



# ***SEAEAGLE FISHING LTD***



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## **Submission on Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands Cover letter**

To Whom it may concern

Further to the recent public notice, issued pursuant to Clause 5 of the First Schedule of the Resource Management Act 1991, Seaeagle Fishing Ltd (SFL) welcomes the opportunity to submit on the Department of Conservation (DOC) Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands.

SFL is a family-owned independent, commercial fishing company that targets Scampi fisheries management area SCI 6A which is immediately adjacent to the Auckland Islands. We rely on safe anchorage and operational certainty in the Sub-Antarctic region.

The two vessels we operate do not plan or conduct voyages to visit the Subantarctic Islands, instead we conduct voyages to the southern fishing grounds and utilize the Subantarctic Islands for shelter as the only available option when conditions dictate seeking of safe haven.

Based on the information available in the Section 32 Report and supporting information, the risk level at the Auckland Island hasn't changed, since the current Plan (Regional Coastal Plan 2017) was established.

As responsible operator who is dependent on the health of the marine environment, we support the overarching goals of environmental protection and biosecurity. We appreciate the need to review and update the Plan considering evolving risk and best practice. However, we question DOC's basis for the significant and vast scope of changes to a document that was developed very recently at great cost and effort. The plan in its current form has proved to be fit for purpose. The evolution of best practice and the environment factors specific to the Subantarctic Islands has not changed proportionally and in line with what DOC have proposed.

We wish to raise several concerns regarding the proposed changes, particularly where they may disproportionately affect our scampi fishing operators without a commensurate environmental benefit.

We respectfully submit the following key points for consideration.

## **1. Vessel Hull Inspection Requirements – Biofouling Risk Management**

We strongly oppose that the New Zealand scampi fleet should have to adhere to the proposed changes to the biofouling rules as outlined in Plan Change 1. These changes are unnecessary, inappropriate, confusing, and disproportionately burdensome for documentation and data management. Our scampi vessels remain within New Zealand Domestic EEZ, and already meet a very high standard of hull and niche area maintenance under the current regulatory framework.

This submission addresses the proposed amendments to the vessel biofouling provisions under Plan Change 1. It argues that the current biofouling and hull cleaning regime is already fully aligned with the International Maritime Organization (IMO) 2023 Biofouling Guidelines. As such, further amendments—particularly those affecting our two vessels—are unnecessary and risk imposing disproportionate compliance costs without delivering additional biosecurity benefit.

### *Current regime adequacy*

The current regime was developed in consultation with NIWA and DOC biosecurity experts and incorporates all key elements of the IMO framework. These include:

- The use of appropriate anti-fouling systems and risk based framework
- rigorous inspection protocols,
- niche area management,
- contingency pathways,
- documentation of standards.

The current Plan requires vessels to submit documentation at least one week prior to arrival, demonstrating that an anti-fouling system has been applied in accordance with manufacturer specifications and is suitable for the vessel and operating environment. Maintenance records must cover all components, including niche areas such as sea chests and anodes—mirroring the IMO’s emphasis on proactive system maintenance.

Certified diver inspections are clearly specified on a well-defined schedule required every 3-6 months (depending on when the most recent anti-fouling has been applied). Vessels must be free of all visible organisms (with specified exemptions) after these inspections. This threshold is identical to the Level 1 standard in the IMO 2023 Guidelines and MPI’s CRMS for Vessels 2023.

The 2017 Plan also addresses niche areas, requiring inspection of all accessible spaces and allowing for risk assessment where inspection is impractical. If a vessel fails inspection and cleaning is not viable, the Plan provides a clear contingency pathway through an independent risk assessment and coastal permit application, processed within 24 hours—consistent with IMO’s risk-based approach.

Our correspondence with DOC staff demonstrates the strong engagement and adherence to the current requirements. We have never been a denied authorisation for access to the Auckland Islands. If there is biofouling identified by the inspectors, the cleaning is done on site to ensure the vessel meets the standards in accordance with current MPI and DOC standards.

Correspondence with DOC staff and authorised inspectors has been positive under the current process and we question why there is any appetite to change a process which is working well.

Currently for our vessels files per vessel range from 500 to 600MB the form is user friendly.at 11 pages providing all necessary data. The proposed plan by my count will have 26 pages to complete most will be marked N/A as the smaller vessel do not have those line items to be inspected. The data file will be 3 to 4 times bigger. There will be no new information provided but at a significant administration load. Please refer to the attached link for our most recent application to DOC.

<https://www.dropbox.com/scl/fo/s5i1pnaeqnqaobundbed0/ACqVUbe1lcYMyO7HKxRzxvQ?rlkey=1kogkv8p2ynt2aq47h73l4c59&dl=0>

#### *Domestic vs international*

Importantly, while the CRMS for Vessels 2023 is referenced in the Section 32 Report as a benchmark, it is designed specifically for international vessels entering New Zealand's territorial waters. It is not intended to apply to domestic vessels operating solely within New Zealand, such as our scampi fleet.

Applying the same level of documentation and inspection detail to these vessels would be disproportionate to the risk they pose and would impose unnecessary and significant compliance costs. The additional report writing and photo / video footage requirements outlined in Appendix 4 of the Proposed Plan Change 1, is excessive for a domestic scampi vessel. Our vessels are already required to undertake these inspections far more frequently than international vessels due to their frequency of returning to the mainland.

The current regime already provides a robust framework for managing biofouling risk from domestic vessels, and there is no evidence to suggest that it has been ineffective in practice.

#### **Recommendation**

The current biofouling regime meets and exceeds the standards set by the IMO 2023 Guidelines and is already consistent with the intent of the CRMS for Vessels 2023. It is tailored to New Zealand's unique marine environments and enforced through a robust, risk-based framework. For domestic vessels with proven compliance records, the proposed changes in Plan Change 1 would duplicate existing requirements, increase compliance costs, and offer no additional biosecurity benefit. We understand DOC are attempting to create a form to meet all

vessels however this will cause confusion and possibly reduce the effectiveness of the inspections as there will be many sections marked N/A. As regular users I would propose we have an option to provide to DOC a inspection plan custom to each vessel based on the proposed document renewed at each slipping cycle. This will allow only 1 discussion to justify the deletion or N/A of so may line items when they are not on the vessel. Provide the divers with a clear plan to meet the requirements of CRMS for Vessels 2023.

Photo and video evidence should remain to the current standard under this plan as the reinspection rate is very high.

I do support international vessel or 1 off vessel needing to meet this high threshold as the risk associated with them is significantly higher.

## **2. Access to Port Ross During Whale Season (1 April – 31 October)**

Our two scampi fishing vessels do not plan or conduct voyages to visit the Subantarctic Islands, instead they conduct voyages to the southern fishing grounds and utilise the Subantarctic Islands for shelter as the only available option when conditions dictate seeking of safe haven

Port Ross also serves as a critical anchorage during transit between New Zealand and the Auckland Islands fisheries. Vessels anchor in Port Ross under poor weather conditions, when continuing at sea would pose a risk to vessel integrity and crew safety. A winter closure would effectively remove this vital refuge during the very season when it is most needed when conditions dictate seeking of safe haven.

The proposed winter closure of Port Ross, intended to reduce the risk of whale interactions, must be carefully weighed against the operational realities and safety considerations of the Southern Ocean.

### *Whale risk from scampi vessels*

While the presence of southern right whales in the area during winter is well documented, it is important to note that there has never been a recorded whale entanglement involving scampi vessels in Port Ross or elsewhere in the New Zealand scampi fishery.

While it is not clear if MPI Observers are specifically instructed to report compliance with the Regional Coastal Plans, they are required to report on protected species risk management more generally (Vessel Management Plan Audits) and are required to report protected species captures, including entanglements. Based on observer records and Non-Fish or Protected Species reports, there has never been a whale entanglement involving scampi vessels and adherence to protected species risk management has been high in recent years ([Deepwater Annual Review Report 2022/23](#)). To my knowledge there have been no reports to dead whales washed up on the beaches of Port Ross observed by DOC staff stationed in the island or from visiting scientific boat or other Port ross users. It is my personal experience that deceased

whales find their way to shore or tide lines and remain afloat and intact for a long time. Living near Muriwai beach I have seen several and last year I had the unpleasant experience finding a dead Minke south of the Poor Nights.



**Photo 2 – Photo Taken from ON a Mission of dead whale 09/09/2025 reported to NZ coast guard as navigational hazard**

DOC Suppled the following paper - ***New Zealand southern right whale (*Eubalaena australis*; Tohorā nō Aotearoa) behavioural phenology, demographic composition, and habitat use in Port Ross, Auckland Islands over three decades: 1998–2021***

Based in all discussion and correspondence this paper has formed the basis of DOC planning in regards to interactions with the Scampi Fishing fleet. Pages 1447 and 1448 have the following observations and discussions:

Fishing Vessels observed in Port Ross and Carnely harbour is a section that it is noted a vessel transited port ross at 5kn. The report draws the conclusion that it was unlikely there was a bow watch and commented on its likely in effectiveness. There is no way of the authors knowing the effectiveness of a bow watch. There are many variables to consider, Moon phase, star light levels, spot lights, use of night vision and binoculars. It is inappropriate to draw any conclusion with the observations possible in that environment.

The 2 vessels I operate have a Dual payload High Definition Day and Full Night vision thermal Night modes. (FLUR 364C) mounted on the mast head, these provide full all-weather and light condition situational awareness. This provides the ability to spot and react to any obstacle or marine mammal in front of the vessel quite far out well beyond the abilities of human senses.

Please refer to the attached data sheet. - **M364C-364C LR Data Sheet.pdf**

Fig - 4 (a) (b) & (c) Sothern Wright whales with various scaring or wounds

Table 2 - Observations of Sothern Wright whale scaring or wounds and Pathologist opinion

In the table there is reference to scarring around tail, the opinion is this was from warps or rope, scampi vessels employ steel anchor chains rather than rope-based systems. Steel chains rest on the seafloor and do not pose the same entanglement risk as floating or slack

rope, which is known to be a primary cause of whale entanglements with other vessels. There was reference to impact injuries and propeller damage. By design trawlers have their propellers enclosed in a Kort nozzle for bollard pull efficiency the observations of linear scarring cannot be contributed to the Scampi trawl fleet. Significant extrusions are limited as they cause drag.



**Photo 2 - FV Karearea Propeller and Kort nozzle**

This, along with the required measures within the current operative Plan means the risk profile of scampi operations in Port Ross is inherently low and with the introduction of new situation awareness technologies this risk can be further reduced.

With Research and Management vessels permitted to access Port Ross during the winter period, whilst implementing precautionary measures, there is no logical reason why sheltering fishing vessels should not also be a permitted activity. Permitted Access to Port Ross for safety of vessels and crew should sit higher on the importance scale than research and maintenance.

### **Recommendation**

Given the absence of historical whale interactions, the low-risk gear type, and the essential safety function Port Ross provides, a full seasonal closure is disproportionate to the actual risk. A more balanced approach would involve permitting access to Port Ross during the winter months, under the current provisions with the addition of:

- Use of chain/wire anchor cables
- Speed restrictions where practical to keep steerage
- Use of high vision equipment for transiting in dark if cant be avoided.

Such measures would allow for continued safe use of Port Ross while maintaining strong protections for marine mammals.

### **3. Support for Additional Anchorage Options in Carnley Harbour (and the Case for Port Ross)**

#### *Carnley Harbour*

We strongly support the inclusion of new anchorage sites in Carnley Harbour at Round Point and Crab Bay, as these provide much-needed shelter from rare but hazardous north-easterly wind events. However, further anchorage options are still required within Carnley Harbour to accommodate prevailing south-westerly conditions, which are more frequent and often more severe. Furthermore, the seabed in the proposed additional Carnley Harbour anchorages drops off steeply, making anchoring technically challenging and are not suitable for south-westerlies as this would create a close lee shore anchoring situation that is unsafe for both vessel and environment.

We also point out that access to safe anchorage is a vessels legal right under law, and a Captain/Master has a right to access safe anchorages if they alone determine a need.

Ensuring the safety of vessels and crew must remain the highest priority in anchorage planning. The subantarctic environment is highly dynamic, with rapidly changing weather and limited safe havens. The ability to access appropriate shelter in response to prevailing conditions is essential to avoid damage to vessels and maintain operational continuity.

While we are fully supportive of the proposed additions, there is still a limited number of anchorages in Carnley Harbour to protect vessels from the prevailing and often strong south-westerlies. Carnley Harbour can also become congested during adverse weather, when multiple vessels seek shelter simultaneously, which may compromise safety and force vessels to anchor in less preferable areas. We request DOC clarify in the revised plan documentation map A2The North arm by Figure eight Island is its is a currently and permitted activity anchoring option . This subject has been raised with Jim Dilly.

- The vessel remains outside 300m from shore and Figure 8 Island.

#### *Tucker Point (Port Ross)*

In the Section 32 Report DOC states that the fishing industry did not provide any rationale for requesting the Tucker Point anchorage. However, the same rationale applied to the Carnley Harbour anchorages was intended to be applied to Tucker Point, i.e. the need to shelter from north-easterly winds (although in this case more easterly).

Industry maintains the view that this anchorage is needed for safe sheltering (Appendix 1).

#### **Recommendation**

We support the ongoing conversations between the fishing industry and DOC on the provision of additional anchorages at Auckland Islands.

We support the inclusion of Tucker Point as an additional anchorage in Port Ross

## **Conclusion**

SFL appreciates the opportunity to engage constructively with the DOC on Proposed Plan Change 1. While we support the overarching goals of environmental protection and biosecurity, especially for international vessel that wish to utilise them. We urge DOC to consider the operational realities and proven compliance record of our scampi vessels. As well as ensuring the Plan is aligned with international law and right of free passage and the ability to keep a vessel and its crew safe.

Several proposed changes—particularly those relating to biofouling inspections and seasonal access restrictions—risk imposing disproportionate burdens without delivering commensurate environmental benefits.

We advocate for a more balanced, risk-based approach that maintains strong protections for the marine environment while ensuring the safety and viability of domestic fishing operations.

We welcome continued dialogue to refine the Plan in a way that supports both conservation and sustainable industry practice.

Yours sincerely,



Samuel Gilberet Penwarden  
*Director – Seaeagle Fishing Ltd*

Attachment in Submission email:

- M364C-364C LR Data Sheet.pdf
- Carroll et al 2022 - New Zealand southern right whale behavioural phenology, demographic composition and habitat use in Port Ross, Auckland Islands over three decades - 1998-2021.pdf

Downloadable reference Attachments:

- <https://www.dropbox.com/scl/fo/s5i1pnaeqnqaobundbed0/ACqVUbe1lcYMyO7HKxRz xvQ?rlkey=1kogkv8p2ynt2aq47h73l4c59&dl=0>
- [Deepwater Annual Review Report 2022/23](#)