







# 2017 - NATIONAL REPORT OF PARTIES ON THE IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

**The deadline for submission of the reports is 24 April 2017. The reporting period is from May 2014 to April 2017.**

Parties are encouraged to respond to all questions. Parties are also requested to provide comprehensive answers, including, where appropriate, a summary of activities, information on factors limiting action and details of any assistance required.

The reporting format was agreed by the Standing Committee at its 40th Meeting (Bonn, November 2012) for mandatory use by Parties, for reports submitted to the Eleventh Meeting of the Conference of the Parties (COP11). The 45th meeting of the Standing Committee recommended the use of the same format for reports submitted to COP12, with necessary adjustments to take into account relevant COP11 decisions, in particular amendments to the Appendices and resolutions.

COP Resolution 9.4 adopted at Rome called upon the Secretariats and Parties of CMS Agreements to collaborate in the implementation and harmonization of online reporting implementation. The CMS Family Online Reporting System (ORS) has been successfully implemented and used by AEWA in their last Meeting of the Parties (MOP 5, 2012) reporting cycle. CMS now offers the Convention's Parties to use the ORS for submitting their national reports for the COP11 (2014) reporting cycle.

Please enter here the name of your country

> New Zealand

Which agency has been primarily responsible for the preparation of this report?

> Department of Conservation

Please list any other agencies that have provided input

> Ministry of Foreign Affairs and Trade

Ministry for Primary Industries

Maritime New Zealand

Ministry for the Environment

## **I(a). General Information**

Please enter the required information in the table below:

### **Party**

Date of entry into force of the Convention in your country

> 1 October 2000

Period covered

> May 2014 - April 2017

Territories to which the Convention applies

> New Zealand

### **Designated National Focal Point**

Full name of the institution

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Name and title of designated Focal Point

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### **Date of submission**

> 25/07/2017

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### **Implementation**

Competent Authority:  
> Department of Conservation

Relevant implemented legislation:

- > • Wildlife Act 1953
- Marine Reserves Act 1971
- Reserves Act 1977
- National Parks Act, 1980
- Marine Mammals Protection Act 1978
- Marine Mammals Protection Regulations 1992
- Kaikōura (Te Tai ō Marokura) Marine Management Act 2014
- Conservation Act 1987
- Trade in Endangered Species Act 1989
- Animal Welfare Act 1999
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- Fisheries Act 1996
- Fisheries (Commercial Fishing) Regulations 2001
- Maritime Transport Act 1994
- Resource Management (Marine Pollution) Regulations 1998
- The Waste Minimisation Act 2008
- The Resource Management Act 1991
- The Local Government Act 2002
- The Litter Act 1979

Other relevant Conventions/ Agreements (apart from CMS) to which your country is a Party:

- > • International Convention for the Regulation of Whaling 1946 (ICRW)
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971 ("Ramsar Convention")
- Convention on the Conservation of Antarctic Marine Living Resources 1980 (CCAMLR)

- Convention for the Protection of Natural Resources and Environment of the South Pacific Region 1986 ("Noumea Convention")
- Convention on Biological Diversity 1992 (CBD)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora 1975 (CITES)
- United Nations Convention on the Law of the Sea 1994 (UNCLOS)
- The Agreement for the Implementation of the Provisions of UNCLOS III Relating to the Conservation and Management of Straddling Fish Stocks 1995 (United Nations Fish Stocks Agreement)
- Agreement on the Conservation of Albatrosses and Petrels 2004 (ACAP)
- The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean 2009
- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 2000 (WCPFC)
- The Convention on the Prohibition on Fishing with Long Drift Nets in the South Pacific 1991
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL)
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (LC) 1972 (and the 1996 London Protocol)
- FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA - Seabirds)
- East Asian-Australasian Flyway Partnership 2006 (EAAFP)

National policy instruments (e.g. national biodiversity conservation strategy, etc.):

- > • New Zealand Biodiversity Strategy 2000
- The Biodiversity Action Plan 2016
- New Zealand Coastal Policy Statement 2010
- New Zealand Regional Coastal Plans
- Action Plan for Seabird Conservation in New Zealand 2000
- Marine Protected Areas: Policy and Implementation Plan 2005
- National Plan of Action - Seabirds 2013
- National Plan of Action for the Conservation and Management of Sharks 2013
- A Code of Conduct for minimising acoustic disturbance to marine mammals from seismic survey operations - 2013
- Commercial Great White Shark Cage Diving New Zealand Code of Practice 2015
- New Zealand National Bird Banding Scheme
- NZ Threatened Species Strategy is currently being developed - with a draft out for public comment
- The Hauraki Gulf Transit Protocol for Commercial Shipping 2013 (a voluntary protocol by Ports Auckland and the shipping industry)

## **CMS Agreements/MoU**

**Please indicate whether your country is part of the following Agreements/MoU. If so, please indicate the competent national institution**

### **ACAP (2001)**

#### **ACAP (2001)**

Party

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## **Pacific Islands Cetaceans MoU (2006)**

Pacific Islands Cetaceans MoU (2006)  
 Signatory

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## Sharks MoU (2010)

Sharks MoU (2010)

Signatory

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### Involvement of other government departments/NGOs/private sector

1. Which other government departments are involved in activities/initiatives for the conservation of migratory species in your country? (Please list.)

- > • Ministry of Foreign Affairs and Trade
- Ministry for Primary Industries
- Ministry for the Environment
- Environmental Protection Authority
- Maritime New Zealand
- National Institute of Water and Atmospheric Research (NIWA)
- Museum of New Zealand (Te Papa Tongarewa)

2. If more than one government department is involved, describe the interaction/relationship between these government departments:

> New Zealand government agencies collaborate on migratory species in a number of ways – either directly with one another on specific issues or as part of collaborative multi-agency forums. For example:

Natural Resources Sector (NRS)

Brings together government agencies responsible for management and stewardship of new Zealand's natural resources to build a coherent and integrated approach to sector-wide natural resources issues.

Under the NRS

- the Ministry for the Environment are leading the development of a National Policy Statement for biodiversity, this interagency process involves stakeholders; and
- the Department of Conservation led an interagency process to develop a Biodiversity Action Plan in 2016.

The NRS marine work programme includes:

- Interagency reform of Marine Protection legislation including provision for species specific sanctuaries (led by the Ministry for the Environment)
- Marine Protected Area Science Advisory Group - providing interagency science advice to achieve outcomes in the marine protected area space.

Advisory/Working groups

The Department of Conservation coordinates a number of research and management groups, attended by other government agencies (e.g. Ministry for Primary Industries, National Institute of Water and Atmospheric Research) and/or stakeholders (e.g. NGOs, industry and research sectors). For example:

- Conservation Services Programme (CSP) Research Advisory Group – a forum convened to seek technical and strategic advice from government agencies and stakeholders to inform the development of the CSP Annual

#### Research Plans.

- Conservation Services Programme (CSP) Technical Working Group – a forum convened to seek technical advice from government agencies and stakeholders to inform the development of projects undertaken as part of the CSP, as well as acting as a communication channel between the CSP and its stakeholders.
- Seabird Advisory Group – a forum to provide for collaborative review by government and non-government experts, with specific working groups for Black petrel and Antipodean albatross.

The Ministry for Primary Industries also coordinates a number of forums that may address migratory species and that integrate government agencies, scientists, industry and NGOs. For example: that may address migratory species:

- Aquatic Environment Working Group – a forum convened to seek technical and strategic advice from government agencies and stakeholders to inform the development of the Ministry's Aquatic Environment research.
- RFMO working groups (e.g. WCPFC, SPRFMO, CCSBT) – forums convened to seek input from stakeholders in relation to scientific, compliance and Commission meetings.

#### International Oceans Issues Working Group

This is an inter-agency meeting, coordinated by the Ministry of Foreign Affairs and Trade, to update and share information about current international oceans issues, including recent and upcoming meetings. Participants include the Department of Conservation (DOC), Ministry for Primary Industries (MPI), Ministry for the Environment (MFE), Maritime New Zealand (MNZ), the Environment Protection Authority (EPA), Ministry of Business, Innovation and Employment (MBIE), Ministry of Transport (MoT), National Institute of Water and Atmospheric Research (NIWA), Land Information New Zealand (LINZ).

### 3. Has a national liaison system or committee been established in your country?

No

### 4. List the main non-governmental organizations actively involved in activities/initiatives for the conservation of migratory species in your country, and describe their involvement:

- > • Forest & Bird (The Royal Forest and Bird Protection Society) - advocacy and habitat protection.
- Southern Seabird Solutions Trust - mitigation of impacts of commercial fishing on seabirds.
- WWF - advocacy and habitat protection.
- Greenpeace – advocacy.
- ECO - advocacy and networking.
- New Zealand Shark Alliance – advocacy.
- Pūkoro Mirānda Naturalists Trust – Advocacy and education on migratory shorebirds and management of a wetland site of significance to migratory shorebird species.
- Chatham Island Taiko Trust – advocacy and protection, management of species.
- Northern New Zealand Seabird Trust – advocacy and research, management of species.
- Auckland Museum – seabird research.
- Canterbury Museum – research.
- Massey University (Albany) – sea turtle and cetacean research.
- Project Jonah – whale stranding response.
- University of Auckland – research (seabirds; white shark, blue shark; cetaceans - including The South Pacific Whale. Research Consortium, NZ cetacean tissue collection, ship strike in Hauraki Gulf – Ports of Auckland voluntary protocol)
- Ornithological Society of New Zealand – research and networking.
- University of Canterbury – research.
- University of Otago – research.
- Auckland University of Technology - research
- International Fund for Animal Welfare (IFAW) – advocacy.
- Whale and Dolphin Conservation (WDC) – advocacy.
- World Animal Protection (formerly WSPA) – advocacy.

### 4a. Please provide detail on any devolved government/overseas territory authorities involved.

> -

### 5. Describe any involvement of the private sector in the conservation of migratory species in your country:

- > • The fishing industry pays Conservation and Fisheries Services levies to fund the collection of data and development of mitigation strategies to reduce the incidental take of seabirds, marine mammals, reptiles and some marine fish in fishing operations.
- The Southern Seabird Solutions Trust is an innovative alliance with representatives from the seafood industry, New Zealand government, WWF-New Zealand, Te Ohu Kaimoana and recreational anglers. The Trust work with skippers, crews and anglers to reduce harm to seabirds through fishing. Amongst a range actions the Trust has run a series of interactive workshops around the country for inshore commercial fishers. The workshops aim to build on fishers' knowledge of local seabird species and seasonal patterns, provide up to date information on mitigation devices and practices, and build an understanding of why and how looking after seabirds is part of everyday fishing practice. As of May 2017, 237 fishers have attended workshops.

- From 2008 until 2016, the Department of Conservation partnered with OMV New Zealand Ltd to run the annual survey of whales in the Cook Strait between New Zealand's North and South Islands. Through the survey, a large amount of data was collected on humpback whale sightings, photo identifications, behaviour and genetic samples. Data collected since 2008 are shown below:  
2008 37 humpbacks and four pygmy blue whales;  
2009 46 humpbacks and one sperm whale;  
2010 43 humpbacks, including a newborn, two sperm and three minke whales;  
2011 73 humpbacks, with blue and sperm whales and orca also seen;  
2013 106 humpbacks with a record 23 whales seen in one day on June 22. Blue whales also seen.  
2014 92 humpbacks  
2015 137 humpbacks

The current focus is on analysing the data and publishing scientific articles on the results. Once the data is analysed and the results are published, we will be able to evaluate what future research on humpback whales is needed. DOC will be able to link the published findings from the survey with studies done elsewhere to build improved understanding of humpback whales, including of their migratory patterns and their population trend.

- Kelly Tarlton's Sea Life Aquarium and Auckland Zoo are also running a program for the rehabilitation of sea turtles found sick or injured around New Zealand. Green Turtles are the species most commonly brought to Kelly Tarlton's, however they have treated Hawksbill, Olive Ridley and Loggerhead turtles as well.

6. Note any interactions between these sectors in the conservation of migratory species in your country:

> A number of stakeholder meetings (e.g. those listed in response to Question 2 above) provide for discussions on research programmes for seabirds, sharks and marine mammals as well as policy and management input relevant to migratory species.

## **I(b). Information about involved Authorities**

Identify the ministry, agency/department or organization that is responsible for leading actions relating to Appendix I species

### 1- Birds

> Department of Conservation

### 2- Aquatic Mammals

> Department of Conservation

### 3- Reptiles

> Department of Conservation

### 4- Terrestrial Mammals

> N/A

### 5- Fish

> Ministry for Primary Industries

Department of Conservation (fishes protected under the Wildlife Act 1953)

## II. Appendix I species

### 1. BIRDS

#### 1.1 General questions on Appendix I bird species

1. Is the taking of all Appendix I bird species prohibited by the national implementing legislation cited in Table I(a) (General Information)?

Yes

1a. If the taking of Appendix I bird species is prohibited by law, have any exceptions been granted to the prohibition?

Yes

If Yes, please provide details (Include the date on which the exception was notified to the CMS Secretariat pursuant to CMS Article III(7)):

> Incidental take in fishing operations is not an offence, provided that any required mitigation measures have been deployed and that the take is reported in timely fashion.

2. Identify any obstacles to migration that exist in relation to Appendix I bird species:

By-catch

Habitat destruction

Other

> Invasive species in breeding sites

2a. What actions are being undertaken to overcome these obstacles?

> Wind turbines are not proposed for establishment in any critical habitat for Appendix I species, and consideration is given in the permissions process to environmental effects, including any effects on migratory species (flight pathways).

Mammalian pest eradication programmes have been implemented on offshore islands and other sites that are important breeding areas for Appendix I species and pest surveillance/biosecurity programmes are in place to avoid new introductions of pests to the islands. The Ministry for Primary Industries has published the National Plan of Action – Seabirds (2013) to reduce the incidental catch of seabirds in New Zealand Fisheries. The NPOA – Seabirds also outlines research and development of bycatch mitigation techniques to inform improvement of best practice approaches.

2b. Please report on the progress / success of the actions taken.

> Invasive species have been successfully removed from several important breeding sites on offshore islands. The Macauley Island rat eradication was confirmed as successful in 2016. The Antipodes Island mouse eradication took place in 2016; monitoring will take place in 2018, by which time it will be clear as to the efficacy of the operation.

New Zealand's work on seabird bycatch mitigation is leading to inputs at ACAP and promotion at RFMOs (e.g. bycatch mitigation approaches for small longline vessels).

2c. What assistance, if any, does your country require in order to overcome these obstacles?

> Liaison with other CMS members, individually and through other relevant international and regional organisations, and the cooperation of the global fishing industry to implement best international practice to minimise bycatch of listed species, increase observer coverage and improve data collection and reporting standards. This collaboration includes data sharing arrangements regarding fishing effort and bycatch of listed species, as such data is needed to identify where the greatest risks from bycatch exist, hence where most urgent action is required. Data sharing and reporting will also allow for measurement of progress in global efforts to reduce the impact of bycatch on listed species.

New Zealand has produced an initial case study assessment of risk from surface longline fishing in the southern hemisphere and is seeking to improve this analysis.

3. What are the major pressures to Appendix I bird species (transcending mere obstacles to migration)?

Other

> Impact of invasive species on breeding success

3a. What actions have been taken to prevent, reduce or control factors that are endangering or are likely to further endanger bird species beyond actions to prevent disruption to migrating behaviour?

> Eradication of introduced and invasive mammalian pests from critical habitat. Mice were eradicated from Antipodes Island in 2016.

3b. Please report on the progress / success of the actions taken.

> > Invasive species have been successfully removed from several important breeding sites on offshore islands. Most notable over this period has been the eradication of invasive mice from the remote sub-Antarctic Antipodes Islands. Monitoring will take place in 2018, by which time it will be clear as to the ongoing efficacy of the operation.

In 2016, a DOC team with pest detection dogs confirmed that Macauley Island is now rat-free.

Future activities may include exploring opportunities for collaborative funding to support pest eradications from critical habitat for Appendix I species.

3c. Describe any factors that may limit action being taken in this regard:

> Logistics (for remote sub-Antarctic islands), the size of islands now under consideration for pest removal and public resistance to the use of toxins to control invasive species.

3d. What assistance, if any, does your country require to overcome these factors?

> Continued assistance through the CMS to liaise with other countries and NGOs to share information and establish international best practice.

## 1.2 Questions on specific Appendix I bird species

In the following section, using the table format below, please fill in each Appendix I bird species for which your country is considered to be a Range State. Please complete each table as appropriate, providing information in summary form. Where appropriate, please cross-reference to information already provided in national reports that have been submitted under other conventions (e.g. Convention on Biological Diversity, Ramsar Convention, CITES). (Attach annexes as necessary.)

### Species name: *Puffinus creatopus*

1. Please provide published distribution reference:

> The first 2-4 birds off the Canterbury Bight in June 1979 were initially misidentified as North Atlantic (Cory's) shearwaters. Five subsequent sightings have been accepted, all of single birds off Kaikoura, and all between December and February: January 1994, December 1998, February 1999, December 2001, January 2003. Several other sightings have yet to be submitted to, or assessed by, the Ornithological Society's Records Appraisal Committee.

Southey, I. 2013. Pink-footed shearwater. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)

2a. Summarise information on population size (if known):

not known

> Vagrant only in New Zealand sea.

2b. Summarise information on distribution (if known):

not known

> Present only in some years.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Other

> The species is protected under the New Zealand Wildlife Act 1953.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> The species is a vagrant in New Zealand (not present in most years).

5. Describe any future activities that are planned for this species:

> None.

### Species name: *Calidris canutus rufa*

1. Please provide published distribution reference:

> • Battley, P.F. 2013 [updated 2017]. Lesser knot. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)

• Robertson, C.J.R.; Hyvonen, P.; Fraser, M.J. & Pickard, C.R. 2007. Atlas of bird distribution in New Zealand 1999-2004. Wellington: Ornithological Society of New Zealand. 533 pp.

2a. Summarise information on population size (if known):

- not known
- unclear

2b. Summarise information on distribution (if known):

- not known

> *Calidris canutus rufa* does not occur in New Zealand.

Red knots that come to New Zealand and Australia on the eastern flyway are from the subspecies *rogersi* and *pieris*. These are far and away the most at-risk subspecies of red knots. The birds all bottleneck through the Yellow Sea on the way back to Siberia in April/May. The birds specialise on a small intertidal mollusc that has a very limited distribution, occurring in just one bay in the Yellow Sea (Bohai Bay) that is being reclaimed for industrial development at an alarming rate. Protection of the critical mudflat habitat would significantly improve the long-term viability of the species.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

- Habitat protection

> Negotiations under the aegis of the EAAFP and bilaterally on habitat protection in other countries on the flyway - notably China.

Implementation of Ramsar Convention obligations (see

<http://www.doc.govt.nz/nature/habitats/wetlands/wetlands-by-region/waikato/firth-of-thames/>).

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Continue negotiations with members of the EAAFP to secure protection of critical foraging habitat, especially those areas used in stopovers in the Yellow Sea.

**Species name: *Numenius madagascariensis***

1. Please provide published distribution reference:

> In New Zealand, curlews are found in small numbers on major harbours and estuaries from Parengarenga in the Far North to Awarua Bay in Southland, with strongholds at Manukau Harbour and Farewell Spit. They have been recorded as vagrants on North Meyer Island (Kermadec Islands), and on Chatham, Stewart and Campbell Islands.

Numbers in New Zealand were regularly in the mid 40s during the 1980s but now fewer than 10 occur annually, with only 1 or 2 overwintering.

Riegen, A.C. 2013. Eastern curlew. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)

2a. Summarise information on population size (if known):

- decreasing

> Numbers in New Zealand were regularly in the mid 40s during the 1980s but now fewer than 10 occur annually, with only 1 or 2 overwintering.

2b. Summarise information on distribution (if known):

- stable

> Eastern curlews breed in marshy, boggy habitat in eastern Mongolia, north-east China and eastern Siberia. In the non-breeding season, they are mainly found on mudflats in northern and eastern Australia. In New Zealand, curlews are found in small numbers on major harbours and estuaries from Parengarenga in the Far North to Awarua Bay in Southland, with strongholds at Manukau Harbour and Farewell Spit. They have been recorded as vagrants on North Meyer Island (Kermadec Islands), and on Chatham, Stewart and Campbell Islands.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

- Species protection

> The species is fully protected in New Zealand under the Wildlife Act. Annual summer wader surveys by Birds New Zealand members identify locations of eastern curlews that visit this country. Records are reported in ebird - an online bird sightings database.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> New Zealand is supportive of the Far Eastern Curlew single species Action Plan which was adopted by the MOP 9 EAAFP. This plan proposes no specific tasks for species in NZ but has a focus on East Asia.

### **Species name: Numenius tahitiensis**

1. Please provide published distribution reference:

> There have been 3 New Zealand records, all from the Kermadec Islands: Macauley Island (August 1966), North Meyer Islet (September 1972 - a dried corpse now in Te Papa), and Raoul Island (September 1972). Melville, D.S. 2013. Bristle-thighed Curlew. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Pacific rats were eradicated from Macauley Island in 2006 and the operation was confirmed as successful in 2016.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> A review is planned by 2018 of migratory seabird and shorebird species in the Central Pacific not covered by existing CMS MOUs and other specific agreements such as EAAFP.

## **2. AQUATIC MAMMALS**

### **2.1 General questions on Appendix I aquatic mammals**

1. Is the taking of all Appendix I aquatic mammals species prohibited by the national implementing legislation cited in Table I(a) (General Information)?

Yes

1a. If the taking of Appendix I aquatic mammals species is prohibited by law, have any exceptions been granted to the prohibition?

Yes

If Yes, please provide details (Include the date on which the exception was notified to the CMS Secretariat pursuant to CMS Article III(7)):

> The incidental take of marine mammals in fishing operations is not an offence, provided that the fishing gear was not illegally deployed, any required mitigation measures had been adopted, and that the take is reported in a timely fashion.

2. Identify any obstacles to migration that exist in relation to Appendix I aquatic mammals:

By-catch

Other

> Collision with shipping; entanglement; ocean noise.

2a. What actions are being undertaken to overcome these obstacles?

> • The Department of Conservation administers a Conservation Services Programme, partially funded by levies charged to commercial fishers, which is focused on mitigating the impacts of commercial fishing on protected species, including Appendix I species. The use of gillnets is prohibited in large areas of coastal waters.

• An expert group has been formed to remove debris, such as rope from crayfish pots or netting, from entangled whales in coastal waters. The majority of reported entanglements since 2000 have been of humpback whales. Of the 12 reported entanglements between May 2014 and April 2017, 7 animals were



successfully released or self-released: 3 in 2014, 1 in 2015, 1 in 2016 and 2 in 2017.

- As part of the wider Kaikōura Marine Strategy, the Kaikōura (Te Tai ō Marokura) Marine Management Act 2014 came into force in early August 2014, establishing two marine protection tools relevant to migratory marine mammals. Hikurangi Marine Reserve: a marine reserve that encompasses the Kaikōura canyon area and connects to the coast south of the Kaikōura township; and Te Rohe o Te Whānau Puha / Kaikōura Whale Sanctuary: a whale sanctuary to protect whales and their habitat from the potential risks from seismic survey activities.
- A liaison group has been established to review ship strike of whales in the approaches to Auckland Harbour. The Hauraki Gulf Transit Protocol for Commercial Shipping was implemented in 2013 as a voluntary protocol that identifies sensitive areas for route planning, recommends a reduced ship speed of 10 knots, and encourages reporting and warning vessels of whale sightings in order to avoid collisions. This has resulted in a substantial decrease in speed of vessels in the area, and an associated reduction in the number of ship-struck whales. Previously there were an average of 2-3 whales killed annually, whereas there has not been a ship-struck whale reported since September 2014.
- The Department of Conservation developed a voluntary Code of Conduct to minimise acoustic disturbance to marine mammals from seismic surveying in 2012. Following a year of being in effect, the Code was reviewed and revised (the Code 2013). It is mandatory under the EEZ Act (in waters from 12-200nm). The Code is currently being reviewed.
- Seabed mineral mining and tidal energy projects are subject to resource consent processes. The Department of Conservation is considered an affected party and consulted when an application is made.
- Participation in IWC.

2b. Please report on the progress / success of the actions taken.

> Appendix I species of marine mammals are rarely caught in fishing gear in New Zealand waters. Humpback whales have been successfully disentangled by the expert group. (See question 2a.)

In late 2017, the Department plans to train another group of staff in whale disentanglement to build our capability throughout the country to respond quickly to an entangled whale.

2c. What assistance, if any, does your country require in order to overcome these obstacles?

> Liaison with other CMS members to share information on best international practice on mitigating vessel collisions; mitigating seismic and acoustic impacts; mitigating against impacts of marine industry; and reducing fishing gear interactions with Appendix I marine mammal species.

3. What are the major pressures to Appendix I aquatic mammals species (transcending mere obstacles to migration)?

- Pollution
- Other

> Entanglement/marine debris;

Pollution;

Tourism / chronic disturbance / coastal development;

Climate change.

3a. What actions have been taken to prevent, reduce or control factors that are endangering or are likely to further endanger aquatic mammals species beyond actions to prevent disruption to migrating behaviour?

> Expert disentanglement teams have been established to respond to entangled whales on the North and South Islands of New Zealand.

The potential for marine industry operations to adversely affect marine mammals (e.g. noise disturbance, displacement, and pollution) are considered within resource consent processes, of which DOC is considered an affected party.

Whale-watching operations are subject to the provisions of the Marine Mammals Protection Regulations (MMPR) 1992. All commercial operations are required to have a permit under the MMPR. A review of the MMPR is underway.

Relevant New Zealand legislation, regulations and rules for managing waste from marine-based sectors such as shipping and fishing include:

- Resource Management (Marine Pollution) Regulations 1998: control dumping and discharges from ships and off-shore installations in the coastal marine area (within 12 nautical miles of the coastline). The Regulations deal with the dumping of waste and discharges from vessels including oil, garbage (including plastics) and sewage. The garbage discharge regulations are in line with New Zealand's obligations under MARPOL Annex V, and the regulations controlling the dumping of waste are in line with the London Protocol. These regulations are administered by Regional Councils.
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 manages the effects of activities between 12 and 200 nautical miles. This Act and regulations made under it, in particular those relating to discharges and dumping, manage wastes from sources such as off-shore installations. These regulations are administered by The Environmental Protection Authority.
- Maritime Transport Act 1994: This Act addresses waste disposal on the high seas from New Zealand registered vessels and is administered by Maritime New Zealand.

- Maritime and Marine Protection Rules: These rules are statutory instruments made by the Ministry of Transport under the Maritime Transport Act and are administered by Maritime New Zealand. These rules aim to prevent the disposal of waste and marine pollution from ships. Marine protection rules implement international conventions and standards. These rules regulate dumping of waste at sea, oil spill contingency plans, and controls in relation to harmful substances. The New Zealand Government has been working closely with the fishing industry to improve garbage management on New Zealand-flagged fishing vessels. The potential for snagging and ghost fishing is assessed when applications for disposing structural waste at sea are evaluated. Drift netting (one of the main ghost fishing culprits) has been illegal in New Zealand fisheries waters since 1991. New Zealand Government fisheries observers on board vessels record when gear is lost (or where it has become unusable but is retained on board for later disposal on land). Observers also record all instances where fishing gear is caught during fishing activity. Further, the Fisheries (Commercial Fishing) Regulations 2001 include requirements to have clearly marked surface floats on all static fishing gear, meaning the owner(s) can be clearly identified.

Pollution and management of waste on land, where the majority of marine debris originates, is managed under:

- The Waste Minimisation Act 2008 (WMA), which encourages actions to reduce the quantity of waste generated and disposed of, aims to lessen the environmental harm from waste and provide wider social, economic and cultural benefits.
- The WMA introduced a levy of \$10 per tonne on all waste sent to landfill. Half of the levy money collected is provided to local councils to spend on waste minimisation activities in their area and the other half is used to fund waste minimisation activities, including those that address litter, through the Government's Waste Minimisation Fund. The Resource Management Act 1991 is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment. It controls the environmental impacts of waste facilities such as treatment and disposal facilities, recycling plants and clean fills.
- The Local Government Act 2002 legislates local authority roles in solid waste collection and disposal.
- The Litter Act 1979, which provides mechanisms and penalties to enforce the unlawful disposal of waste.

3b. Please report on the progress / success of the actions taken.

> The Department continues to respond to whale entanglements promptly by having gear and trained personnel on both the North and South Islands. Of the entanglements reported and located, most are successfully released (see answer to 2a).

DOC regularly inputs on resource consent applications and makes submissions on a case by case basis.

Examples of successes in waste management on land include:

- Government is investing \$3 million in a behavioural change campaign, the development of education materials and a national litter survey to help stop people littering;
- The Government has provided a grant of \$3.8 million for Waste Management New Zealand to set up a nationwide tyre collection network and tyre shredding facilities in Auckland and Christchurch involving capital investment of \$6.4 million. The shredding machinery will be imported this year, operational in Auckland by the end of 2017 and in Christchurch in 2018.
- The Love NZ Soft Plastics Recycling Programme has, for the first time, enabled soft plastics and soft packaging such as shopping bags, bread bags, frozen food bags and food wrap to be recycled. Over 215 tonnes of soft plastics have been collected for recycling since the launch in November 2015. The objective of the programme is for 70 per cent of New Zealanders to have access to a drop-off facility for soft plastics within 20 kilometres of their home.

3c. Describe any factors that may limit action being taken in this regard:

> Capacity limitations to prevent, reduce or control factors that are endangering or are likely to further endanger aquatic mammal species in New Zealand's large EEZ.

3d. What assistance, if any, does your country require to overcome these factors?

> N/A

## 2.2 Questions on specific Appendix I aquatic mammals

In the following section, using the table format below, please fill in each Appendix I aquatic mammals species for which your country is considered to be a Range State. Please complete each table as appropriate, providing information in summary form. Where appropriate, please cross-reference to information already provided in national reports that have been submitted under other conventions (e.g. Convention on Biological Diversity, Ramsar Convention, CITES). (Attach annexes as necessary.)

### Species name: *Balaenoptera musculus*

1. Please provide published distribution reference:

> Torres et al. (2017) New Zealand blue whales: Recent findings and research progress. Paper submitted to IWC Scientific Committee meeting. SC/67a/SH/02.

2a. Summarise information on population size (if known):

not known

> *B. musculus* is listed as Migrant in New Zealand's New Zealand Threat Classification System (Baker et al. 2016).

2b. Summarise information on distribution (if known):

not known

> *B. musculus* is listed as Migrant in New Zealand's threat classification system (Baker et al. 2016). Distribution of blue whales in New Zealand waters is not well-known. Relatively dense aggregations have been found between the North and South Islands from the South Taranaki Bight to the Tasman Sea (Torres et al. 2017). Pygmy blue whales found in New Zealand waters are genetically similar to Australian (south and west coast) pygmy blue whales (Torres et al. 2017), though animals in each location have distinct song types. The 'New Zealand' blue whale song type, however, has been documented in a number of places quite distant from New Zealand (i.e. 1000 km north of the Kermadec Islands; Balcazar et al. 2015). Overall, this indicates that pygmy blue whales found in New Zealand are likely part of a larger regional population, though this has not been formally documented yet.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> Dr. Leigh Torres (Oregon State University) has undertaken a multi-year study of blue whales in New Zealand (Torres et al. 2017), and there is growing evidence that there is a resident or semi-resident population of pygmy blue whales in New Zealand waters. One of the goals of this project is to generate an abundance estimate for pygmy blue whales in New Zealand waters.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Torres et al. will continue to collect data over the next year, and will be analysing this data for some time to come. The National Institute of Water and Atmosphere (NIWA) is also undertaking acoustic monitoring in known blue whale habitat, which is likely to be a long-term project.

**Species name: *Balaenoptera physalus***

1. Please provide published distribution reference:

> Baker, C.S., B.L. Chilvers, S. Childerhouse, R. Constantine, R. Currey, R. Mattlin, A. van Helden, R. Hitchmough, and J. Rolfe. 2016. Conservation Status of New Zealand marine mammals, 2013. 18pp. New Zealand Department of Conservation, Wellington.

2a. Summarise information on population size (if known):

not known

> *B. physalus* is considered to be a Migrant in New Zealand waters and is therefore not assessed further by the New Zealand Threat Classification System (Baker et al. 2016).

2b. Summarise information on distribution (if known):

not known

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Other

> - None.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> Fin whales are infrequently sighted in New Zealand waters, generally far offshore. Directed studies have not been undertaken due to funding and logistical issues and lack of identified threats.

5. Describe any future activities that are planned for this species:

> None.

**Species name: *Eubalaena australis***

1. Please provide published distribution reference:

> Carroll, E.L., W.J. Rayment, A.M. Alexander, C.S. Baker, N.J. Patenaude, D. Steel, R. Constantine, R. Cole, L.J. Boren, S. Childerhouse (2014) Reestablishment of former wintering grounds by New Zealand southern right whales. *Mar. Mamm. Sci.* 30, 206–220. (doi:10.1111/Mms.12031)  
Carroll, E.L., S.J. Childerhouse, R.M. Fewster, N.J. Patenaude, D. Steel, G. Dunshea, L. Boren, C.S. Baker (2013) Accounting for female reproductive cycles in a superpopulation capture–recapture framework. *Ecol. Appl.* 23, 1677–1690. (doi:10.1890/12-1657.1)  
Carroll, E.L., W.J. Rayment, A.M. Alexander, C.S. Baker, N.J. Patenaude, D. Steel, R. Constantine, R. Cole, L.J. Boren, S. Childerhouse (2014) Reestablishment of former wintering grounds by New Zealand southern right whales. *Mar. Mamm. Sci.* 30, 206–220. (doi:10.1111/Mms.12031)  
Jackson, J.A., E.L. Carroll, T.D. Smith, A.N. Zerbini, N.J. Patenaude, C.S. Baker (2016) An integrated approach to historical population assessment of the great whales: case of the New Zealand southern right whale. *R. Soc. open sci.* 2016 3 150669; DOI: 10.1098/rsos.150669.

2a. Summarise information on population size (if known):

increasing

> *E. australis* is listed as Range Restricted and Nationally Vulnerable in New Zealand's threat classification system (Baker et al. 2016). Carroll et al. 2013 estimated a superpopulation size of 2169 whales (95% CL 1836, 2563) from 1995–2009, with an estimated annual increase of 7% (95% CL 5%, 9%) over the same time period. This is estimated to be less than 12% of its pre-exploitation abundance (Jackson et al. 2016).

2b. Summarise information on distribution (if known):

increasing

> Southern Right Whales in New Zealand are primarily distributed around the sub-Antarctic Auckland and Campbell Islands, with a growing number of sightings around mainland New Zealand (Carroll et al. 2014).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> Researchers at the University of Otago (Steve Dawson, Will Rayment, Liz Sooten) and their students have an ongoing long-term study of southern right whales in the Auckland Islands. This project investigates the recovery and recolonization of New Zealand waters by southern right whales. They are investigating population parameters in the Auckland Islands, using data on habitat preferences to predict potential overlap with anthropogenic impacts around the mainland, studying their vocalisations and acoustic habitat, and using drones to assess body condition of individuals.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Ongoing research by the University of Otago, as described above.

**Species name: *Megaptera novaeangliae***

1. Please provide published distribution reference:

> International Whaling Commission. 2014. Report of the Scientific Committee. IWC/65/Rep1.  
Constantine, R. et al. 2016. Humpback whale connectivity: Preliminary findings on the Oceania to Antarctica migration path via the Kermadec Islands. Paper submitted to IWC Scientific Committee meeting 66b. SC/66b/SH/05.

2a. Summarise information on population size (if known):

increasing

> The most recent published abundance estimate for the Oceania humpback whale population is 4,329 (95 percent CI = 3,345–5,313) in 2005 with an estimated population growth rate of 3–7 percent/year for 1999–2005 (Constantine et al. 2012). The 2014 International Whaling Commission assessment of Oceania humpback whales suggested recovery towards pre-exploitation levels to be 37% (PI: 24–54%; IWC 2014).

2b. Summarise information on distribution (if known):

unclear

> *M. novaeangliae* is listed as Migrant in New Zealand's threat classification system (Baker et al. 2016). Whales migrating through New Zealand waters are primarily comprised of animals from a stock which breeds throughout Oceania (known as BSO in International Whaling Commission terminology), as well as some animals from the Eastern Australia breeding stock (BSE1 within the IWC; IWC (2014)). Animals tagged in New

Zealand waters off the Kermadec Islands on their southbound migration (Constantine et al. 2016) were matched by genetics and photo-ID to other catalogues and determined to originate from five different breeding grounds spanning ~3,600 km of Oceania between New Caledonia and the Cook Islands. These animals subsequently travelled to feeding grounds spanning ~3,500 km of Southern Ocean between west of the Ross Sea region to the Bellingshausen Sea (Constantine et al. 2016).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> Constantine et al. 2016 describes a range of research activities undertaken at the Kermadec Islands focused on humpback whales, centring on connectivity between breeding and feeding grounds. This is being investigated by a combination of photo-ID, genetic sampling, and satellite tagging. The NZ Department of Conservation also led the Cook Strait Humpback Whale Survey, which was undertaken annually from 2004-2015. This survey used short-based spotters to direct research boats to whales migrating northward through Cook Strait, for photo-ID, genetic sampling, and behavioural observations.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> New Zealand is planning research voyages to Antarctic waters near the Ross Sea and Balleny Islands in the austral summer of 2018 and 2019. It is likely that some humpback whale satellite tagging will be undertaken as a part of these voyages, which may help further elucidate connectivity between feeding and breeding grounds for Oceania humpback whales.

### **Species name: *Physeter macrocephalus***

1. Please provide published distribution reference:

> Baker, C.S., B.L. Chilvers, S. Childerhouse, R. Constantine, R. Currey, R. Mattlin, A. van Helden, R. Hitchmough, and J. Rolfe. 2016. Conservation Status of New Zealand marine mammals, 2013. 18pp. New Zealand Department of Conservation, Wellington

2a. Summarise information on population size (if known):

not known

> Data poor but assessed as Not Threatened in New Zealand waters (New Zealand Threat Classification System, Baker et al. 2016).

2b. Summarise information on distribution (if known):

not known

> Sperm whales are found throughout New Zealand waters. Very little information is known about the population structure of this species worldwide. In New Zealand, a "resident" population of juvenile/sub-adult males is found near Kaikoura.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> The University of Otago undertakes long-term photo-ID and acoustic studies of sperm whales near Kaikōura, focusing on population biology, ecology and impacts of tourism.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> The University of Otago will continue to undertake long-term photo-ID and acoustic studies of sperm whales near Kaikoura.

## **3. REPTILES**

### **3.1 General questions on Appendix I reptiles**

1. Is the taking of all Appendix I reptiles species prohibited by the national implementing legislation cited in Table I(a) (General Information)?

Yes

1a. If the taking of Appendix I reptiles species is prohibited by law, have any exceptions been granted to the prohibition?

Yes

If Yes, please provide details (Include the date on which the exception was notified to the CMS Secretariat pursuant to CMS Article III(7):

> Incidental take in fishing operations is not an offence, provided that any required mitigation measures have been deployed and that the take is reported in timely fashion.

2. Identify any obstacles to migration that exist in relation to Appendix I reptiles species:

By-catch

2a. What actions are being undertaken to overcome these obstacles?

> Code of Practice for releasing hooked turtles in longline fisheries. Fisher engagement campaign and distribution of dehooking equipment.

2b. Please report on the progress / success of the actions taken.

> Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes (see: <http://www.doc.govt.nz/our-work/conservation-services-programme/csp-reports/2015-16/marine-reptiles-review-of-interactions-and-populations/>). However, low levels of observer coverage is a limiting factor to accurately quantify total bycatch levels.

2c. What assistance, if any, does your country require in order to overcome these obstacles?

> None.

3. What are the major pressures to Appendix I reptiles species (transcending mere obstacles to migration)?

Other

> Pollution / entanglement / marine debris  
Boat strike

3a. What actions have been taken to prevent, reduce or control factors that are endangering or are likely to further endanger reptiles species beyond actions to prevent disruption to migrating behaviour?

> Public awareness campaigns for boat owners to bring all litter back to shore, especially plastic litter.

Relevant New Zealand legislation, regulations and rules for managing waste from marine-based sectors such as shipping and fishing include:

- Resource Management (Marine Pollution) Regulations 1998: control dumping and discharges from ships and off-shore installations in the coastal marine area (within 12 nautical miles of the coastline). The Regulations deal with the dumping of waste and discharges from vessels including oil, garbage (including plastics) and sewage. The garbage discharge regulations are in line with New Zealand's obligations under MARPOL Annex V, and the regulations controlling the dumping of waste are in line with the London Protocol. These regulations are administered by Regional Councils.

- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 manages the effects of activities between 12 and 200 nautical miles. This Act and regulations made under it, in particular those relating to discharges and dumping, manage wastes from sources such as off-shore installations. These regulations are administered by The Environmental Protection Authority.

- Waste disposal on the high seas from New Zealand registered vessels is administered by Maritime New Zealand under the Maritime Transport Act 1994.

- MNZ also administer Maritime and Marine Protection Rules. These rules are statutory instruments made by the Ministry of Transport under the Maritime Transport Act.

- Marine protection rules aim to prevent the disposal of waste and marine pollution from ships. Marine protection rules implement international conventions and standards. These rules regulate dumping of waste at sea, oil spill contingency plans, and controls in relation to harmful substances. The New Zealand government has been working closely with the fishing industry to improve garbage management on New Zealand-flagged fishing vessels. The potential for snagging and ghost fishing is assessed when applications for disposing structural waste at sea are evaluated. Drift netting (one of the main ghost fishing culprits) has been illegal in New Zealand fisheries waters since 1991. New Zealand government fisheries observers on board vessels record when gear is lost (or where it has become unusable but is retained on board for later disposal on land). Observers also record all instances where fishing gear is caught during fishing activity. Further, the Fisheries (Commercial Fishing) Regulations 2001 include requirements to have clearly marked surface floats on all static fishing gear, meaning the owner(s) can be clearly identified.

Pollution and management of waste on land, where the majority of marine debris originates, is managed under:

- The Waste Minimisation Act 2008 (WMA), which encourages actions to reduce the quantity of waste

generated and disposed of, aims to lessen the environmental harm from waste and provide wider social, economic and cultural benefits.

- The WMA introduced a levy of \$10 per tonne on all waste sent to landfill. Half of the levy money collected is provided to local councils to spend on waste minimisation activities in their area and the other half is used to fund waste minimisation activities, including those that address litter, through the Government's Waste Minimisation Fund. The Resource Management Act 1991 is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment. It controls the environmental impacts of waste facilities such as treatment and disposal facilities, recycling plants and clean fills.

- The Local Government Act 2002 legislates local authority roles in solid waste collection and disposal.

- The Litter Act 1979, which provides mechanisms and penalties to enforce the unlawful disposal of waste.

3b. Please report on the progress / success of the actions taken.

> Few turtles beachcast with ingested plastic.

Research on green turtles in New Zealand conducted by Massey University shows that green turtles are found year-round in New Zealand waters (DA Godoy, ANH Smith, C Limpus & KA Stockin (2016) The spatio-temporal distribution and population structure of green turtles (*Chelonia mydas*) in New Zealand. *New Zealand Journal of Marine and Freshwater Research*. DOI: 10.1080/00288330.2016.1182034). The paper provides a baseline understanding of the ecology of green turtles at the edge of their range, providing opportunities to investigate regional niche modelling and connectivity of this highly mobile species, while also monitoring broad-scale effects of climate-induced environmental change.

Examples of successes in waste management on land include:

- Government is investing \$3 million in a behavioural change campaign, the development of education materials and a national litter survey to help stop people littering;
- The Love NZ Soft Plastics Recycling Programme has, for the first time, enabled soft plastics and soft packaging such as shopping bags, bread bags, frozen food bags and food wrap to be recycled. Over 215 tonnes of soft plastics have been collected for recycling since the launch in November 2015. The objective of the programme is for 70 per cent of New Zealanders to have access to a drop-off facility for soft plastics within 20 kilometres of their home.

3c. Describe any factors that may limit action being taken in this regard:

> Capacity limitations to prevent, reduce or control factors that are endangering or are likely to further endanger reptile species in New Zealand's large EEZ.

3d. What assistance, if any, does your country require to overcome these factors?

> None.

### 3.2 Questions on specific Appendix I reptiles

In the following section, using the table format below, please fill in each Appendix I reptiles species for which your country is considered to be a Range State. Please complete each table as appropriate, providing information in summary form. Where appropriate, please cross-reference to information already provided in national reports that have been submitted under other conventions (e.g. Convention on Biological Diversity, Ramsar Convention, CITES). (Attach annexes as necessary.)

#### Species name: *Caretta caretta*

1. Please provide published distribution reference:

> Godoy, D. 2016. Marine reptiles - review of interactions and populations, Final report. Report prepared by Karearea Consultants for the New Zealand Department of Conservation. 53p.

Gill B J, 1997. Records of turtles and sea snakes in New Zealand, 1837-1996. *New Zealand Journal of Marine and Freshwater Research*, 31(4), pp.477-486.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> While no loggerhead turtles nest in New Zealand, 55 sighting and stranding records have been documented from 1885 to 2015 (Gill 1997; D. Godoy, unpubl. data). Loggerhead records extend from the Kermadec Islands (c. 30° S) south to Stewart Island (c. 47° S) (Gill 1997; Godoy et al. n.d.). Almost no local population information exists for this species in New Zealand. However, available data shows loggerhead distribution is concentrated mainly around the North Island throughout the year (Gill 1997; Godoy et al. n.d.).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Loggerhead turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>). Only two records of loggerhead turtles were reported between 1 July 2008 and 30 November 2015, with a single bycatch event in surface longline and bottom trawl activities in oceanic and neritic waters, respectively. This suggests that bycatch risk for this species in New Zealand is low.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

**Species name: *Chelonia mydas***

1. Please provide published distribution reference:

> DA Godoy, ANH Smith, C Limpus & KA Stockin (2016) The spatio-temporal distribution and population structure of green turtles (*Chelonia mydas*) in New Zealand. *New Zealand Journal of Marine and Freshwater Research*. DOI: 10.1080/00288330.2016.1182034.

Godoy, D. 2016. Marine reptiles - review of interactions and populations, Final report. Report prepared by Karearea Consultants for the New Zealand Department of Conservation. 53p.

Gill B J, 1997. Records of turtles and sea snakes in New Zealand, 1837-1996. *New Zealand Journal of Marine and Freshwater Research*, 31(4), pp.477-486.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> While no green turtles nest in New Zealand, there have been 239 sighting, stranding and incidental capture (commercial and recreational bycatch) records documented from 1895 to 2015 (Gill 1997; Godoy et al. n.d.; D. Godoy, unpubl. data). Green turtle records extend from the Kermadec islands (c. 30° S) south to Canterbury (c. 43° S) (Gill 1997; Godoy et al. n.d.). Recent research has described the New Zealand population as a discrete assemblage of post-pelagic immature juveniles to large subadults present year round in its northern waters (c. 34°-38° S) (Godoy et al. n.d.). Unpublished data provides evidence that this population is foraging in nearshore benthic habitats and comprised of mixed stock origins from southwest Pacific and East Pacific rookeries (D. Godoy, unpubl. data).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Green turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>). Only twelve bycatch records of green turtles were reported between 1 July 2008 and 30 November 2015. This suggests that their risk to bycatch in New Zealand is moderately low.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

**Species name: *Dermochelys coriacea***

1. Please provide published distribution reference:

> Godoy, D. 2016. Marine reptiles - review of interactions and populations, Final report. Report prepared by Karearea Consultants for the New Zealand Department of Conservation. 53p.



Godoy D, Richards R, Mackay K T, 2011. Leatherback turtles (*Dermochelys coriacea*) at the Chatham Islands, New Zealand. 2011 SWOT Grant: Final Report.

Benson S R, Eguchi T, Foley D G et al., 2011. Large-scale movements and high-use areas of western Pacific leatherback turtles, *Dermochelys coriacea*. *Ecosphere*, 2(7), pp.1-27.

Gill B J, 1997. Records of turtles and sea snakes in New Zealand, 1837-1996. *New Zealand Journal of Marine and Freshwater Research*, 31(4), pp.477-486.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> There is no nesting of Leatherback turtles in New Zealand. However, 288 sighting, stranding and incidental capture (commercial and recreational bycatch) records have been documented from 1892 to 2015 (Gill 1997; Godoy et al. 2011; D. Godoy unpubl. data). This species has been reported from the Kermadec islands (c. 30o S) south to Foveaux Strait (c. 47o S) and east to the Chatham Islands (44o S, 176o W) (Gill 1997; McCann 1966a; Eggleston 1971; Cheeseman 1893; Godoy et al. 2011; D. Godoy, unpubl. data). Despite having a long history of records and a wide distribution in New Zealand, very little local population information exists for this species. However, available data suggests a seasonal influx of adult turtles which are most often encountered off the North Island during summer and autumn (Gill 1997; D. Godoy, unpubl. data). In addition, preliminary genetic analysis indicates at least some originate from the West Pacific Ocean subpopulation (D. Godoy, unpubl. data). This possible connectivity to west Pacific rookeries is also supported by recent satellite telemetry studies (Benson et al. 2011). Benson et al. (2011) have shown some post-nesting western Pacific females migrate south from their nesting beaches in Papua New Guinea and Solomon Islands into foraging grounds around northern New Zealand. Consequently, available data suggests New Zealand may be an important seasonal foraging ground for adult leatherback turtles.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Leatherback turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>).

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

## **Species name: *Eretmochelys imbricata***

1. Please provide published distribution reference:

> Godoy, D. 2016. Marine reptiles - review of interactions and populations, Final report. Report prepared by Karearea Consultants for the New Zealand Department of Conservation. 53p.

Gill B J, 1997. Records of turtles and sea snakes in New Zealand, 1837-1996. *New Zealand Journal of Marine and Freshwater Research*, 31(4), pp.477-486.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> There is no Hawksbill turtle nesting in New Zealand. However, there have been 53 sighting and stranding records documented from 1949 to 2015 (Gill 1997; D. Godoy, unpubl. data). No reports of incidental capture in fisheries activities (commercial or recreational) has been documented (Gill 1997; Godoy et al. n.d.). Hawksbill records extend from the Kermadec Islands (c. 30o S) south to Palliser Bay, Wellington (c. 41o S) while no records from the South Island have been documented (Gill 1997; Godoy et al. n.d.). Almost no local population information exists for this species in New Zealand. However, available data shows hawksbill distribution is concentrated around Northland with a significant peak in strandings during winter (July-September) (Gill 1997; Godoy et al. n.d.).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Hawksbill turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>).

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

## Species name: *Lepidochelys olivacea*

1. Please provide published distribution reference:

> Godoy, D. 2016. Marine reptiles - review of interactions and populations, Final report. Report prepared by Karearea Consultants for the New Zealand Department of Conservation. 53p.

Gill B J, 1997. Records of turtles and sea snakes in New Zealand, 1837-1996. New Zealand Journal of Marine and Freshwater Research, 31(4), pp.477-486.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> Olive ridley turtles do not nest in New Zealand, however, 29 sighting and stranding records have been documented from 1956 to 2015 (Gill 1997; D. Godoy, unpubl. data). No reports of incidental capture in fisheries activities (commercial or recreational) has been documented (Gill 1997; Godoy et al. n.d.). Olive ridley records extend from Northland (c. 35° S) south to Stewart Island (c. 47° S) and east to the Chatham Islands (44° S, 176° W) (Gill 1997; Godoy et al. n.d.).

unclear

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Species protection

> Olive ridley turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>). There were no reported bycatch incidents between 1 July 2008 and 30 November 2015. This suggests that their risk to bycatch in New Zealand is low.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

## 5. FISH

### 5.1 General questions on Appendix I fish species

1. Is the taking of all Appendix I fish species prohibited by the national legislation listed as being implementing legislation in Table I(a) (General Information)?

No

If other legislation is relevant, please provide details:

> There is no generic protection for Appendix I species in New Zealand legislation, however, all Appendix I

species known to occur in New Zealand waters are protected.

White and basking sharks are protected within New Zealand waters under the Wildlife Act 1953 and the Fisheries Act 1996, and are protected from New Zealand flagged vessels fishing on the High Seas under the Fisheries Act 1996. Manta birostris and Mobula japonica are protected within New Zealand waters under the Wildlife Act 1953.

1a. If the taking of Appendix I fish species is prohibited by law, have any exceptions been granted to the prohibition?

Yes

If Yes, please provide details (Include the date on which the exception was notified to the CMS Secretariat pursuant to CMS Article III(7):

> The incidental take of great white shark, basking shark, manta rays and spine-tailed devil rays in the course of legitimate commercial fishing operations is not an offence, provided the animal is released immediately and the required reporting procedures are followed. No part of any protected species may be kept.

2. Identify any obstacles to migration that exist in relation to Appendix I fish species:

Other

> Incidental take in commercial fishing operations. White sharks are also vulnerable to bycatch in recreational set net fisheries.

2a. What actions are being undertaken to overcome these obstacles?

- > • New Zealand legislation requires protected species to be immediately released alive and unharmed, and bycatch events reported. Scientific observers also report bycatch of protected species allowing non-reporting in commercial fisheries to be estimated.
- Extensive bans on commercial and recreational set (gill) netting were introduced in 2012. The bans were applied in inshore waters of South Island and northwest North Island to protect endangered Hector's and Maui's dolphin (<http://www.mpi.govt.nz/protection-and-response/environment-and-natural-resources/sustainable-fisheries/protecting-hectors-and-maui-dolphins/>). Where gill netting does occur, protocols have been established for scientific observers to record and sample bycatch of all protected species.
- Time series data for observed basking shark bycatch in middle-depth and deepwater trawl fisheries has been reviewed and total catch in New Zealand waters estimated. The reports are planned for release in late 2017.
- Research is being undertaken to assess the factors that affect post-release survival rates of white sharks in commercial set net fisheries.
- Research is also underway around the post release survival and mitigation strategies for spine-tailed devil ray interactions with purse seine fisheries.
- In October 2013, the New Zealand deepwater fishing industry implemented a Code of Practice to minimise incidental captures of basking shark and to return any bycaught animals to the sea as quickly and safely as possible.
- Tagging studies on great white sharks are underway to better understand behaviour and migration patterns.

2b. Please report on the progress / success of the actions taken.

> Satellite tagging of white sharks has revealed regular migration of white sharks between New Zealand aggregation sites and the Coral Sea (Australia, New Caledonia and Vanuatu) and Kingdom of Tonga. Tagging of devil rays has revealed high post-release mortality and previously unknown diving depths (>1600m) during migration to the Pacific.

Observer data on any bycatch of great white sharks and basking sharks is reported in the Department of Conservation Conservation Services Programme Annual Research Summaries. Specific reports on the interactions of these species with commercial fisheries in New Zealand are due for release in late 2017.

2c. What assistance, if any, does your country require in order to overcome these obstacles?

> Collaboration with other CMS members, through the CMS Sharks MoU and with Pacific Island states and territories through the Pacific Islands Regional Plan of Action for Sharks and Regional Fisheries Management Organisations, to share information on best international practice on reducing and mitigating interactions with Appendix I fish species.

3. What are the major threats to Appendix I fish species (transcending mere obstacles to migration)?

Other

> Directed and incidental take in commercial fishing operations. White sharks are also vulnerable to bycatch in recreational set net fisheries.  
Entanglement/marine debris.  
Pollution.

3a. What actions have been taken to prevent, reduce or control factors that are endangering or are likely to further endanger fish species beyond actions to prevent disruption to migrating behaviour?

> Protocols established for scientific observers to record and sample bycatch of all protected species.

Relevant New Zealand legislation, regulations and rules for managing waste from marine-based sectors such as shipping and fishing include:

- Resource Management (Marine Pollution) Regulations 1998: control dumping and discharges from ships and off-shore installations in the coastal marine area (within 12 nautical miles of the coastline). The Regulations deal with the dumping of waste and discharges from vessels including oil, garbage (including plastics) and sewage. The garbage discharge regulations are in line with New Zealand's obligations under MARPOL Annex V, and the regulations controlling the dumping of waste are in line with the London Protocol. These regulations are administered by Regional Councils.

- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 manages the effects of activities between 12 and 200 nautical miles. This Act and regulations made under it, in particular those relating to discharges and dumping, manage wastes from sources such as off-shore installations. These regulations are administered by The Environmental Protection Authority.

- Waste disposal on the high seas from New Zealand registered vessels is administered by Maritime New Zealand under the Maritime Transport Act 1994.

- MNZ also administer Maritime and Marine Protection Rules. These rules are statutory instruments made by the Ministry of Transport under the Maritime Transport Act.

- Marine protection rules aim to prevent the disposal of waste and marine pollution from ships. Marine protection rules implement international conventions and standards. These rules regulate dumping of waste at sea, oil spill contingency plans, and controls in relation to harmful substances. The New Zealand government has been working closely with the fishing industry to improve garbage management on New Zealand-flagged fishing vessels. The potential for snagging and ghost fishing is assessed when applications for disposing structural waste at sea are evaluated. Drift netting (one of the main ghost fishing culprits) has been illegal in New Zealand fisheries waters since 1991. New Zealand government fisheries observers on board vessels record when gear is lost (or where it has become unusable but is retained on board for later disposal on land). Observers also record all instances where fishing gear is caught during fishing activity. Further, the Fisheries (Commercial Fishing) Regulations 2001 include requirements to have clearly marked surface floats on all static fishing gear, meaning the owner(s) can be clearly identified.

Pollution and management of waste on land, where the majority of marine debris originates, is managed under:

- The Waste Minimisation Act 2008 (WMA), which encourages actions to reduce the quantity of waste generated and disposed of, aims to lessen the environmental harm from waste and provide wider social, economic and cultural benefits.

- The WMA introduced a levy of \$10 per tonne on all waste sent to landfill. Half of the levy money collected is provided to local councils to spend on waste minimisation activities in their area and the other half is used to fund waste minimisation activities, including those that address litter, through the Government's Waste Minimisation Fund. The Resource Management Act 1991 is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment. It controls the environmental impacts of waste facilities such as treatment and disposal facilities, recycling plants and clean fills.

- The Local Government Act 2002 legislates local authority roles in solid waste collection and disposal.

- The Litter Act 1979, which provides mechanisms and penalties to enforce the unlawful disposal of waste.

3b. Please report on the progress / success of the actions taken.

> Observer data on any bycatch of great white sharks and basking sharks is reported in the Department of Conservation Conservation Services Programme Annual Research Summaries. Specific reports on the interactions of these species with commercial fisheries in New Zealand are due for release in late 2017.

Examples of successes in waste management on land include:

• Government is investing \$3 million in a behavioural change campaign, the development of education materials and a national litter survey to help stop people littering;

• The Love NZ Soft Plastics Recycling Programme has, for the first time, enabled soft plastics and soft packaging such as shopping bags, bread bags, frozen food bags and food wrap to be recycled. Over 215 tonnes of soft plastics have been collected for recycling since the launch in November 2015. The objective of the programme is for 70 per cent of New Zealanders to have access to a drop-off facility for soft plastics within 20 kilometres of their home.

3c. Describe any factors that may limit action being taken in this regard:

> Pressure to reduce observer coverage due to cost and/or small size of most inshore fishing vessels.

3d. What assistance, if any, does your country require to overcome these factors?

> None.

## 5.2 Questions on specific Appendix I fish species

In the following section, using the table format below, please fill in each Appendix I fish species, for which

your country is considered to be a Range State. Please complete each table as appropriate, providing information in summary form. Where appropriate, please cross-reference to information already provided in national reports that have been submitted under other conventions (e.g. Convention on Biological Diversity, Ramsar Convention, CITES). (Attach annexes as necessary.)

**Species name: Carcharodon carcharias**

1. Please provide published distribution reference:

> • Duffy, C.A.J. 2015. Family Lamnidae. Pp. 70-73 in Roberts, C.D., Stewart, A.L. and Struthers, C.D. (eds.), The Fishes of New Zealand. Te Papa Press, Wellington.

• Duffy, C. A. J.; Francis, M. P.; Manning, M. J.; Bonfil, R. 2012: Regional population connectivity, oceanic habitat, and return migration revealed by satellite tagging of white sharks, *Carcharodon carcharias*, at New Zealand aggregation sites. In Domeier M.L. ed., Global Perspectives on the Biology and the Life History of the White Shark. CRC Press, Boca Raton, pp. 301-318.

2a. Summarise information on population size (if known):

not known

> Population trend considered to be stable or in gradual decline based upon known life history traits and reported fishery bycatch.

2b. Summarise information on distribution (if known):

not known

> Found throughout the Territorial Sea and Exclusive Economic Zone to at least 52oS. Observations and captures of mature females are uncommon. Two pregnant females containing term embryos have been reported from the upper North Island. Young-of-the-year and small juveniles are most abundant around the upper North Island. Seasonal aggregation sites at Chatham Islands and Stewart Island are dominated by sub-adult and adult males. No movement has been observed between these aggregation sites but movement occurs between Stewart Island and the New Zealand Subantarctic Zone (Auckland Islands, Macquarie Ridge). During autumn and winter *Carcharodon carcharias* tagged in New Zealand waters migrate into the subtropical and tropical southwest Pacific Ocean between about 17oS and 29oS, and from eastern Australia to Cook Islands. Satellite tagging and genetic research suggests that New Zealand and eastern Australian white sharks form a single population, however some movement of white sharks between South Australia and northern New Zealand has been documented.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> • Satellite and acoustic tagging to define long distance movements and fine scale habitat use  
• Photo-identification for fishery independent population monitoring  
• Genetic population structure  
• Genetic mark-recapture population estimation (in collaboration with CSIRO, Hobart, Australia)  
• Review of commercial fishery interactions and life history information

Monitoring

> • By-catch reporting by commercial fishers and fishery observers.

Education/awareness rising

Species protection

> • A voluntary Commercial Great white shark cage-diving New Zealand Code of Practice was established in 2015.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> • Investigate post-release survival using pop-off satellite tags  
• Development of a population estimate based upon mark-recapture analyses of photo-id individuals  
• Fine scale acoustic monitoring of habitat use at major aggregation site (Stewart Island)  
• Description of juvenile habitat using capture, sightings and satellite tag data

**Species name: Cetorhinus maximus**

1. Please provide published distribution reference:

> • Duffy, C.A.J. 2015. Family Cetorhinidae. Pp. 68-69 in Roberts, C.D., Stewart, A.L. and Struthers, C.D. (eds.), The Fishes of New Zealand. Te Papa Press, Wellington.

- Francis, M. P.; Duffy, C. A. J. 2002: Distribution, seasonal abundance and bycatch composition of basking sharks (*Cetorhinus maximus*) in New Zealand, with observations on their winter habitat. *Marine Biology*, 140: 831-842.

2a. Summarise information on population size (if known):

not known

> By-catch in commercial fisheries is believed to have peaked in 1988-89 and has declined to very low levels over the last decade, possibly due to declining fishing effort. Predicted catch rates show no trend since 1994-95.

2b. Summarise information on distribution (if known):

not known

> Basking sharks occur throughout New Zealand fishery waters, from the surface to at least 1000 m depth, but are most common between 39° S and 51° S. Large schools numbering tens to hundreds of individuals were commonly seen on the surface around the lower North Island and South Island during spring and summer up until the mid-1990s. Surface sightings in coastal waters are now rare and usually of isolated individuals. Anecdotal information indicates that commercial fishers still encounter surface schools over the Mernoo Saddle. Areas where interactions with trawl fisheries occur most frequently are West Coast South Island (hoki fishery), Canterbury (barracouta and hoki fisheries), and along the edge of the continental shelf southeast of Snares Islands and north of Auckland Islands (arrow squid fishery). Most sharks caught off the east coast South Island are immature (

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

- > • Genetic population structure (differentiation between Atlantic and Pacific Oceans and Northern and Southern Hemispheres, larger sample sizes required to properly resolve population structure)
- Environmental and fishery factors influencing by-catch (vessel nationality was the only significant factor influencing by-catch reflecting high catches of basking sharks by Japanese vessels in the late 1980s-early 1990s)
- Review of commercial fishery interactions and life history information

Monitoring

- > • By-catch reporting by commercial fishers and fishery observers.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Nothing imminent.

**Species name: *Manta birostris***

1. Please provide published distribution reference:

- > • Duffy, C.A.J. 2015. Family Myliobatidae. Pp. 201-204 in Roberts, C.D., Stewart, A.L. and Struthers, C.D. (eds.), *The Fishes of New Zealand*. Te Papa Press, Wellington.
- Duffy, C. A. J.; Abbott, D. 2003: Sightings of mobulid rays from northern New Zealand, with confirmation of the occurrence of *Manta birostris* in New Zealand waters. *New Zealand journal of marine and freshwater research*, 37: 715-721.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> This species occurs unpredictably in inner shelf and offshore waters off northeast North Island during summer where it has been observed feeding on dense swarms of zooplankton, presumed to be krill (*Nyctiphanes australis*). Confirmed observations of manta rays have been made as far south as 37° 51' S in Bay of Plenty. They may occur close to shore and have been observed feeding with blue and Bryde's whales inside Hauraki Gulf. Although they have sometimes been observed with schools of skipjack tuna there are no recorded captures in the skipjack tuna fishery. This species is usually encountered as solitary individuals, or in pairs; however small groups consisting of five or six individuals have been observed off the east coast of Northland.

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> • Review of commercial fishery interactions and life history information.

Monitoring

> • By-catch reporting by commercial fishers and fishery observers (there have been no reported catches or landings in New Zealand waters).

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> • Satellite tagging to determine if the species is resident in New Zealand fishery waters

• Photo-identification

• Genetic population structure

## Species name: *Mobula japonica*

1. Please provide published distribution reference:

> • Duffy, C.A.J. 2015. Family Myliobatidae. Pp. 201-204 in Roberts, C.D., Stewart, A.L. and Struthers, C.D. (eds.), The Fishes of New Zealand. Te Papa Press, Wellington.

• Duffy, C. A. J.; Abbott, D. 2003: Sightings of mobulid rays from northern New Zealand, with confirmation of the occurrence of *Manta birostris* in New Zealand waters. New Zealand journal of marine and freshwater research, 37: 715-721.

2a. Summarise information on population size (if known):

not known

2b. Summarise information on distribution (if known):

not known

> Spine-tailed devil rays occur in offshore waters around much of northern New Zealand, to about 39°S, from October to May. They are most abundant during summer (January – March) but their distribution and abundance can fluctuate widely between years, probably in response to variable oceanographic conditions. Pregnant females containing late but not full term embryos have been taken off northern New Zealand. Their diet in New Zealand waters consists predominantly of *Nyctiphanes australis*, and consequently they often occur together with skipjack tuna (*Katsuwonus pelamis*).

3. Indicate and briefly describe any activities that have been carried out in favour of this species in the reporting period. (Please provide the title of the project and contact details, where available):

Research

> • Tissue sampling to determine genetic population structure

• Review of commercial fishery interactions and life history information

• Investigation of methods to improve survival of rays released from purse seines

• Post-release survival and long distance movements determined using pop-off archival satellite tags (c. 50% mortality of rays released from skipjack tuna purse seines; post-release movement north of New Zealand to subtropical and tropical southwest Pacific)

Monitoring

> • By-catch reporting by commercial fishers and fishery observers.

4. If no activities have been carried out for this species in the reporting period, what has prevented such action being taken?

> N/A

5. Describe any future activities that are planned for this species:

> Investigation of post-release survival is on-going.

## 6. LISTING OF OTHER ENDANGERED MIGRATORY SPECIES IN APPENDIX I

1. Is your country a Range State for any other endangered migratory species currently listed in Appendix I?

(according to the latest IUCN red data list). N.B.: States in which a species occurs as a vagrant (i.e. not "on its normal migration route") should not be treated as Range States. Please refer to Article 1 of the Convention for clarification.

Yes

If Yes, please provide details:

> Magenta petrel (*Pterodroma magenta*)

Status: Critically Endangered

The Magenta petrel, also called Chatham Island tāiko, is among New Zealand's most endangered species. It is considered to be on the brink of extinction, with about only 15 known breeding pairs.

The main threats to the species are introduced mammalian predators, principally cats and rats, habitat loss and human disturbance.

Recent tracking of this species has revealed their highly migratory foraging distribution.

1a. Is your country taking any steps to propose listing any of these species?

No

If yes, please provide details:

> While New Zealand is not actively taking steps to propose listing of this species, we are considering the options of doing so.

1b. What assistance/measures, if any, does your country require to initiate the listing of these species?

> None.



### III. Appendix II Species

#### 1. INFORMATION ON APPENDIX II SPECIES

Information pertaining to the conservation of Appendix II species that are the object of CMS Agreements will have been provided in periodic Party reports to those instruments. It will suffice therefore to reference (below), and preferably append, a copy of the latest report that has been submitted to the Secretariat of each of the Agreement/MoUs to which your country is a Party.

##### ACAP (2001)

Date of last report:  
> 2016

Period covered:  
> 2014-2016

##### Pacific Islands Cetaceans MoU (2006)

Date of last report:  
> July 2009

Period covered:  
> 2007-2009

#### 2. QUESTIONS ON CMS AGREEMENTS

##### Questions on the development of new CMS Agreements relating to Bird Species

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Bird Species ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Bird Species ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Bird Species, including Memoranda of Understanding, planned by your country in the foreseeable future?

No

##### Questions on the development of new CMS Agreements relating to Marine Mammal Species

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Marine Mammal Species ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Marine Mammal Species ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Marine Mammal Species, including Memoranda of

Understanding, planned by your country in the foreseeable future?

No

### **Questions on the development of new CMS Agreements relating to Marine Turtle Species**

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Marine Turtle Species ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Marine Turtle Species ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Marine Turtle Species, including Memoranda of Understanding, planned by your country in the foreseeable future?

No

### **Questions on the development of new CMS Agreements relating to Terrestrial Mammal (other than bats) Species**

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Terrestrial Mammal (other than bats) Species ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Terrestrial Mammal (other than bats) Species ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Terrestrial Mammal (other than bats) Species, including Memoranda of Understanding, planned by your country in the foreseeable future?

No

### **Questions on the development of new CMS Agreements relating to Bat Species**

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Bat Species ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Bat Species ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Bat Species, including Memoranda of Understanding, planned by your country in the foreseeable future?

No

### Questions on the development of new CMS Agreements relating to Fish

1. In the current reporting period, has your country **initiated** the development of any CMS Agreements, including Memoranda of Understanding, to address the needs of Appendix II Fish ?

No

2. In the current reporting period, has your country **participated** in the development of any new CMS Agreements, including Memoranda of Understanding, which address the conservation needs of Appendix II Fish ?

No

3. If your country has initiated or is participating in the development of a new Agreement or Memorandum of Understanding, what assistance, if any, does your country require in order to initiate or participate in the instrument's development?

> N/A

4. Is the development of any CMS Agreement for Fish, including Memoranda of Understanding, planned by your country in the foreseeable future?

No

### 3. LISTING OF MIGRATORY SPECIES IN APPENDIX II

1. Is your country a Range State for any migratory species that has an unfavourable conservation status, but is not currently listed in Appendix II and could benefit from the conclusion of an Agreement for its conservation?

N.B.: States in which a species occurs as a vagrant (i.e. not "on its normal migration route") should not be treated as Range States. Please refer to Article 1 of the Convention for clarification.

Yes

If Yes, please provide details:

> *Calidris canutus rogersi*.

In Conklin et al. (2014) it is estimated that the population for rogersi is 50 500-62 000. Approximately 75% of these are considered to over winter in New Zealand. In the NZ Threat Classification System this sub species is listed as Nationally Vulnerable E(1/1) [20 000-100 000 mature individuals, predicted decline 50-70%] with a qualifier of Threatened Overseas. The IUCN Red List assessing the species as a whole as being near threatened with a "Current Population Trend" as Decreasing. Other recent analyses of population trend for this species (Hansen et al 2016, Studds et al 2017) do not analyse population trends at the subspecific level. Repeated science reports have concluded that the major threat to the populations of red knots rogersi is the loss of habitat in the Yellow Sea (See Rogers et al. 2010 for a summary). This sub species does meet the test of a species having an unfavourable conservation status. In as much as Appendix II relates to migratory species that require international cooperation for conservation, this species qualifies.

The key countries for the conservation of this subspecies are New Zealand, Australia (over-wintering habitats) Russia (breeding sites) PR China, Australia (stopover sites). Additionally, it is likely that with further research that Indonesia, Papua New Guinea, Phillipines, Malaysia and Taiwan may be significant stopover sites for this species on migration. Of the stopover sites, the one with the most significant changes in habitat are in China. Papers cited

Conklin, J., Y. Verkuil and B. Smith (2014). Prioritizing migratory shorebirds for Conservation Action on the East Asian-Australasian Flyway. Hong Kong, WWF Hong Kong: 128.

Hansen, B. D., R. A. Fuller, D. Watkins, D. I. Rogers, R. S. Clemens, M. Newman, E. J. Woehler and D. R. Weller (2016). Revision of the East Asian-Australasian Flyway Population Estimates for 37 listed Migratory Shorebird Species. Unpublished report for the Department of the Environment. . Melbourne Birdlife Australia.

Rogers, D., H. Yang, C. Hassell, A. Boyle, K. Rogers, B. Chen, Z.-W. Zhang and T. Piersma (2010). "Red knots (*Calidris canutus piersmai* and *C.c. rogersi*) depend on a small threatened staging area in Bohai Bay, China " *Emu* 110: 307-315.

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Chatham petrel (*Pterodroma axillaris*)

The Chatham Island petrel is listed as vulnerable and breeds only in New Zealand. Once widespread on the

Chatham Islands, the Chatham petrel was until recently restricted to Rangatira Island, 219 ha in area. There is currently an estimated 1,000 birds with 100-130 breeding pairs being actively managed, which has allowed the population to grow on other islands.

Recent tracking of this species has revealed their highly migratory foraging distribution. Listing on Appendix II may therefore be an option to help conserve this species.

1a. Is your country taking any steps to propose the listing of this/these species in Appendix II?

No

If Yes, please provide details:

> While New Zealand is not actively taking steps to propose listing of these species, we are considering the options of doing so.

For example, of the states within the recognised range of the Red knot rogersi, only Australia, Mongolia and New Zealand are signatories to the CMS. CMS COP 11 adopted the Programme of Work for Migratory Birds and Flyways (CMS COP 11/DOC 23.1.1), which included actions for the East Asian-Australasian Flyway (Page 22).

This POW proposed the following objectives:

1. Review options for development of an overarching framework agreement for migratory birds in the EAAF
2. Develop action plans for migratory birds focusing on priority habitats under threat (including coasts and forests)
3. Strengthen implementation of existing initiatives and SSAPs for migratory bird conservation

Number 2 is relevant as it might support an Appendix II listing for red knot rogersi (and piersmai).

No specific options have been identified yet for Chatham petrel.

1b. What assistance, if any, does your country require to initiate the listing of this/these species?

> None.

## IV. National and Regional Priorities

1. What priority does your country assign to the conservation and, where applicable, sustainable use of migratory species in comparison to other biodiversity-related issues

High

2. Are migratory species and their habitats addressed by your country's national biodiversity strategy or action plan?

Yes

2.1. If Yes, please indicate and briefly describe the extent to which it addresses the following issues:

- Conservation, sustainable use and/or restoration of migratory species
- Conservation, sustainable use and/or restoration of the habitats of migratory species, including protected areas
- Actions to prevent, reduce or control factors that are endangering or are likely to further endanger migratory species (e.g. alien invasive species or by-catch)
- Minimizing or eliminating barriers or obstacles to migration
- Research and monitoring of migratory species
- Transboundary co-operation

3. Does the conservation of migratory species currently feature in any other national or regional policies/plans (apart from CMS Agreements)

Yes

3.1. If Yes, please provide details:

- National Plan of Action for Seabirds 2013 ([www.mpi.govt.nz/document-vault/3962](http://www.mpi.govt.nz/document-vault/3962))
- National Plan of Action for the Conservation and Management of Sharks 2013 ([www.mpi.govt.nz/document-vault/1138](http://www.mpi.govt.nz/document-vault/1138))
- New Zealand Coastal Policy statement 2010 (<http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf>)
- New Zealand Regional Coastal Plans (<http://www.doc.govt.nz/about-us/our-role/managing-conservation/coastal-management/regional-coastal-plans/>)
- Action Plan for Seabird Conservation in New Zealand 2000 (<http://www.doc.govt.nz/documents/science-and-technical/TSOP16.pdf>)
- Marine Protected Areas: Policy and Implementation Plan 2005 (<http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-protected-areas/mpa-policy-and-implementation-plan.pdf>)
- A Code of Conduct for minimising acoustic disturbance to marine mammals from seismic survey operations – 2013 (<http://www.doc.govt.nz/Documents/conservation/native-animals/marine-mammals/seismic-survey-code-of-conduct.pdf>)
- Commercial Great White Shark Cage Diving New Zealand Code of Practice 2015 (<http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/shark-cage-diving/code-of-practice.pdf>)
- New Zealand National Bird Banding Scheme (<http://www.osnz.org.nz/nz-national-banding-scheme>)
- NZ Threatened Species Strategy is currently being developed – with a draft out for public comment (<http://www.doc.govt.nz/threatened-species-strategy>)
- The Hauraki Gulf Transit Protocol for Commercial Shipping 2013 (a voluntary protocol by Ports Auckland and the shipping industry) ([https://www.poal.co.nz/community-environment/Documents/HaurakiGulf\\_voluntary\\_protocol.pdf](https://www.poal.co.nz/community-environment/Documents/HaurakiGulf_voluntary_protocol.pdf))

New Zealand is a member of the Secretariat of the Pacific Regional Environment Programme (SPREP). The Threatened and Migratory Species programme focuses on helping the Pacific region through developing and implementing a number of initiatives.

New Zealand is also a participant in the East Asian-Australasian Flyway Partnership, which has a strategic implementation plan that provides the regional framework for conservation of migratory waterbirds ([http://www.eaaflyway.net/documents/key/EAAFP\\_implementation-strategy2012-2016.pdf](http://www.eaaflyway.net/documents/key/EAAFP_implementation-strategy2012-2016.pdf)).

New Zealand is also Party to a number of Regional Fisheries Management Organisations, where a range of conservation management measures have been adopted to address the conservation of migratory species.

### 3a. Do these policies/plans cover the following areas?

Exploitation of natural resources (e.g. fisheries, hunting, etc.)

Yes

Economic development

Yes

Land-use planning

Yes

Pollution control

Yes

Designation and development of protected areas

Yes

Development of ecological networks

Yes

Planning of power lines

Yes

Planning of fences

Yes

Planning of dams

Yes

Other

Yes

If Yes, please provide details

> Environmental issues related to migratory species conservation such as climate change and pollution control are addressed under SPREP's other major programme - Pacific Futures.

4. Results - please describe the positive outcomes of any actions taken

> The policies listed assist New Zealand in our mandate of conserving protected species, at a collective and species level, by addressing a range of impacts.

Some specific example of positive outcomes for migratory species include:

- The Hauraki Gulf Transit Protocol for Commercial Shipping 2013 has significantly reduced, and possibly eliminated, ship strike of Bryde's whales.
- 30% of New Zealand land cover has some form of protection that may be beneficial for migratory species.
- Resource consents have been required under the Resource Management Act 1991 for flood control activities at two important bird flyway sites. This has enabled the inclusion of environmental safeguards in resource consent conditions, taking into account the potential impacts of proposed activities on issues such as fish migration in the canals in and around these wetlands.

## V. Protected Areas

1. Are migratory species taken into account in the selection, establishment and management of protected areas in your country?

Yes

If Yes, please provide details:

> The stated purpose of the Reserves Act 1977 is the preservation and management of areas of New Zealand possessing wildlife or indigenous flora or fauna – which include migratory species. Similarly, the National Parks Act 1980 declares that national parks shall be administered and maintained to preserve as far as possible the native plants and animals of the parks, which include migratory species. The Marine Reserves Act 1971 also declares that marine reserves shall be administered and maintained so as to, as far as possible, protect and preserve marine life of the reserves, which includes migratory species.

Regarding protected areas with international designations, habitat for shorebirds and other waterfowl are an essential element of sites selected to go forward for Ramsar status. Migratory species are also included in the Outstanding Universal Values of at least one World Heritage site (New Zealand Sub-Antarctic Islands).

1a. Please identify the most important national sites for migratory species and their protection status:

> Parengarenga Harbour, Whangarei Harbour, Manukau Harbour, Waitemata Harbour, Kaipara Harbour, Tauranga Harbour, Awarua Bay/New River Estuary, Heathcote/Avon River Estuary, Farewell Spit and Firth of Thames are important national sites for shorebird conservation.

For migratory seabirds, the key sites are as follows: Kermadec Islands, Poor Knights Islands, Little Barrier Island, Mercury Islands, Stephens Island, Whenua Hou/Codfish Island, Rangatira Island, Snares Islands, Auckland Islands, Campbell Islands, Antipodes Islands and Bounty Islands. All these islands are fully protected Nature Reserves with permit only access. Other key sites are Hutton's shearwater colony (Nature Reserve), Westland petrel colony (Specially Protected Area in Paparoa National Park and Magenta petrel colony (Tuku Nature Reserve).

Marine mammal sanctuaries are designed to protect marine mammals from harmful human impacts, particularly in vulnerable areas such as breeding grounds and on migratory routes. This has been done in various ways such as restricting commercial fishing and certain methods of recreational fishing. DOC is responsible for the implementation, management and monitoring of all marine mammal sanctuaries.

Current marine mammal sanctuaries:

- Auckland Islands - also a marine reserve
- Banks Peninsula - also includes Akaroa and Pōhatu marine reserves
- Catlins Coast
- Clifford and Cloudy Bay
- Te Waewae Bay
- West Coast North Island - also includes Tapuae and Parininihi marine reserves.

There are also two sanctuaries administered under the Kaikōura (Te Tai o Marokura) Marine Management Act 2014:

- Te Rohe o Te Whānau Puha Whale Sanctuary
- Ōhau New Zealand Fur Seal Sanctuary

With these two Kaikōura sanctuaries, New Zealand has a total of eight sanctuaries that provide special protection for marine mammals.

New Zealand's marine reserves also offer protection for some migratory species, in particular the Subantarctic islands marine reserves and the Kermadec Island nature reserve and marine reserve.

### 1b. Do these protected areas cover the following areas?

Terrestrial

Yes

If Yes, please provide details and include the amount of protected areas coverage and the number of protected areas

> 30% of New Zealand land cover has some form of protection that may be beneficial for migratory species. Many of the major wader roosts are protected sites. The key seabird breeding colonies are all Nature Reserves.

Aquatic

Yes

If Yes, please provide details and include the amount of protected areas coverage and the number of protected areas

> See information in questions above.

## Marine

Yes

If Yes, please provide details and include the amount of protected areas coverage and the number of protected areas

> There is a network of marine reserves around New Zealand. Many breeding sites for seabirds, especially in the Subantarctic Islands, are protected. For example, the Subantarctic Islands Marine Reserves, established in 2014, cover 435,000 hectares of ocean around Antipodes, Bounty and Campbell Islands. These compliment the existing Auckland Island marine reserve. They cover the most important breeding site in the world for the Southern Royal Albatross and a breeding ground for New Zealand's rarest whale, the Southern Right. The Kermadec Islands marine reserve is also important for migratory species such as turtles, great white sharks and rays.

<http://www.doc.govt.nz/nature/habitats/marine/other-marine-protection/>

1c. Identify the agency, department or organization responsible for leading on this action in your country:

> Department of Conservation

2. Results - please describe the positive outcomes of any actions taken

> Improved protection and conservation of biodiversity; greater public awareness of conservation issues.



## VI. Policies on Satellite Telemetry

1. In the current reporting period, has your country undertaken conservation/research projects that use satellite telemetry?

Yes

If yes what is the state of those projects

completed

Please provide details

> Numerous seabird and elasmobranch tracking studies have been completed, and others are underway.

2. Are any future conservation/research projects planned that will use satellite telemetry?

Yes

If Yes, please provide details (including the expected timeframe for these projects):

> Regional population connectivity of great white sharks. The project commenced in 2005 and is continuing.

3. Results - please describe the positive outcomes of any actions taken

> Satellite tagging of white sharks has revealed regular migration of white sharks between New Zealand aggregation sites and the Coral Sea (Australia, New Caledonia and Vanuatu) and Kingdom of Tonga, with one shark passing through and close to the EEZs of Niue and Cook Islands respectively.

There has been extensive use of other tracking methods (geolocation tracking tags for example) on up to 25 species of seabirds. This has greatly increased our understanding of the movements of New Zealand seabird species, added new migrant species to the New Zealand list, and helped us understand which oceanic zones the birds use outside the breeding season.

Seabird tracking studies have contributed data to the global seabird tracking database

(<http://www.seabirdtracking.org/>) and have been used to inform management of fisheries bycatch risk.

## VII. Membership

1. Have actions been taken by your country to encourage non- Parties to join CMS and its related Agreements?

Yes

If Yes, please provide details. (In particular, describe actions taken to recruit the non-Parties that have been identified by the Standing Committee as high priorities for recruitment.)

> New Zealand continues to encourage Pacific Island countries to join CMS and has, through advocacy at EAAFP meetings, encouraged other states to consider joining the CMS.

New Zealand is hosting the ACAP Advisory Committee in September 2017, along with the Seabird Bycatch Working Group and the Population and Conservation Status Working Group meetings.

1a. Identify the agency, department or organization responsible for leading on this action in your country:

> Ministry of Foreign Affairs and Trade, Department of Conservation.

## VIII. Global and National Importance of CMS

1. Have actions been taken by your country to increase national, regional and/or global awareness of the relevance of CMS and its global importance in the context of biodiversity conservation?

Yes

If Yes, please provide details:

> Some activity to increase the visibility of CMS and its daughter agreements within government agencies.

2. Identify the agency, department or organization responsible for leading on this action in your country:

> Department of Conservation

3. Results - please describe the positive outcomes of any actions taken

> CMS is recognised by government agencies in New Zealand as an important forum for progressing global conservation of migratory species.

Voluntary contribution to support participation of developing States in ACAP meeting being hosted in NZ.

## IX. Mobilization of Resources

1. Has your country made financial resources available for conservation activities having direct benefits for migratory species in your country?

Yes

If Yes, please provide details (Indicate the migratory species that have benefited from these activities):

> In addition to various activities mentioned earlier in report (e.g., shark tagging, etc.):

- Annual census of humpback whales migrating through Cook Strait; pest control programmes on seabird breeding islands; collaboration with Australia on a whale research cruise (2009) to Ross Sea/Balleny Islands.
- Research on the status and migration of pygmy blue whale in the Taranaki Bight. Whale surveys in the Kermadec Islands region.

2. Has your country made voluntary contributions to the CMS Trust Fund to support requests from developing countries and countries with economies in transition?

No

3. Has your country made other voluntary financial contributions to support conservation activities having direct benefits for migratory species in other countries (particularly developing countries)?

Yes

If Yes, please provide details (Indicate the migratory species that have benefited from these activities):

> The NZ Government, through its overseas assistance programme, has made significant contributions to a number of conservation activities having direct benefits for migratory species. These include:

- Kiribati Pest Control Activity – Restoration of island habitats for seabirds and the eradication of rats and rabbits from the Phoenix Islands in Kiribati;
- Tuvalu - A capacity-building programme on large marine species, including turtle and cetacean monitoring;
- Pacific Region - An eco-tourism development project around turtle protection in Tonga, Fiji, the Solomon Islands and Kiribati. This Activity focuses on the capability in-country to sustainably manage natural resources, specifically turtles, with the establishment of turtle monitoring and conservation management programmes, education and awareness, and the investigation and establishment of turtle related eco-tourism businesses at selected communities. The initiative involves tracking the migratory paths of over 15,000 turtles in the Pacific region. 'Turtle tagging' involves clipping tags on the flippers of turtles to help estimate the turtle population in the Pacific and their nesting and foraging habitats.
- We have made one-off ad hoc payments to support the operations of the Secretariat of the EAAFP.

4. Has your country provided technical and/or scientific assistance to developing countries to facilitate initiatives for the benefit of migratory species?

Yes

5. Has your country received financial assistance/support from the CMS Trust Fund, via the CMS Secretariat, for national conservation activities having direct benefits for migratory species in your country?

No

6. Has your country received financial assistance/support from sources other than the CMS Secretariat for conservation activities having direct benefit for migratory species in your country?

No

## X. Implementation of COP Resolutions and Recommendations

**Please provide information about measures undertaken by your country relating to recent Resolutions and Recommendations since the last Report. For your convenience please refer to the list of COP Resolutions and Recommendations listed below:**

### Aquatic Species and Issues

#### Migratory Marine Species (Res. 9.9 / Res. 10.15)

> New Zealand continues to support capacity-building with Pacific Island Governments, including data sharing and providing technical support for conservation management (e.g. whalewatching workshop in Tonga, December 2010).

New Zealand has been compiling and publishing further information on southern populations of shark species:

- Spinetail devilray reports (<http://www.doc.govt.nz/our-work/conservation-services-programme/csp-reports/search-csp-reports-by-species/spinetail-devilray-csp-reports/>)
- Basking shark reports (<http://www.doc.govt.nz/our-work/conservation-services-programme/csp-reports/search-csp-reports-by-species/basking-shark-csp-reports/>)
- Supporting genetic analysis of protected fish species (<http://www.doc.govt.nz/our-work/conservation-services-programme/csp-reports/2015-16/supporting-genetic-analysis-of-protected-fish-species/>)
- Review of commercial fishery interactions and population information for the oceanic whitetip shark (<http://www.doc.govt.nz/our-work/conservation-services-programme/csp-reports/2013-14/review-of-commercial-fishery-interactions-and-population-information-for-the-oceanic-whitetip-shark/>)

New Zealand continues to establish marine reserves beneficial to migratory marine species within its EEZ. Currently there are two major MPA planning forums underway: The Hauraki Gulf/Tikapa Moana Marine Spatial Plan and the South East Marine Protection Forum, both of which include migratory species.

#### Conservation of Migratory Sharks and Rays (Res. 11.20)

- > • New Zealand's NPOA-sharks was published in 2013 and is planned for review in 2018.
- New Zealand legislation requires protected species to be immediately released alive and unharmed, and bycatch events reported. Scientific observers also report bycatch of protected species allowing non-reporting in commercial fisheries to be estimated.
- New Zealand actively engages in RMFOS to promote increased conservation for Appendix I species and regularly reports fisheries bycatch as part of our national reporting processes.
- Extensive bans on commercial and recreational set (gill) netting were introduced in 2012. The bans were applied in inshore waters of South Island and northwest North Island to protect endangered Hector's and Maui's dolphin (<http://www.mpi.govt.nz/protection-and-response/environment-and-natural-resources/sustainable-fisheries/protecting-hectors-and-maui-dolphins/>). Where gill netting does occur, protocols have been established for scientific observers to record and sample bycatch of all protected species.
- Time series data for observed basking shark bycatch in middle-depth and deepwater trawl fisheries has been reviewed and total catch in New Zealand waters estimated. The reports are planned for release in late 2017.
- Research is being undertaken to assess the factors that affect post-release survival rates of white sharks in commercial set net fisheries.
- Research is also underway around the post release survival and mitigation strategies for spine-tailed devil ray interactions with purse seine fisheries.
- In October 2013, the New Zealand deepwater fishing industry implemented a Code of Practice to minimise incidental captures of basking shark and to return any bycaught animals to the sea as quickly and safely as possible.
- Tagging studies on great white sharks are underway to better understand behaviour and migration patterns.

#### Live capture of Cetacean from the Wild (Res. 11.22)

> New Zealand legislation does not prohibit live capture of cetaceans for commercial purposes. The Marine Mammal Protection Act 1978 mentions the possibility of permits for 'capture for display purposes' (see section 5). Any application for such a permit would be assessed within the context of the overall purpose of the Act (the protection, conservation and management of marine mammals) as well as general conservation policy and the relevant conservation management strategies.

Live capture of cetaceans is also referenced in the Conservation General Policy

(<http://www.doc.govt.nz/Documents/about-doc/role/policies-and-plans/conservation-general-policy.pdf>).

Section 4.4(k) says:

'Whales and dolphins should not be brought into or bred in captivity in New Zealand or exported to be held in captivity, except where this is essential for the conservation management of the species.'

There are currently no cetaceans in captivity for commercial purposes.

#### Adverse Anthropogenic Impacts on Cetaceans and other Biota (Res. 9.19 / Res. 10.24)

> The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 manages the environmental effects of activities in New Zealand's oceans. The legislation aims to protect our oceans from

the potential environmental risks of activities like petroleum exploration activities, seabed mining, marine energy generation and carbon capture developments.

It also restricts the causing of vibrations (other than vibrations caused by the normal operation of a ship) in a manner that is likely to have an adverse effect on marine life in the waters of the exclusive economic zone. Seismic surveying is a permitted activity (i.e. no marine consent is needed), under the Act's Regulations 2013, as long as the organisation undertaking the survey complies with the Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations.

The Code was updated in 2013 to provide effective, practical mitigation measures for minimising acoustic disturbance of marine mammals during seismic surveys. The new regime is now far more comprehensive and robust with requirements for 4 independent observers, 24-hour Passive Acoustic Monitoring (PAM) on Level 1 surveys and submission of a Marine Mammal Impact Assessments for all surveys being the most important innovations.

The Code provides a high degree of protection for marine mammals throughout New Zealand waters as a minimum requirement. However, where particular sensitivities are known, extra precautionary measures may need to be considered. It has been endorsed as industry best practice by the Petroleum Exploration and Production Association of New Zealand (PEPANZ) and can be accessed at <http://www.doc.govt.nz/conservation/marine-and-coastal/seismic-surveys-code-of-conduct>.

#### Loggerhead Turtle in the South Pacific Ocean (Res. 11.21)

> While no loggerhead turtles nest in New Zealand, they are seen in waters around New Zealand and are occasionally caught as bycatch in commercial fisheries.

Loggerhead turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>). Only two records of loggerhead turtles were reported between 1 July 2008 and 30 November 2015, with a single bycatch event in surface longline and bottom trawl activities in oceanic and neritic waters, respectively. This suggests that bycatch risk for this species in New Zealand is low.

#### Improving the Conservation Status of the Leatherback Turtle (*Dermochelys coriacea*) (Rec. 7.6)

> While no leatherback turtles nest in New Zealand, they are seen in waters around New Zealand and are occasionally caught as bycatch in commercial fisheries.

Leatherback turtles are protected under the New Zealand Wildlife Act 1953, which prohibits the intentional killing or possession of the species.

Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. (See: <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/marine-conservation-services/reports/pop2015-06-marinereptiles-finalreport.pdf>). Available data suggests New Zealand may be an important seasonal foraging ground for adult leatherback turtles, with sightings and bycatch rates highest during the austral summer and autumn. However, low levels of observer coverage during these seasons is a limiting factor to accurately quantify total bycatch levels.

#### Antarctic Minke, Bryde's and Pygmy Right Whales (Res. 7.15)

> The status of Bryde's Whale in New Zealand is documented in DOC publication (2007):

<http://www.doc.govt.nz/documents/science-and-technical/sfc272.pdf>

Ship strike poses the greatest threat to Bryde's whales in New Zealand's Hauraki Gulf due to the whales spending the majority of their time less than ten metres below the surface - within the strike depth of many vessels. In 2013, a protocol was developed between Ports of Auckland and the shipping industry aimed to reduce fatalities from ship strikes. The impacts of ship strike on Bryde's whales is being taken into consideration as part of the development of the Hauraki Gulf/Tikapa Moana Marine Spatial Plan.

#### Migratory Freshwater Fish (Res. 10.12)

> - In October 2016, MPI separated the South Island shortfin and longfin eel stocks to allow for species specific management. Species specific management allows for the better protection of each species through targeted catch limits, regulations and settings within New Zealand's quota management system. Prior to the separation both species of eel in the South Island were managed as a combined stock.

- Following separation of the stocks, MPI set new Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and Customary and Recreational allowances. When setting the new catch limits, MPI significantly reduced the TACs / TACCs, particularly for longfin eel, to promote an increase in abundance over time.

- MPI is now reviewing catch limits for North Island eels stocks. MPI is undertaking preliminary engagement with tangata whenua (for whom eels (tuna) are a taonga species), as well as stakeholders and community consultation over 2017. Any changes as a result of the review will be implemented in 2018.

- There is little reported bycatch of fresh water eels. In the event eels are accidentally caught they can be legally returned to the water from where they were taken (provided they are alive and likely to survive) under schedule 6 of the Fisheries Act 1996. Furthermore, to reduce juvenile eels being caught, every commercial eel

net must have at least 2 escapement tubes with an internal diameter of at least 31mm.

- Imposing a maximum commercial legal size of 4kg (2kg in the Waikato), to increase the number of female longfins attaining maturity and migrating to spawn. Logbook programmes show that commercial fishers catch and return a lot of eels >4kg, so this measure is definitely increasing escapement.
- Voluntary avoidance by commercial fishers of "silver"/mature migratory eels (apart from Lake Ellesmere, where they target only shortfin male migrants).
- Closure of three rivers by MPI (Whanganui, Motu and Mohaka) to commercial eel fishers to increase spawner escapement.
- Trap and transfer programmes to move elvers above hydro dams.
- Efforts by power companies to increase survival of migrants from hydro dams, including: Trap and transfer from Manapouri/Te Aunau, turning off turbines and allowing over spilling when eels are migrating (time or year and flood events), attempts at ' fish ladders'.
- NZ does not allow harvesting of glass eels, which should increase the number of eels reaching maturity, i.e. number of migrants, especially when one considers that only 42% of longfin eel habitat in NZ is fished commercially or impacted by dams downstream.

## Annex: Updating Data on Appendix II Species

1. The drop-down lists below contain the list of all species listed in Appendix II. Parties which did not submit a National Report in 2014 are requested to complete the entire form. Parties that did submit a report in 2014 are requested to review and update the data (e.g. new published distribution references and details concerning species added to Appendix II at COP11).

### Charadriiformes

#### Scolopacidae spp

Please choose the one that applies.

Range State

#### Published distribution reference

> Eastern curlews are found in small numbers on major harbours and estuaries from Parengarenga in the Far North to Awarua Bay in Southland, with strongholds at Manukau Harbour and Farewell Spit. They have been recorded as vagrants on North Meyer Island (Kermadec Islands), and on Chatham, Stewart and Campbell Islands.

Numbers in New Zealand were regularly in the mid 40s during the 1980s but now fewer than 10 occur annually, with only 1 or 2 overwintering.

Riegen, A.C. 2013. Eastern curlew. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)  
There have been 3 New Zealand records of Bristle-thighed curlews, all from the Kermadec Islands: Macauley Island (August 1966), North Meyer Islet (September 1972 - a dried corpse now in Te Papa), and Raoul Island (September 1972).

Melville, D.S. 2013. Bristle-thighed Curlew. In Miskelly, C.M. (ed.) New Zealand Birds Online. [www.nzbirdsonline.org.nz](http://www.nzbirdsonline.org.nz)

### Rajiformes

#### Manta birostris

Please choose the one that applies.

Range State

#### Published distribution reference

> Rare or seasonal sightings of the Giant Manta Ray at locations such as northern New Zealand (Duffy and Abbott 2003)