our strategy is aligned. We also engage with the wider community to ensure our focus remains relevant and directed towards the future.

Our challenge is ensuring the values of Fiordland are protected as the area faces increasing pressure from competing interests and a changing physical environment.

Statement of responsibility

The Fiordland Marine Guardians are proud to present, in compliance with section 20(1) of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005, the annual report for the Fiordland Marine Guardians for the year ended 30 June 2023.

Dr Rebecca McLeod

Chairperson

Fiordland Marine Guardians

Chairperson's report



Tēnā koutou katoa

As we welcome changes to Fiordland's amateur fishing rules, I have been reflecting on how we got to this point. From go to whoa, the process of review, development, consultation and delivering advice to the Minister took three years. This provides an excellent example of how the Guardians go about making change – a model that was established by the original Guardians of Fiordland's Fisheries in the 1990s.

We began by collating all the information we could find on the current state of the fisheries and fishing pressure. Here, we placed a high value on local knowledge: the observations and experience of those who know this place inside out. We worked with these knowledge holders to

define the problem, and then began developing workable solutions that aligned with the Guardians' philosophies. We took these proposed solutions back to the community and bounced them around – testing whether the proposals would be likely to solve the problems, and critically, whether they had the support of the community. We listened, we learnt new things, and we revised our proposal. Then, finally, we took our recommendations to the Minister for Oceans and Fisheries. Our recommendations are now in the process of being put into law.

We (the Guardians and the community) needed time to provide and assess information, to workshop complex issues and possible solutions, and to build trust. We have been impressed by the pragmatic approach of Fiordland's community and how, once again, our vision for the Fiordland Marine Area has brought us together and kept us on track.

I hope we've done those original Guardians proud. Thanks to their groundwork and precedence, we are continuing to develop effective local solutions for local problems. We farewellled Dr Kerri-Anne Edge Hill in November. Since joining the Guardians in 2015, Kerri-Anne has made a huge contribution – particularly around communications, with her extensive local network and skill in developing publications and engagement methods. We welcome Dr Simon Childerhouse to the group and can already see the value he brings as a marine scientist who has worked

around Aotearoa New Zealand, the Southern Ocean, and the Pacific.

Our wider team of representatives from the agencies have worked tirelessly this year on fisheries management, coastal planning, biosecurity initiatives, compliance, research and monitoring, and a whole lot more. On behalf of the Guardians, I extend our appreciation for the positive difference they are making to Fiordland's marine environment.

The pressures on Fiordland are changing and, in some cases, amplifying. Fiordland's marine environment is feeling the effects of warming seas, and we are focused on ensuring that other human pressures don't compromise this precious environment. Having a group like the Guardians focused on advocating for this environment feels more relevant now than ever before.

Ngā mihi nui

Dr Rebecca McLeod

Chairperson



Working together for the good of Fiordland

The Guardians work closely with agencies with an interest in the Fiordland (Te Moana o Atawhenua) Marine Area (FMA) to enhance collaboration in the region and align focus and strategy. Representatives from these agencies attend our meetings to report on progress and engage on matters of concern.



Subcommittees made up of Guardians and representatives from our partner agencies focus specifically on biosecurity, monitoring, compliance, communication and engagement with users, and progress matters outside the Guardians' main meetings. We also have a working group to coordinate our involvement in the review of the Regional Coastal Plan for Southland.

The working relationship between the Guardians, the Ministry for the Environment, Department of Conservation, Ministry for Primary Industries, and Environment Southland is outlined in a protocol. The purpose of the protocol is to facilitate and promote cooperation between the Guardians and agencies to manage the FMA in an integrated way.

The Guardians acknowledge the relationship between Te Rūnanga o Ngāi Tahu, as tangata whenua, and Te Moana o Atawhenua. An expression of this special relationship is a requirement under section 15 of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 that one member of the Guardians is nominated by Te Rūnanga o Ngāi Tahu.

The Ministry for the Environment administers the Guardians and provides a budget to support our functions. Each of the other agencies contribute funding and resources to enable our vision to be realised.



The Fiordland Marine Guardians



Dr Rebecca McLeod (Chairperson)

Guardian since 2012

Rebecca has chaired the Guardians since 2015. She is a marine scientist at the University of Otago, specialising in southern marine ecosystems and carbon cycling, has been involved with shaping Aotearoa New Zealand's Antarctic science programme, and sits on the Governance Board of the Centre for Research Excellence 'Coastal People, Southern Skies'. Rebecca was working on her PhD in Fiordland when the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 was established. Her research informed the Fiordland Marine Conservation Strategy, and she feels very honoured to be able to ensure the Guardians' vision for the area is realised. Rebecca is a keen diver and boatie and enjoys getting out on the water with her family.



Ali Ballantine

Guardian since 2018

Ali's passion for and interest in Fiordland began when she moved to the area in the early 1980s. During her tenure as Environment Southland Chairperson and Councillor, she advocated for the formation of the Guardians, and for the ongoing support and assistance the Council provides for them. Under her watch as Chairperson, biosecurity threats in Fiordland were prioritised, which resulted in the initiation of the Fiordland Marine Pathways Plan. Ali has been involved in wilding conifer issues in Southland and nationally for over 20 years, chairing the Mid Dome Wilding Trees Charitable Trust since its formation in 2007.



Stewart Bull

Guardian since 1995

Stewart has extensive knowledge of the customary uses of Fiordland, particularly customary fishing. He is the former chair of the Ōraka-Aparima Rūnaka and the former Ōraka-Aparima Rūnaka representative on the Board of Te Rūnanga o Ngāi Tahu. Stewart is a Tāngata Tiaki, appointed by the Minister of Fisheries, in recognition of his expertise in local customary fishing management and resource issues. He is the Ōraka-Aparima Rūnaka representative on the Customary Fisheries Advisory Group and the Te Rūnanga o Ngāi Tahu representative to the Southland Conservation Board. Stewart has been a member of the Guardians of Fiordland since the group's inception and, in 2018, was awarded a Queen's Service Medal for his services to conservation and Māori.



John Cushen

Guardian since 2021

John has a passion for Fiordland and has worked there as a tourism business advisor, nature guide, and boat skipper. He is involved in several community conservation projects, including Predator Free Rakiura, the Rakiura/Stewart Island Community and Environment Trust, the Whakatipu Wildlife Trust, and the Tucker Beach Wildlife Reserve group. When not working as a tourism advisor, John likes nothing better than being out on his launch, cruising and fishing in southern waters.



Mark Peychers

Guardian since 1995

Mark was a commercial fisher for almost 30 years, working throughout the Fiordland area. He is a shareholding director of the Fiordland Lobster Company. Mark has been a Guardian since the group began in 1995 and was involved in setting up Fiordland's first two marine reserves. Mark has built strong relationships with our partner agencies (Department of Conservation, Fisheries New Zealand, and Environment Southland). He is actively involved with fisheries management in Fiordland and other parts of Aotearoa. Mark is also a trustee of the Southern Coastal Charitable Trust, which manages the coastal clean ups of Fiordland and Rakiura/Stewart Island.



Gavin Tayles

Guardian since 2021

Gavin's heritage is in Southland, and he resides in rural Northern Southland. He has had a lifelong association with recreation in the Fiordland National Park and has been a recreational fisher and diver in the Fiordland Marine Area for more than 20 years. Gavin has a deep connection to the area and a strong desire to preserve it for future generations to enjoy. He works as a senior executive with FarmRight Limited and has extensive networks in the recreational fishing sector.



Peter Young

Guardian since 2018

Pete has worked on boats since he was 15 years old. He lives in Te Anau and works in the fiords as a commercial fisher and skipper for charter vessels. He is also a very keen recreational fisher and hunter. For more than a decade, he crewed and subsequently skippered the Department of Conservation vessel *GV Southern Winds*, where he was involved in marine research and monitoring programmes conducted throughout the Fiordland Marine Area. Pete was an original 'Guardian of Fiordland', contributing to the development of the Fiordland Marine Conservation Strategy. In 2003, he was also one of the original instigators of the Fiordland Coastal Clean Up. Pete is a trustee of the Southern Coastal Charitable Trust, which manages regular coastal clean ups of Fiordland and Rakiura/Stewart Island.



Dr Simon Childerhouse

Guardian since 2023

Simon is a marine scientist, specialising in marine mammals, with more than 25 years' experience undertaking applied science in and out of government. His experience includes working for Fisheries New Zealand, the Department of Conservation, the Australian Antarctic Division, and independent research organisations. His work focuses on both conservation and sustainable utilisation. He has a love of remote places especially Fiordland, with experience in both Antarctica and the Aotearoa New Zealand sub-Antarctic region. Simon is based in Nelson and works as a Senior Science Advisor at the Environmental Law Initiative.

Agency representatives

The Guardians acknowledge the dedication of our partner agencies to achieving our vision for the Fiordland Marine Area, specifically the efforts contributed by these representatives, who regularly attend our meetings.

Ali Meade

Biosecurity and Biodiversity Operations Manager
Environment Southland

Ash Rabel

Team Leader Aquatic Ecosystems
Environment Southland

Bruce Halligan

Consents Manager
Environment Southland

Dean Lowry

Policy Planner
Environment Southland

George Gericke

Senior Consents Officer / Resource
Management Investigator
Environment Southland

Kathryn McLachlan

Team Leader Marine
Environment Southland

Lucy Hicks

General Manager Policy & Government Reform
Environment Southland

Lyndon Cleaver

Maritime Manager / Regional Harbourmaster
Environment Southland

Zak Smith

Deputy Harbourmaster – Maritime Officer
Environment Southland

Fiona Newlove

Manager, Mauri Moana – Marine Policy
Ministry for the Environment

Haydee Wilton (outgoing)

Fiordland Marine Guardians Secretariat
Ministry for the Environment

Kate Brooking (incoming)

Fiordland Marine Guardians Secretariat
Ministry for the Environment

Hannah Williams

Ranger Biodiversity – Marine
Department of Conservation

John Lucas

Te Anau Operations Manager
Department of Conservation

Richard Kinsey

Senior Ranger – Marine and Freshwater
Department of Conservation

Jen Geange

Senior Advisor – Pest Management Programmes
Biosecurity New Zealand, Ministry for Primary Industries

Justyna Paplinska

Team Manager – Pest Management Programmes
Biosecurity New Zealand, Ministry for Primary Industries

Mark Geytenbeek

Principal Advisor – Sector Support & Innovation
Fisheries New Zealand, Ministry for Primary Industries

Robert Win

Senior Inshore Fisheries Analyst
Fisheries New Zealand, Ministry for Primary Industries

Samuel Heenan

Fisheries Analyst
Fisheries New Zealand, Ministry for Primary Industries

Stephen Logie

District Team Leader – Southland
Ministry for Primary Industries



Our year in review

July 2022

We reviewed several applications for resource consent where the Guardians were regarded as an affected party.

We worked with Fisheries New Zealand to prepare material for the upcoming public consultation on proposed changes to the amateur fishing rules for Fiordland.

August 2022

Dr Rob Smith from the University of Otago and the Moana Project provided the latest information on Aotearoa New Zealand's longest and most extreme marine heatwave that occurred earlier in 2022, along 1,000 kilometres of the west and south-west coastline of the South Island.

Marine heatwaves are predicted to become more common, and we are already observing the effects of ocean warming on Fiordland's marine ecosystems.

September 2022

Together with Fisheries New Zealand officials, we hosted public meetings in Southland and Otago to consult on proposed changes to the amateur fishing regulations for the Fiordland Marine Area (FMA).

Dr Rebecca McLeod represented the Guardians at a national marine biosecurity hui at the Cawthron Institute in Nelson. The workshop focused on the development of practical tools to respond to marine pest incursions in ports and harbours and along natural coastline.

October 2022

We made a written submission to Environment Southland on proposed Plan Change 5. The Plan Change was initiated in response to the Guardians raising serious concerns about the inadequacies of the current Coastal Plan to effectively manage the growing pressure on the FMA from commercial surface water activity consents.

November 2022

At the Guardians and partner agency meeting, the Department of Conservation and Environment Southland provided an update on the *Undaria* Control Programme in Fiordland. The programme is funded over two years by Jobs for Nature, and it includes extensive removal of *Undaria pinnatifida* (*Undaria*) by trained divers. A pilot study is underway to use a suction dredge to remove the weed in a more efficient manner over large areas.

We farewelled Dr Kerri-Anne Edge Hill, who had served as a Guardian for seven years.



December 2022

We finalised our recommendations to the Minister for Oceans and Fisheries on changes to the amateur fishing rules in Fiordland.

Researchers from the Fiordland Marine Carbon Sink Programme (University of Otago and GNS Science) held a wānanga with rūnaka at the Te Rau Aroha Marae in Bluff. Atmospheric measurements suggest Fiordland could be sequestering the equivalent of almost 20 per cent of Aotearoa New Zealand's greenhouse gas emissions. The programme aims to define the capacity of the sink and determine its vulnerability to changing oceanic conditions.

February 2023

We welcomed Dr Simon Childerhouse to the Guardians. Our Guardians and partner agency meeting was followed by an informative catchup with Environment Southland councillors. We discussed the risks to Fiordland, including those posed by the lack of an accessible vessel haul-out and cleaning facility in Bluff. We agreed to provide councillors with high-level updates on our work programme.

March 2023

We worked with representatives from the Ministry for Primary Industries, Environment Southland and the Department of Conservation to review the prioritisation of their biosecurity mahi in the FMA. Since the easing of COVID-19 restrictions, biosecurity risks are again increasing, due to vessel arrivals from other regions and countries and the return of cruise ships. Several cruise ships were prevented from entering Fiordland waters over the summer due to non-compliance with biosecurity rules.

April and May 2023

Alongside colleagues from the agencies, we reviewed the Fiordland Compliance Strategy. The Strategy takes a collaborative approach to carrying out surveillance and compliance activities and responsibilities over this vast and isolated area.

June 2023

The Minister for Oceans and Fisheries approved our recommendations on recreational fishing methods and sought further consultation on recreational boat limits and fishing methodology changes for commercial and recreational fishing.

We presented a submission to the Environment Southland Plan Change 5 hearing in Te Anau. We hope the plan change will 'hold the line' until the full review of the Regional Coastal Plan is completed.





Focus on fisheries

In June 2023, the Minister for Oceans and Fisheries approved the Guardians' recommendations to make several changes to the amateur fishing rules for the Fiordland (Te Moana o Atawhenua) Marine Area (FMA).

The decision has been well received by the community and has brought comfort to the Guardians – we are relieved that the new rules will be in place in time for the fishing season ahead.

We have been working with the community to assess the sustainability of fisheries and develop mitigations since 2019, when members of the community first raised concerns about the apparent decline of key stocks in the fiords. Officials at Fisheries New Zealand have helped us throughout the review, public consultation, and the development of new and revised rules.

The Guardians' recommendations to the Minister for Oceans and Fisheries followed a 2022 review where feedback showed strong support for further changes to rules to help protect the area from increased fishing pressure, particularly around the fiord entrances.

We consider the changes align the amateur daily species and bag limits with the philosophy of 'fishing for a feed, not to fill the freezer', while also encouraging fishing in more productive areas of the coastline.

In brief, the changes will:

- reduce daily species and bag limits for many finfish and shellfish species within the fiords
- introduce a Fishing Line at the entrance of each fiord, to reduce the pressure on species in the fiord entrances and encourage fishing on the outer coast
- close the oyster and scallop fisheries in Fiordland.

We are optimistic that these changes will ensure future generations can enjoy the same abundant fisheries that people have been privileged to experience in the past. We hope the changes will rebuild stocks of rāwaru/blue cod, pāua and hāpuku/groper.

Most submissions received during consultation expressed agreement with the Guardians' sustainability concerns but provided a range of views on the best way to address them. We received strong feedback on proposed changes to the kōura/rock lobster limits and, after consideration, those rules remain unchanged.

Feedback from submissions was in favour of restrictions on 'bulk' harvesting methods (such as cod potting, longlining and set lining) by both recreational and commercial fishers, inside the new Fishing Line. Submitters also raised concerns about the potential for vessels with large fishing parties onboard to contribute to localised depletion of fish stocks. The introduction of boat limits (a limit on the total number of fish and shellfish taken per vessel) was proposed to reduce this risk.

We are seeking feedback on these two proposals before we make further recommendations to the Minister for Oceans and Fisheries in late 2023.



Focus on visitor pressure

Te Wāhipounamu has World Heritage Status for very good reason. It is considered one of the most intact unmodified ecosystems in the world. The landscape, wilderness, history and abundant wildlife draw a growing number of visitors. We are focused on getting the balance right – ensuring that visitor pressure does not threaten the values of the Fiordland Marine Area (FMA).

The Fiordland Marine Conservation Strategy, which formed the basis for the Fiordland (Te Moana o Atawhenua) Marine Management Act, was centred around managing the activities of visitors and commercial operations. The risks created by those activities include fisheries depletion and the loss of the wilderness and intrinsic values the FMA is famous for.

The original Guardians were determined to protect the key wilderness values embodied by the remote southern fiords. In this area, there was minimal visitor presence, and wilderness values were maintained at a level that balanced human access with protecting the area's greatest asset – the Fiordland wilderness experience. Up until the early 2010s it was not difficult to find solitude in these southern fiords, but that became a rarer feature as vessel traffic steadily increased. The emergence of COVID-19 in 2020 had an abrupt impact on the level of vessel activity.

The closing of the Aotearoa borders created a demand among New Zealanders for domestic holiday destinations, the likes of which could not have been foreseen. This demand – the saviour of many tourism companies – extended to a sudden spike in local interest in visiting the southern fiords. A growing ease of access to the FMA, and the 'displacement' of vessels to more remote fiords, creates

the danger of eroding the quality of the wilderness experience, which many visitors seek. Research by Lindis Consulting (commissioned by Environment Southland) revealed:

...a range of opinions on whether the wilderness values of the Fiordland coastal marine area are being eroded ... The study concluded that an increase in commercial activity will only exacerbate the issue resulting in Fiordland losing its environmental appeal that makes it world renowned.

This study was carried out as part of Environment Southland's Coastal Plan Change 5 (Section 16), Commercial Surface Water Activities. We strongly support the Council in its endeavour to ensure the marine area is appropriately managed, and we made several submissions during the consultation and hearing process. We support the initiation of this plan change as a method to avoid further adverse effects and 'hold the line' until the long-term carrying capacity for surface water activities in the FMA is developed through the review of the current Regional Coastal Plan. The challenge is how to protect the FMA, maintain the many elements that make it so attractive, and still give those who want to visit this area the opportunity to do so – either by themselves or with a commercial operator.

Increasing vessel traffic also raises concerns about the welfare of marine mammals. Fiordland is home to the southernmost populations of critically endangered bottlenose dolphins that have been the subject of much research and interest. The area is also visited by a wide range of whale species, several of which are classified as endangered. Visitors to Fiordland are fortunate to be able to view marine mammals and we need to consider whether additional protective measures are required to ensure these incredible animals can flourish in Fiordland.

Increasing vessel traffic also creates a need for navigational safety considerations – not least, the ability for all vessels to seek safe haven in adverse weather and sea conditions. Safe anchorages are a limited resource; the area can safely accommodate only a limited number of vessels. We are also mindful of other impacts of increased vessel traffic: pollution, rubbish, noise, the threat of marine invasive species, and damage to the sea floor when anchoring.

As Guardians, we strongly encourage the various agencies involved in the FMA to monitor, measure and manage the impact of increasing visitor numbers on their specific areas of responsibility.

Looking ahead – the next 12 months

The issues and activities we are involved in continue to become more complex, and the workload for the Guardians and our partner agencies has increased significantly. We risk losing focus on critical activities. To manage this risk, we have embarked on a review of our strategic focus to ensure the delivery of our vision. These are our priority work areas for the year ahead.

Connecting strategy with policy and resourcing

On completion of the strategy, we will be able to better inform our partner agencies of the critical areas of focus needed to deliver the vision. We need to gain alignment with our partner agencies on these areas – we will use our biennial visit to Wellington to communicate our strategy to the Ministers and senior management of our partner agencies. If all partners are aligned to the strategy, then agency leaders will have the necessary understanding to support initiatives on or under the water in the Fiordland Marine Area (FMA) that will make a difference.

Fisheries sustainability

We will support Fisheries New Zealand to implement the new amateur fishing rules in the FMA. The Parliamentary Counsel Office is tasked with turning the recommendations into legislation on behalf of Fisheries New Zealand. We anticipate that will allow the new rules to be in place before the busy summer period.

We have a key role in communicating the new rules to Fiordland's fishing community. We will also be working with Fish Mainland to promote the use of the recreational reporting app *Mainland Catch*. Information on fish stocks and fishing pressure is critical to understand whether the new regulations will help stem the decline and then help rebuild some of our key stocks within the FMA.

We will work with Fisheries New Zealand to consult on two further proposals: restrictions on fishing methodology, and introduction of total catch limits for amateur fishing vessels. We will endeavour to provide advice to the Minister for Oceans and Fisheries on these proposals by the end of 2023.

Future planning for the FMA

Careful planning is critical as we face expected ongoing increases in visitor demand throughout the FMA. The challenge for the Guardians is to keep a balance between ensuring people's access to this outstanding area and minimising the impact of this access, which is necessary for us to achieve our vision. Managing the intensity of activity is complex, as visitors to the area all have different expectations of the Fiordland experience.

The Milford Opportunities Project and the review of the Southland Regional Coastal Plan are two significant planning activities that will determine how we manage the effects of continued pressure for growth in the FMA. We are actively involved in both these pieces of work, to ensure that we can achieve the necessary balance.

Focus on community engagement

As a group born from the grass roots, we understand the importance of ongoing engagement between the community and the Guardians. We firmly believe in local solutions for local problems, and we are also cognisant that the success of the management strategy for the FMA is dependent on community buy-in.

As new generations develop a passion for Fiordland, the Guardians are focused on ensuring our story and vision for the area is well known and supported. We have several face-to-face engagement opportunities planned for the year ahead, including The Rock Southland Boat Show in August, fisheries consultation, and a public event in Te Anau to coincide with our meeting in March 2024.

Working with our agency partners

Our partner agencies continue to work hard on plenty of activities that require our ongoing support and input, including:

- a review of the *Undaria* Control Programme at the conclusion of Jobs for Nature funding
- further development of marine biosecurity initiatives in and around the FMA
- development of the Milford Opportunities Project Plan
- consideration of how threats to marine mammals are mitigated in the FMA
- monitoring of key species and biodiversity in the FMA
- joint agency compliance trips with Environment Southland, Fisheries New Zealand, Biosecurity New Zealand, and the Department of Conservation
- linking scientific research with agencies, where appropriate, to ensure high impact.





Resource consents

We considered and responded to a number of resource consent applications to Environment Southland during the year.

These fell into three categories:

1. Non-notified – where we were identified as an affected party.
2. Notified – where we felt that the conditions contained in current legislation (such as the Regional Coastal Plan for Southland) sufficiently addressed any concerns.
3. Notified – where we provided a submission with recommendations for conditions that should be included in any consent granted, or we provided a submission in opposition.

These applications are listed in the [Environment Southland](#) report below.

Two matters required significant resource from the Guardians throughout the year.

The first centred on the configuration of, and permitted activities associated with, a barge at Cascade Cove, Tamatea/Dusky Sound. The Alpine Group Limited and Stephen William Day appealed an August 2022 decision by Environment Southland to reject the resource consent application for this structure. We joined Environment Southland as a party to the appeal in the Environment Court, as provided for by section 274 of the Resource Management Act 1991. The matter was settled during

mediation, and we are satisfied that the awarded consent will effectively limit activity on and around the barge and reduce the size of the structure.

In early 2022, the Guardians became aware that RealNZ had replaced two swing moorings in Harrison Cove, Milford Sound/Piopiotaahi with multi-arm screw moorings, which have a far greater footprint. This activity had been undertaken without the required resource consent amendment, and without concession from the Department of Conservation (Harrison Cove is in a marine reserve). Environment Southland took proceedings against RealNZ for two charges under the Resource Management Act 1991, and the Department of Conservation took separate proceedings under the Marine Reserves Act 1971. This matter drew heavily on our resources, as we have affected party status in the Fiordland Marine Area. The matter is before the Court.





Meetings

Fiordland Marine Guardians' general meetings

Four meetings involving Fiordland Marine Guardians and management agencies were held during the year.

10 August 2022	Video conference
15 November 2022	Te Anau
14 February 2022	Invercargill
9 May 2023	Invercargill

Subcommittee meetings

We operate four subcommittees, which are attended by representatives from the Guardians and management agencies. Each subcommittee works to a plan, which is typically reviewed every four to five years.

The subcommittees align with the requirements of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 to develop plans and disseminate information on:

- **Monitoring** (Convenor: Richard Kinsey, Department of Conservation)
- **Biosecurity** (Convenor: Jen Geange, Biosecurity New Zealand)
- **Communications and Engagement** (Convenor: Gavin Tayles, Fiordland Marine Guardians)
- **Compliance** (Convenor: John Cushen, Fiordland Marine Guardians).

There is also a working group that progresses work relating to Environment Southland's consultation on the Regional Coastal Plan for Southland (Convenor: Ali Ballantine, Fiordland Marine Guardians).

The Guardians' subcommittee and working group members are:

Dr Rebecca McLeod – Chair, with oversight of all subcommittees

Gavin Tayles – Biosecurity, Communications and Engagement

Mark Peychers – Monitoring, Resource Consents, Review of Regional Coastal Plan for Southland

Stewart Bull – Biosecurity, Compliance

John Cushen – Biosecurity, Compliance

Peter Young – Monitoring, Compliance

Ali Ballantine – Biosecurity, Resource Consents, Review of Regional Coastal Plan for Southland

Dr Simon Childerhouse – Communications and Engagement, Monitoring.

The following subcommittee meetings were held during the past year.

Biosecurity subcommittee

20 June 2023 Video conference

Communications subcommittee

10 March 2023 Video conference

20 April 2023 Video conference

Compliance subcommittee

3 March 2023 Video conference

8 May 2023 Invercargill





Agency reports

Ministry for the Environment

Role

The Ministry for the Environment | Manatū mō te Taiao administers the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (FMM Act). In this capacity, we provide secretariat support to the Fiordland Marine Guardians and support the Minister for the Environment in fulfilling their obligations under the Act.

Achievements

Secretariat

In late 2022, we farewelled Haydee Wilton, who had provided secretariat services and policy support to the Guardians since July 2020. In September 2022, Kate Brooking was appointed to this role.

Fiordland Marine Guardians appointments

The terms of three Guardians expired in October 2022. We helped the Minister for the Environment run an open public process to appoint people to these roles. As the FMM Act allows existing Guardians to continue in their roles, Dr Kerri-Anne Edge Hill continued as a Guardian until the appointment process was complete. We thank Kerri-Anne for the invaluable contribution she has made to the Guardians since 2015.

On 1 January 2023, the Minister for the Environment appointed a new Guardian, Dr Simon Childerhouse, and re-appointed two existing Guardians, Ali Ballantine and Pete Young.



Simon is a marine scientist with more than 25 years' experience undertaking applied science in and out of government. He has extensive research experience in the Fiordland and wider southern Aotearoa area. Simon has been inducted and welcomed into the Guardians' group and is making a valuable contribution to their work.

Re-appointed Guardians Ali Ballantine and Pete Young have made significant contributions to the group's work since they were initially appointed in 2018. Ali has worked on the Coastal Plan review and provided insight into Environment Southland processes. Pete has used his knowledge of the Fiordland Marine Area to inform the Guardians' advice on fishing regulations and navigational safety issues.

Looking ahead

Review of *Beneath the Reflections* user guide

We will support the Guardians to do a full review and reprint of their popular *Beneath the Reflections* user guide, in 2023/24. Along with updated maps, the reprint will incorporate the changes to amateur fishing rules for Fiordland, which were approved by the Minister for Oceans and Fisheries in June 2023. The user guide will continue to be a valuable resource for those using the Fiordland Marine Area.

Further Fiordland Marine Guardians appointments

The terms of five Guardians are due to end in June 2025. We will begin work on the appointment process, on behalf of the Minister for the Environment, in mid to late 2024.



Department of Conservation

Role

The Department of Conservation | Te Papa Atawhai (DOC) has been working with the Fiordland Marine Guardians since before the implementation of the Fiordland (Te Moana o Atawhenua) Marine Management Act (FMM Act). DOC is involved in all of the Guardians' meetings and subcommittees, but our key responsibility from the Act and subsequent protocol is to lead the biological monitoring plan for the Fiordland Marine Area (FMA). This plan covers how we will monitor the state of the marine environment and its biological diversity. The plan also includes social monitoring to canvass what stakeholders think about the FMA.

In addition to the role DOC plays with the Guardians, we are responsible for managing our statutory responsibilities within the FMA – most importantly, the:

- Marine Reserves Act 1971 (Fiordland has 10 marine reserves)
- Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992
- National Parks Act 1980 (for the Fiordland National Park).

Achievements

For those involved with the Guardians, the 2022/23 financial year has been much more positive than recent years. The reduction of COVID-19 protocols has meant we have been able to get together again for face-to-face meetings, resulting in a return to working in a much more collaborative way.

For DOC in Te Anau, this year had similar financial constraints to those that applied in 2021/22. Importantly, however, the marine programme was reallocated enough funding to continue the long-term monitoring work in the fiords, and to continue to plan for future work.

DOC would like to take this opportunity to acknowledge each of the Guardians and the huge amount of work that they have achieved over the year. The amount of effort that goes on behind the scenes is often unnoticed, but it is hugely appreciated and valued by all the agencies.

Below, we outline some highlights from the work DOC has carried out in the 2022/23 year.

Fiordland biological monitoring

After the FMM Act was passed in 2005, one of DOC's main responsibilities was to set up a long-term biological monitoring programme that would inform any changes that were taking place in the FMA over time. With changes including a reduction of catch limits, the inclusion of commercial exclusion zones, and an increase to 10 marine reserves, it was important to see how these affected the FMA.

The first monitoring contract was carried out in 2006/07, looking at quantifying key species such as fish, kōura/rock lobster, kina, black coral, and rock wall invertebrates. Subsequent trips were undertaken in 2010, 2013, 2016 and, most recently, in 2023.

This year's trip was carried out between 7 and 17 February 2023, under a contract with Otago University. Divers from DOC and the university visited 42 sites, from Hāwea/Bligh Sound in the north, to Tamatea/Dusky Sound in the south (including Te Houhou/George Sound, Taiporoporo/Charles Sound, Taitetimu/Caswell Sound, Kaikiekie/Bradshaw Sound, Te Puaitaha/Breaksea Sound, and Moana Uta/Wet Jacket Arm).

The final report for the work is still under review at the time of this annual report, but the results will be out early in the 2023/24 financial year.

Undaria

The 2022/23 year saw a continuation of the *Undaria* containment work in Te Puaitaha/Breaksea Sound and Taiari/Chalky Inlet. This is the second year of the DOC-funded Jobs for Nature biomass programme, led by Environment Southland, and of work led by Ministry for Primary Industries Biosecurity NZ in developing a tool to help with the *Undaria* removal work.

Unfortunately, all these positives were overshadowed by another *Undaria* incursion discovered in Tamatea/Dusky Sound in November 2022, where a well-established population was found west of Duck Cove.

More detail on the *Undaria* programmes can be found in both the [Environment Southland](#) and [Ministry for Primary Industries](#) sections of this annual report.

DOC would like to thank all the divers, operators and local companies who have helped with the *Undaria* programme in this last year – the agencies really couldn't do it without their assistance.

Fiordland marine mammal programme

The long-term bottlenose dolphin monitoring projects in Doubtful Sound/Patea and Tamatea/Dusky Sound continued this year with partnership between DOC, the University of Otago, and the New Zealand Whale and Dolphin Trust, and with funding from Fiordland tourism operators.

Three trips were carried out in Doubtful Sound/Patea and Tamatea/Dusky Sound to collect information on the population and calf survival rates (one metric proven to be of concern in Doubtful Sound/Patea in the past).

Data analyses carried out by Otago University researchers show that dolphin numbers for both sites have remained relatively stable over the last year, with 62 individuals in Doubtful Sound/Patea and 120 individuals in Tamatea/Dusky Sound.

There were also some interesting findings this year.

- In September 2022, 'Ray' (a dolphin in the pod) was stranded with her calf 'Sunshine' in Bluff Harbour. Ray has since returned to the population, after being successfully refloated.
- In January 2023, several members of the Tamatea pod were photographed in Rakituma/Preservation Inlet.

These are the first documented times the population has been found outside of Tamatea/Dusky Sound.

The data collected from these long-term dolphin-monitoring projects are of great value for DOC in understanding population fluctuations so they can be managed accordingly.

Unfortunately, due to weather, the humpback whale-monitoring trip scheduled for November 2022 was cancelled. Hopefully, this monitoring will continue in 2023/24.

Victoria University of Wellington

Once again, DOC has been able to help facilitate the ongoing work that Victoria University of Wellington (VUW) has been running in the fiords. VUW researchers were able to continue their sponge monitoring and deep reef work, and they also started on some black coral research in 2022/23. This work aims to gain a greater understanding of the genetic variation of black

coral in the fiords, as well as an understanding of the resilience of the coral to future climate change and warming events.

The 2022/23 year again brought significant marine heatwaves throughout Fiordland, with many weeks of water temperatures more than five degrees Celsius above normal. This resulted in further bleaching events – especially of the *Cymastella* cup sponge, which was observed bleaching in high numbers. Events like this show that even remote places like the fiords are not immune from large-scale processes.

For DOC, our relationship with VUW is a fantastic way of being able to generate more research in the fiords and foster a greater understanding of some of the key species. We would like to pass on our thanks to James Bell and the team at VUW for their hard work this past year.

Acoustic monitoring in Fiordland

In 2022/23, Jenni Stanley from Waikato University set up a series of acoustic arrays in Tamatea/Dusky Sound to gather a greater understanding of the underwater soundscape. Her work has been able to identify biological, geological and anthropogenic (human made) inputs, including various dolphin species, humpback whales, fish, invertebrates (especially kina), earthquakes, and small, medium and large vessels.

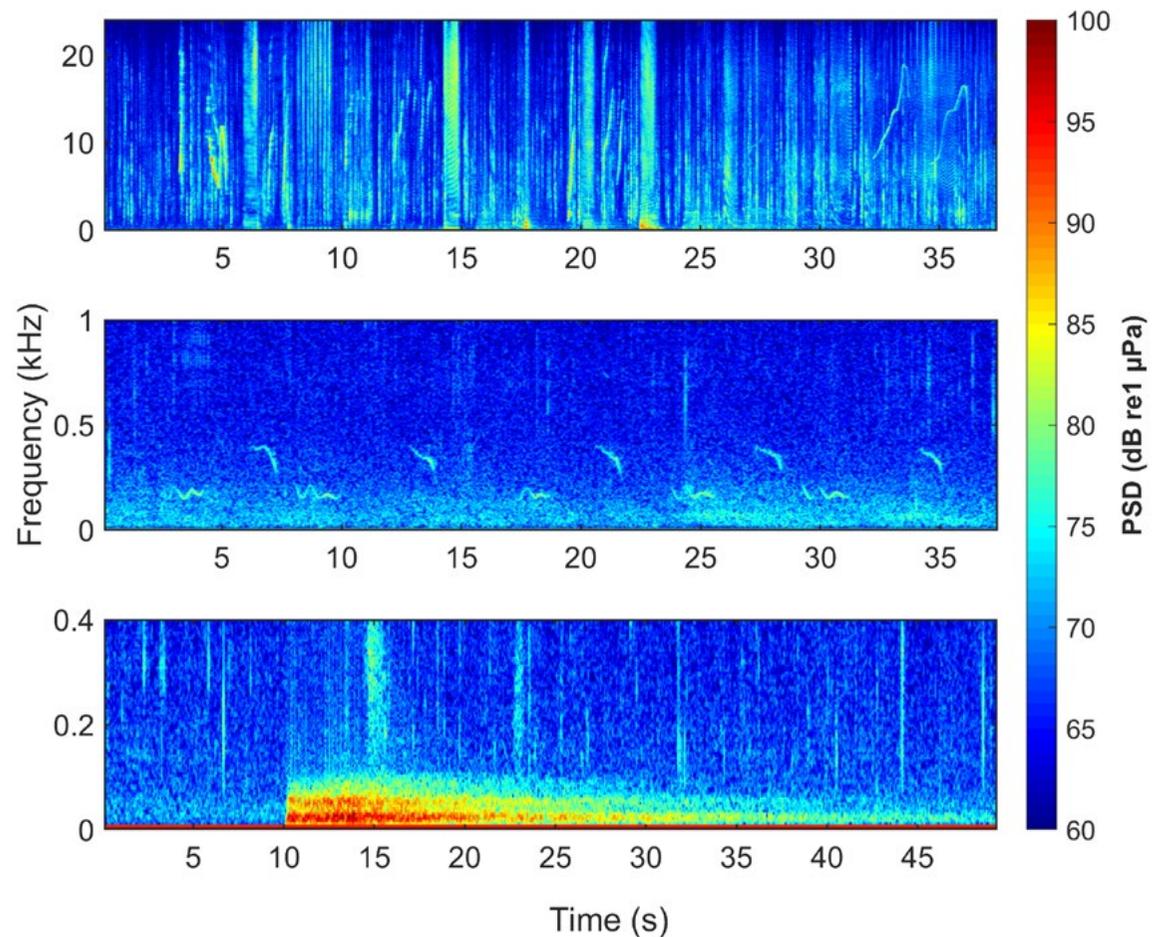
This is another example of a partnership between DOC and researchers that facilitates important work, which has management implications – not only for biological species but for anthropogenic inputs.

This work is due to continue for the next few years, so we can build a good picture of the underwater soundscape in the fiords. Many thanks to Jenni for her work and enthusiasm in making this work happen.

Fiordland Monitoring Plan

One of DOC's responsibilities under the FMM Act is to lead the biological monitoring of the FMA. This year, we have continued to work on developing an updated monitoring plan which will establish the biological priorities for the FMA, within the marine reserves and the wider fiords. Finalising the plan has been slow, but it will be completed in the coming year, and it will help guide the future direction of DOC's monitoring.

Figure 1: Spectrograms showing examples of bottlenose dolphin whistle and echolocation signals (top panel), humpback whale vocalisations (middle panel), and earthquake signal (bottom panel). Recorded within Taumoana Marine Reserve.

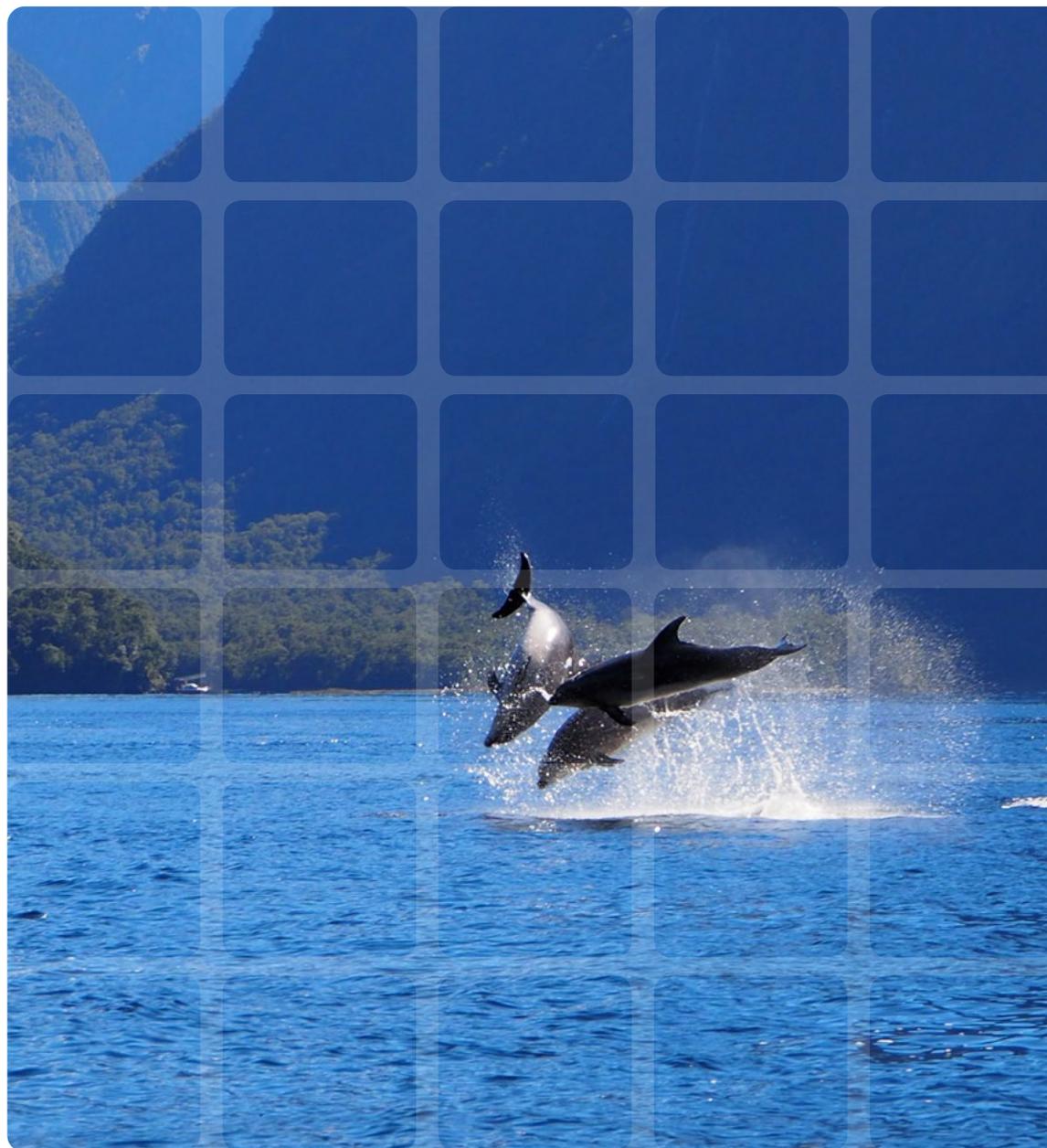


Looking ahead

DOC has plenty planned for 2023/24. We hope to:

- re-survey the long-term kōura/rock lobster sites in Te Awaatu Channel/(The Gut) Marine Reserve in Doubtful Sound/Patea
- continue monitoring marine mammals in Fiordland, working with the local operators (this will include bottlenose dolphins and humpback whales)
- potentially work on some baited underwater video in Tamatea/Dusky Sound
- continue working with James Bell from VUW and Jenni Stanley from Waikato University
- continue working to combat *Undaria* within the fiords
- finalise a clear plan for future monitoring of the FMA that will help guide our priorities
- continue working with the Guardians, Environment Southland and iwi on the Southland Coastal Plan review
- install new kiosks in Deepwater Basin, Milford Sound/Piopirotahi and Deep Cove, Doubtful Sound/Patea, so we can install new, up-to-date signage.

It is an ongoing privilege to work with the Guardians and representative agencies in Fiordland on realising the vision for the FMA and helping to protect such an amazing piece of Aotearoa.





Environment Southland

Role

As a regional council, Environment Southland | Te Taiao Tonga is responsible for the sustainable management of Southland's natural resources (land, water, air and coast), in partnership with iwi and the community. Environment Southland plays an important role in managing Southland's coastal marine area, including in marine biosecurity, navigational safety, and managing consents (and their compliance) within the Fiordland Marine Area (FMA). We are most successful in this role when we work in collaboration with other key agencies and organisations.

Achievements

Marine biosecurity

Environment Southland, the Department of Conservation (DOC), and Biosecurity New Zealand have continued working to control and prevent the spread of *Undaria* within the FMA. For Environment Southland, work centred on year two of the DOC Jobs for Nature Fiordland *Undaria* Control Programme, which involved ongoing biomass removal in Te Puaitaha/Breaksea Sound, as well as responding to a new incursion in Tamatea/ Dusky Sound.

Te Puaitaha/Breaksea Sound: Containment programme

In the last year, nine containment trips were undertaken in Te Puaitaha/Breaksea Sound. Several *Undaria* specimens were found and controlled throughout the year.

Unfortunately, a further *Undaria* incursion was detected in Duck Cove, Tamatea/Dusky Sound in November 2022.

Figure 2 shows the location of the two primary incursion sites in the Te Puaitaha/Breaksea Sound and Tamatea/Dusky Sound complex, as well as the small, outlying sites where *Undaria* has been found and controlled throughout the year.

Taiari/Chalky Inlet – elimination programme

Inspections in Taiari/Chalky Inlet have continued, and no *Undaria* has been found since October 2019. We intend to continue monitoring in Taiari/Chalky Inlet at a reduced frequency until 2024.

DOC Jobs for Nature Fiordland Undaria Control Programme

Year two of the Jobs for Nature project began in mid-September. The initial focus was surveying the distribution and density of *Undaria* in Te Puaitaha/Breaksea Sound and assisting with the Ministry for Primary Industries tool development work. Biomass removal began in early October, and 14,500 kilograms was removed throughout the season (44,500 kilograms was removed across the entire project).

In response to the Tamatea/Dusky Sound incursion, the Jobs for Nature team spent the latter part of the season undertaking marine pest surveys across wider Fiordland. Inspections began in Rakituma/Preservation Inlet, moving north to Taitetimu/Caswell Sound. The purpose was to search for *Undaria* and other marine pests at high-risk sites (eg, anchorages, moorings, structures and storage areas). No marine pests were found, and the *Undaria* management sites remain in Taiari/Chalky Inlet, Te Puaitaha/Breaksea Sound, and Tamatea/Dusky Sound.

The dive team continued to provide valuable support to the containment and compliance work programmes throughout the year. They also supported two incursion responses at Rakiura/Stewart Island and helped DOC with local freshwater diving work.

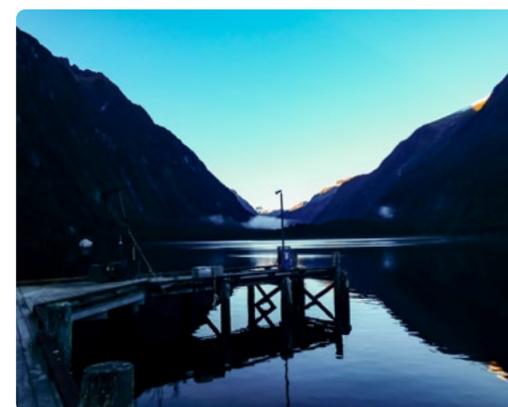
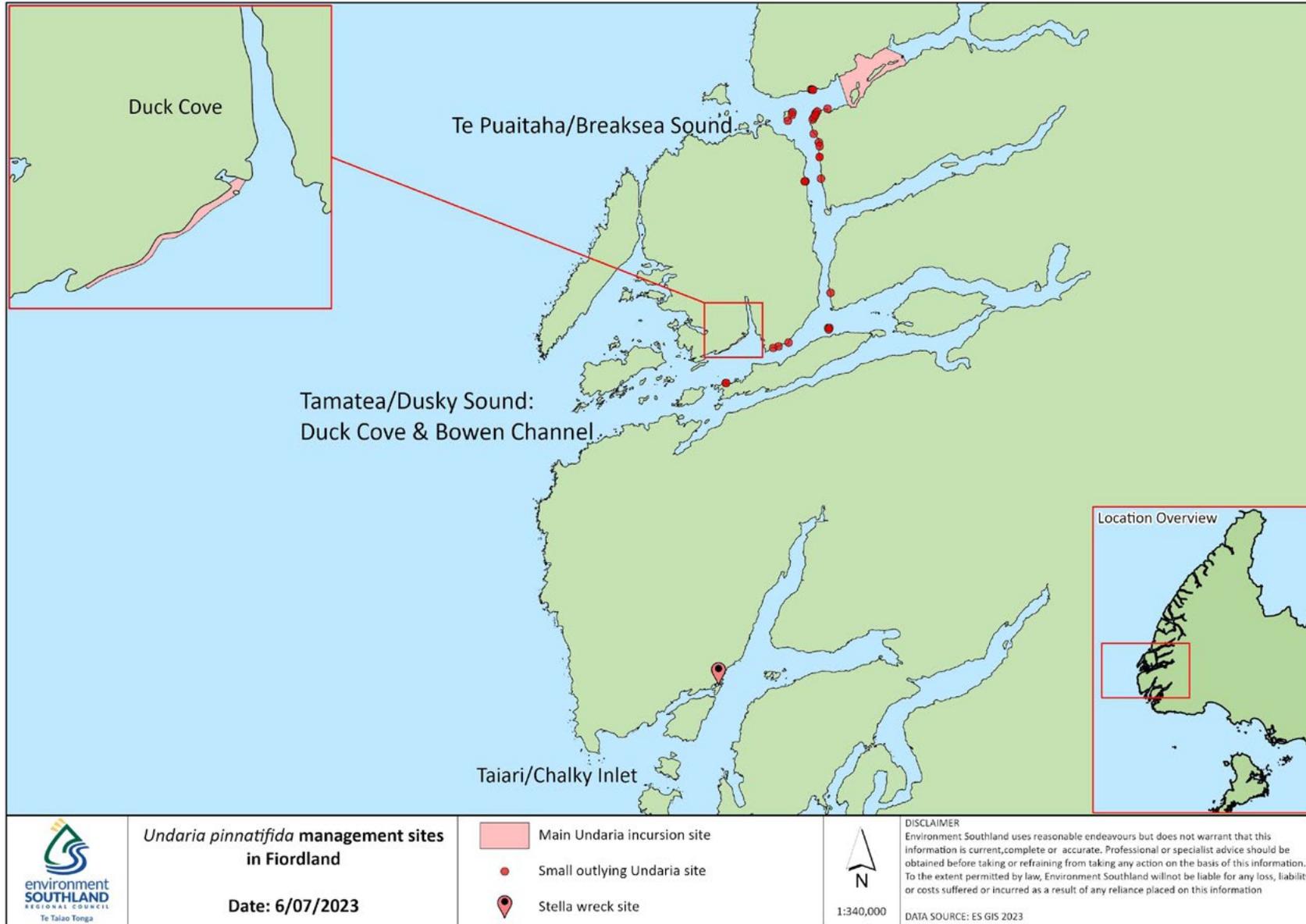


Figure 2: *Undaria* management sites in Fiordland

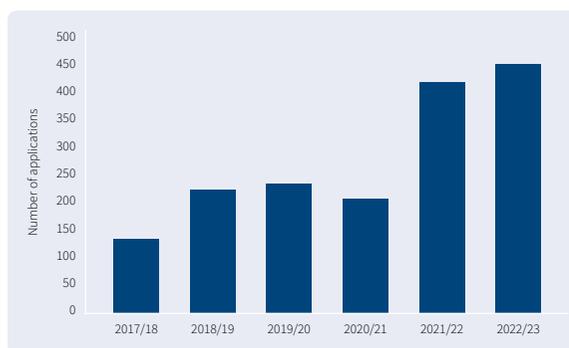


Clean vessel passes

Clean vessel pass (CVP) applications increased in 2022/23, with 449 applications, compared to 412 the previous year (figure 3).¹

CVP advertisements were run for Enviroweek in November and March (in *The Southland Express* and *The Ensign*). Other advertisements, visible throughout the year, were run in *The Southland Times*, on social media, digitally on *stuff.co.nz*, and on *Boaties NZ* (both print and digital publications). A *TNews* report on Jobs for Nature in December mentioned the importance of CVPs, and staff also discussed this topic on the Hokonui radio show, *The Muster*.

Figure 3: Annual clean vessel pass applications



¹ The 2021/22 figure was incorrectly reported as 260, in the 2021/22 annual report.

Marine biosecurity compliance and surveillance

Two Fiordland compliance trips were completed this year: one joint-agency trip in the southern fiords and one Environment Southland trip to Milford Sound/Piopirotahi. No marine pests were found on any vessels, structures or natural substrate during these inspections.

In Milford Sound/Piopirotahi, the team interacted with 42 vessels, of which 31 were inspected. Twenty vessels did not have current CVPs. During the joint-agency trip, the team crossed 34 vessels, of which 29 were inspected, and six did not have current CVPs.

Harbourmaster

Since the maritime border reopened to cruise ships for the 2022/23 season, we have not seen the same numbers of ships visiting Fiordland that we experienced before COVID-19. In total, there were 96 visits for the season.

The maritime team have increased their resourcing, with the addition of an extra staff member (Navigation Safety Officer) and added an extra vessel – an 8.5-metre vessel for the Bluff/Foveaux Strait/Rakiura areas. *Kewa*, the other Harbourmaster vessel, has been repositioned to Te Anau, covering the lakes and less remote areas of Fiordland.

The addition of extra resourcing will mean the maritime team can have faster response times and an increased presence in the Fiordland areas, as well as supporting other Environment Southland teams with their workstreams. A good example of this was the support provided to the Biosecurity and Compliance teams in Milford Sound/Piopirotahi in February.



Resource consents

Under the Fiordland (Te Moana o Atawhenua) Marine Management Act (FMM Act), the Guardians provide advice on resource consents to Environment Southland, which we must then consider during the decision-making process. The Guardians may also make submissions on notified applications or attend pre-hearing meetings and hearings for which they have provided submissions.

For the year 1 July 2022 to 30 June 2023, Environment Southland received and processed the following 26 applications in the FMA.

* not yet decided

** withdrawn

- **Real Journeys Limited (APP-20222379)**
To demolish an existing piled wharf, disturb the seabed to affix proposed boarding structures, exclusively occupy part of the coastal marine area with a pontoon boarding structure, and carry out repairs and maintenance at Deep Cove, Fiordland.
- **Tourism Milford Limited (APP-20222298)**
To undertake commercial surface water activities in the coastal marine area at Milford Sound/Piopiotaahi.
- **Alice Rogers (APP-20233040)****
To occupy the coastal marine area with temporary moorings for scientific research into the impacts of environmental change on broadnose sevengill sharks in Te Puaitaha/Breaksea Sound and Tamatea/Dusky Sound, Fiordland.
- **Affinity Sailing NZ Limited (APP-20222716)**
To carry out commercial surface water activities in the internal waters of Fiordland – namely, the operation of the vessel *MV Affinity*.
- **Fiordland Cruises Limited (APP-20222655)***
To exclusively occupy two moorings, one in Snug Cove at the head of Taipari-poto/First Arm and one at Precipice Cove at the head of Kaikiekie/Bradshaw Sound, Fiordland.
- **Fiordland Discovery Limited (APP-20222686)**
To carry out a commercial surface water activities in Fiordland, from Yates Point to Puysegur Point.
- **Simone & Lance McKirdy (APP-20171176-01, APP-20171176-02)**
To extend the lapse date on the consents authorised to install and exclusively occupy the coastal marine area with a mooring, for the purpose of mooring a vessel of up to 20 metres length overall in Deepwater Basin, Milford Sound/Piopiotaahi. The lapse date has been extended by two years, to now expire on 17 October 2024.
- **University of Otago (APP-20222454)**
To carry out surface water activities in the internal waters of Fiordland for research using various vessels.
- **Tourism Milford Limited (trading as Ultimate Hikes Limited) (APP-20171525)**
To receive an extension of the five-year lapse date on an existing coastal permit to construct a pontoon with an access ramp and fixed-level walkway in the coastal marine area within Deepwater Basin, Fiordland. The lapse date has been extended to 16 February 2033.
- **Fiordland Cruises Limited (APP-20222432)***
To carry out a commercial surface water activity, and to exclusively occupy two moorings in the waters of Doubtful Sound/Patea, Fiordland.
- **University of Otago (APP-20222458)**
To disturb the foreshore and seabed for sediment samples and research activities in the internal waters of Fiordland, from Yates Point to Puysegur Point.

Other resource consent matters

The Guardians also participated in an Environment Court appeal process relating to an appeal by the Alpine Group Limited. The Alpine Group had appealed the decline of a new consent to authorise additional activities at its existing barge at Te Unu-o-Momotu/ Cascade Cove. This appeal was subsequently resolved through a consent memorandum between the parties.

Resolution was achieved after the applicant/appellant amended their proposal to remove some of the more concerning aspects, such as the additional accommodation use proposed in the original application.

Environment Southland greatly appreciates the time and effort of the Guardians in participating in this process. More broadly, we appreciate the Guardians' diligence and work in contributing to Environment Southland consents processes.

Consent compliance

Environment Southland undertakes desktop assessments of reports required by resource consents, and we undertake site inspections and audits in the Fiordland region. In 2022/23, we inspected structures in Milford Sound/Piopirotahi and we issued several notices to fix defects and non-compliances.

In June 2022, RealNZ was charged in relation to two moorings that were installed in Milford Sound/Piopirotahi without resource consents. At the time of this report, the prosecution is not resolved.

The Resource Management team will continue to undertake our scheduled monitoring programmes and respond to incidents and complaints from the public.

Looking ahead

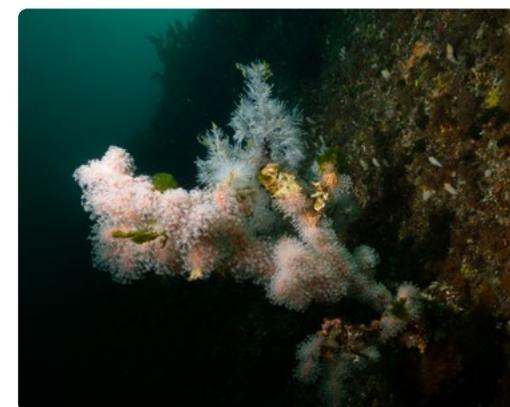
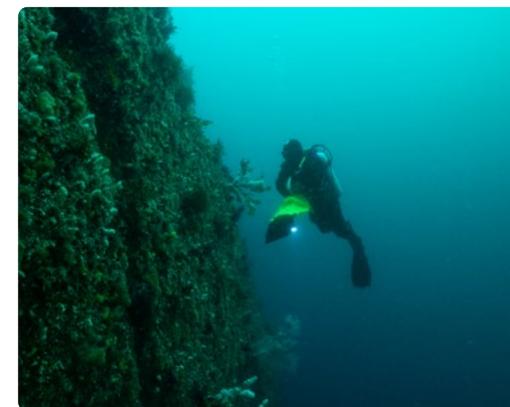
Marine biosecurity

In the coming year, we will focus on working with the partner agencies on a revised approach for managing *Undaria* in Fiordland, as well as finalising the 10-year plan for biosecurity in the FMA. Other key aims are to increase compliance efforts, to continue wider marine pest surveillance, and to investigate new avenues for reaching and communicating with vessel owners.

Regional Coastal Plan review

In June 2023, a hearing on Plan Change 5 to the Regional Coastal Plan was held in Te Anau. The hearing centred around commercial surface water activities on the internal waters of Fiordland, from Yates Point to Puysegur Point. Through the Plan Change, Environment Southland is seeking to address pressures on the area, by putting in place rules to control increases in commercial activities and to strengthen other measures aimed at protecting the area and marine mammals. The hearing panel is now in its final deliberations and is preparing a report that will provide its recommendations. These recommendations will be presented to the Council soon.

The recent hearing has highlighted key aspects to be considered for Fiordland in the wider, long-term Regional Coastal Plan review, which will form part of the considerations for the future. We would again like to thank the Guardians for their constructive and meaningful contribution to this process.





Ministry for Primary Industries
Manatū Ahu Matua



Ministry for Primary Industries

The Ministry for Primary Industries | Manatū Ahu Matua (MPI) and our five branded business units – Biosecurity New Zealand, Fisheries New Zealand, Food Safety New Zealand, Agriculture and Investment Services, and Forestry New Zealand – help to grow and protect Aotearoa New Zealand’s primary industries. Our role is to maximise export opportunities and improve sector productivity, increase sustainable resource use, and protect Aotearoa from biological risk.

For the Fiordland Marine Area (FMA), we:

- provide policy advice and programmes that support the sustainable development of Aotearoa New Zealand’s primary industries, including in fisheries and aquaculture management
- provide whole-of-system leadership of Aotearoa New Zealand’s biosecurity system
- purchase science services to maintain the effective management of Aotearoa New Zealand’s fisheries.

We work to ensure fisheries and other resources are managed sustainably, using a ‘voluntary, assisted, directed, enforced’ approach to compliance. Providing education and information to the public and stakeholders is essential to ensuring effective voluntary compliance.



Biosecurity

Role

Biosecurity New Zealand is responsible for leading the development and maintenance of the biosecurity system that protects the environment and resources from biological risk and supports sustainable fisheries management. This includes bringing national developments in marine biosecurity tools, response, management, and policy to the attention of the Guardians. The Readiness and Response Services Directorate is responsible for leading this work. Teams include advisors who are preparing for and managing responses, as well as coordinating recovery and long-term management activities.

Achievements

Biosecurity New Zealand has once again enjoyed working with the Guardians and our partner agencies on marine biosecurity issues relating to the FMA. This year involved trialling an exciting new project, along with continuing our important long-term management work.

Undaria in Te Puaitaha/Breaksea Sound and Taiari/Chalky Inlet

Since 2010, Biosecurity New Zealand has been working with partner agencies Environment Southland and DOC on the management of *Undaria* in Te Puaitaha/Breaksea Sound and Taiari/Chalky Inlet, where *Undaria* was found in April 2019. No *Undaria* has been found in Taiari/Chalky Inlet since October 2019. Although this elimination programme is looking promising, we continue to seek advice from the *Undaria* Technical Advisory Group (established in 2021) to ensure successful local elimination in Taiari/Chalky Inlet.

The biggest highlight of the past year was piloting a suppression tool on *Undaria* in Te Puaitaha/Breaksea Sound. The objective of this project was to trial and assess the use of commercial divers on surface-supplied breathing apparatus operating a suction dredge as a potential viable method to undertake large-scale suppression of *Undaria* from natural substrate. In November 2022, Pure Salt Limited undertook the trial, and post-monitoring of the treatment plots was completed in March 2023. The final project report was due in July/August 2023.

Biosecurity New Zealand, Environment Southland, DOC, and the Guardians were devastated to learn of the discovery of *Undaria* in Tamatea/Dusky Sound in November 2022. We are, however, seeking advice from the Technical Advisory Group on the most realistic *Undaria* management option for Te Puaitaha/Breaksea Sound and Tamatea/Dusky Sound. For maps and more information on the management of *Undaria* in the FMA, see the [Environment Southland](#) report above.

Review of the Fiordland Marine Biosecurity Plan

Biosecurity New Zealand has continued to lead the implementation of the Fiordland Marine Biosecurity Plan 2015/16 – 2020/21, together with partner agencies and the Guardians. In 2023, further updates were made to the draft plan to include the management of *Undaria* in Tamatea/Dusky Sound after the discovery in late 2022.

The draft plan is now known as the Fiordland (Te Moana o Atawhenua) Marine Biosecurity Strategy 2023–33 (the Strategy). The draft Strategy sets out eight goals for the next 10 years to guide the actions of the Guardians, the partner agencies and stakeholders, to reduce the risk of marine pests adversely affecting Fiordland's special marine environment. A two-year operational plan, which sits alongside the Strategy, outlines and prioritises key operational activities to help deliver the goals of the Strategy.

Vessel hull inspections in Bluff and Rakiura/ Stewart Island

Over the past year, Biosecurity New Zealand continued to contract work to undertake in-water hull inspections for marine pests on moored vessels based at Bluff and Rakiura/Stewart Island that are known to travel to the FMA. These inspections occurred monthly (apart from the period May to August 2022) and looked for the presence of marine pests, as well as assessing each vessel's antifoul condition and level of general marine growth.

When marine pests were detected, they were manually removed (if not of a high density), and the vessel owner was advised what action to take before their next visit to Fiordland. *Undaria* was the only marine pest to be found on vessels during these inspections.

MPI has stopped this contract; we have handed over the work to Environment Southland.

Vessel hull inspections in the FMA

Biosecurity inspections of hulls continue to be an effective way to help prevent future marine pests becoming established in the FMA. We participated in the April 2023 joint-agency compliance and marine surveillance patrol, by providing support for in-water inspections of vessel hulls, high-risk anchorages, and structures. Our staff also helped communicate marine biosecurity messaging and implement the Fiordland Marine Pathway Management Plan.

Fiordland messaging on MetService

Fiordland clean hull messaging was advertised on the MetService website's marine pages and the MetService app from October 2022 to April 2023.

Targeted marine pest surveillance

As part of the National Marine High-risk Site Surveillance programme, MPI undertakes biannual surveys (winter and summer) in 12 locations around Aotearoa (including the South Island ports of Bluff, Dunedin, Lyttelton, Waikawa/Picton, and Nelson). This programme aims to achieve early detection of new unwanted marine pests in some of Aotearoa New Zealand's busiest (and therefore highest-risk) locations – namely, ports and marinas of first arrival for international vessels.

Undertaking surveillance in the port of Bluff has benefits for the FMA, such as the early detection of new and emerging marine pests that may pose a threat to this region.

Over the past year, five new-to-Aotearoa and nine non-indigenous species range extensions were detected by this programme.

New-to-New Zealand species

- Waitematā Harbour
 - ascidians *Ascidia latesiphonica*, *Symplegma rubra*
 - bryozoans *Aeverrillia setigera*, *Synnotum aegyptiacum*
- Napier
 - fish *Parablennius tasmanianus*.

Range extensions

- Waitematā Harbour
 - ascidians *Cnemidocarpa hemprichi*, *Perophora annectens*, *Polyandrocarpa zorritensis*
 - gastropod *Polycera hedgpethi*
- Napier
 - ascidian *Ciona savignyi*
 - bryozoan *Celleporaria umbonatoidea*
 - hydroid *Ectopleura crocea*
- Wellington
 - bryozoan *Celleporaria umbonatoidea*
- Bluff
 - ascidian *Didemnum patulum*.

Other key marine pest species, such as the Mediterranean fanworm *Sabella spallanzanii*, Asian kelp *Undaria* and the clubbed tunicate *Styela clava* continue to be detected at South Island ports. Vessels arriving to Fiordland from such ports, including those in the North Island, are at risk of transporting these and other marine pests to the FMA.

To map the current nationwide distribution of any marine species mentioned, see the [Marine Biosecurity website](#).

Enforcement of the Craft Risk Management Standard for Biofouling on vessels arriving from overseas

The Craft Risk Management Standard for Vessels (CRMS:Vessels (2018)) and the Craft Risk Management Standard for Biofouling on vessels arriving to New Zealand (CRMS:Biofoul) have been reviewed and merged into one document. The proposed draft Craft

Risk Management Standard for Vessels (CRMS:Vessels (2022)) was out for public consultation last year and is now in the final stages of review. One of the key changes in the draft CRMS:Vessels (2022) is the addition of new information requirements around vessel biofouling inspection reports. Evidence of hull biofouling has been one of the main issues since implementation of the CRMS:Biofoul. MPI receives a broad variation in the quality of reports. Creating a standard for reporting is likely to reduce these issues, which will result in a lower marine biosecurity risk.

Alongside the proposed standard is the proposed draft Operational Code: Vessel Biofouling Inspection Provider Approval Scheme. This will be a voluntary scheme, intended to aid the industry in achieving the vessel biofouling inspection reporting requirements in the proposed draft standard. It will not be mandatory for vessel biofouling inspection reports to be produced by MPI-approved providers. It is likely, however, that industry members will select MPI-approved providers, due to the assurance that the report they provide will meet the standard requirements.

In April 2023, Aotearoa New Zealand's team, led by MPI, participated in the discussions at the 10th meeting of the International Maritime Organization's Subcommittee on Pollution Prevention and Response, held in London.

Following a comprehensive review of the *2011 Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species*, the Subcommittee has finalised and approved the revised Guidelines.

The 2023 guidelines expand on and update the content of the previous version, and they provide useful recommendations for measures to minimise biofouling for all types of ships. The guidelines are directed to stakeholders, such as ship operators, owners and designers, as well as anti-fouling paint manufacturers and suppliers, port authorities, and dry dock facilities. The 2023 guidelines include details on:

- ships' design and construction
- choosing, installing, maintaining and repairing antifouling systems
- contingency action plans
- inspection regime
- cleaning and maintenance
- biofouling management plan and biofouling record book, including appendices containing suggested templates.





Fisheries New Zealand

Tini a Tangaroa

Fisheries management

Role

Fisheries New Zealand continues to be committed to the sustainable management of Aotearoa New Zealand's fisheries resources. Our long-term goal is maximising benefits from the use of fisheries within environmental limits. In line with this goal, the Guardians are charged with providing advice and recommendations to management agencies and Ministers for the FMA.

Achievements

Fisheries New Zealand has continued to support the Guardians to make changes to the recreational fishing rules for the FMA. In May 2023, the Minister for Oceans and Fisheries approved recommendations on proposals from the Fiordland Marine Guardians, following public consultation during August and September 2022. Consultation included Fisheries New Zealand staff facilitating five well-attended public meetings across Southland and Otago.

The approved recommendations include:

- moving the line that demarcates the differential daily finfish and shellfish species limits for fish taken inside the fiords
- changing finfish and shellfish daily species and combined bag limits
- making no change to amateur kōura/rock lobster regulations.

Implementation of the fishing line and daily species and bag limits will occur by the end of 2023.

The Minister requested further consultation on additional proposed measures, including recreational boat limits, and bulk harvesting fishing methodology restrictions for both commercial and recreational fishing. This consultation was open from 17 July to 28 August 2023.



Ministry for Primary Industries
Manatū Ahu Matua



MPI Fisheries compliance

Role

The MPI Fisheries Compliance Directorate, which is now part of the Fisheries New Zealand business unit, is responsible for delivering compliance inspection services and investigations across all three fisheries sectors – commercial, recreational and customary – to support the sustainable management of Aotearoa New Zealand's wild fish stocks, aquaculture and marine systems.

At a regional level, the MPI Fisheries Compliance team, based in Invercargill, works closely with Fisheries New Zealand Inshore Team advisors to deliver agreed-upon fisheries compliance services within the Southland and Fiordland coastal and offshore areas. A team of six Fishery Officers and a District Team Leader enforce the Fisheries Act 1996 and the suite of fisheries regulations. The team conducts routine surveillance patrols and vessel inspections, as well as undertaking investigations and intelligence analysis across the commercial, recreational and customary fishing sectors.

Since the enactment of the FMM Act, the incumbent Southland District Team Leader has coordinated the MPI Fisheries Compliance contribution, and the shared delivery of an Integrated Compliance Plan. This work is carried out in collaboration with DOC, Environment Southland, and the Fiordland Marine Guardians.

MPI Fishery Officers work closely with DOC Compliance Rangers and Environment Southland Compliance Officers and biosecurity staff when the need arises, to optimise agency enforcement activities. This can include joint-agency seaborne patrols and the sharing of information to assist directed enforcement by an agency or a combination of agencies.

As a result of past *Undaria* pest seaweed detections, marine biosecurity compliance (alongside marine pest dive surveillance of vessels, structures, moorings and anchorage sites) continues to be a major joint-agency focus, requiring the collaboration and input of all three compliance agencies.

The Southland MPI District Team Leader, or a delegated Senior Fishery Officer representative, regularly attend scheduled Guardian and partner agency meetings, providing report updates on all relevant fisheries compliance matters, including detected non-compliance and any emerging risks.

Achievements

MPI fisheries patrol of Doubtful Sound/Patea fiord complex

A fishery compliance patrol was conducted in Doubtful Sound/Patea, Kaikiekie/Bradshaw Sound, and Te Awa-o-Tū/Thompson Sound from 22 to 25 October 2022 aboard the patrol vessel *Tautiaki*. Ten recreational vessels were inspected, including two amateur fishing charter vessels.

One boat party was found in possession of unmeasurable state filleted rāwaru/blue cod, which resulted in a warning letter being sent to the owner skipper. Inspection of a 12-person boat party (five adults and six children) aboard a Deep Cove syndicate vessel found the party was in joint possession of 103 kōura/rock lobsters that were non-compliant with the lobster accumulation bag and tag conditions. The vessel party had four cray pots (incorrectly marked) in breach of the maximum limit of three cray pots. Inspection also revealed unmeasurable state blue cod fillets that had been caught and processed the previous day.

The vessel skipper was issued a \$250 infringement notice for the joint possession of accumulated excess rock lobsters in unlabelled containers, along with three warning notices for the cray pot breaches and the blue cod measurable state offence. The four other adult fishers received warning letters.

MPI fisheries patrol of Milford Sound/Piopiotaahi

A fishery compliance patrol was conducted in Milford Sound/Piopiotaahi on 3 and 4 December 2022 aboard the patrol vessel *Tautiaki*. Several recreational and commercial fishing parties/vessels were inspected. MPI Fishery Officers inspected recreational and commercial cray pots for marking and escape gap compliance. Officers observed the activities of a deep-water trawler offshore from Yates Point and were satisfied that all relevant rules and regulations were being adhered to.

Milford Sound/Piopiotaahi boat ramp inspections

On 15 January 2023, two MPI Fishery Officers inspected 13 recreational fisher boat parties returning to Deepwater Basin. Catches predominantly included Southern bluefin tuna, albacore, kingfish and kahawai caught on the outside coast. Several fishers were either vague or unaware of the Southern bluefin tuna 1-daily limit, or the 30-daily limit for albacore and other tuna species, introduced in May 2022.

Southern bluefin tuna are now included within the combined finfish daily bag limit, with a daily limit of one bluefin tuna per person. Albacore and other pelagic tuna species are also now included within the combined finfish bag limit of 30 finfish – whereas, before 5 May 2022, no daily species limit applied to these pelagic migratory species.

One trailer-boat party was intercepted departing the boat ramp to take pāua with scuba gear on board. Another two-person fisher party was inspected and served with an infringement notice for possession of an undersized cooked kōura/rock lobster among their two-day rock lobster catch. Two commercial CRA8 potting vessels landing live rock lobster and crew recreational catch were also inspected and found compliant.

Multi-agency GV Southern Winds fisheries compliance and biosecurity patrol

Over the period 1 to 6 April 2023, a multi-agency team of Compliance and Biosecurity Officers from MPI

Fisheries New Zealand and Biosecurity New Zealand, DOC and Environment Southland conducted a successful seaborne patrol aboard the *GV Southern Winds*. At the invitation of DOC, a senior New Zealand Police Officer accompanied the patrol as an observer. The sea patrol covered six fiords, from Te Awa-o-Tū/Thompson Sound as far south as Rakituma/Preservation Inlet. This included surveillance coverage of five marine reserves.

The team intercepted, boarded and inspected 24 crewed vessels, including seven commercial CRA8 fishing vessels, seven amateur fishing charter vessels, two syndicate vessels, two visiting sailing yachts (one ex-Hobart, Australia), one cruising vessel, one helipad barge, and four recreational trailer boats. In addition, several unoccupied vessels, barges and structures were checked, together with shore party inspection visits to Kisbee Lodge and three DOC huts. In total, officers were in contact with 122 people, primarily engaged in a mix of fishing, diving, deer stalking and cruising.

Overall, fisheries compliance was pleasingly high. Twenty-nine vessels received in-water hull dive inspections, carried out by two marine biosecurity divers, along with marine pest surveillance dives on wharf structures, high-use moorings and anchorages in search of invasive marine pests. Above the water, Environment Southland officers checked for clean vessel pass compliance and provided biosecurity advice.

Bluff commercial fishing company convicted on pāua misreporting and set netting offences

On 26 November 2022, a long running MPI Fisheries prosecution was successfully concluded in the Invercargill District Court, with the sentencing of a Bluff-based commercial fishing and processing company and its Nelson-based owner/sole director. Both defendants were earlier convicted on 13 September 2022 by Judge Kevin Phillips, after 16 guilty pleas were entered – 11 pertaining to the fishing company and five to the sole director. The charges included:

- making false or misleading statements in returns about the total combined length of 32 butterflyfish set nets totalling 1,440 metres in breach of maximum 1,000 metres set net restriction (two occasions)
- omitting to report by-catch species information
- failing to provide fish disposal information
- unlawfully discarding 300 kilograms of dead pāua removed from holding pots that went unreported for six months.

The majority of charges related to a commercial set netting trip to Taiari/Chalky Inlet and Rakituma/ Preservation Inlets in early February 2020, undertaken by the company's 18.07-metre registered fishing vessel. The vessel had departed Bluff under the command of the company's owner/sole director, accompanied by an MPI Fisheries observer who was aboard to monitor set netting activity.

In sentencing the company, Judge John Brandts-Giesen awarded total fines of \$40,000, plus \$750 court costs. The 57-year-old male sole director and commercial skipper was fined \$12,000, plus \$750 court costs. The company's registered fishing vessel that was automatically forfeit on conviction has since been returned, on payment of a \$30,236 redemption fee. In light of previous convictions, the Court banned the Bluff fishing company from harvesting and possessing pāua on its vessels, and from the processing and sale of pāua products, for a period of three years.

Compliance action regarding two advertised unregistered charter vessel trips to Fiordland

In early February 2023, Facebook event information surfaced revealing that a Christchurch-based person involved in a dive club was advertising two diving trips to Fiordland in April 2023. Both Environment Southland and the Invercargill-based MPI Fisheries Compliance team were made aware of the Facebook posts. As a result, Environment Southland contacted the organiser to inform him of the Southland Coastal Plan provisions, requiring charter vessel operators who wish to operate in the FMA to hold surface water consents.

On 22 March 2023, the Invercargill MPI Fisheries office received an email application from a Bluff-based commercial fishing vessel operator, seeking a section 111 particular approval pursuant to the Fisheries Act 1996 for the period 31 March to 10 April 2023. As this period coincided with the first of the two proposed dive club

trips, the MPI District Team Leader contacted the fishing company to advise them that he would not be approving the issue of the requested section 111 approval. The decision was based on the grounds that, if a section 111 approval was issued, this would result in the company vessel being used for an unlawful unregistered amateur fishing-charter vessel charter, by taking a party of Canterbury divers on a fishing and diving trip to Fiordland.

The MPI Southland District Team Leader subsequently spoke to the trip organiser, confirming the reasons and grounds for declining to issue a section 111 approval that would allow the registered fishing vessel to carry and host paying passengers on the proposed Fiordland dive and fishing trips. This would be in breach of regulation 53(1) of the Fisheries (Amateur Fishing) Regulations 2013.

The regulation requires all charter fishing operators who provide a vessel and fishing guide service, who receive payment to take fishers on fishing trips to be registered with FishServe Innovations New Zealand (FINNZ) as an amateur-fishing charter vessel operator. The charter vessel must be listed with FINNZ, and it is subject to mandatory daily catch reporting obligations.

Neither the fishing vessel operator, nor the trip organiser or dive club were registered as an amateur fishing charter vessel operator. MPI Officers confirmed that the fishing vessel in question did not leave Bluff for Fiordland, during the proposed April trip periods.

Throughout the year, Fishery Officers have routinely carried out port landing vessel inspections at Riverton and Bluff, predominantly of commercial fishing vessels returning from the Fiordland fishing grounds. This mainly involved inspections of commercial CRA8 kōura/rock lobster, pāua and kina, rāwaru/blue cod, set net, and longline fishing operators. Officers checked to ensure both commercial catch landings and crew recreational catch were correctly reported, using electronic reporting and geospatial position reporting devices.

On 16 May 2023, two Fishery Officers at Riverton inspected two unrelated fishing vessels on their return from Fiordland. One Officer inspected a six-person party disembarking from an amateur fishing charter vessel, which had just returned from a four-day private fishing trip to Taiari/Chalky Inlet and Rakituma/Preservation Inlet. The inspection revealed the party's collective kōura/rock lobster catch, totalling 72 rock lobsters, was contained in a large chilly bin that had been offloaded ashore. The accumulated live rock lobsters in the large chilly bin were not held in separate containers, nor were they labelled to identify the respective fisher and date the lobster was taken. The catch was therefore non-compliant with sub-regulations 160(1) and (3) of the Fisheries (Amateur Fishing) Regulations 2013 Fiordland accumulated rock lobster bag and tag defence provision.

The vessel skipper and part-owner accepted full responsibility for the offence lapse, advising that he knew the rock lobster bag and tag rules. He stated

that, despite past catch separation and labelling adherence for storing frozen rock lobsters, on this trip occasion he had simply “stuffed up”. The skipper received an infringement notice fine, and the other five party members received formal warning letters.

[MPI loses High Court Appeal to overturn a 2021 District Court decision dismissing all charges against a Bluff fishing company detected processing kina catch in Fiordland during 2018](#)

An Invercargill High Court Appeal Hearing on 26 July 2022 before Justice Rob Osborne concluded on 31 March 2023 with the release of His Honour's reserved decision. Justice Osborne ruled that the appeal filed by MPI was unsuccessful. The appeal arose from a 22 December 2021 decision by Judge Russell Walker to dismiss all 13 charges against a Bluff-based commercial fishing and processing company and its Nelson resident owner/sole director. The alleged offending dated back to 2018 and involved a commercial kina (SUR5) diving trip, undertaken over 12 days in Tamatea/Dusky Sound.

The MPI prosecution alleged reporting offences under the Fisheries Act 1996 of making false or misleading statements in unloading dockets and purchase invoices that had been completed in relation to live kina caught over multiple days in the Tamatea/Dusky Sound area. The kina were processed on board the fishing vessel inside the fiord, in a major departure from accepted industry practice.

At the time of the alleged offending, the company's registered fishing vessel was not licensed or included as a part of the licensed fish receiver processing premises.

The owner/sole director faced six charges, and the company was charged with seven offences including:

- six charges of offences under the Fisheries Act 1996 of making a false or misleading statement on a prescribed record
- one charge of an offence under the Fisheries (Commercial Fishing) Regulations 2001 of being a commercial fisher and failing to ensure kina remained in an unshelled state before being delivered to the processing factory or first point of sale.

Owing to the legal precedents set by Judge Walker's dismissal decision, MPI lodged a 'question of law' appeal in relation to three questions of law, which was subsequently heard in the Invercargill High Court before Justice Osborne. On all three appeal questions, Justice Osborne upheld the District Court Judge's decision to dismiss the relevant charges.

Looking ahead

Undaria in Fiordland

Over the coming year, Biosecurity New Zealand will continue working with Environment Southland and DOC on the *Undaria* elimination at Taiari/Chalky Inlet. We will also continue working on long-term management of *Undaria* in Te Puaiahua/Breaksea Sound, and now Tamatea/Dusky Sound with a particular focus on managing human-mediated spread. The Technical Advisory Group will be used when needed. We will also continue to work with all Fiordland partner agencies to implement the Fiordland Marine Biosecurity Strategy and its associated operational plan.

The Rock Southland Boat Show

MPI Fisheries New Zealand and Biosecurity New Zealand staff will once again be participating in the biannual Southland Boat Show over the weekend 12–13 August 2023 at Stadium Southland, Invercargill with an MPI exhibition stand promoting marine biosecurity and the recreational fishing rules.

Along with MPI staff, Fiordland Marine Guardians members will be on site, to discuss and socialise the impending new recreational fish species limit reductions and the new fishing lines to demarcate fiord entrance inside waters. This also provides an opportunity for the Guardians to engage and consult on proposed boat party limits and restricting bulk harvesting methods to inside the fishing lines for both commercial and recreational fishers.

Amateur Fishing Regulation changes

Changes to the Fishing Line, and the daily species and bag limits, will be in place by the end of 2023. This will involve creating the 'fiord headland fishing line' in the Fisheries (Amateur Fishing) Regulations 2013, followed by including the changes to finfish and shellfish daily and combined bag limits as amendments to the Recreational (Fisheries Management Controls) Notice.

Additional consultation has been undertaken in July and August 2023 on recreational boat limits and method restrictions for commercial and recreational fishing inside the fiord headland fishing line. Fisheries New Zealand staff will prepare an analysis of public submissions and prepare advice to the Minister for Oceans and Fisheries. Once the Minister has made their decision, any changes to the recreational or commercial regulations will occur in 2024.



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This year's cover image is provided by Rebecca McLeod.



**Fiordland
Marine Guardians**
Beneath the Reflections

The Fiordland Marine Guardians welcome feedback on our work. We invite you to contact us directly with questions or concerns about the Fiordland Marine Area.

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