

Set net - Protected Species Risk Management Plan

FV		Vessel ID		Home Port	
Owner		Skipper/s		Date	
Vessel photo		Mitigation photo		Mitigation photo	

Purpose of this RMP

This PSRMP documents agreed procedures and actions that skippers of this vessel will follow to reduce risk of protected species captures and includes implementation of best practice as outlined by the Mitigation Standards. **This document is to be prominently displayed onboard.** Skipper(s) and crew must also read and understand the supporting 10 Golden Rules & Operational Procedures. Information in this plan will be provided to MPI and SNZ Inshore for reporting and management.

Regulations

All protected species captures should be reported using the electronic NFPS Catch Report.

Remember it is not illegal to catch a protected species however it is illegal not to report it!

Vessel's Practices	
Fish waste management <i>Describe equipment and procedures to hold or batch fish waste; contingency plan where required</i>	<ul style="list-style-type: none"> - No discharge immediately before or during setting. - While hauling, fish waste is held or batched at ≥30 minute intervals opposite side to the hauling station (select one or indicate if both). - All practicable stickers are removed from the net before each shot. - Gear and deck are kept clean of any remaining fish waste <p><u>Cut & offal discards:</u> <u>Whole fish discards:</u> <u>Storage & discharge point:</u> Example: Stored in fish bins and dumped from stern while steaming</p>
Net interaction	<ul style="list-style-type: none"> - Haul as quickly as practicable to minimise time net is at/near surface - Gear maintenance and repairs are conducted while net is onboard or during low risk periods - Fishing gear/equipment is regularly inspected and maintained (e.g. winches) - Nets are not stalled
High-risk periods/areas	<ul style="list-style-type: none"> - Spatial placement of nets don't pose unnecessary risk (i.e. near seabird colonies/foraging grounds) - Some high-risk periods/areas include: (include areas and times discussed with LO) - Examples – Stop fishing, increase setting sink rate, avoid fishing near seabird colonies?
Light management <i>Describe agreed daily practices</i>	<p>All/No/Some - Lighting reduced to minimum requirements and intensity for operations and safety</p> <p>All/No/Some - Non-essential activities requiring external lighting at night are avoided</p> <p>All/No/Some - High-risk areas (as discussed with LO) are avoided when using external lights</p> <p>All/No/Some - Black-out blinds and amber (blue and violet-filtered) lights are used as appropriate</p> <p>All/No/Some - Essential lights are shielded, angled, and/or positioned to only light required areas</p>
Handling and Release	<ul style="list-style-type: none"> - Skipper and crew know and follow safe protected species handling and release procedures - Return live fish (meeting legal requirements) to the sea as soon as practicable
Other (gear/mitigation)	

Contact your Liaison Officer when a TRIGGER POINT (below) is reached

24 hr period	(Alive or Dead) Any great albatross, penguin, dolphin, whale, sea lion, turtle or basking shark (Alive or Dead) 2 albatrosses/mollymawks, or 5 small (e.g. petrel/shearwater) seabirds (Dead) Any black petrel, flesh-footed shearwater or white pointer shark
7 day period	(Alive or Dead) 10 protected seabirds of any type or 5 fur seals
Contact:	Ph:
Email:	

TEN GOLDEN RULES

FOR SETNET FISHING TO SAVE PROTECTED SPECIES

- 1. Ensure your vessel has onboard the current Coastal Setnet Operational Procedures (OPs), a Protected Species Risk Management Plan (PSRMP), a map of setnet prohibition areas** and that you and your crew are familiar with the regulations and reporting requirements.
- 2. Avoid setting nets in the vicinity of significant seabird colonies and foraging areas** (consider time and season) for the region you fish, and where seabird and/or marine mammal activity is particularly high.
- 3. Ensure that stalling does not occur** while the nets are set (i.e. minimise the time the net sits at the surface).
- 4. Avoid excessive soak time** (only soak as long as needed to maximise catch value) and ensure you are aware of maximum soak time outlined in the regulations.
- 5. Ensure your setnets do not cover more than one quarter of a channel, bay, inlet, etc,** as required by the regulations.
- 6. No discharging of offal or fish waste immediately before or during setting** and remove all stickers as practicable from the net prior to each shot.
- 7. While hauling, either hold or batch discharge offal and fish waste.** Return live fish (meeting the legal requirements) to the sea as quickly as practicably possible.
- 8. While ensuring safe operating standards, minimise additional and unnecessary lighting** so as not to attract or disorientate seabirds, especially while sheltering or at anchor.
- 9. Ensure you and your crew are familiar with and follow safe animal handling procedures and protocol** (see DOC Handling and Release Guide). Record and report any bird band numbers to bandingoffice@doc.govt.nz.
- 10. Report all protected species captures by ERS and notify your local Liaison Officer (same day) when protected species captures reach a Trigger point.** The Trigger points are outlined in your PSRMP. Assess the event and when necessary implement further risk reduction.

For support phone your local Liaison Officer

Upper South Island: John Cleal - 021 305 25

Lower South Island: Graham Parker - 022 067 8224

TEN GOLDEN RULES

NON-FISH OR PROTECTED FISH SPECIES (NFPS) CATCH REPORTS

- 1.** The Fisheries (Reporting) Regulations 2017 require reporting of **all** NFPS captures (dead or alive). It is an offence to fail to report.
- 2.** All permit holders and skippers must know the law and be able to file an NFPS catch report using their vessel's Electronic Reporting system.
- 3.** Fisheries New Zealand observers file their own NFPS catch reports, but this does NOT mean the vessel's obligation to report has been removed.
- 4.** *Captures* means that the NFPS has become fixed, entangled, or trapped in such a way that it cannot move freely or free itself from any part of the fishing gear. (includes for example tori lines and paravanes)
- 5.** *Deck strikes* means seabirds injured or dead from colliding with the vessel, or any that need crew assistance to leave the vessel because they are disoriented.
- 6.** Treat all animals with respect and care (dead or alive).
- 7.** Return all NFPS to the sea promptly and carefully unless required to be kept on board by a Fisheries New Zealand observer.
- 8.** Unauthorised retention or any further interference with protected species is an offence under the Wildlife Act 1953.
- 9.** If unsure of the species name (NFPS code) use the generic codes provided.
- 10.** E-logbook Users Instructions and Codes can be found here:
<https://www.mpi.govt.nz/dmsdocument/53995-Fisheries-E-logbook-Technical-Specifications-Circular-2022>

Non-Fish or Protected Fish Species Catch Report - Summary Information

(from Fisheries New Zealand Electronic Catch and Position Reporting Guide 2021)

You must complete an NFPS Catch Report if there is an interaction with the following by the vessel or gear during a trip:

- Birds;
- Marine mammals (e.g. New Zealand fur seal);
- Marine reptiles (e.g. turtles);
- Protected fish species (e.g. basking shark, great white shark, manta ray, black spotted grouper);
- Selected benthic organisms (corals, sponges, and bryozoans).

You will be prompted for more information about how the capture happened if a seabird is taken during trawling or surface or bottom longlining.

You must take care when choosing codes where there is a group option and a specific option so that you do not accidentally report an organism twice.

If there is more than one NFPS capture during an event, they will all be recorded on the same NFPS Catch Report.

The NFPS Report must be completed and provided at the same time as the Fish Catch Report, if it occurs as part of a fish catch event.

If the capture happens while you were not actually fishing (e.g. while steaming), the NFPS Catch Report will be a standalone report, i.e. it will not be linked to a Fish Catch Report and must be completed and provided to FishServe before the end of the day on which you became aware of the capture.

Online resources to assist you with NFPS identification

- The DOC website has material on coastal and deep water seabird species. Guides include MPI reporting codes and are available in multiple languages: doc.govt.nz/our-work/conservation-services-programme/csp-resources-for-fishers/a-fishers-guide-to-new-zealand-seabirds/
- A fuller set of invertebrate NFPS material is available at: fs.fish.govt.nz/Doc/23020/AEBR_86.pdf.ashx
- A coral guide is available at doc.govt.nz/Documents/conservation/marine-and-coastal/fishing/coral-id-guide-updated.pdf

South Island Coastal Setnet

Operational Procedures - Protected Species Risk Management

Version 3 November 2021

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Disclaimer: *These OPs do not replace or override any fisheries legislation or other regulations including Health & Safety, Maritime Safety, Fisheries, Animal Welfare or the Wildlife Act. Vessel operators are required to ensure that both they and their crew understand all regulations that are relevant to the fisheries and environment that they are operating in, and that crew and vessel safety must always be considered.*

MPI has stated that at-sea inspections will become more directed as a result of the availability of GPR data. Make sure you know what you need to meet legal requirements on protected species mitigation reporting. Please contact your Liaison Officer for support if you need assistance.

1. Background, Rationale and Purpose

The Coastal Setnet (SN) fishery operates overlapping with areas frequented by marine protected species such as seabirds and marine mammals and sharks. It is therefore important to use a structured approach to mitigate the risk of protected species captures. The protected species caught by the SN fleet are of significant importance to the community and some have very small and/or threatened populations. The Government will be responsive in ensuring that undue impacts are not occurring on protected species. It is in the best interests of the coastal SN fleet to take all reasonable steps to acknowledge, understand and reduce as much as possible impacts on protected wildlife encountered.

National Plan of Action - Seabirds and Risk Assessment

The National Plan of Action (NPOA) Seabirds focuses on education, partnering to find innovative solutions to bycatch mitigation, and ensuring that all fishers know how, and are taking all practicable steps, to avoid seabird bycatch. The NPOA sets out objectives for the next five years to guide management of risk to by-caught seabirds in New Zealand fisheries. This management comes mostly from Fisheries New Zealand (FNZ) with support from the Department of Conservation (DOC) and industry bodies such as Fisheries Inshore NZ (FINZ), Southern Inshore Fisheries Management Co. (SIFMC) and the DeepWater Group (DWG).

The New Zealand seabird risk assessment is the main way FNZ evaluates the impact of commercial fisheries on New Zealand seabirds. The assessment incorporates spatial overlap of seabird populations and fishing effort, as well as population size and productivity to determine each species' risk category. A key part of the NPOA Seabirds is the objective to decrease the number of fishing-related seabird mortalities and show a reduction in their risk ratios, so that populations can recover and stabilise. Currently 13 seabirds are assessed to be in a risk category that warrants prompt and considered attention. The seabirds relevant to coastal SN operations include penguins, shags, and petrels.

National Plan of Action - Sharks and Risk Assessment

Similarly to seabirds, NZ's shark species are included under a 'NPOA – Sharks' that documents NZ's planned actions for conservation and management of those species. Several sharks and rays are also protected under NZ legislation and some of those may be encountered when setnetting in your region. Specifically, for coastal SN fishing, great whites are most likely to be encountered in FMA 5.

Threat Management Plans – Hector's dolphin and NZ Sea Lion

NZ fur seals are occasionally caught in setnets. NZ Sealions have not been reported in setnets however are known to be vulnerable to setnets used overseas (e.g. Australia), therefore the risk of capture exists for both species as their numbers continue to increase around mainland NZ, particularly in FMA 5.

Purpose

These Operational Procedures (OP) have been established so that agreed and required management measures are clearly communicated to and understood by vessel skippers, managers and annual catch entitlement (ACE) providers/Licensed Fish Receivers (LFRs). This OP is relevant to vessels setnet fishing any species in South Island harbour, nearshore, and coastal regions.

This OP aligns with the 'Mitigation Standards to Reduce the Incidental Captures of Seabirds in New Zealand Commercial Fisheries (Toolbox of Measures)' developed by DOC and FNZ. The Mitigation Standards builds on existing statutory requirements to show bycatch mitigation options that are above and beyond minimum regulations. The fishing industry focuses on ensuring our fleets are meeting statutory requirements and encourages vessels to further reduce their risk of seabird captures, as appropriate to their vessel operations.

The purpose of the Coastal Setnet Operational Procedures is to ensure:

- The risk of seabird, marine mammal and protected shark species mortalities from the SN fishery is mitigated and protected species captures are reduced.
- All mandatory measures are understood and adhered to.
- Vessel skipper and crews are aware of additional, voluntary measures that go above and beyond statutory requirements.
- Vessels report as accurately as possible all capture events (FNZ reporting) as well as any Trigger Points required by the Seabird Liaison Programme.
- Vessel crews actively implement protected species mitigation measures i.e. **Look – Think – Act**
- Vessel skippers and crew are aware of systems to manage protected species risk and can stand up to audit or review by vessel owners, skippers or Government.

2. Main seabird species at risk

Seabirds at Risk	Species Code	Main Risk Area	Threat Classification, Place, Time, Risk Profile
Yellow-eyed Penguin (Hoiho)	XYP	Otago, Catlins, Stewart Island	<ul style="list-style-type: none"> Nationally Endangered Typically found within 25km of the coast, but may travel up to 50km offshore Mostly feed on the seabed during the day at depths up to 150m Juveniles migrate north after they fledge in February towards Kaikoura and are often sighted around the Canterbury Bight (a small population off Banks Peninsula) The mainland population is small and declining due to a number of threats and impacts (including, but not just, fishing). Little population data for sub-Antarctic populations.
Fiordland Crested Penguin (Tawaki)	XFC	Fiordland, Stewart Island, Foveaux Strait	<ul style="list-style-type: none"> Nationally Vulnerable Most frequently caught nearshore e.g. overlapping with butterfish fisheries Intensive feeding period post chick-rearing (late Nov-early Feb) and post-moult (late Feb- early July) Multiple threats including ocean change (food issues) and land-based predators; fishing impacts add to these threats
Little Blue Penguin (Korora)	XLB	All Areas	<ul style="list-style-type: none"> At Risk - Declining Strongly impacted by adverse climate and oceanic events Present year-round on entire NZ Coastline Most frequently caught nearshore but may range up to 25km Daylight forager, often rafts, return to land at night
Foveaux Shag and Otago Shag (<i>until recently known as Stewart Island Shag</i>)	XHG	Foveaux Strait, Stewart Island, Otago	<ul style="list-style-type: none"> Nationally Vulnerable and At Risk Present in Oamaru south to Stewart Island, have been identified as far north as Banks Peninsula Fly in flocks to or from feeding grounds and forage up to 10km offshore Seabed forager (down to 30m), also forage in murky water e.g. Otago Harbour
King Shag	XHG	Marlborough Sounds & WC D'Urville Island	<ul style="list-style-type: none"> Nationally Endangered About 85% of all existing birds are located at five colonies: Rahuinui Island, Duffers Reef, Trio Islands, Sentinel Rock, and White Rocks Forage up to 25km from their colony Seabed forager (down to 50m) during daylight hours
Black, pied, little, and spotted shags	XPS (pied) XPP (spotted) XHG (black and little)	All Areas	<ul style="list-style-type: none"> Pied Shag (<i>Nationally Vulnerable – Recovering</i>), solitary shallow water forager (<10m) in daylight hours Spotted shag (<i>Not Threatened</i>), one of only two species of yellow-foot shags in NZ, caught near and offshore, solitary seabed foragers (down to 50 m) in daylight hours Little Shag (<i>Not Threatened</i>), widespread in coastal and freshwater environments. Solitary shallow water forager. Black Shag (<i>Naturally Uncommon</i>), Widespread across NZ, solitary forager in shallow murky water.

3. Marine mammal and shark species at risk

Marine Mammals and Sharks at Risk	Species Code	Main Risk Area	Threat Classification, Place, Time, Risk Profile
Hector's dolphin	HDO	ECSI, WCSI	<ul style="list-style-type: none"> Nationally Vulnerable Most abundant off the ECSI and WCSI but also found on the North Coast (Golden/Tasman Bay and Marlborough Sounds) and South Coast (Te Waewae Bay) Patchy distribution, often in shallow water and off river mouths but can extend range 20nm offshore Not known to feed from nets Use sonar to detect prey, but not 100% of the time – making them susceptible to captures NCSI, ECSI and SCSI: New closures in place as of June 2020. See supplemental material for maps. WCSI: No commercial setnet closures in place.
Dusky Dolphin	DDO	All Areas, particularly EC	<ul style="list-style-type: none"> Not Threatened Found all around the coastline of New Zealand, but more so on the East Coast
Common Dolphin	CDO	All Areas	<ul style="list-style-type: none"> Not Threatened Commonly found in large groups offshore but also found year-round in some inshore areas
Bottlenose Dolphin	BDO	All Areas	<ul style="list-style-type: none"> Range Restricted due to having three main coastal populations: Doubtful Sound, Marlborough Sound to Westport and Bay of Islands. However, are seen elsewhere e.g. Stewart Island, Otago
Orca/Killer Whale	ORC	All Areas	<ul style="list-style-type: none"> Nationally Critical Present year-round on entire NZ Coastline Typically in small family groups Their numbers are small and believed to be declining
Southern Right Whale	SRW	ECSI, Stewart Island, Otago	<ul style="list-style-type: none"> At Risk – Recovering Re-establishing around Mainland NZ, usually seen coastally (including harbours) in small numbers, mostly during winter but may be seen year-round.
NZ Sea Lion	HSL	Otago to Stewart Island	<ul style="list-style-type: none"> Nationally Vulnerable Re-establishing on Mainland NZ Present year-round in southern coastal waters
NZ Fur Seal	FUR	All Areas	<ul style="list-style-type: none"> Not Threatened Present year-round on entire NZ Coastline, mainly rocky shores Main SI Colonies in Kaikoura, D'Urville Island (Marlborough Sounds), Separation Point (Golden Bay), Cape Foulwind (Westport), Banks Peninsula, Otago, Ruapuke, the Solanders and Stewart Island, Fiordland Forage both nearshore and offshore (down to 200m deep)
Great White Shark	WPS	Particularly Stewart Island and Foveaux Strait	<ul style="list-style-type: none"> Nationally Endangered Most common over summer, particularly Nov-Mar Trans-Tasman population (range between NZ, Australia and the south Pacific Islands - a highly migratory species.

4. Managing the Main Risks Associated with the Coastal Setnet Fishery

It is recognised in New Zealand and globally that mitigating protected species interactions with setnets can be challenging, however there are options available to reduce risk. Coastal SN vessels must use a combination of mitigation practices to best address the risks of their individual operations. Fishers are best placed to develop mitigation techniques, if you have innovative ideas about reducing the probability of protected species interactions contact your liaison officer.

Risk Item	Ways to Manage Risk
<p>Food Attractant</p> <p>Discharging fish waste</p> <p>Species captured in the setnet during soak attracting protected species</p> <p>The longer the soak time, the higher the risk of captures</p>	<ul style="list-style-type: none"> Control (hold or batch) offal/waste discharge immediately before or during setting and hauling. If batching cannot occur, then discharge any attractant on the opposite side from which the hauling station is located. If hauling over the stern, discard offal/waste and live fish in batches on the leeward side of the vessel. Minimise net soak time. Use acoustic or other devices to deter the presence of at-risk marine mammal species near the gear (e.g. dolphin pingers).
<p>Setting</p> <p>Poor sink rate (the longer the net is on or near the surface) increases the risk</p>	<ul style="list-style-type: none"> Avoid discharging of fish waste immediately before or during setting. Ensure that the net is clean of any meshed fish or other potential food attractant when being set. Shoot the net at a lower vessel speed may achieve a faster sink rate. Avoid setting in the vicinity of known or observed seabird and marine mammal colonies/rookeries or known foraging areas. Avoid setting when large numbers of seabirds or marine mammals are present. While ensuring vessel & crew safety, reduce additional & unnecessary lighting on the vessel to a minimum.
<p>Hauling</p> <p>Predominantly entangled in the mesh</p>	<ul style="list-style-type: none"> Manage and minimise lofting of the net above the sea surface in high wind or wave conditions when seabirds and marine mammals are present. Ensure the vessel is moving at an appropriate speed to keep the net underwater while hauling. Use acoustic or other devices to deter the presence of at-risk species near the gear. Avoid hauling the net when large numbers of birds or mammals are present. While ensuring vessel & crew safety, reduce additional & unnecessary lighting on the vessel to a minimum.
<p>High Risk Periods and Areas</p> <p>Increased seabird numbers and aggressive feeding during breeding season, migration periods and/or moon periods</p>	<ul style="list-style-type: none"> Avoid known areas of high activity of protected species. Discuss these with your Liaison Officer so you are clear about where, what and when. Avoid setting gear near (where possible) rookeries, colonies and foraging areas (generally the closer you are the higher the risk) (see appendices for maps of areas to avoid). Avoid setting gear within any known consistent foraging or transit patterns of penguins (see appendices for maps of areas to avoid). While ensuring vessel & crew safety, reduce additional & unnecessary lighting on the vessel to a minimum (particularly while at anchor).

5. Mandatory Setnet Measures

MPI has implemented regulatory requirements for seabird risk mitigation. You should have a full copy of the regulations onboard and understand them. The regulations that apply are: *Fisheries (Commercial Fishing) Regulations 2001* - <https://www.legislation.govt.nz/regulation/public/2001/0253/latest/whole.html>

5a. South Island setnet closures for Hector's Dolphin

- **Additional SN closures came into effect on 1 October 2020, please refer to the MPI Dolphin TMP Fact Sheet in your folder for new measures introduced on the north, east and south coasts of the South Island.**

5b. Restrictions on setnets in channels

- Setnets must not extend more than one-quarter of the way across the width of a channel, river or stream (measured as distance between the bank of the channel, river, or stream, at right angles at that place at that time).
- Setnets must not extend more than one-quarter of the width of an arm of the sea, including an estuary, inlet, bay or sound (distance measured between a point on the water's edge and a point on the opposing water's edge that at the same point intersect with net, or a wing, leader or other item attached to the net).

5c. Length requirements for setnets

- Fishers must not use setnets if the total length of a net or combination of nets, whether attached together or otherwise is more than 1000m.
- However, if the upper edge of each net is more than 2m below the surface, the set net may be a maximum of 3000m in length or combination of total lengths whether attached together or otherwise.
- Fishers must not use or possess set nets with a total length of more than 500 m if, when the nets are set, they have part of their upper edge more than 2 m from the surface of the water – unless the nets have surface floats attached at intervals of 500 m or less.
- Fishers must not, in rivers, lakes, lagoons or estuaries, -
 - a) Use set nets or a combination of set nets if the total length of a net or a combination of nets, whether attached or otherwise, exceeds 1000 m, or
 - b) Set a set net within 60m of another set net.

5d. Soak time requirements for setnets

- Nets must not be left set in the water for more than 18 hours without underrunning the net and removing fish that have been caught.

5e. Stalling is prohibited

- Fishers must not set nets so that stalling occurs and must ensure stalling does not occur while the nets are set.

5f. Mesh size requirements for setnets

- Fishers must not use or possess nets whose mesh size is smaller than that specified in the table below, as per the regulations. Find mesh sizes for other species in the web page provided above.

Species of fish	Minimum net mesh size (mm)	Minimum fish length (cm)
Blue cod	-	33
Blue and Red moki	115	40
Butterfish	108	35
Elephant fish	150	-
Flatfishes (except sand flounder)	100	25
Red cod	100	25
Rig	150	-
Sand flounder	100	23
Tarakihi	100	25

6. Risk Management Plan Responsibilities

Responsibilities of Operator and Skipper

- Display a copy of the “Ten Golden Rules for Setnet Vessels” on the bridge.
- Ensure all crew are briefed on the Coastal SN OP and the vessel’s PSRMP and fully understand their responsibilities.
- Manage fishing operations in time and place based on their experience and the information provided in this OP to minimise overlap-with protected species.
- Be aware of protected species (seabird and marine mammal) activity around the vessel and in the area; assess risks and take actions needed to minimise risk.
- Ensure offal/fish waste is not discharged immediately before or during shooting, and if discharge during hauling is unavoidable, batch discharge from the side opposite the hauling station.
- Ensure correct reporting to FNZ and that trigger reports are sent promptly to your local Liaison Officer (see section 7).
- Ensure crew meet their responsibilities as listed below.
- Address any deficiencies in implementation of the PSRMP as noted by any observer
- Address the effectiveness and content of the PSRMP if seabird captures exceed the trigger points.

Responsibilities of Crew

- Manage offal and fish waste as outlined in this OP to reduce attraction of protected species to the vessel during times of shooting and hauling.
 - Haul the net as quickly as practicable and always seek to minimise the time the net remains at or near the surface.
 - Maintain a watch of seabird and marine mammal activity around the vessel and advise the skipper when there is risk that requires action, including:
 - Not shooting in presence of significant feeding activity.
 - Adjusting hauling speed and operation to reduce risk.
 - Advising if any animal is seen caught and ensuring its immediate release if alive.
 - Check and maintain any mitigation equipment (e.g. acoustic pingers).
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7. Reporting Protected Species Captures - Trigger Limits

Trigger Limits & Vessel Action

Triggers Points include:

Any 24 hr period:

- (Alive or Dead) Any great albatross, penguin, dolphin, sea lion or basking shark
- (Alive or Dead) First turtle capture of fishing year
- (Alive or Dead) 3 large (e.g. albatross/mollymawk, giant petrel, gannet), or
- 5 small (e.g. petrel/shearwater) seabirds, or
- 2 fur seals
- (Dead) Any black petrel or flesh-footed shearwater

Any 7-day period:

- (Alive or Dead) 10 protected seabirds of any type, or 3 turtles, or 5 fur seals

Actions Required

Report all trigger points to your local Liaison Officer within 24 hours so that any follow-up can be discussed and carried out. Emails from Sat-C or texts are OK.

Your local Liaison Officer's contact details are on your Protected Species Risk Management Plan.

8. Audit & Review

Government fisheries observers on your vessel will audit the implementation of your PSRMP. **You own the plan, and it should reflect what you will do. Do not write anything into the PSRMP that you do not intend doing.** Information they collect will be provided to DOC, FNZ and the Liaison Officer.

If your PSRMP is not being implemented effectively, it means that either the Plan needs updating or practices onboard need to be improved. Your Liaison Officer can work this through with you and update your Plan if necessary.

Your PSRMP may also need updating at other times. For example, if you change gear or target species, or there are changes in any element of your fishing operations that relate to the risk of protected species captures. At these times, please contact your Liaison Officer.

9. Fisheries NZ Reporting Requirements

All protected species captures

It is not illegal to accidentally capture protected species while commercial fishing, **but it is illegal to fail to report the capture**. It is important that all captures and mortalities are reported accurately. All protected species (captures or deck strikes, see below) dead or alive (then returned to the sea) must be recorded on the Electronic Logbook.

Fisheries NZ observers may decide to keep some protected species caught for necropsy and identification. They are permitted to do so. The vessel may only do so if it holds a DOC permit.

Always meet your legal requirements.

Definitions:

- **Captures:** *An animal (dead or alive) which is brought onboard on/by the fishing gear and requires assistance/help off the vessel.*
- **Deck-Strikes:** *Birds that 'collide' with the vessel/deck/superstructure and are dead or injured and are unable to leave vessel of their own accord; report as 'deck-strikes'.*
- *Not reported if alive and leaves the vessel unassisted, (i.e. landed on vessel).*

NFPSCR Codes – Species ID and leg bands/tags

Seabirds

- If you are 100% sure, use the species individual codes supplied by FNZ and listed on pages 3 and 4 of this OP.
- **If you are not 100% sure of the species identification, take a photo and send it to your Liaison Officer who may help you identify the protected species.**
- If you still cannot ID the species you may use the **XPG** (unidentified penguin), **XHG** (unidentified shag), **XAL** (unidentified albatross/mollymawk) and **XXP** (unidentified petrels & shearwaters) species codes.
- Record any leg band numbers on the form, these are really important and FINZ urges skippers to record any leg bands.

Marine mammals

- If you are able to identify marine mammals, report these captures at the species level as outlined on pages 3 and 4 of this OP.
 - **If you are unsure, take photos of the head, whole body and any distinguishing marks on the marine mammal, do this without any crew or vessel features in the picture and send these photos with your Liaison Officer, who may help you identify the marine mammal.**
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10. Animal Handling/Release and Crew Safety

Release Alive

Every care should be taken to release animals alive and in the best condition possible. Handle animals with care to minimise any further stress, harm or injury, and to increase its survivability back at sea. Refer to the [DOC Handling and Release Guide](#) for further diagrams and instructions. **Deliberately harassing or harming these animals after an incidental capture is an offence.**

Seabirds

- Keep the bird calm by covering the head with a cloth. Use two crew if possible; one to support the bird, while the other frees the gear from the bird. Use gloves and eye protection (some birds can inflict a nasty bite).
 - Carefully isolate the tangled meshes. Peeling the netting back over the tail, feet, and then the wings, while holding the bird firmly. Remove the head from meshes last.
 - Once freed, place the bird gently back into the water. If the bird is waterlogged keep it in a safe place, such as an empty fish case with a clean and dry towel lining the case floor. Cover the case also. Do not put the case in the wheelhouse as the bird will get too warm. Leave it on deck in the quietest location with the least draft possible, until it has recovered. Do not throw bird in the air, place back on water surface.
 - Refer to the [DOC Handling and Release Guide](#) for further diagrams and instructions.
-

Marine Mammals and Sharks

- If possible, remove animal from net without bringing aboard. This is especially important for sharks as their body structure does not protect their internal organs when hauled on deck or over rails.
- If possible, give seals time and space to leave the vessel. Do not take actions that will antagonise the animal and watch carefully for signs of aggression.
- Do not allow crew to be in the animal's path or escape route. Use netting as a moving barrier or a deck hose to persuade/guide the animal back to the sea.
- Seals can carry a number of diseases infectious to humans. Handling marine mammals should always be kept to a minimum and should only occur if absolutely needed.

When attending to animals landed on deck, the following steps should be followed to ensure crew safety:

- Whenever handling bodies of drowned fur seals, or any other marine mammals, wear waterproof gloves and waterproof protective clothing
 - Avoid direct contact with blood, urine, faeces and other body fluids. It is also important to avoid the mouth of the marine mammal as this is a major source of disease.
 - If bitten or grazed by a marine mammal, wash and disinfect the wound immediately, apply betadine/foban/antiseptic ointment and cover the wound. This minimises the risk of 'seal finger', a chronic and very painful infection caused by bacteria carried by some marine mammals. Visit a doctor once ashore as infection is very common with seal and sea lion bites.
 - After handling any marine mammal, crew should wash their hands and forearms with antibacterial soap and hose down their protective clothing.
 - Refer to the [DOC Handling and Release Guide](#) for further diagrams and instructions.
-

Returning Dead Protected Species to the Sea

The entire body of any dead protected species must be returned to the sea, unless a MPI observer onboard the vessel directs the skipper to keep it (or they themselves keep it) or the skipper has been advised otherwise by DOC or FNZ. Usually, they only keep seabirds, but may take parts of marine mammals or sharks.

Taking any part and keeping it or cutting or mutilating the body of a protected species is an offence.



Seabird Bycatch Mitigation Standards Guide

Set net

What Are Seabird Bycatch Mitigation Standards?

August 2021

The seabird bycatch Mitigation Standards were developed alongside the NPOA Seabirds 2020. They document the 'best practice' mitigation methods for reducing the risk of seabird captures in New Zealand commercial fisheries. It is expected that by 2025 the majority of vessels will have a Protected Species Risk Management Plan (PSRMP) that is tailored to their operational needs and works towards achieving the best bycatch mitigation options available.

These Mitigation Standards do not replace or override any fisheries regulations, or legislation on workplace health and safety, maritime safety, or other relevant subject.



Legal Requirements

1. **Set net vessels must meet all regulations pertaining to size of mesh, the maximum soak times, maximum lengths and net prohibition areas and restrictions.**
2. **Commercial fishers must ensure that stalling does not occur while the nets are set.**

'Best Practice' Mitigation Methods

1. **Control the discharge of fish waste**
 - No discharging of fish waste immediately before or during setting.
 - During hauling, either hold or batch discharge fish waste at intervals of no less than 30 minutes.
 - During hauling, retain all used bait on board until hauling has finished.
 - Return live fish (meeting legal requirements) to the sea as soon as practicable.
 - Document a plan for fish waste discharge should there be any equipment failures. Keep a copy on board.
 - Whilst still allowing the free movement and egress of water, maintain a secondary system that prevents uncontrolled fish waste discharge (*i.e.* equipment to minimise fish waste lost to factory floor or deck, grating and/or trap systems in fish sorting and gutting areas that lead overboard).
2. **Minimise any risk due to the spatial placement of set nets**
 - Nets are not set in the vicinity of known or observed bird colonies or foraging areas (consider time of year).
 - Nets are not set in an area when there is high bird activity, such as feeding/diving. Avoid fishing in known areas where seabirds have recently been caught.
3. **Minimise any attractions or access to the set net itself**
 - All practicable stickers are removed from the net before each shot.
 - Minimise the time the net is at or near the surface of the water. Shoot and haul as quickly as practicable.
 - Ensure net is set in a way that does not risk stalling.
 - Regularly inspect and maintain gear and equipment to reduce the risk of gear failure.
 - Where possible, conduct maintenance during periods of low risk to seabirds and with the net on board.
4. **Minimise deck landings or vessel impacts by seabirds**
 - Keep additional and unnecessary deck lighting to a minimum so as not to attract or disorientate seabirds, especially while sheltering or at anchor.
 - Keep gear and deck clean of any remaining fish waste where possible.
 - Ensure crew are familiar with safe seabird handling procedures (see [DOC Handling and Release Guide](#)).

For More Information

Contact your Liaison Officer for any questions you may have. They will be working with you to try and achieve these Mitigation Standards. The full document is available on the [MPI website](#).

Managing artificial lights to reduce seabird vessel strikes



Aotearoa New Zealand is the seabird capital of the world. Our seabirds are taonga (treasures) and our long coastline is dotted with their colonies. Unfortunately, many of our seabirds are threatened with extinction, so managing threats, including light pollution, is critical to their survival.

Why is light management important?

Many seabirds get disorientated by artificial lights at night, which can lead to collisions with vessels (vessel strikes). Following vessel strikes, seabirds can be contaminated with chemicals on deck (eg oil or fuel), causing loss of waterproofing and subsequent drowning. Vessel strikes can also cause direct seabird deaths. The risk of vessel strike is highest during foggy and rainy nights.

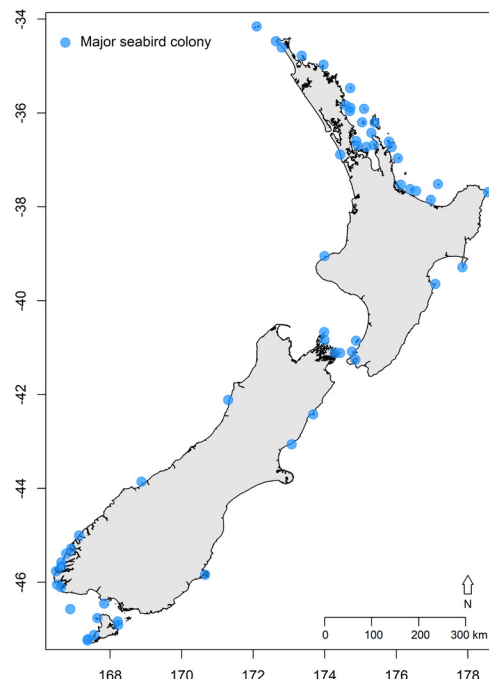
What can you do to help seabirds?

We recommend taking the following actions, while maintaining vessel and crew safety.

- Minimise light use, especially spotlights and floodlights, when you are within 5 km of an offshore island, where most seabird colonies are located.
- Avoid unnecessary movements and activities at night.
- Eliminate unnecessary lights.
- Shield lights to only light areas essential for safe operations.
- Use lights with reduced or filtered blue and violet wavelengths (eg 2200 K).
- Use black-out blinds wherever possible.
- Practice safe seabird handling and release techniques when vessel strikes occur (see diagrams below).
- Record and report vessel strikes.

Commercial fishers

- Follow your Protected Species Risk Management Plan and operational procedures.
- Contact your liaison officer for more information.



Shearwaters and petrels (including diving petrels, storm petrels and prions) are particularly susceptible to vessel strikes. Photos: Oscar Thomas

For more information contact marine@doc.govt.nz.

Safe seabird handling techniques

Small birds



Medium birds



Dry off waterlogged bird before release



Safe release techniques



Slow or stop vessel, sit it on the deck railing and when wings open allow it to fly off

Identifying New Zealand Mollymawks

SMALLER ALBATROSSES

The *Thalassarche* albatrosses, sometimes known as mollymawks, are considerably smaller than the great albatrosses. The following guide is to help you identify any mollymawks you may encounter.



Blue/grey bill
with yellow tip



New Zealand
white-capped
albatross

XWM

Distinguishing characteristics

- Larger-sized
- White head

Wingspan

180 – 256 cm

Yellow/grey bill
with dark tip



Salvin's
albatross

XSA

Distinguishing characteristics

- Larger-sized
- Mid-grey head and white crown

Wingspan

256 cm

Chrome yellow bill
with dark tip



Chatham Island
albatross

XCI

Distinguishing characteristics

- Medium-sized
- Darker grey head
- Most common around the Chatham Rise

Wingspan

220 cm



Image: © M. P. Pierre

Image: © M. P. Pierre

Image: Scott Brooks

Yellow/orange bill (XKM)

Yellow eyes



Image: Scott Brooks

Black eyes



Image: © M. P. Pierre

Campbell albatross

XCM

Distinguishing characteristics

- Larger-sized
- White head with black eyebrows
- More common in summer

Wingspan

250 cm



Image: Tui De Roy, Roving Tortoise Photos

Southern black-browed albatross

XSM

Distinguishing characteristics

- Larger-sized
- White head with black patch around eye
- More common in winter

Wingspan

210 – 250 cm



Image: Lea McQuillan

Black and yellow bill

Yellow stripe is broad at base of bill



Image: Traveler MG

Southern and Northern Buller's (Pacific) albatross

XPB

Distinguishing characteristics

- Medium-sized
- Grey head and neck with white-ish crown

Wingspan

213 cm



Image: Harold Stiver

Yellow stripe tapers at base of bill

RARE



Image: Paul Sagar

Grey-headed albatross

XGM

Distinguishing characteristics

- Medium-sized
- Grey head and neck

Wingspan

220 cm



Image: © Ric Else

Dark bill with pale blue stripe

RARE



Image: Agami Photo Agency

Light-mantled sooty albatross

XLM

Distinguishing characteristics

- Medium-sized
- Dark brown body and head with greyish neck and back
- White eye ring

Wingspan

220 cm



Image: Ian Parker

Set Net Vessel: Observer PSRMP Audit



Trip Number	Observer Code	Vessel Name		Trip start date	Trip end date
Target Species		FMA's fished		Number of sets	
Name of Skipper(s)					

Record Yes (Y), No (N), Not Applicable (N/A) or Unknown (U) in the boxes provided. If you answer N or U to any questions, please make detailed comments on the reverse.

- Item 1 Did the vessel carry a copy of the appropriate Operational Procedures and 10 Golden Rules on board that was made available upon request?
- Item 2 Was a copy of the vessel's Protected Species Risk Management Plan (PSRMP) readily available and in a place accessible to all crew?
- Item 3 Were the skipper and crew familiar with the contents of the:
 - (a) Operational Procedures?
 - (b) 10 Golden Rules?
 - (c) Protected Species Risk Management Plan?
- Item 4 Were any protected species capture trigger points reached during the trip? *(If yes, please describe in the comments)*
- Item 5 After a trigger point was reached, did the crew: *(If yes, please describe in the comments)*
 - (a) Make changes to fishing operations?
 - (b) Change the mitigation measures they implemented?
- Item 6 Did a gear or equipment failure contribute to the risk of protected species captures during the trip? *(If yes, please describe in the comments)*
- Item 7 Were all protected species captures reported on the Non-Fish Protected Species Catch Return as required by fisheries reporting regulations?
- Item 8 Were protected species that were caught alive, handled and released according to the DOC Handling and Release Guide?

Fish waste management

- Item 9 Was all fish waste/offal discharge managed as per the vessel's PSRMP?
- Item 10 Was all fish waste held on board immediately before and during setting?
- Item 11 During hauling, was fish waste/offal held or batch discharged at intervals opposite to the side the vessel was hauling?

Placement

- Item 12 Did the skipper demonstrate awareness of high-risk areas in deciding where to fish? (i.e; away from seabird colonies and foraging grounds) *(If yes, please describe in the comments)*

Net interaction

- Item 13 Was the net kept at the surface for an unexpected or unnecessary amount of time? *(If yes, please describe in the comments)*
- Item 14 Was the net cleared of all practicable stickers prior to shooting?

Deck landing/impact

- Item 15 Were all lighting practices managed in a way that avoids attracting or disorienting seabirds?

Please make a detailed comment for each item when required.

Item No:

Item No:

Item No:

Item No:

Item No:

Any further comments/observations:

ACOUSTIC PINGERS FOR SETNET FISHING GEAR

Acoustic deterrents, or 'pingers', alert dolphins to the presence of fishing nets. The following are two examples of acoustic pingers readily available in the Australasian market. For more product information and to assess the best option for your fishing operation contact the relevant distributor.



Ben Sullivan
Level 2, 11 Morrison St
Hobart, Tasmania
Australia, 7000

m. [+61 \(0\) 418518080](tel:+6180418518080)
e. ben.sullivan@fishtek.co.uk
w. <http://www.fishtekmarine.com>
skpe: benjosul

Porpoise & dolphin deterrent pinger (50-120kHz)

For use globally. **Seal safe.**

Battery life	12 months with average use (50% immersion time)
Frequency	50kHz – 120kHz with harmonics
Advanced acoustics	randomised pings with harmonics, prohibits habituation
Transmits outside the audible range of seals (Source).	
Dimensions	185mm x 52mm x 42mm
Weight (with battery)	229 grams
Space the pinger every 200m	
Sound level	145dB +/- 3dB @ 1m
Compliant with	European legislation: EC 812/2004



Porpoise deterrent pinger (10kHz)

For use globally

Battery life	12 months with average use (50% immersion time)
Frequency	10kHz with harmonics
Dimensions	185mm x 52mm x 42mm
Weight (with battery)	229 grams
Space the pinger every 100m	
Sound level	132dB +/- 3dB @ 1m
Compliant with	European legislation: EC 812/2004
Compliant with	NMFS Harbour Porpoise Take Reduction Plan
Compliant with	NMFS Pacific Offshore Cetacean Take Reduction Plan



Dolphin Anti-Depredation Pinger (40kHz)

Frequency –	40kHz
Battery Life –	175 hours
Dimensions –	185mm x 52mm x 42mm
Weight (with battery) –	229 grams
Space the pinger	every 75-100m
Sound level	175dB +/- 3dB @ 1m



Future Oceans

— Global Headquarters

Australia

Registered Office

1/80 Sixth Avenue

Maroochydore 4558

Queensland

Email: contact@futureoceans.com

NETGUARD



[FIND OUT MORE / BUY NOW](#)

Dolphin Pinger 70kHz

- "Seal Safe" Dolphin Pinger.
- Reduce interactions with Dolphins.
- Meets European 812/2004 Pinger regulations.

NETGUARD



[FIND OUT MORE / BUY NOW](#)

Porpoise & Dolphin Pinger 10kHz

- Avoid expensive net repairs caused by Porpoise and Dolphin interactions.
- Avoid non-compliance with European and US Pinger regulations.

NETSHIELD



[FIND OUT MORE / BUY NOW](#)

Anti-Depredation Pinger 70kHz

- Stop Dolphins taking your fish!
- Reduce expensive damage to your gear caused by Dolphin attacks.
- Over 1000 times louder than 132 decibel Pingers.

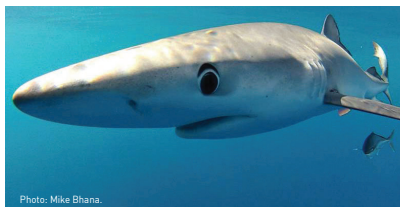


Photo: Mike Bhana.

Conservation and management of New Zealand sharks

Over 113 species of sharks have been reported in New Zealand waters. Sharks are now known to be an important part of marine ecosystems and New Zealand's National Plan of Action – Sharks (available at www.mpi.govt.nz) recognises this.

SHARK FINNING BAN

From 1 October 2014, it is **ILLEGAL TO REMOVE THE FINS FROM A SHARK AND DISCARD THE BODY OF THE SHARK AT SEA**. The Fisheries (Commercial Fishing) Regulations 2001 require that any shark fins landed must be naturally attached to the body of the shark (see fact sheet 2).

The Regulations provide exceptions to the "fins attached" requirement for eight species of shark. These exceptions take two forms, the first is for blue shark and it allows the fins to be removed from the body but requires that the fins be attached to the trunk after processing (before landing). The second exception is for seven other QMS species, for which the fins may be landed separately but in accordance with a gazetted ratio (see fact sheet 3).

The management of individual shark species depends on Note that you are not required to land any fins.

Approach	Species	
Fins naturally attached	Spiny dogfish	SPD
	All non-QMS species	
Fins artificially attached	Blue shark	BWS
	Elephant fish	ELE
Ratio	Ghost shark	GSH
	Mako shark	MAK
	Pale ghost shark	GSP
	Porbeagle shark	POS
	Rig	SPO
	School shark	SCH

the scale of catch, as well as other factors such as how vulnerable they are to fishing. You are likely to come across the following categories –

• QUOTA MANAGEMENT SPECIES

- Blue shark BWS
- Elephant fish ELE
- Ghost shark GSH
- Mako shark MAK
- Pale ghost shark GSP
- Porbeagle shark POS
- Rig SPO
- School shark SCH
- Spiny dogfish SPD

Nine species of shark are managed under the Quota Management System (QMS). Catches of these species must be retained like any other QMS species, unless they are listed on Schedule 6 of the Fisheries Act 1996. A separate fact sheet is available explaining the conditions under which Schedule 6 applies and providing information on the appropriate recording of Schedule 6 releases (see fact sheet 4).

• NON-QUOTA SPECIES

The remainder of shark species are not managed under the QMS. Reporting obligations still apply for these species, but they do not have to be retained and landed.

You are encouraged to use best practice handling methods to release sharks alive wherever possible.

Conservation and management of New Zealand sharks

- **PROTECTED SPECIES** – catches of these species both in the EEZ and on the high seas cannot be retained by law, but all catches must be reported on the "non-fish species or protected fish species catch reports":
 - Basking shark BSK
 - Great white shark (White pointer shark) WPS
 - Oceanic whitetip shark OWS
 - Deepwater nurse shark ODO
 - Whale shark WSH

• CITES-LISTED SPECIES NOT OTHERWISE PROTECTED:

- Porbeagle shark POS
- Smooth, scalloped and great hammerhead sharks HHS
- Shortfin mako shark MAK

Porbeagle, hammerhead, and more recently mako sharks have been listed in Appendix II of the Convention on International Trade in Endangered Species. Any landings from the high seas now require a "CITES introduction from the sea" permit before bringing any sharks into NZ fisheries waters. Exports of these sharks or their products now requires a "CITES export/re-export" permit.

Note that sharks caught in the New Zealand EEZ but not exported are not subject to CITES regulation. The CITES documentation process is administered by the Department of Conservation. For more information see <http://www.doc.govt.nz/cites>

FOR MORE INFORMATION

Fact sheet 2 – Landing sharks with fins attached

Fact sheet 3 – Landing shark fins subject to a ratio

Fact sheet 4 – Requirements for returning sharks to the sea [Schedule 6]

A copy of the regulations is available at: <http://legislation.govt.nz>

The content of this Fact Sheet is information only. The requirements are set out in the Fisheries (Commercial Fishing) Regulations 2001 and the Fisheries (Shark Fin to Greenweight Ratios) Circular 2014. The Ministry for Primary Industries does not accept any responsibility or liability for any error of fact or opinion, nor any consequences of any decision based on this information.

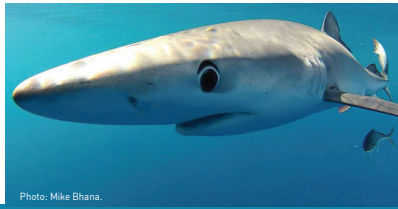


Photo: Mike Bhana.

Fact Sheet 2/4

2

Landing sharks with fins attached

The Fisheries (Commercial Fishing) Regulations 2001 require that for all non-quota management system (QMS) species, spiny dogfish, and blue shark, any fins to be landed must be attached to the remainder of the shark.

Blue shark

If you are planning to land the fins of any blue shark they must be attached to the trunk of the shark.

If you are retaining blue shark fins, you may land the shark either green (whole) or as the principal product state of "SHARK FINS ATTACHED" (SFA). This state is described as the shark being processed to the dressed state (see Figure 1 over the page) and then the fins re-attached by some artificial means. This includes (but is not limited to) stitching them on, or storing both the dressed trunk and the fins in the same bag (one shark per bag).

This rule will allow the small fishery for blue shark meat to continue, by allowing processing at sea to maximise the value of the fish, but still allowing for retention of the fins.

Note that you are not required to land the fins; you may land a different principal product state of blue shark. It is only if you wish to retain the fins that you must land it in either the "SHARK FINS ATTACHED" state or green. You are allowed to return unwanted blue shark to the sea under Schedule 6 provisions (see fact sheet 4).

Spiny dogfish and all non-QMS species

For spiny dogfish and non-QMS species, any fins landed must be **naturally** attached to the remainder of the shark. This means that there must be some portion of uncut skin connecting the fins to the body. If you are retaining fins, you may land these sharks either as green (whole) or as the principal product state "SHARK FINS ATTACHED". This is defined for spiny dogfish and all non-QMS species as the fish being processed to the headed and gutted state with the primary fins naturally attached (i.e. the pectoral fins, dorsal fins and some or all of the caudal (tail) fin).

You may cut the fins to allow them to be folded flat against the fish, or to allow for bleeding, but they must remain naturally attached to the trunk of the shark if they are being landed.

Note that this does not preclude landing another primary landed state. It is only if you wish to retain the fins that you must land it in the "SHARK FINS ATTACHED" state.

Non-QMS species can also be legally returned to the sea (dead or alive) if you don't wish to retain them (reported on disposal reports under disposal code "D"). Spiny dogfish can be returned (dead or alive) and reported on disposal reports under disposal code "M".

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FOR MORE INFORMATION

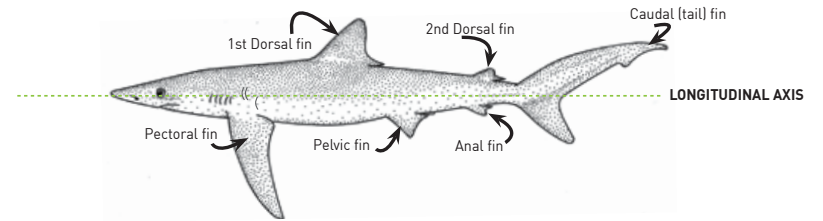
Fact sheet 1 – Conservation and management of New Zealand sharks

Fact sheet 3 – Landing shark fins subject to a ratio

Fact sheet 4 – Requirements for returning sharks to the sea [Schedule 6]

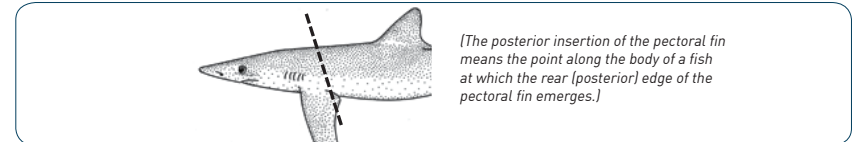
A copy of the regulations is available at: <http://legislation.govt.nz>

FIGURE 1: BLUE SHARK (BWS) DRESSED (DRE)

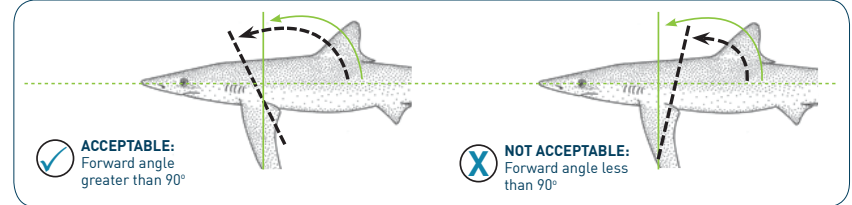


The body of a fish from which the head, gut and fins have been removed with:

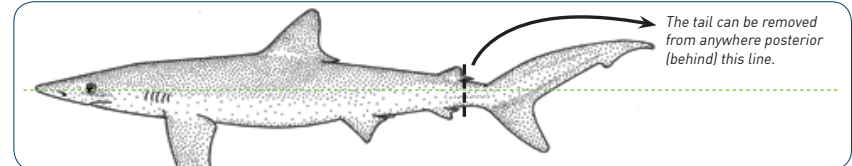
1) the anterior cut being a straight line passing immediately behind the posterior insertions of both pectoral fins.



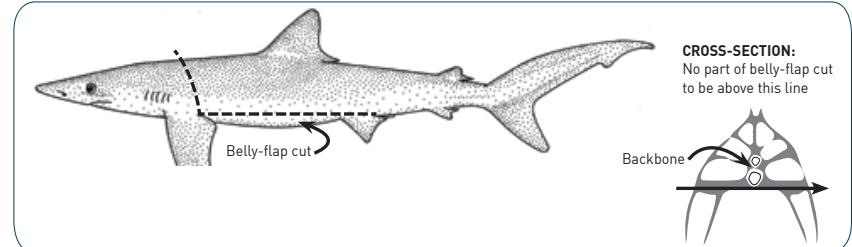
2) the forward angle of the anterior cut not less than 90 degrees in relation to the longitudinal axis of the fish.



3) no part of the tail cut forward of the posterior base of the anal fin.



4) the belly-flap may be removed by a cut, no part of which is dorsal to the cartilaginous backbone.



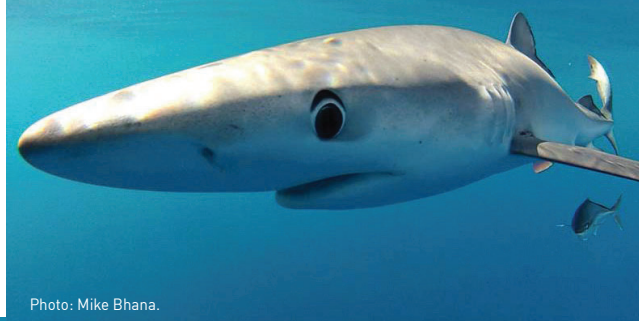


Photo: Mike Bhana.

Landing shark fins subject to a ratio

3

The Fisheries (Commercial Fishing) Regulations 2001 prohibit shark finning and require that any shark fins landed must be naturally attached to the remainder of the shark (or artificially in the case of blue shark). However, an exception to the fins attached requirement is provided for seven QMS species to allow at-sea processing to continue.

These seven QMS species are:

- Elephant fish ELE
- Ghost shark GSH
- Mako shark MAK
- Pale ghost shark GSP
- Porbeagle shark POS
- Rig SPO
- School shark SCH

For these species, the weight of all fins landed must not exceed a specified percentage of the greenweight of the shark. For example, if the ratio for a particular species is set at 3.5, if sharks are landed that have a total greenweight of 100 kgs, the fins of that species landed cannot weigh more than 3.5 kgs. They may weigh less than that. The ratios will be applied to landings on a trip-by-trip basis.

The species which may have fins landed separately, the specific ratios for each species, and the “primary fins” which have been used to set the ratios are defined in a *Shark Circular* which can be found at: www.mpi.govt.nz

Note that landing other fins may result in being over the gazetted ratio for a species.

How will the ratio work?

For species where you normally process the catch at sea and keep both a trunk (for example, dressed) and also

the fins, not a lot should change, but you will need to **STORE AND LAND THE FINS SEPARATELY BY SPECIES**. Fins must be landed wet. This will be a legal requirement from 1 October 2014, and will allow monitoring to make sure you are not retaining any more shark fins than the trunks they come from.

Future reviews of ratios will be based on direct sampling over the coming years.

For the main inshore shark species, the ratios have been set so that if you follow normal processing practices, you shouldn't exceed the ratio with your landings of shark fins. The ratios for each species have been set based on statistical analysis of at-sea sampling data. However, you will need to monitor your landings more closely so you can be confident you aren't exceeding the weight ratio, especially as you become familiar with the new rules.

FOR MAKO AND PORBEAGLE, there are some differences in cut and which of the fins are retained across different fleets. **THE RATIO IS SET BASED ON RETAINING THE WHOLE TAIL (CAUDAL) FIN**. This has been done to try and avoid any accidental non-compliance (which could occur if the ratio was set lower), but you will still

need to monitor your landings more closely to ensure you don't exceed it, especially if your vessel normally lands the whole tail. You can choose to land just the lower tail lobe. Close monitoring will occur to make sure no high-grading is occurring within the ratio.

Over the next two years, there will be ongoing monitoring and continued data collection to ensure that the ratios are set appropriately. Monitoring and enforcement will differentiate between slight variation around the ratios, which is to be expected, and a consistent trend of too many shark fins compared to shark bodies.

It is your responsibility to ensure you are within the ratio, but if you think the ratio is set incorrectly for a particular species, talk with MPI and/or a commercial stakeholder organisation such as Fisheries Inshore.

If you land any fins, you will need to report the actual weight of the fins for each species in the appropriate part of landing reports.

Retaining the fins from one shark and the trunk from a different shark (high grading) is an offence under the shark finning regulations.

FOR MORE INFORMATION

Fact sheet 1 – Conservation and management of New Zealand sharks

Fact sheet 2 – Landing sharks with fins attached

Fact sheet 4 – Requirements for returning sharks to the sea (Schedule 6)

A copy of the regulations is available at: <http://legislation.govt.nz>

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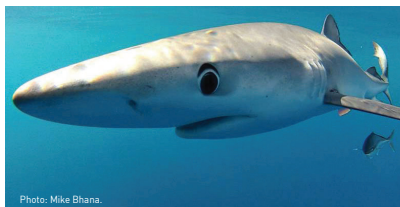


Photo: Mike Bhana.

Fact Sheet 4/4

4

Requirements for returning sharks to the sea (Schedule 6)

Schedule 6 of the Fisheries Act 1996 sets out QMS species that may be returned to the sea, so long as the specified conditions are met.

As part of the regulatory package to ban shark finning, MPI has made changes to Schedule 6 for several species of shark to allow them to be returned to the water. This provides a legal option for fishers who accidentally catch a shark for which they have no market.

In many cases, the best option is to try and avoid catching the sharks altogether if they are not marketable species. There may be different ways to avoid shark catches, depending on the species and the fishery. Some research is currently being done for surface longline fisheries.

Schedule 6 returns to the sea provide another option if you have already caught the shark. This fact sheet has been produced to explain the Schedule 6 provisions for shark species and detail the associated reporting requirements.

Live release only

The following species of sharks may only be returned to the sea **ALIVE**, if they are **LIKELY TO SURVIVE** and returned as soon as practicable:

- Rig SPO
- School shark SCH

Any returns of these species must be reported on disposal reports under disposal code "X" and will not be counted against your Annual Catch Entitlement (ACE).

Live or dead – pelagic sharks

For the following species:

- Mako shark MAK
- Porbeagle shark POS
- Blue shark BWS

Sharks may be returned to the sea **ALIVE**, if they are **LIKELY TO SURVIVE** and returned as soon as practicable. Any sharks returned to the sea **ALIVE** must be reported on disposal reports under disposal code "X" and will not be counted against ACE.

As of 1 October 2014, these sharks may also be returned to the sea if they are **DEAD** or **UNLIKELY TO SURVIVE** provided they are correctly reported. Any sharks returned to the sea dead or unlikely to survive must be reported on disposal reports under disposal code "Z". These returns will be counted against ACE. You need to accurately estimate the weight of the sharks discarded this way.

Live or dead – spiny dogfish

Spiny dogfish may be returned to the sea either live or dead. There is no differentiation between live and dead fish. Any spiny dogfish returned to the sea must be reported on disposal reports under disposal code "M" and will be counted against ACE.

FOR MORE INFORMATION

Fact sheet 1 – Conservation and management of New Zealand sharks

Fact sheet 2 – Landing sharks with fins attached

Fact sheet 3 – Landing shark fins subject to a ratio

A copy of the regulations is available at: <http://legislation.govt.nz>

The content of this Fact Sheet is information only. The requirements are set out in the Fisheries (Commercial Fishing) Regulations 2001 and the Fisheries (Shark Fin to Greenweight Ratios) Circular 2014. The Ministry for Primary Industries does not accept any responsibility or liability for any error of fact or opinion, nor any consequences of any decision based on this information.

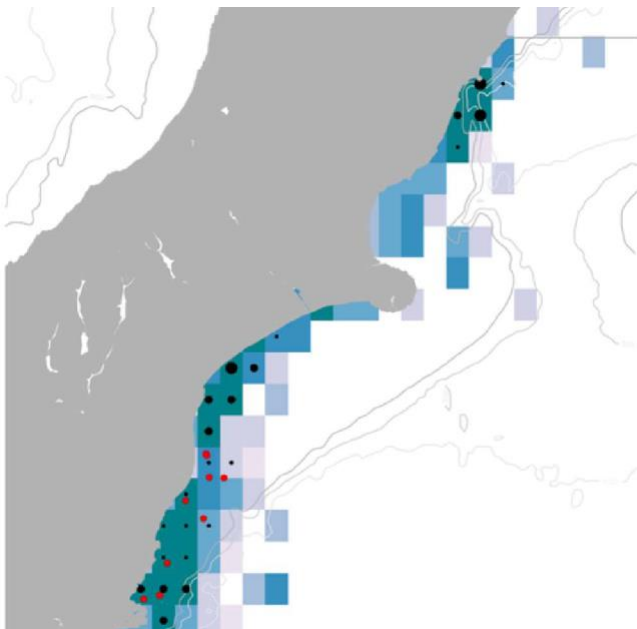
Requirements for returning sharks to the sea (Schedule 6)

SUMMARY OF OPTIONS BY SPECIES OF SHARK

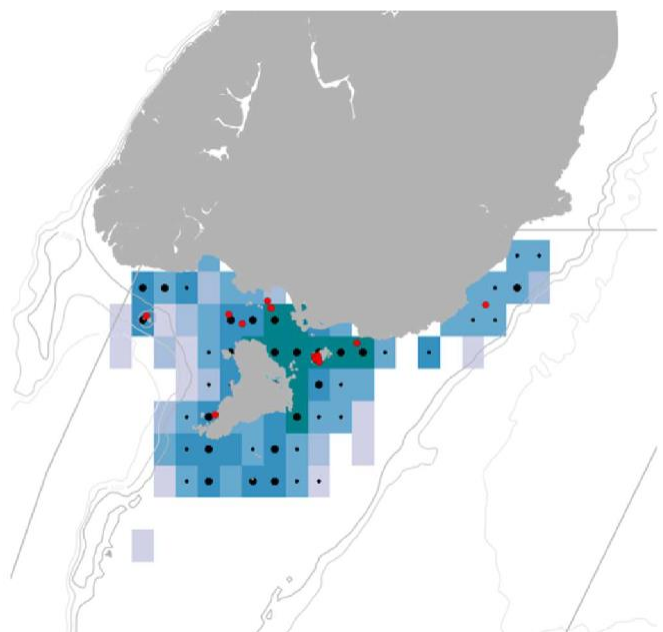
SPECIES	LIVE RETURN	Destination Code	Balanced with ACE	DEAD RETURN	Destination Code	Balanced with ACE	
School shark	SCH	Yes	X	No	Only observer- authorised discards	J	Yes
Rig	SPO	Yes	X	No	Only observer- authorised discards	J	Yes
Mako shark	MAK	Yes	X	No	Yes	Z	Yes
Porbeagle shark	POS	Yes	X	No	Yes	Z	Yes
Blue shark	BWS	Yes	X	No	Yes	Z	Yes
Spiny dogfish	SPD	Yes	M	Yes	Yes	M	Yes

Yellow-eyed Penguin Information (XYP)

- It is suspected that yellow-eyed penguins / hoiho are at risk of capture because fishers and penguins are both fishing in the same spot; it is not because they are feeding on fish in the gear. XYP are not “following” you or deliberately engaging with your fishing event (unlike albatross and trawlers).
- They are visual hunters and mostly feed at the seabed (benthic feeder) which means that they only fish during daylight hours. They can however remain at sea at night and away from their nest for a couple days.
- They can travel up to 50 km from shore (although typically less than 25km) and dive to surprising depths (e.g. 160m).
- Most XYP captures occur in shark setnet fishing but are also known in moki and butterfish setnets.
- Tracking data show that different colonies and individuals have different fishing grounds, and some may travel significant distances offshore while others operate closer to the coast.
- The penguins appear to habitually use the same areas throughout and between years. If you have fished consistently in an area without capturing one, the prospects are that you aren't in one of their feeding grounds and are less likely to catch one compared to fishing somewhere new.
- Diet studies suggest that hoiho eat small fish (less than about 25cm) of several species (including blue cod, red cod, opalfish, ahuru, sprat and arrow squid).
- Fishing and observer data for last 18 years as shown in the following maps show that there are places of relatively high effort and observer coverage where XYP have not been caught but also a few places that appear to be higher risk.
- High risk areas include off Glenavy in South Canterbury and northwest of Stewart Island (where birds may be travelling and foraging towards Te Wae Wae Bay). In these areas fishermen should consider every option to reduce risk including night fishing when possible or avoiding fishing in that area.



South Island (FMA 3) shark setnet effort (coloured squares with dark squares = more effort) observer coverage (black dots with bigger dot = more observer coverage) and yellow eyed penguin captures (red dots) from 2003-2018. Data from Fisheries NZ and Dragonfly.



Southland (FMA 5) shark setnet effort (coloured squares with dark squares = more effort) observer coverage (black dots with bigger dot = more observer coverage) and yellow eyed penguin captures (red dots) from 2003-2018. Data from Fisheries NZ and Dragonfly.

8 December 2022

These voluntary closed areas commenced on 1 November 2022 and will be in place year-round to mitigate risk from set netting operations to yellow-eyed penguins foraging in those areas. The closures will be monitored by Fisheries New Zealand and any breaches will be notified to Fisheries Inshore New Zealand in a timely manner for follow up.

The closures will be reviewed by Fisheries Inshore with support from FNZ after the completed Hoiho Multi-Threat Risk Assessment is available to determine the risks and appropriate conservation measures for yellow-eyed penguins.

Table 1. Latitude and Longitude of the proposed set net suspension boundaries.

Closure	Latitude	Longitude
a	4 nautical mile radius around Whenua Hou/Codfish Islands	
b1	-46.880426	168.149972
b2	-46.881081	168.283824
b3	-46.993798	168.214797
c1	-47.189556	167.834135
c2	-47.263723	167.645157

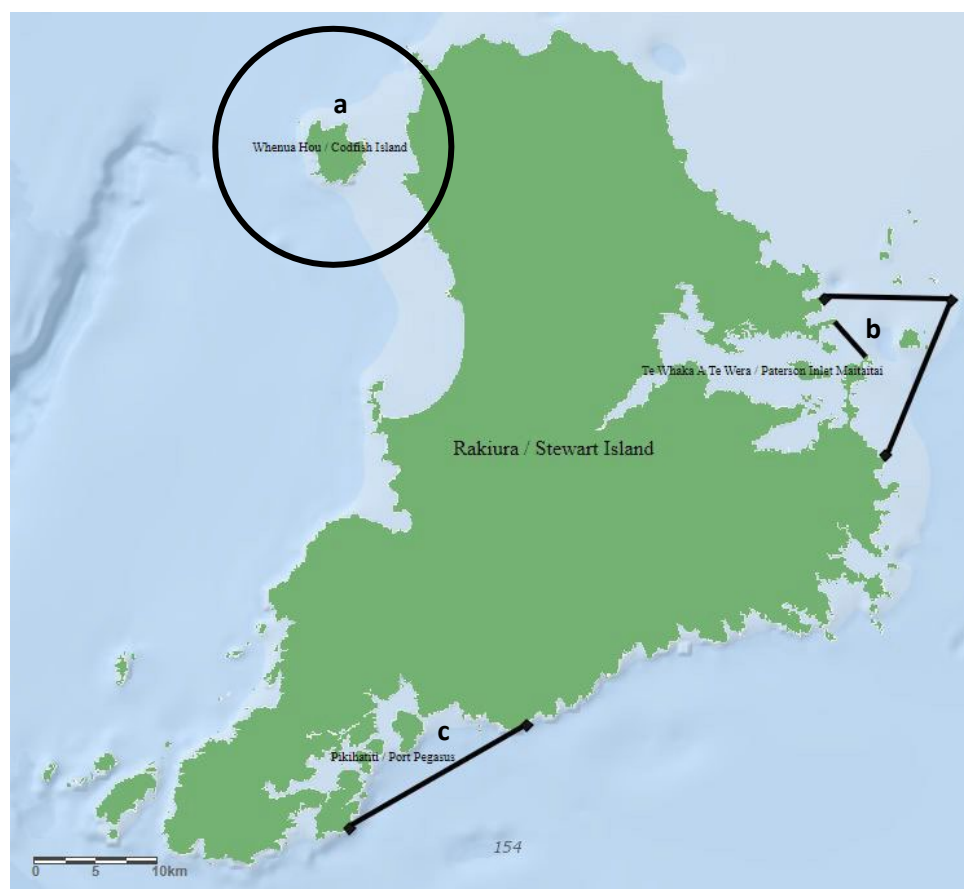
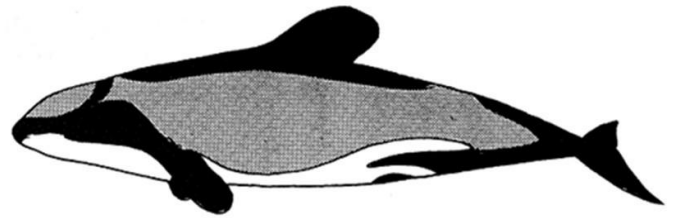
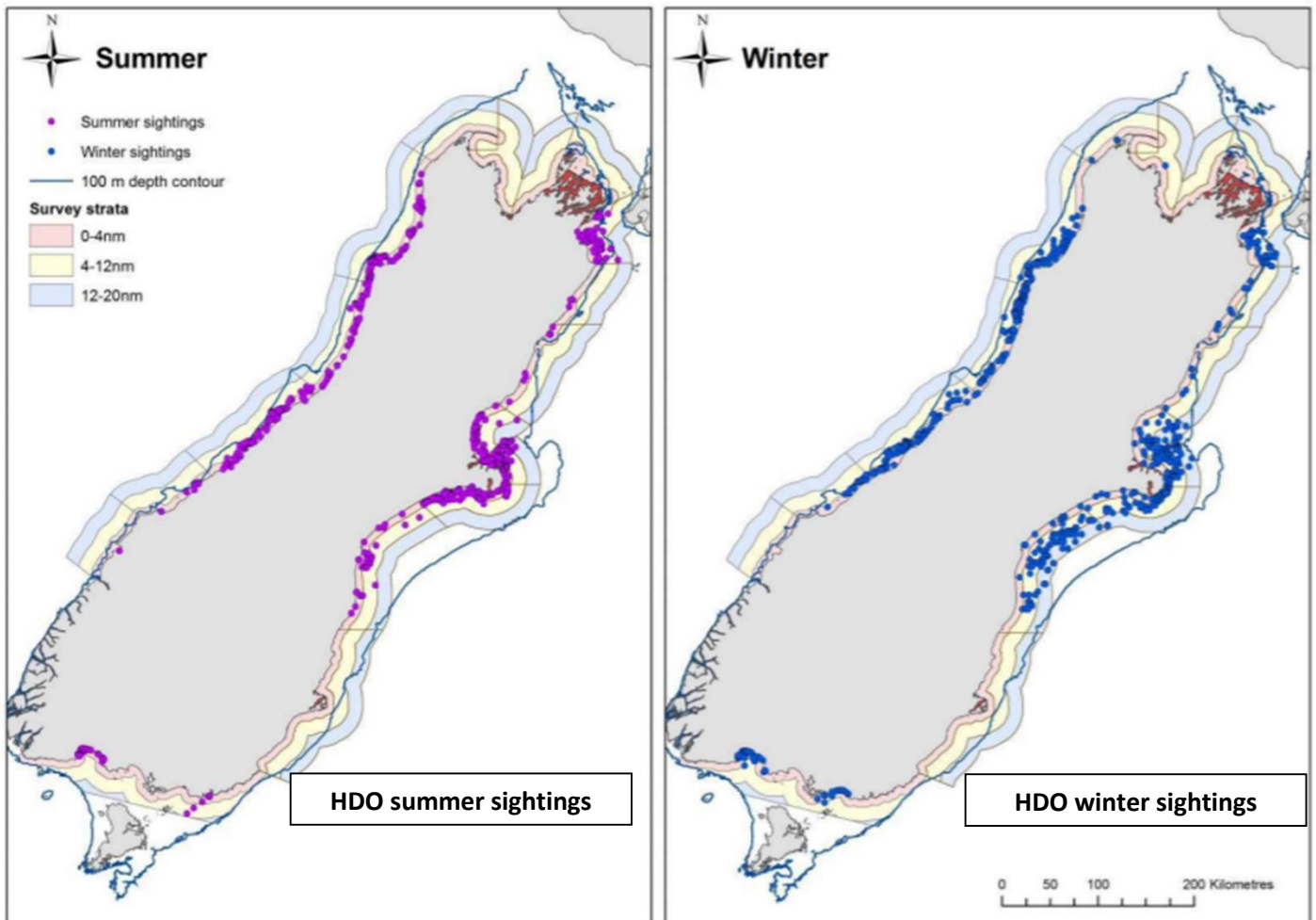


Figure 1. Location of the three voluntary commercial set net suspension areas around the Rakiura coastline. The internal boundary in closure (a) indicates the outer boundary of the Te Whaka ā Te Wera mātaītai that has excluded commercial fishing since 2004. These boundary lines are approximate, please refer to the latitude and longitudes in Table 1 for the true coordinates.

South Island Hector's Dolphin (HDO) Factsheet



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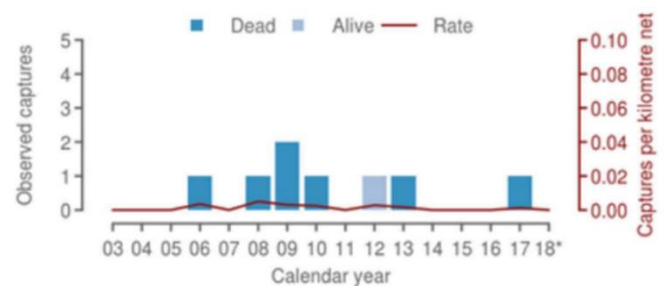


Observed captures of Hector's dolphins occurred of the East Coast of the South Island in setnet fisheries.

Additional Closures for the South Island setnet fisheries were implemented in 2020, including additional closures north and south of Banks Peninsula, near Te Waewae Bay, and between Farewell Spit and Cape Soucis. Please see the attached maps provided from FNZ for a detailed description of key GPS points.

In addition to avoiding areas with high abundance of hector's dolphins, use dolphin pingers (see factsheet provided by FINZ) or other dolphin acoustic deterrent device, and monitor gear.

Observed captures of Hector's dolphin in setnet fisheries



DRAGONFLY
Data Science

Figure of sightings from MacKenzie, D.I.; Clement, D.M. (2016). Abundance and distribution of WCSI Hector's dolphin. New Zealand Aquatic Environment and Biodiversity Report No. 168. 67 p + supplemental material.

Hector's and Māui dolphins Threat Management Plan

South Island fisheries measures



Below is a summary of the new fisheries measures to support the Threat Management Plan for Hector's and Māui dolphins, which come into effect on **1 October 2020**.

Hector's and Māui dolphins are only found in New Zealand waters and together are one of the world's rarest dolphin species.

Extensive measures are already in place to reduce fishing-related threats to Hector's and Māui dolphins and more is needed to be done to protect them.

The Government is extending and creating new areas that will prohibit the use of commercial and recreational set-nets in both the North Island and South Island.

What does this mean for the South Island?

The South Island will see new measures introduced on the north, east and south coasts.

- New commercial and recreational set-net closures out to 4 nautical miles offshore will be created within Golden and Tasman Bay, from Farewell Spit to Cape Soucis (Raetihi).
- Commercial set-net closures off Kaikōura will be extended as per the community proposed boundaries; no change to the current 4 nautical miles recreational closure.
- Commercial and recreational set-net closures will be extended off the east coast to encompass Pegasus Bay, approximately 19 nautical miles offshore southeast from the headland east of Motunau Beach offshore and then southwest to a point 7 nautical miles offshore from Goat Point.
- Commercial and recreational set-net closures will be extended off the east coast from Snuffle Nose southwest to 12 nautical miles offshore across the Canterbury Bight to just south of Timaru to the existing 4 nautical miles offshore boundary.
- Commercial and recreational set-net closures will be extended within Te Waewae Bay (between Sand Hill Point and Wakaputa Point) to 10 nautical miles offshore.
- Commercial and recreational drift netting will be banned in its entirety in all New Zealand waters.

How do the measures affect commercial fishers?

The measures will prevent commercial set-net fishing in the areas outlined above, with notable impact on the north coast South Island where there are currently few or no commercial restrictions on the use of set-net.

Off the east coast South Island, the changes are significant due to the scale of the offshore extensions in Pegasus Bay and Canterbury Bight to Timaru.

Other commercial fishing methods including drag netting and beach seining may continue to be used unless otherwise prohibited.



Fisheries New Zealand

Tini a Tangaroa

Will the new measures impact customary fishing?

Tangata whenua may still authorise customary fishing to be carried out by non-commercial or commercial fishers, with or without a fishing vessel, using any type of gear or method.

What do the measures mean for recreational fishers?

Recreational fishers will no longer be able fish using the set-net method in the areas outlined above. The set-net changes will be notable on the north coast of the South Island where there are currently few or no restrictions on the use of set-net.

Other recreational fishing methods including drag netting and beach seining may continue to be used unless otherwise prohibited.

What does this look like in your area?



Further consultation

The new set-net restrictions address most of the fisheries risk to Hector's dolphins in the South Island. In response to public feedback, further consultation on commercial and recreational set-net closures between the north and south of Banks Peninsula is intended. Consultation on an alternative way to manage risk from fishing

in the South Island, beyond the blunt use of area closures, will also be undertaken. This would include development of a framework that is more collaborative with industry to achieve reductions in dolphin captures, and increased monitoring through Crown-owned cameras on vessels across South Island Hector's dolphin habitat.



Protecting South Island Hector's Dolphins

New fishing measures to protect South Island Hector's dolphins will take effect by the end of 2022. These changes are in addition to the extensive closures that were put in place in 2020 as part of the Hector's and Māui Dolphin Threat Management Plan¹ to protect these precious taonga from fishing-related threats.

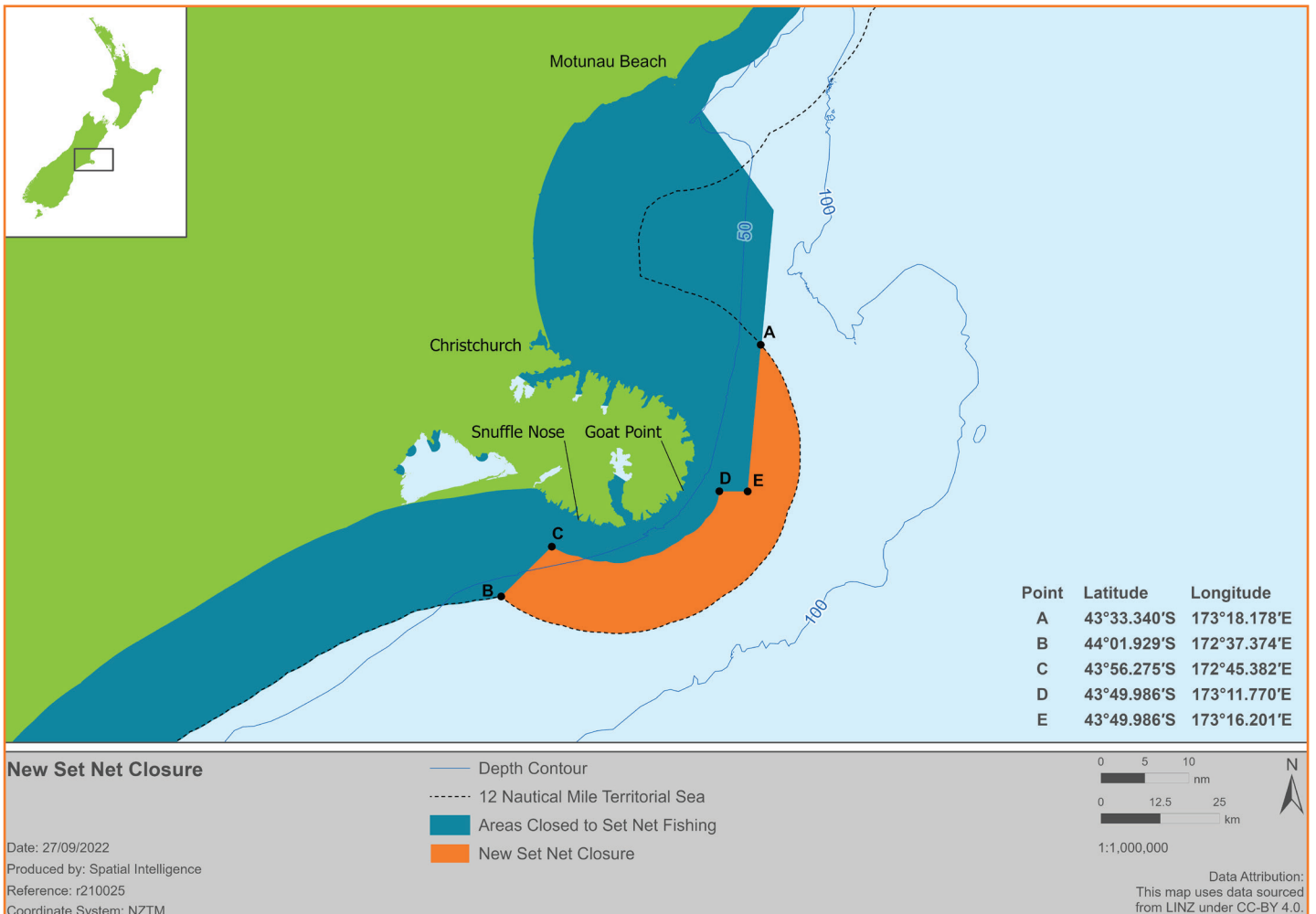
In summary, this will extend the areas where commercial and recreational set net fishing is prohibited and introduce a new Bycatch Reduction Plan. These new regulatory and voluntary measures

will help reduce the risk of fishing-related deaths of Hector's dolphins.

What are the new rules?

Set net fishing closures

New commercial and recreational set net fishing closures will extend the existing closures around Banks Peninsula out to 12 nautical miles offshore.



¹ <https://www.doc.govt.nz/our-work/protecting-species/protecting-marine-species/our-work-with-maui-dolphin/hectors-and-maui-dolphin-threat-management-plan/>

Bycatch Reduction Plan

The Bycatch Reduction Plan includes a suite of voluntary and regulatory measures to incentivise and support fishers to reduce Hector's dolphin bycatch towards zero. Voluntary measures would be applied to all the South Island Hector's dolphin subpopulations and include:

- Protected Species Risk Management Plans on every commercial set net and trawl vessel that set out the mitigation measures each vessel will use.
- Detailed reporting of circumstances surrounding Hector's dolphin captures to help identify common factors that can inform techniques or tools to avoid future captures.
- Escalating vessel-based capture responses. Fisheries New Zealand, the Department of Conservation Liaison Programme, and industry will work with individual vessel operators that capture a Hector's dolphin to identify and implement vessel-specific techniques to reduce the likelihood of further captures by that vessel.
- Escalating area-based responses. Agencies and industry will work with the relevant commercial fishers in an area if Hector's dolphin captures are occurring to ensure they collectively take voluntary measures to avoid further captures.
- Supporting development of new mitigation techniques (informed by mātauranga and tikanga) through our research planning processes and applications to access existing funds.
- Public quarterly reporting on the performance of the plan (captures and responses) with an annual review and report on performance to Ministers from Fisheries New Zealand and the Department of Conservation.

Regulatory measures include:

- Setting **fishing-related mortality limits** for the south coast subpopulation and each of the five local populations within the east coast subpopulation.
- The plan will be supported by the **rollout of on-board cameras**, which will allow independent monitoring of interactions between fishing and Hector's dolphins and verification of fisher reporting. On-board cameras will be operating on trawl vessels (≤ 32 m overall length) and set net vessel (≥ 8 m overall length) on the north, east, and south coasts of the South Island, from mid-2023.

What is a Fishing-Related Mortality Limit?

A fishing-related mortality limit can be set by the Minister for Oceans and Fisheries (pursuant to section 15 of the Fisheries Act 1996). While the limit defines a maximum number of fishing-related deaths that could occur for a protected species in an area, it also enables the Minister to respond more quickly with additional regulatory measures to ensure the limit is not exceeded. Any additional measures would be via Gazette notice in the Gazette rather than secondary legislation.

The fishing-related mortality limits for South Island Hector's dolphins are informed by scientific estimates of the maximum number annual human-induced deaths that could occur while still allowing the Threat Management Plan fisheries objectives to be met.

South Island Hector's dolphin Fishing-Related Mortality Limits (FRMLs)






Local and Subpopulation Fishing-Related Mortality Limits (Hector's dolphins per October fishing year)

East Coast South Island

Cloudy Clifford	5	dolphins
Kaikōura	7	dolphins
Banks Peninsula	20	dolphins
Timaru	12	dolphins
Otago	2	dolphins

South Coast South Island

3 dolphins
biennially

-  Kaikōura Marine Area
-  Fiordland Marine Area
-  Hector's Dolphin Local Population Areas
-  East Coast South Island Subpopulation
-  South Coast South Island Subpopulation



www.mpi.govt.nz/fishing-aquaculture/commercial-fishing

Where can I find more information about the Bycatch Reduction Plan?

Detailed information on the Bycatch Reduction Plan can be found on the Fisheries New Zealand website: <https://www.mpi.govt.nz/fishing-aquaculture/sustainable-fisheries/managing-the-impact-of-fishing-on-protected-species/protecting-hectors-and-maui-dolphins/>