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Written submission on the
Proposed Regional Coastal Plan
Kermadec and Subantarctic Islands

This submission has been lodged electronically (shucker@doc.govt.nz).

Sanford requests an opportunity to speak to this submission at an oral hearing at the same time as other seafood industry participants.

1. Introduction
Sanford Limited (Sanford) is a large and long established fishing company devoted entirely to the harvesting, farming, processing, storage and marketing of quality seafood and aquaculture products, with a focus on the clear waters of New Zealand.

The Company supports the sustainable use of seafood from New Zealand's unique marine environment and in other waters in which the company operates.

We seek to act responsibly across all our commercial operations in accordance with international best practice. We have incorporated 'Sustainable Seafood' into our business philosophy as a way of making a public commitment to sustainability.

Sanford recognises the need for our business to be sustainable in all its activities; we assess all decisions against environmental, social and economic tests to ensure continuous improvement and growth. We aim to excel and lead the Industry in environmental performance and best practice.

Sanford has made a significant investment in both marine fishing and aquaculture and for over a hundred and twenty years has worked hard to build up a substantial asset base in terms of vessels, quota, marine farms and land based infrastructure. This investment has always contained a strong future thinking vision – for Sanford the future of the Kermadec and Subantarctic Islands is very much a partnership between fishing and conservation. The area holds exciting fishing potential that should be provided for.
1.1 Fishing activity in Kermadec and Sub Antarctic Islands
Sanford owns and operates a diverse fleet of vessels for inshore, purse seine and
deepwater fishing including vessels for processing and freezing at sea.

Our fleet of vessels is supported by a sophisticated shore-based support network
designed to ensure that Sanford continues to supply sustainable seafood produced
to the highest international standards. Vessels across our entire fleet either work or
transit through the southern ocean. This ocean area is already regulated.

Management of fisheries are specifically excluded from the Resource Management
sections (12) and (30). The Resource Management (Marine Pollution) Regulations
regulate normal operations on a vessel. The Fisheries Act regulates the activity of
fishing. MARPOL imposes international rules. The Marine Mammal Protection
Regulations controls activities around whales. Parts of the Kermadec and Sub
Antarctic Islands are protected by marine reserves; all land is managed under the
Conservation Act. Sanford questions the value of this proposed plan so heavily
reliant on regulation – in our view the fishing industry and geographic area is already
sufficiently regulated, and as such this plan fails the RMA Part II test.

1.2 The proposed Regional Coastal Plan
Sanford is not convinced that the Department has pitched its proposed plan at the
correct level. The regulation is not appropriate and establishes a regime that is not
supported by monitoring and review. RMA s30(3) explicitly constrains the Minister of
Conservation in regard to fisheries resources controlled under the Fisheries Act.
Much of this plan simply imposes another layer of regulation on already regulated
fishery activity. This is inefficient, confusing and introduces uncertainty.

1.2 RMA s32 Report
The Department of Conservation must carry out an examination as to the extent of
which each objective is the most appropriate way to achieve the purpose of the Act.
This examination includes having regard to efficiency and effectiveness of policies
and rules. The Department has set very high thresholds in the policies which drive
the rules. In our view these thresholds are inconsistent with Part II of the RMA and
send the wrong message to readers / plan users. This plan should be providing for
sustainable management, use and development of the coastal marine area, not just
protection.

Sanford is concerned that the s32 considerations and report on alternatives, benefits
and costs is light and fails to convincingly argue for imposing additional regulation on
the fishing industry. For example, the report by Captain Bucken’s dealing with fuel oil,
vessel length and anchoring points relies heavily on his opinion, which, while
interesting, is not adequate justification for extinguishing existing use rights.

A key thread across all the Sanford submissions lodged on this plan is that the
policies would be far more efficiently achieved by using guidelines. Guidelines are
adaptable to changing technology and more appropriate within the geographic setting
of isolated ocean waters.
1.3 RMA s30
The Department of Conservation, in its capacity as the regional council, is
constrained in its functions by the Fisheries Act. Sanford is concerned that the
proposed plan introduces confusion and uncertainty into the coastal marine
environment by adding an additional layer of regulation.

1.4 Resource Consent
The proposed plan will require resource consent for activities that our company has a
long history of existing use rights. It is unclear whether resource consents are applied
for per boat - per activity, or if all vessels under our control can be clustered into the
one consent for 35 years. The plan and s32 has been silent on how the actual
resource consent process will work in practice.

Sanford advocates methods which recognise and reward good performance, for
example by reducing compliance and inspection requirements for vessels which
consistently meet the requirements.

1.5 Collaboration
Sanford has a long history of working collaboratively with the Department of
Conservation. We are advocates for well considered Benthic Protection Areas, good
environmental practice and the quota management system.

Sanford is well recognised for advocating a conservative approach to the fishery
resource and has willingly worked with the Department on a number of issues. We
look forward to continuing this close relationship with you.

1.6 Partnership
The ocean area controlled by this plan is remote and sparsely populated by vessels.
It is important that the Department works with the fishing community in a co-operative
partnership and does not set itself up as the regulator and retrospective enforcer
when things go wrong. The plan needs to be a document that all groups can feel
ownership of and support.

1.7 Consultation
Sanford has appreciated the opportunities to work with the Department and other
stakeholders during the pre-plan consultation.

1.8 Pre- Hearing and Hearing
Sanford would appreciate an opportunity to meet with the Department prior to the
oral hearing with the aim of clarifying the intent and scope of the proposed rules both
in the plan and our submission. By legal necessity our submission is overly cautious;
we send a strong signal that we are willing to move our position if a
misunderstanding has occurred.

It is absolutely our intent to work with the Department and other submitters in a
genuine and open way to ensure that the coastal marine environment is protected
and well managed in accord with the purpose and principles of the RMA as set out in
Part II.
2. Submission
Fishing
Submission: Page 13, oppose and amend general text, first bullet and paragraph 3, last sentence.
Reason: The text around fishing needs to be expanded to include both present fishing practices and future potential such as toothfish. The Sub Antarctic ocean holds exciting potential for new fisheries that the plan needs to recognise. The first bullet is incorrect; trawlers, not vessels, are prohibited from fishing in the territorial sea. The third paragraph should acknowledge that the deepwater crab fishery is under the quota management system, quota has been allocated and property rights on the fishery are owned.
Relief: Expand the text to include future fisheries’ opportunities and the economic value of the fishery, amend the first bullet point from vessels to trawlers and amend the text to in the last sentence of the third paragraph so that it reads; ‘A deep sea crab fishery is under development for which quota has been allocated’.

Submission: Page 13, oppose and amend paragraph 3, last sentence.
Reason: Bottom longlining around the Bounties can occur at any time, but from Sanford’s perspective is most likely to happen between February and August each year.
Relief: Amend paragraph so that it reads, ‘Deep sea bottom longline fishing for ling can occur at any time of the year but is most likely to happen between the months of February to August’, then end paragraph.

Submission: Page 13, oppose and amend paragraph 5, vessel size.
Reason: While fishing vessels tend to be 25m to 35m range, one of the Sanford vessels presently targeting scampi is 42m. In the past Sanford factory trawlers, which are 64m in length, have also targeted scampi.
Relief: Amend sentence so that it reads, ‘Currently these vessels tend to be less than 45 meters in length – smaller than most commercial fishing vessels in the southern ocean’.

Submission: Page 13, oppose and amend paragraph 5, in relation seeking shelter.
Reason: There is a history of larger fishing vessels taking shelter throughout the coastal regions of both the Sub Antarctic and Kermadec Islands¹ in times of severe weather systems.
Relief: Amend sentence so that it reads, ‘there is a history of fishing vessels of all sizes up to 105m seeking shelter near the coast of many of these islands in severe weather systems’, then end paragraph.

Submission: Page 24, oppose and amend Policy 2.
Reason: Sanford supports a policy that differentiates between vessels that intend to land on islands and those vessels that have no planned physical interaction (i.e. fishing boats). Clearly boats and people that land present a greater risk to the environment. Notwithstanding this, we would accept that all boats coming within the coastal marine area are checked for animal pests (in particular rodents) and plants. It is impractical to check vessels for insects. How would this be done – fumigation?

¹ Including Auckland Island, Campbell Island and Kermadec Island
Relief: Amend Policy, 'To maintain and protect biodiversity and the intrinsic values of ecosystems by reducing the risk of introductions of harmful or invasive species with a two tiered compliance test (i) stringent controls for vessels and people that are intending to land on the islands and (ii) guidelines for checking all other vessels for animal and plant pests which come inside the coastal marine area.

Amend first bullet point to read, 'Harmful pest and plant animals (particularly rodents);

Delete second bullet point.

Submission: Page 24, including a new policy
Reason: Give effect to the New Zealand Coastal Policy Statement Policy 6 by recognising that fishing is located in the coastal marine area of some islands (eg not the Auckland Islands which is a marine reserve) and provide for this activity.
Relief: Include a new policy which reads, 'To maintain and provide for the needs of fishing vessels in the coastal marine area'.

Submission: Page 25, Policy Three – oppose
Reason: The s32 report is thin on why the 1000m trigger was chosen. If the hull of a vessel is free of invasive species, as evidenced by the pre-departure inspection, and does not intend to anchor then it is unnecessary to impose an additional 1000m trigger. DOC papers suggest that 300m provides adequate protection to the island from rals.
Relief: (i) Amend Policy 3 after the words hull fouling so that the policy is only triggered if a vessel intends to land; delete reference to 1000m.

(ii) Include guidelines for vessels which are in the coastal marine area but which do not intend to come within 300m of the MHWS.

Submission: Page 25, oppose and amend Policy 5
Reason: The policy and time frame for processing resource consent applications introduces uncertainty. If an operator undertakes a risk assessment by an approved certifier and passes, this should be a permitted activity.
Relief: Amend policy so that it explicitly states that where the risk assessment passes this is a permitted activity.

Submission: Page 26, oppose and amend Policy 7
Reason: It is unclear why it has been determined that the risk of an incident is relative to vessel size. The outcome of an incident may have some bearing to the size of a vessel (eg volume of oil spilled), but is not indicative of risk or potential threat to biosecurity. In our view the greatest risk (albeit of small probability) occurs when small vessels are in the process of coming ashore. We note that the Department has provided for its own landings as a permitted status. The s32 Report is silent on the additional cost this policy will impose on fishing vessels, which transit through but have no intention of landing.
Relief: Amend policy so that the provisions are triggered by vessels that intend to land, and the policy after the words biosecurity breach, and delete reference to vessel size.

Submission: Page 26, oppose and amend Policy 9
Reason: It is unclear why "appropriate size" has been used in this policy and what the correlation is between size and risk. Captain Bucken in his technical report does
not define size but says those proposed by Doc are ‘reasonable’. There appears to be no analysis.
Relief: Amend policy by deleting the words ‘of an appropriate size’.

Submission: Page 27, amend and support/oppose parts paragraphs 2, 3 and 4
Reason: We support the distinction of fuel types and agree that diesel based fuel carries less environmental impact in the unlikely event of a spill. The likely adverse effect of different fuel types in relation to level of risk has not been sufficiently evaluated by the RMA s32 analysis. The reference to speed and navigation in correlation to risk also sends a confusing message; it implies that vessels should travel faster.
Relief: Retain distinction between fuel types and link it to risk. Remove reference to speed.

Submission: Page 27 oppose to paragraph 3
Reasoning: The plan should not foreclose the opportunity for ship-to-ship transfers of fuel. Already significant international legislation, controls and mitigation measures exit to manage this activity including the most recent changes to MARPOL dealing with ‘Prevention of Pollution during Transfer of Oil at Sea’. These new rules came into force on 1 January 2011. Vessel operators intending to undertake ship-to-ship transfers have the necessary resources on board to respond to any pollution incident.
Relief: Amend last sentence to read; ‘Ship-to-ship fuel transfers at sea impose additional risk and are controlled by international legislation.

Submission: Page 27 oppose to Policy 13
Reasoning: The application of policy around the Subantarctic Islands could unnecessarily restrict fishing vessels access to the coastal marine area. The s32 report has failed to consider current practices and maritime routes; the effect the prohibition has on the fishing industry; and the costs of the rule in relation to potential benefits. Fishing vessels have used this water space for many years and have an excellent record of compliance to best practice standards. MARPOL already regulates this activity.
Relief: Delete Policy 13 as this activity is already regulated by international law.

Reasoning: Fishing vessels work 24 hours a day.
Relief: Retain the policy as non-regulatory

Submission: Support Method 2 Page 28
Reason: Sanford supports the use of guidelines and signals its willingness to work with the Department of Conservation in establishing these.
Relief: Retain this method in the plan.

Discharges
Submission: Page 38 Rules 12 and 13
Reason: The proposed plan and section 32 report are unclear as to how fish waste discharged into water is provided for. The lawful harvesting of fish is a permitted and legitimate activity in parts of this water space (with the exception of Auckland Island 12nM), and is provided for by the New Zealand Coastal Policy Statement. The
Fisheries Act defines fishing as the catching, taking and harvesting of fish and any activities in support of and preparation for. This includes the disposing of fish waste.

The proposed plan prohibits the discharge of untreated sewage into the coastal marine area (out to 12nM). Currently the RMA (Marine Pollution) Regulations allow vessels to dispose of their untreated sewage in the coastal space seaward 0.27 nautical miles (500 meters) from MHWS to 12 nautical miles in depths greater than 5 meters and beyond 200m of marine reserves\(^2\). The proposed rule in this Plan has not been justified in terms of s32(3)(a).

**Relief:**
1. Insert new rule which reads, ‘activities associated with fishing is permitted’.
2. Delete Rule 12 as already covered by the RMA (Marine Pollution) Regulations.

**Submission:** Page 39, Rules 14/15/16 – oppose.
**Reason:** Refer to our submissions on Rules 24 and 25 and definition of ship wreck.
**Relief:** Amend the rule to require a Certificate of Completion.

**Disturbances**
**Submission:** Page 40, include a new Rule 17 and 18 or clarify
**Reason:** Provide for legal fishing activities including the activity of anchoring as part of the fishing activity.
**Relief:** Provide for fishing as part of the permitted activity status.

**Use of water**
**Submission:** Page 40, Support Rule 21
**Reasoning:** Fishing vessels take seawater to make fresh water; they also take sea water to cool, and clean their decks.
**Relief:** Ensure that these activities continue to be treated as permitted by deleting/amending the condition linked to this activity.

**Harmful or invasive species**
**Submission:** Page 41, Rule 23 – support/amend.
**Reason:** The prohibition on introducing new plants and insects to land is accepted however several of these islands have already been altered from their native state and contain pests ie rats. The plan should clearly list which islands (outside of marine protected areas) are in pristine condition (ie rat and insect free).
**Relief:** Amend to Plan to include an index listing those Islands in pristine condition and apply this condition to those specified islands.

**Deposition**
**Submission:** Page 41, Rule 24 – oppose/amend.
**Reason:** The RMA (Marine Pollution) Regulations Schedule 4 provide for the normal operations of a ship.
**Relief:** Amend rule so that it does not apply to the normal operation of a fishing vessel or fishing activity.

**Submission:** Page 41, Rule 25 – oppose.

\(^2\) Excluding the Marine Reserve (Kermadec Island) Order 1990

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Reason: Refer also to our submission re Glossary of Terms on shipwreck. We suggest that there are two types of shipwrecks; those that are historic and have cultural and heritage significance and future wrecks, which have not yet occurred. Rule 25 should be constrained to historic wrecks.

There are vessel owner, operator, salvager and insurance implications once a ship has come to grief and is inoperable. It is inappropriate that the Department of Conservation take on the role of determining a vessel’s status.
Relief: Retain the rules for historical (pre-existing) wrecks; delete the rule for future wrecks, and replace the requirement to seek a retrospective discretionary consent with a requirement to seek a Certificate of Acceptance.

Temporary rule for hull and niche area fouling
Submission: Page 42, Rule A oppose in part. Retain (with amendments) the intent of this rule for managing vessels that intend to land. Delete requirement for a dive inspection. Extend the rule for the operative life of the plan and remove Rule 26, which was intended to come into effect one year after the plan is operative. Retain the voluntary nature of this rule for vessels not intending to land, which are anchoring, transiting through the coastal marine area or seeking shelter.

Reason: The rule is difficult to read and confusing. As the rule is currently proposed it contains 5 x “or”, 1x “and”, 1 x “and either” and two separate requirements to notify DOC. It is unclear why 1000m trigger was chosen as this does not reflect the topography in the coastal marine area; see also our earlier comments on your page 24, Policy 3 of the plan.

Fishing vessels working in this area are often away from New Zealand for extended periods. Vessels are supported by extensive onshore planning and preparation. All Sanford vessels are well maintained and anti-fouling systems are run in accordance with manufacturers’ instructions. We note that in the s32 report, page 41, Floerl et al 2010 says, that the age of antifouling paint on a vessel’s hull is the best known predictor for biofouling and the presence of harmful species. Given this, and the fact that the Department can undertake spot checks of vessels, the requirement of the rule and a mandatory dive inspection is redundant and fails the s32 test.

In our view the requirement to not leave New Zealand waters is also unnecessary and fails to take into account established High Sea transit routes such as around Macquarie Islands. While boats are steaming, there is minimal chance of hull fouling.

Fishing vessel activities are not one-off events. Our company operates many vessels and this rule imposes unnecessary expensive compliance on us. It is unclear how a fishing company, which has multiple vessels operating in an area, is expected to comply with the permitted/discretionary rules ie can vessels be grouped together in the one consent process? The fishing industry is already extensively regulated; any new compliance requirements must add more benefit than cost. Not enough consideration in the s32 report has been given to the option of taking no action. Rule A is an unnecessarily laying of new regulation onto existing rules prescribed in other law.
Sanford is opposed to listing at the back of the plan the accredited divers, which will change over time. We propose including criteria/process needed to become certified.

**Relief:** Delete the rule in its entirety, or retain for those vessels that intend to land.

(i) Amend this rule so that it reads; 'Access to the coastal marine area of the Kermadec and/or Subantarctic Islands by vessels intending to land; and

(ii) amend documentation requirement so that it reads, 'within two weeks of departure to the Southern Ocean area';

(iii) delete requirement for a dive inspection; and,

(iv) include at the back of the Coastal Plan criteria/process used to achieve diver accreditation.

(v) delete 4 bullets which relate to exemptions for vessels which have been more than 48 hours outside New Zealand waters;

(vi) delete the second requirement to provide documentation to the relevant Department of Conservation area.

(vii) delete the requirement to ensure that the vessel is free of insects.

(viii) introduce guidelines for vessels traveling in the coastal marine area but which do not intend to land.

**Submission:** Page 43, Rule 26, oppose

**Reason:** The difference between this rule and Rule A is the opportunity of a second inspection if the initial dive inspection failed within the scope of the permitted activity. Notwithstanding our submission above, seeking the removal of the dive inspection, the section 32 does not explain why re-inspection is not a valid expectation of a permitted activity.

**Relief:** Delete this rule in its entirety.

**Surface water activities in the Subantarctic Islands**

**Rules 32 – 46 inclusive and planning maps 1 – 8.**

Please note that the following three submissions relate to (i) vessel length, distance from MHWS, designated anchoring points and planning maps (ii) the activity of fishing (iii) insects. These submissions collectively cover Rules 32 to 46.

**Submission:** Rules 32 – 46, oppose and amend/delete (and amend definition of Heavy Fuel Oil (page 57), refer to our later submission).

**Reason:** The use of vessel length and distance from the MHWS as a trigger for the rules affecting surface water activities is broad brush and unnecessarily restrictive. The section 32 report has not sufficiently considered alternative triggers. In our view fishing activities on the surface of water are already well regulated. Notwithstanding this, a more appropriate trigger is type of fuel used to power the vessel.

Fishing vessels less than 45 meters in length only run on marine gas oil, which is produced by distillation. This is diesel, which is the lowest risk to the environment if spilled and poses the least threat to the marine environment.

The Glossary in the proposed plan fails to make a distinction between the fuel types and potential environmental risk.

Sanford vessels have contingency plans to deal with the unlikely event of an oil spill and our staff are trained to respond with efficiency and speed. Vessels are outfitted...
with emergency response kits. Sanford’s Sustainability Report publicly records non-
compliance and the corrective measures taken.

Notwithstanding our submission that the vessel triggers in Rules 32 to 46 should be
risk based (not vessel length), if the decision is to stay with vessel length we
recommend increasing the vessel length of 25m to 45m, and from 45m to 125m. This
better reflects the fishing industry use. We note that cruise ships are generally
greater than 125m in length.

In terms of the triggers, 300m, 600m and 1000m from MHWS, the section 32 has
understated the impact and cost of these triggers against environmental benefits
gained. In Sanford’s view one trigger is justified (i) vessels intending land.

The controls on access that prohibit vessels between 25m and 75m to access waters
between 300m and 600m could unnecessarily restrict transit routes for no apparent
environmental gain. A good example of this is on Map A1 where vessels could chose
to steam between Enderby Island and Dundas Island but are now no longer able to.
If the vessel is certified as having correct anti-foul treatment hull, and is free of
harmful plants and animals, what is the environmental risk?

When the anchor is paid out, from the anchor point, the boat may well swing within
an arch of 100m. This would mean that a vessel which anchors at 400m is sitting on
water somewhere between 300m and 500m from MHWS. This makes compliance of
the rule difficult. This was pointed out by Captain Bucken but was not taken note of in
the s32 Report.
Relief: Provide an exemption for fishing vessels
   (i) Delete vessel length trigger and replace with fuel type; or another risk
based approach or.
   (ii) Amend vessel length thresholds from 25m to 45m, and 75m to 125m;
   (iii) Amend planning maps and tables accordingly, and
   (iv) Delete 300m
   (v) Delete zone 300 - 600m and 600 - 1000m.
   (vi) Permit lawful fishing activities

Submission on the surface water activities and reference to insects
Rules 32 – 46 inclusive and Glossary on harmful organism (page 57).

Submission: Oppose all references to insects and harmful organisms.
Reason: Sanford is unclear how vessels are to be insect free. The section 32 fails to
provide any advice on the methods to be used to eradicate and a cost benefit
analysis. Sanford supports the use of guidelines. Regulation should only apply to
vessels, which are intending to land on Islands. Vessels seeking shelter from
adverse weather should have unconstrained anchoring.
Relief: Delete all reference to insects in Rules 32 – 46 inclusive and include a
guideline for vessels entering the coastal marine area.

Submission: Page 49, Rule 47
Reason: This rule prohibits ship-to-ship transfers of fuel. This rule does not allow for emergency transfers if fuel becomes contaminated or for new business developments.
Relief: Delete the rule as already provided for by MARPOL.

Submission: Page 49, Rule 48 and definition of heavy fuel oil
Reason: This rule would prohibit fishing vessels entering within 12nM of the Subantarctic Islands. The s32 has not sufficiently justified the rule in terms of benefit cost analysis; it is unclear why the Department wants to constrain vessels transiting.
Relief: Delete the rule as it relates to fishing vessels.

Other matters
Submission: Page 52 Administrative charges and financial contributions - amend
Reason: Sanford invests significant money each year into sustainability. It is fair and reasonable to expect that any financial contribution or administrative charge be considered in light of the overall financial contribution the Company makes and is not considered on a consent basis.
Relief: Amend text to include a balance between RMA s36 and financial contribution already being made towards sustainability.

Submission: Page 55 Monitoring, support
Reason: Sanford acknowledges the Department's commitment to ongoing monitoring of the effectiveness and efficiency of this Plan and believes there is considerable value to be gained from an annual meeting with fishers. Information can be gathered on how the rules are working and the cost of compliance.
Relief: Amend monitoring section to include a yearly meeting with fishers and fishing companies who regularly work in the Subantarctic coastal marine area.

Submission: Page 55 Assessment of environmental effects.
Reason: Remove uncertainty as to where the schedule is to be found.
Relief: Amend to refer to RMA Schedule 4.

Glossary of Terms
Submission: Define Fishing
Reason: Refer to the RMA Act
Relief: Fishing—(a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and (b) includes (i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed: and (ii) any operation in support of or in preparation for any activities described in this definition.

Submission: Opposed to the definition of heavy fuel oil
Reason: The definition, and by default the rule, captures fishing vessels unnecessarily. See also our submission to rules 32 - 46
Relief: Delete definition of heavy fuel oil; include a definition of LMO and MGO fuels.

Submission: Opposed to definition of harmful organism
Reason: Impractical.
Relief: Amend by specifying/listing animal or plant pests (ie rats) and a schedule of Islands in pristine condition.
Submission: Define New Zealand waters
Reason: To improve certainty of rules.
Relief: Define to read; 'Exclusive Economic Zone' ie 200 nM.

Submission: Amend plan to define shipwreck
Reason: Remove uncertainty and confusion from interpretation of Rules 14 - 16.
Relief: Amend to read, 'The utter destruction of a vessel by storm or collision'.

Submission: Define territorial sea
Reason: To remove uncertainty
Relief: Include definition to read, '12 nautical miles'

Submission: Define fishing vessel
Reason: To remove uncertainty.
Relief: Include definition, 'Any vessel engaged in the legal activity of fishing'.

Appendix 1
Submission: Opposed Map 1 – 8, Anchorages index.
Reason: Captain Bucken's identifies safe anchorage sites, in reality there are many others. The Master of the vessel must be able to decide where they can safety go to weather a storm.
Relief: Delete all anchorage points by allowing anchorage for shelter as a permitted activity.

Submission: Opposed Maps 1 – 8, distance to MHWS table
Reason: Fishing vessels have on board technical equipment which supports the skipper’s decision making. In modern times it is rare for a boat to hit rocks or come aground, which is what these meter triggers are aiming to prevent. In severe weather conditions a boat will often steam up and down, sometimes with a very tight turning point. It is unsafe to insist that the skipper choose a path based on an arbitrary line. While we have no view on boats greater than 125m and boats intending to land, skippers of fishing vessels must have the discretion to make decisions based on weather conditions, experience, the capability of their vessel and existing maritime law.
Relief: Delete 300m line
Delete 300m to 600m
Delete 600m to 1000m

Submission: Opposed Map 1 and 4
Reason: The wind speed is unclear in relation to vessel being a specified length.
Relief: Delete

Appendix 3
Submission: Support
Reason: Support voluntary approach and retain for life of plan; hull inspections only to be required for vessels landing.
Relief: Retain
Submission: Oppose - Note for the Inspector
Reason: If it is the responsibility of the Operator to ensure the certificate is passed on to the Department; then the inspector should be sending the form back to the Operator. Otherwise how can the Operator be confident that it has been sent on?
Relief: Amend accordingly.

Submission: Oppose – note for the Applicant
Reason: The Department should not need to confirm that the Operator has met all the required standards for the permitted activity. If the hull and niche inspection is passed by an approved inspector that should be sufficient.
Relief: Delete reference to Department confirming compliance.

Submission: Note for inspection form -- support in part
Reason: Support the website link; amend to include criteria and process for divers to gain accreditation. Unclear what criteria DOC will use to approve alternative inspectors.
Relief: Include criteria and process for passing accreditation and DOC criteria for approving non-accredited inspectors.

Appendix 4
Submission: Oppose
Reason: The s32 makes it clear (Florel et al. 2010) that the age of the antifouling paint on a vessel's hull is the best known predicator for biofouling. The dive inspection is unnecessary and fails to meet the s7 and s32 RMA tests.
Relief: Delete Appendix 4

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