Before the Independent Hearings Panel
At Department of Conservation

Under the	Resource Management Act 1991 (**RMA** or **Act**)
In the matter of	Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic

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Evidence of Jacek Marek Lisiecki

8 June 2026

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Introduction

1. My full name is Jacek Marek Lisiecki.

2. I am Heritage Expeditions (2018) Limited (HEL) appointed master. Since January 2024 I have been employed as master of the Heritage Adventurer, HEL's expedition vessel visiting NZ Subantarctic Islands.

3. As English is my second language I have had the text proof-read by Nathan and Aaron Russ.

4. Relevant to the case, as master of the ship I am responsible for, including but not limited to:

   (a) Overall safety of the vessel, including ship seaworthiness, safety of navigation and maintaining emergency preparedness;

   (b) Safety of all persons on board, including protecting the lives and welfare of everyone on board, ensuring crew are properly trained and fit for duty, enforcing safety procedures and use of PPE and coordinating emergency response;

   (c) Voyage management, including planning and executing voyages safely, ensuring all navigational charts and publications are up to date, supervising bridge operations and maintaining high watch-keeping standards;

   (d) Regulatory compliance, including compliance with international conventions, national laws and company procedures, maintaining required certificates and ensuring adherence to environmental regulations regarding pollution prevention;

   (e) Environmental protection, including implementation of environmental procedures and preventing unauthorised discharges of oil, sewage, garbage or other pollutants, as well as committing to minimising environmental impact to wildlife around.

5. My responsibility as master of Heritage Adventurer for HEL includes as well:

   (a) The shipowner's representative on board;

   (b) Cooperating with HEL's Expedition Leader to execute scheduled program;

   (c) Making sure conditions of charter party are met.

DRAFT

6. I graduated as a Master of Science from the Gdynia Maritime University, Poland, in 1998.

7. I have worked as Deck Officer for 30 years, 27 of which on various size passenger vessels, ranging from 5000 to 92000 GT, with different types of propulsion; for the last 20 years in senior ranks, including 11 years in command.

8. I have been in command of the following expedition vessels:

   (a) Polar Star, 2009 - 2011 (Antarctic Peninsula, Arctic and North Atlantic);

   (b) Corinthian II, 2013 - 2014 (Antarctic Peninsula);

   (c) Heritage Adventurer, 2024 - present (Ross Sea, NZ and Australian Subantarctic Islands and Western Pacific).

9. Since January 2024 I have been visiting the NZ Subantarctic Islands every season as master of the Heritage Adventurer, completing over 10 calls to both Campbell Island and Auckland Islands.

10. In preparing this, I have reviewed the evidence of:

   (a) The statement of advice of James (Jim) Veere Dilley;

   (b) The Department of Conservation's Section 42A Report, prepared by Jesse Gooding;

   (c) The evidence of Nathan and Aaron Russ.

Scope of Evidence

11. I have been asked by HEL to prepare evidence in relation to:

   (a) Its use of ancillary craft within the Subantarctic Islands;

   (b) my experience navigating and anchoring within Perseverance Harbour, Campbell Island, including if based upon this I consider it appropriate for a vessel exceeding 125 m to do so; and

   (c) how biosecurity risks from biofouling are dealt with by HEL, and if in my experience I have seen changes consistent with those proposed in Plan Change 1 (**PC1**) to the Regional Coastal Plan: Kermadec and Subantarctic Islands (**RCP**).

DRAFT

Executive Summary

12. In my view, there is no justification for the proposed restrictions on the use of ancillary craft. The current regulations, as well as the processes followed by HEL mean that Ancillary Craft operations can be undertaken safely and effectively.

13. The current biofouling inspection and standards in the Regional Coastal Plan: Kermadec and Subantarctic Islands (**RCP**), as well as the proposed changes within Plan Change 1 (**PC1**) are unusual and not something I have seen in other regulatory regimes.

14. It is not wise to allow vessels longer than 125 m into Perserverance Harbour, especially without setting hard "prohibited" limit to the now proposed "discretionary".

15. Technological advancements in the type of vessels likely to frequent the area may have indeed progressed but not to the extent that the risks associated with a vessel of bigger size entering an unpredictable area like Perseverance Harbour can be mitigated.

New restrictions on Ancillary Craft

16. The use of Ancillary Craft when operating the Heritage Adventurer, is a vital part of its expeditions, with their use being required both to transport passengers to access several commonly visited landing sites and for longer distance expedition trips.

17. The current restrictions will significantly impact our ability to continue our current use of Ancillary Craft, of which HEL has been able to safely do for their entire history.

18. In my opinion, the current restrictions will impact upon the ability to undertake full operations efficiently, which I do not consider to be required, or justified. To the best of my knowledge, even after fatal incidents resulting from capsized ancillary craft in other expedition companies in recent years, the recommendations issued did not restrict distance from a mother ship but stressed on carrying out risk assessment prior to operations, and dynamic risk assessment during the operations, taking to account weather forecast, tides, generation of breaking waves, using buddy boats system, always staying in sight of at least another nearby craft, maintaining radio communication, monitoring ancillary craft movement, etc.

19. When operating the Heritage Adventurer, at all times we have access to several ancillary craft, these being:

DRAFT

(a) 14 Zodiacs Mark V HD, powered by 60 HP outboard engines, carrying up to 40 litres of fuel;

(b) 2 rescue boats powered by 40 HP onboard engines;

(c) 4 tender boats, certified as enclosed lifeboats of capacity 80 people each.

20. All appropriate safety processes developed both as required by our SMS, statutory obligations, as well as through decades of HEL's experience operating in the area have been in place, including:

(a) All drivers' skills verified in practice before being assigned to operations, including their experience in various weather conditions,

(b) All expedition staff received appropriate a site-specific safety briefing and guidance and are part of risk assessment prior to landing or other activities,

(c) All passengers receive a site-specific safety briefing,

(d) All persons fitted with lifejackets

(e) All drivers and other parties fitted with VHF radio communications,

(f) This might be supplemented by Satellite phones when poor radio communication of a party is foreseen,

(g) Depending on circumstances, Zodiacs may be fitted with AIS beacons, which are then monitored by OOW on the Bridge,

(h) In addition, in an emergency the vessel can launch appropriate survival craft, which contains two rescue boats and four lifeboats, all of which can be operated by trained ship crew.

21. In my experience, ancillary craft of this nature is reliable and capable of operating in winds up to 50 knots and seas up to 4 m. Although, having said so, these are not limits we use when launching our operations. I understand HEL has been operating ancillary craft of this nature since 1990's and I understand HEL has been able to successfully do so without any major incident.

22. In addition to the Expedition Staff employed by HEL, the Heritage Adventurer has competent crew to operate all ancillary craft at the same time with sufficient number certified with STCW Proficiency in Use of Survival Craft. Designated crew exercise operating ancillary craft on at least monthly (19.b) or quarterly (19.c) basis.

DRAFT

23. When utilising ancillary craft on the vessel, it is standard practice to follow buddy boats practice, with sufficient capacity that if an incident were to occur in one ancillary craft, all passengers could be comfortably accommodated in the second one.

24. Should an incident occur, the rescue and recovery is not dependent on the mother ship. In the vast majority of situations, it would be the second ancillary craft (the buddy boat) or another ancillary craft deployed by the vessel as appropriate to provide assistance.

25. The distance from the mother ship in meters is not relevant. If anything, the maximum time to reach the mother ship might be considered, as this will depend on both distance, weather and current conditions. But even then, one is to take into account extra safety equipment carried on board of ancillary craft when operating in remote and cold weather areas.

26. In my view, measures that are already adopted on the Heritage Adventurer, which include operating ancillary craft in buddy boat system and/or with designated accompanying safety boat, mitigate hazard of an an incident sufficiently.

27. I have no reason to consider that the proposed restrictions on the use of ancillary craft are reasonable or required.

28. Moreover, requiring mother ship to follow its ancillary craft to stay within 6000 m may in fact create more hazard resulting from e.g., loss of power or situational awareness, than remaining in safe anchorage, even if further away. Also, approaching to 1000 m from ancillary craft does not necessarily provide a shelter to ancillary craft for safe embarkation and recovery, nor does it speed up potential recovery of immobilised ancillary craft.

29. In my opinion, our procedures effectively manage our type of operation and ancillary craft type. Should the DOC wish to cover all the issues across all ancillary craft types and operations, adding a fixed maximum distance from mother ship to all possible types of ancillary craft appears not be a viable solution.

Access and anchoring relevant to biofouling

30. As mentioned in my introduction, I have worked in many areas of the world renowned for their rich biodiversity and that are potentially at risk from biofouling because the number of different vessels making multiple anchoring is significantly higher than in the NZ Subantarctic Islands. These areas include Antarctic Peninsula, Greenland, Canadian Arctic, Svalbard,

DRAFT

Norwegian fiords, Baltic Sea, the Mediterranean, the Caribbean, Amazon River, French Polynesia, just to name some.

31. During my time working in these areas, I was not aware of any special regulatory regimes that are as exhaustive as those proposed by PC1, noting that specifically in relation to expedition style ships, I understand that:

    (a) Visits by expedition vessels are of a short-term duration (a few hours at most anchorages) and this minimises the risk;

    (b) Expedition vessels are rarely laid up or stopping at for long periods of time (I can recall 1-3 overnight stays per year), which would significantly reduce the risk of hull bio-fouling.

    (c) Most expedition vessels are generally transiting a wide variety of water temperatures as typically have northern and southern hemisphere programmes; this significant change in water temperature would most likely affect potential marine organism which might attach themselves.

32. I am aware that biofouling is increasingly an area of concern and consider it an important issue that should be treated seriously.

33. In my view, in relation to the Heritage Adventurer this has been already achieved as:

    (a) The vessel is registered under Portugal („white flag”);

    (b) All biosecurity and antifouling measures are observed and verified on annual basis by classification society (DNV);

    (c) Vessel has been dry docked annually with entire underwater hull cleaning provided on each occasion;

    (d) In addition, antifouling is renewed annually regardless of finding of the inspection (HEL policy);

    (e) I understand the appointed contractors are specifically instructed to pay special attention to niche areas such as areas that are low flow, due to the potential for biofouling to establish in these areas.

    (f) In September 2025 additional ultrasound antifouling system was installed to reduce even further risk of bio-fouling in recesses or other hindered places (e.g., bow thruster, sea chests, rudder stock).

DRAFT

34. From a practical perspective, I consider that some of the proposed changes will be extremely challenging for a vessel such as the Heritage Adventurer to comply with without arranging additional underwater survey.

35. I understand that HEL has submitted that the current standards in the Plan should be replaced with a requirement that vessels comply with MPI's requirements for long-stay vessels in the Craft Risk Management Standard for Vessels 2023. As the master of the Heritage Adventurer, I have no concerns with this suggestion and consider that it would make for a more efficient and streamlined process.

Access into Perseverance Harbour

36. The weather in Perseverance Harbour can be extreme and can change fast. From my experience weather conditions can be **up to double** that forecasted, with wind funnelling being often a significant issue within Perseverance Harbour, despite the advances in weather forecasting technology.

37. Due to its glaciated, polished sea floor and extreme weather conditions, Perseverance Harbour allowing vessels over 125 m to anchor, especially to the west of the Terror Reef, is not safe.

38. I do not consider that there has been a level of advancement in technology since 2017 that justify the proposed changes. Both azipod propulsion and dynamic positioning have been installed on number of passenger ships already in early 2000. While acknowledging that modern propulsion systems are continuing to progress, and that dynamic positioning systems are becoming more widespread, they also have their limitations.

39. I would not have a high level of confidence that these systems could still hold the ship steady with sudden, significant worsening of conditions (not unusual in this place), wind gusts varying suddenly up to 90 degrees (especially in strong winds especially west of the Shoal Point), and a vessel exceeding 125 m need to exit the Harbour without entering 300 m of MHWS line.

40. Even with recent expedition ships equipped with DP2, offering more redundancy, and their Safe Operational Limits likely being in line with limits for Zodiac Operations, which weather forecast website shall be used for Campbell Islands by master prior to entry to establish if within limits for the expected time of call? And what safety factor, if any, will be applied to unpredictable wind funnelling and/or prolonged gusts?

DRAFT

41. By extending both size and number of visiting ships, there is no doubt the hazard of marine incident increases. Should an incident occur, the availability of ocean-going tugs that would be able to provide the required support is poor.

42. As the MMA Vision is no longer contracted to the NZ Government it may or may not be available, if required. Even if available, it will take significant time to arrive from main islands. But most of all, it might not be sufficient to tow single-handed a large ship from inside the long and narrow Perseverance Harbour.

43. Moreover, I have the following questions:

    (a) What would be the new "prohibited" length on top of proposed change to "discretionary" for ships over 125 m? Has anyone tried to assess it already or will it be simply opened indefinitely, to the extreme of large ships entering or leaving stern-in in order not to cross 300 m line while swinging?

    (b) The use of computer ship simulators: Who will be training and/or examining body? Will the permit be granted to an individual for a ship, i.e. similarly to PEC - not transferrable to another ship (other than sister ship of the same company, following same SMS)? Or the idea is to assess the vessel based on the computer model (as I understand from Attachment 2). If so, will manoeuvre be carried out in DP, as to minimise human factor?

    (c) Is establishing whether there is or there is not an off shore tug contracted to NZ Government, or available in NZ, part of the process in permitting to enter the Perseverance Harbour for ships exceeding 125 m?

44. Considering all the above I do not believe that allowing vessels exceeding 125 m to enter Perseverance Harbour, especially regardless of the conditions, will not in fact increase risk of an incident in this place.

45. I also cannot see how clearly and transparently coastal permits can be granted to vessels exceeding 125 m on discretionary basis.

Conclusion

46. In conclusion, the proposed amendments in relation to ancillary craft are not required. In my experience, the proposed restrictions will unnecessarily constrain HEL's operations.

DRAFT

47. The Heritage Adventurer is dry docked for annual survey. As part of this survey, it is HEL’s policy to apply a fresh coat of antifouling regardless. The contractors are instructed to pay special attention to all the niche areas of the vessel. In addition, ultrasound antifouling system was installed to these niche areas in 2025.

48. Overall, I consider that a requirement to comply with MPI's requirements for long-stay vessels in the Craft Risk Management Standard for Vessels 2023 is appropriate, and comparable to the industry approach that I have experienced. The proposed amendments to the Plan are extensive and not practicable for the Heritage Adventurer.

49. I do not consider that technological advances to new vessels, as well as any conditions that may be imposed during a permitting process, can mitigate the risks associated with higher number of bigger vessels entering Perseverance Harbour.

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Jacek Lisiecki

8 June 2026