

## TEN GOLDEN RULES FOR SETNET FISHING TO SAVE PROTECTED SPECIES

1. Ensure your vessel has onboard:
  - a. The vessel's Protected Species Risk Management Plan (PSRMP)
  - b. The Harbour and Coastal Setnet Operational Procedures, and
  - c. A map of areas where setnets are prohibited.
2. Ensure you know the legal requirements for using setnet gear and reporting non-fish bycatch.
3. Ensure you know the location of penguin colonies and foraging areas for the region you fish.
4. Avoid excessive soak time (this means soaking gear only as long as needed to maximise catch value).
5. Avoid by time (day/night), area, or season any fishing grounds where you know bird activity is particularly high.
6. Use pingers or dolphin deterrent devices at all times when in dolphin territory.
7. Handle any live bird or mammal with care and return to sea as quickly as possible.
8. Record any number on leg band before returning the bird to sea and send to [bandingoffice@doc.govt.nz](mailto:bandingoffice@doc.govt.nz).
9. Identify penguin species and use generic codes for bird species that are hard to identify (see codes listed in Operational Procedures).
10. Report all protected species captures by ERS or in the Nonfish Protected Species Catch Return (NFPSCR) logbook and send to FishServe. **It is illegal not to report.** Report protected species trigger level captures to Liaison Officer.

For support phone your local Liaison Officer.



# TEN GOLDEN RULES

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

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- 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.fisheries.govt.nz/dmsdocument/37982-Fisheries-E-logbook-Users-Instructions-and-Codes-Circular-2019>

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

(from Fisheries New Zealand Electronic Catch and Position Reporting Guide July 2019)

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);
- Protect 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/](https://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](https://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](https://doc.govt.nz/Documents/conservation/marine-and-coastal/fishing/coral-id-guide-updated.pdf)

# Harbour and Coastal Setnet Operational Procedures for Protected Species Risk Management

Version 2.0



**FISHERIES**  
INSHORE NEW ZEALAND

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Disclaimer: This document has been produced to serve as a guide to the fisheries regulations relevant to commercial setnet fishing operations for use by the industry. This is not intended to be used as a substitute to any statutory, regulatory and/or non-regulatory requirements for setnet fishing. Before acting in reliance, either wholly or partially, on any information contained in this document, readers should seek advice as to how current legislation, rules and regulations may affect their interests. It is the duty of the operator to know and understand the current regulations that apply.

**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 measures and reporting. Please contact your Liaison Officer for support if you need assistance.**

## Part 1: Introduction

These Operational Procedures (OP) are written by Fisheries Inshore New Zealand (FINZ) in collaboration with the Department of Conservation Services Programme (DOC CSP) Liaison Programme, Fisheries New Zealand (FNZ), and setnet fishers, primarily around the North Island, though these rules apply to harbour and nearshore setnet fishers around the country. It sets out the management measures required by the Ministry for Primary Industries (MPI) by law (the mandatory measures) as well as additional best practice measures and reporting requirements, such as the Mitigation Standards document.

The setnet fishery is non-standard in that it targets a range of species fishing in different locations, depths, seasons and times with varying setnet gear (by mesh and net length) configurations.

Formal risk assessments show that some of these species are at a high-risk level or are iconic species from small populations that face other threats other than fishing such as land-based predators, climatic ocean changes, and disease.

### *Purpose and rationale of these Operational Procedures*

These OPs have been established so that agreed and required management measures are clearly communicated to and understood by vessel captains, vessel managers and ACE providers/ fish receivers. The types of species that, in particular, give rise to the need for these OPs are penguins, shags, fur seals, dolphin species and great white sharks. These are species of significant importance to the community, they have real tourism value in the regions and in some cases are rare (i.e. have very small or threatened populations). The Government has a responsibility to ensure that undue impacts are not occurring to them. It is in the best interests of the commercial fishing industry, and in this case the setnet vessel fleet and quota owners, as users of the coastal space, to take all reasonable and practicable steps to understand, acknowledge and mitigate risk and impacts on protected wildlife encounters.

The process for mitigating the risk to protected species involves:

- Operating Procedures: background information and fleet-wide mitigation measures;
- Endorsed Mitigation Measures: a supplementary guide to mitigation measures considered effective and appropriate for use in a fishery;
- Vessel Specific Risk Mitigation Plans: the mitigation processes and measures agreed by the vessel owner/operator that will be used to mitigate fishing risks on that vessel;
- Trigger Reporting: reporting of captures of significant species or numbers that might indicate a mitigation failure or a need to review a vessel plan;
- Monitoring and Audit: observer reporting of vessel use of measures and auditing the performance of mitigation measures by the fleet.

It is recognised here and globally that mitigating setnet interactions can be challenging, however there are options available to reduce risk. Certain characteristics of setnet fishing that may increase the risk of incidental captures of protected species are:



- The low visibility netting used to capture fish and therefore at times protected species;
- Often fishing can be enhanced at times of low light, when the net is potentially less visible;
- Protected species may be attracted to catch in the net; and
- There is overlap in time and space with fishing grounds and foraging or transiting areas of the protected species.

### *Objectives of these Operational Procedure*

The objectives of these OPs are to make sure:

- Risks of marine protected species mortalities are mitigated by reducing the risk of capture;
- The vessel's skipper and crew understand risks of marine protected species mortalities are mitigated by reducing the risk of capture;
- That by implementing this OP and associated vessel specific Protected Species Risk Management Plan (PSRMP) the vessel crew is actively involved in seabird and marine mammal mitigation measures and undertakes improvements through ongoing on board observation, review and improvement processes, i.e. **Look – Think – Act**;
- That all vessels in the fleet have the same information as well as robust and documented systems to manage protected species risk and therefore are working together as a fleet to manage the risks;
- That vessels report as required and as accurately as possible all capture events (MPI reporting) as well as any event triggers required by the OP;
- Systems are able to stand up to audit or review by vessel owners, skippers or Government.

Additionally, these OPs ensure the wider public are informed of the measures undertaken by industry to reduce the risk of capture of protected species.

### *Status of these Operational Procedures*

These OPs came into effect in 2018 and this current version is 2.0, which has been published and circulated in September 2020.

### *Application of these Operational Procedures*

These Setnet OPs relevant to vessels setnet fishing any species in harbour, nearshore, and coastal regions. It particularly applies to fishers targeting flatfish, mullet, kahawai, rig, and mullet but do not generally apply to those setting for species in deeper waters such as school sharks.

Specific risks to harbour setnetting and coastal setnetting are addressed in supplemental material. Specific risks to particular regions (e.g. South Island vs North Island) are also addressed in supplemental material.

## Other key documents or rules & regulations

The key legislation that underpins the management and protection of all seabirds, marine mammals and some sharks in New Zealand includes:

- Wildlife Act 1953 and Marine Mammals Protection Act 1978: Require that the accidental capture of any marine wildlife including birds and marine mammals is permitted provided that the capture is reported to the appropriate authority without delay. **It is not an offence to accidentally capture a marine wildlife species, but it is an offence to not report it.**
- Fisheries Act 1996: Requires that measures are taken to avoid, remedy or mitigate any adverse effects of fishing related mortality on any protected species and include requirements to report captures.
- Animal Welfare Act 1999: Governs the welfare of animals (including fish) in NZ. The Act contains provisions to prevent ill treatment and inadequate care of animals.
- Fisheries Regional Commercial Fishing Regulations (Challenger Area, Auckland and Kermadec Areas, South-East Area, Southland and Sub-Antarctic Area, Central Area): Contain minimum mesh sizes, maximum soak times, prohibited areas by region.
- Fisheries Commercial Fishing Regulations 2001: Restrict the amount (length and time) of setnet that can be set at any point in time.

## Seabirds

### National Plan of Action-Seabirds (NPOA-Seabirds)

The National Plan of Action (NPOA) for Seabirds is part of an internationally visible management framework for seabirds. The NPOA was established as part of New Zealand's obligations under the FAO's International Plan of Action (1999) and is linked to UN and FAO processes and guidelines. It sets out objectives for the next five years to guide the management of risk to seabirds in New Zealand fisheries. This management comes mostly from FNZ with support from DOC and industry bodies such as Southern Inshore Fisheries Management Co. (SIFMC) and FINZ.

The Risk Assessment Methods referred to in the NPOA is a useful guide to assess the impact of potential fisheries mortalities on 93 of the seabird species that breed in the New Zealand region. A risk 'factor' is estimated for each seabird species (i.e. the ratio between the estimated annual potential fatalities due to fisheries and the number that the population can withstand to sustain or grow its population). The risk ratios are assessed on a fishery-by-fishery basis where data is sufficient to allow this. A key part of the NPOA is the objective to move seabird species to a lower risk category within the five-year period.

Of the 93 seabirds included in the NPOA, the ones relevant to setnet operations include petrels, shags, and penguins. Please see Table 2 for a more comprehensive list of the species at in these specific areas, as well as supplemental material.

## *Marine mammals*

NZ fur seals are occasionally reported caught in both harbour and coastal setnetting. NZ sea lions have not been reported in coastal setnetting but they are known to be vulnerable to setnets used overseas (e.g. Australia), therefore a risk exists for sea lions especially as the number around Stewart Island (Rakiura) and Southland/Otago are increasing.

Dolphins species, such as common, Hector's, Maui's (around the North Island specifically), and dusky have also been reported captured by setnet around the South Island (mostly on the east coast). Around New Zealand, there are regulatory spatial management regimes in place for Hector's (and Maui-North Island only) dolphins in the form of controls on setnetting (and trawling) in certain areas as well as designated marine mammal sanctuaries. Some marine mammals, e.g. Maui and Hector's dolphins (and more recently NZ sea lions), are also the focus of Threat Management Plans (TMPs). New closures to setnetting have been put in place as a result of the 2020 TMP for Hector's and Maui's dolphins.

Similar to seabirds, the Government evaluates the risk that commercial fishing presents to marine mammals and is expected to do this on an ongoing basis and further manage as required. Common dolphins were assessed to be the mammal with the highest risk score. Around the North Island, accounting for existing mitigation measures, Maui's and Hector's dolphins were assessed as having a moderate population risk. Around the rest of New Zealand waters, Hector's dolphins were assessed as having a medium-low population risk.

## *Sharks*

Several sharks and rays are protected under New Zealand legislation. Some of those species may be encountered when setnetting in your region and may include mako (mostly off the North Island), white pointer (great whites) and basking sharks (mostly off the South Island).

Specifically for coastal setnetters, great whites are most likely to be encountered and occasionally recorded as setnet captures in fisheries management area five (FMA 5)(Foveaux Strait, Stewart Island, Puysegur areas in most years).

All shark species are assessed for risk by FNZ. The 2018 assessment showed great whites as low-medium risk.

Similarly, as with seabirds, all New Zealand shark populations are included under a National Plan of Action-Sharks 2013 (NPOA-Sharks) that documents New Zealand's planned actions for the conservation and management of sharks.

## *Turtles*

While no turtles have been observed or reported caught in New Zealand setnet operations, fishers have reported seeing more turtles as a consequence of warmer seas in recent years. An increased presence of turtles may be expected if recent oceanic conditions continue.

## **Part 2: Responsibilities of Crew**

### ***Commitment to these procedures***

All vessel owners or operators of vessels in these coastal setnet fisheries are required to adhere to these OPs and ensure that crew are trained on these procedures with assistance of their Liaison Officer.

### ***Vessel owner and operator responsibilities***

The vessel skipper will:

- Ensure all crew are briefed on these OPs and fully understand all the actions required with the OPs kept in the vessel wheelhouse at all times;
- Be aware of all regulatory requirements regarding prohibited areas, fishing gear, soak times and protected species reporting;
- Manage fishing operations in time and place based on their experience and the information provided in these OPs to minimise overlap in time and space with protected species;
- Minimise soak time;
- Be aware of seabird/mammal activity around the vessel, assess risks and take those actions needed to minimise risk especially carefully managing the setting of gear in midst of such activity;
- Carry onboard and ensure crew are aware of the standards and requirements of “The 10 Golden Rules for Setnet Vessels”;
- Ensure correct reporting to FNZ and that trigger reports are sent promptly to the relevant Liaison Programme personnel (see key contacts list attached);
- Address any deficiencies in implementation of these Procedures as noted by any observer;
- Communicate further with the Liaison Officer Programme and FINZ if protected species captures consistently exceed the triggers and there needs to be a review of these OPs;
- Ensure crew are meeting their responsibilities listed below.

### ***Vessel crew responsibilities***

All vessel crew must:

- Manage offal and fishwaste to reduce attraction of protected species to the vessel during times of shooting and hauling;
- Shoot and haul the net as quickly as practicable and always seek to minimise the time the net remains above, on or near the surface;
- Maintain an alert watch of seabird and marine mammal activity around the vessel and advise the skipper as appropriate when it is clear that there is risk that requires action;
- Check and maintain any equipment such as acoustic pingers or other deterrent devices.

### ***Liaison officers’ responsibilities***

- The Programme Liaison Officer will review each vessel’s adherence to these OPs via observer audits and during any vessel visit;
- They will also provide support and training where necessary.

### Part 3: Risks Associated with Setnet Fisheries

Protected species and other bycatch may interact with a setnet accidentally, or may become attracted to the net once other fish are captured. Once they interact with the net, they are at risk of being caught, injured, and/or drowned.

Captures take place during the soak, or during setting or hauling of the setnet gear.

Ways to reduce risk during the **SOAK** include:

- Minimise net soak time to only that required to take your catch;
- Avoid known areas of high activity of protected species (season, area, time of day or night etc);
- Use information from these OPs to recognise rookeries, colonies and foraging areas (generally the closer you are the higher the risk);
- Use information provided to set gear so as to reduce risk within any known consistent foraging patterns or transit swimming lines of penguins;
- Use acoustic or other devices to deter the presence of risk species to the gear.

Ways to reduce risk during the **SET/HAUL** include:

- Manage offal and fish waste so as not to be discharging at this time;
- Where possible, manage lofting of the net above the sea surface in high wind or wave conditions when seabirds and marine mammals are present;
- In the presence of large numbers of seabirds or marine mammals be very vigilant when setting the net;
- Shooting the net at a lower vessel speed may achieve a faster sink rate and avoid interaction with seabirds and marine mammals;
- Ensure that the net is clean of any meshed fish or other potential food attractant when being set;
- Use acoustic or other devices to deter the presence of risk species at the gear.

**Mandatory measures** include:

- Ensure vessel has information (copy of rules and exclusion areas marked on navigation systems) regarding areas where setnet fishing is prohibited and these are complied with;
- Soak time rules and gear restrictions are known and adhered to;
- Mitigation measures and prohibitions are adhered to;
- Reporting is carried out correctly (see below).

**Additional mitigation measures** include:

- Using pingers or other dolphin deterrent devices
- Passive acoustic reflectors, or making a net more acoustically visible

**Table 1 Main marine mammal species at risk in coastal setnet fisheries. If you are not 100% of the species, use the generic species code. View ID photos in supplemental material.**

<b>Marine mammal species</b>	<b>Species Code</b>	<b>Main Risk Area</b>
Maui's dolphin	MDO	<ul style="list-style-type: none"> <li>• West coast North Island between Manganui Bluffs and Mokau</li> <li>• Distribution patchy, often in shallow water and off river mouths but can extend range out to sea to 20nm</li> <li>• Not known to feed from nets</li> <li>• Although use sonar to detect prey, known not to use it all the time which might make them susceptible to captures</li> <li>• Risk assessment identifies toxoplasmosis and predation as the major sources of deaths</li> <li>• <b>WCNI: New closures in place as of June 2020. <u>See supplemental material for maps.</u></b></li> <li>• <b>ECNI: No east coast closures.</b></li> </ul>
Hector's dolphin	HDO	<ul style="list-style-type: none"> <li>• Occasionally found south of Mokau across the south of the North Island and have been sighted as far north as Whakatane</li> <li>• East Coast and West Coast but more recently being reported in Gold/Tasman Bay and Marlborough Sounds</li> <li>• Hector's dolphins west coast Kaipara Harbour south and have been sighted up the East coast as far as Whakatane</li> <li>• Distribution patchy, often in shallow water and off river mouths but can extend range out to sea to 20nm</li> <li>• Not known to feed from nets</li> <li>• Although use sonar to detect prey, known not to use it all the time which might make them susceptible to captures</li> <li>• Risk assessment identified toxoplasmosis and predation as the major sources of deaths</li> <li>• <b>ECSI: New closures in place as of June 2020. <u>See supplemental material for maps.</u></b></li> <li>• <b>Golden/Tasman Bay/Sounds/Bluff: New closures in place as of June 2020. <u>See supplemental material for maps.</u></b></li> <li>• <b>WCSI: No commercial setnet closures in place.</b></li> </ul>
Dusky Dolphin	DDO	<ul style="list-style-type: none"> <li>• More frequent on East Coast on both North and South Islands</li> <li>• On the North Island, found in the southern regions and rare north of East Cape</li> </ul>
Common dolphin	CDO	<ul style="list-style-type: none"> <li>• Around whole North Island, but more prevalent in the north</li> <li>• North Island: stay close to the coast and commonly found in the Hauraki Gulf and Northland</li> </ul>
Orcas	ORC	<ul style="list-style-type: none"> <li>• Orcas are found around the New Zealand coastline. Their numbers are small and believed to be declining.</li> </ul>

Unknown toothed whale or dolphin	WHT	<ul style="list-style-type: none"> <li>Whales, particularly sperm and humpback, are found in the upper South Island lower North Island areas</li> <li>Bryde's whale commonly found in the Hauraki Gulf</li> </ul>
NZ Sea Lion	HSL	<ul style="list-style-type: none"> <li>Otago, Southland and Stewart Island coastal waters, year round</li> <li>A vulnerable species, listed Nationally Critical by DOC that is re-establishing on Mainland NZ</li> </ul>
Unknown Seal	SEA	

**Table 2 Main seabird species at risk in coastal setnet fisheries. If able to, identify and report birds at species level. If you are not 100% of the species, use the generic species code.**

<b>Seabird species</b>	<b>Species Code</b>	<b>Main Risk Area</b>
Little blue penguin	XLB	<ul style="list-style-type: none"> <li>Little blue penguins are found off much of NZ coastline but especially present spring/summer</li> <li>Major breeding areas in the North Island include the Hauraki Gulf islands and Wellington Harbour</li> <li>Major breeding areas in the South Island include the Marlborough Sounds, Kaikoura, Motunau, and Banks Peninsula</li> <li>Most frequently caught nearshore e.g. butterfish fisheries, but may range to 15 kms</li> <li>Daylight forager returning to land at night, often in rafts</li> <li>Most penguin species are struggling with multiple threats including ocean change (food issues) and land-based predators; fishing impacts add to these threats</li> <li>May nest singly, in small groups or colonies</li> <li>Most likely to use same nests as previous</li> <li>Numbers declining and known to be strongly impacted by adverse climate and oceanic impacts</li> </ul>
Yellow-eyed penguin	XYP	<ul style="list-style-type: none"> <li>The Mainland population of this species is small and declining due to a number of threats and impacts (including fishing)</li> <li>Juveniles immigrate towards Kaikoura area in early autumn</li> </ul>
Fiordland crested penguin	XFC	<ul style="list-style-type: none"> <li>Fiordland crested around Stewart Island, Foveaux Strait and Fiordland</li> <li>Most frequently caught nearshore e.g. butterfish fisheries</li> <li>Most penguin species are struggling with multiple threats including ocean change (food issues) and land-based predators; fishing impacts add to these threats</li> </ul>
Unknown penguin	XPG	
King shags		<ul style="list-style-type: none"> <li>Found only in the outer Marlborough Sounds year round</li> <li>About 85% of all existing birds are located at five colonies: Rahuinui Island, Duffers Reef, Trio Islands, Sentinel Rock, and White Rocks</li> <li>Caught nearshore</li> <li>These are low population seabirds with a declining population</li> </ul>

		<ul style="list-style-type: none"> <li>Seabed forager (down to 50m) and in daylight hours</li> </ul>
Black, pied, little, and spotted shags	XPS (pied shag) XPP (spotted shag)	<ul style="list-style-type: none"> <li>Black, little, and pied shags found on both coasts of the North Island</li> <li>Spotted shag found in the Marlborough Sounds, Banks Peninsula, and West Coast of the South Island</li> <li>Spotted shag is one of only two species of yellow-foot shags in NZ but good population numbers</li> <li>Caught near and offshore</li> <li>Seabed forager (up to 50m) and in daylight hours</li> <li>May forage singly or as a group close to rookeries</li> </ul>
Unknown shag (or a species other than pied or spotted)	XHG	
Petrels, shearwaters	XXP (Unidentified petrel or shearwater)	<ul style="list-style-type: none"> <li>Occur across the range of fisheries</li> <li>A variety of risk profiles for these species which are impacted by other fisheries too</li> <li>Black petrels breed in the Hauraki Gulf but commonly forage in deeper waters</li> </ul>
Unknown albatross	XAL	

**Table 3 Other bycatch species at risk in coastal setnet fisheries**

<b>Species name</b>	<b>Species Code</b>	<b>Main Risk Area</b>
White pointer (great whites sharks)	WPS	<ul style="list-style-type: none"> <li>Most common over summer months between November and March</li> <li>Small number in NZ waters</li> <li>Juveniles and females often off Northland coasts</li> </ul>



## Part 4: Protected Species Handling & Release and Crew Safety

### *Release alive*

Every care should be taken to release animals alive, reduce stress and handle with care to minimise any further harm or injury to the animal, and to increase survivability when it is being returned to the sea alive. **Deliberately harassing or harming an animal after incidental capture is an offence**

### *Seabirds*

- Keep the bird calm by covering the head with a cloth. If available use two crew; one to support the bird, while the other frees the gear from the bird. Use gloves and eye protection (beware large birds can inflict a nasty bite).
- Carefully isolate the tangled meshes. Peel the netting back over the tail, feet, and then the wings, while holding the bird firmly. Remove the head from meshes last.
- When freed, place the bird gently back into the water. If the bird is exhausted/waterlogged, put it in a safe space, e.g. an empty fish crate, box, or an open, safe area on deck away from oil. Let the bird dry out for an hour or two. When the bird is dry or active again, ease the bird back into the water as close to the water surface as possible.
- Release bird carefully; don't throw seabird into air, place back on the water-surface.

### *Live Marine Mammals and Sharks*

- If possible, try and 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 etc.
- Watch carefully for signs of aggression in the animal.
- Do not allow crew to handle in a manner that needlessly exposes them to risk of a bite or other injury.

### *Returning Dead Seabirds, Marine Mammals and Protected Sharks to the Sea*

- The entire body of any dead protected species must be returned to the sea, unless a FNZ observer onboard the vessel directs the skipper to (or they themselves keep it) or the skipper has been advised otherwise or permitted by DOC or FNZ. Usually they only keep seabirds but may take parts of marine mammals or sharks.
- **Taking any part and keeping it without a DOC permit, or cutting or mutilating the body of a protected species is an offence.**
- If a bird has a leg band, record any number on leg band before returning any bird to sea and send to [bandingoffice@doc.govt.nz](mailto:bandingoffice@doc.govt.nz)

## **Seal Handling and Crew Safety Issues**

- Seals (and sea lions) can carry a number of infectious diseases which can infect humans. Live marine mammals can also be potentially dangerous to humans particularly when they are in stressful situations. Handling marine mammals should always be kept to a minimum and should only occur if and when needed.
- When attending to animals landed on deck the following steps should be followed to ensure crew safety:
  - Whenever handling bodies of drowned sea lions, fur seals, or any other marine mammals, wear waterproof gloves and waterproof protective clothing.
  - Where possible, 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/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.
  - After handling any marine mammal, crew should wash their hands and forearms with antibacterial soap and their protective clothing by hose down.

**Report all captures to skipper and record in the Electronic Reporting System (ERS).**

## Part 5: MPI Mandatory Reporting

**It is not illegal to accidentally capture protected species while commercially fishing, but it is illegal to fail to report the capture.**

All protected species captures or deck strikes (see below), dead or alive (then returned to the sea) must be recorded in the Non-Fish Protected Species Catch Return form (NFPSCR) or the Electronic Reporting System (ERS) equivalent and then furnished to MPI as required under the regulations. FNZ observers may decide to keep some protected species caught for formal identification autopsy. They are permitted to do so. The vessel may only keep a body if it holds a current DOC permit.

It is important that all captures and mortalities are reported accurately.

The species listed below are the main species that may be encountered, but your reporting requirements include all non-fish protected species. This includes, but not limited to, coral species, rays, sponges, and finfish species.

### *NFPSCR codes*

View species codes in Tables 1, 2, and 3 of this document, and in supplementary material.

It is very useful to take a picture of the head, whole body and any distinguishing marks on a marine mammal. Do this without any crew or vessel features in the picture. FINZ can get these pictures identified for you.

Record any leg band or flipper tag numbers on the form, and take a photo if you can and send to the Liaison Officer Programme and FINZ. You may also come across other recording equipment attached to seabirds or marine mammals. If the animal is dead, keep the recording device and send to DOC.

**Capture:** 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, unable to leave vessel of its own accord; are reported as 'deck-strikes' (not reported if alive and leaves the vessel unassisted, i.e. landed on vessel)

Always meet your legal requirements. Record all captures whether dead or released alive and furnish to FNZ for paper logbook forms or FishServe ERS as required under the fisheries reporting regulations.

## Part 6: Reporting Triggers

Trigger limits are the Coastal Setnet Liaison Programme real-time reporting 'threshold' system. Once a trigger is reached, it requires the skipper to communicate with the Liaison Programme,

and the operator/owner and skipper (noting these might be the same person at times) will review the situation. Whenever appropriate, the vessel crew may need to take additional steps to mitigate risk of further capture events. This is usually by actively and immediately reassessing the effectiveness of their offal control and mitigation measures and where necessary alter or deploy additional measures.

### ***Coastal Setnet Liaison Programme Triggers & Reporting Requirements***

If, in **any 24 hour period** the vessel captures and lands on deck:

- 1 or more (dead or alive) yellow eyed penguin, dolphin of any type
- 2 or more (dead or alive) little penguins
- 2 or more fur seals
- 3 or more large seabirds (albatross and mollymawks)
- 5 or more small seabirds (shags, petrels and shearwaters)

or if, in any **7 day period** capture and lands on deck:

- 10 or more dead seabirds (all types of seabird)
- 5 or more (dead or alive) fur seals.

### ***Coastal Setnet Triggers Breach & Reporting Contact 24/7***

The vessel must directly, (or via the onshore Vessel Manager) notify the Liaison Officer responsible for the setnet programme and FINZ **within 24 hours** of any trigger breach so that any follow-up deemed necessary can be discussed and carried out. Emails from Sat-C or texts are OK.

Contact person and details are at the back of this OP and on this vessel's PSRMP.

## **Part 7: Audit and Review**

### ***FNZ Observer Review Form***

During any voyage with a FNZ Observer present, the Observer will review the vessel equipment and performance against this OP and the vessel's specific Protected Species Risk Mitigation Plan (PSRMP). The Observer Audit form is used to document the assessment of vessel and crews' performance and can be used to identify what to expect during the process.

The review form is completed by the Observer at the end of the voyage and submitted to FNZ. A copy is also sent to the Liaison Programme Coordinator for oversight and review, who forward this to the vessel operator.

Any negative issues or events noted by the Observer against the vessel or crew performance regarding the OPs will be followed up and addressed with the vessel operator by the Liaison Officer. Good performance will also be noted.

If your PSRMP is not being implemented effectively and practices onboard need to be improved or the PSRMP needs to be amended, your Liaison Officer will work this through with you, and update your PSRMP if necessary.

### ***Plan Review***

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.

If there are any changes to regulated mitigation measures or new mitigation options preferred, your PSRMP may be amended.

### ***Public Reporting***

The aggregated outcomes of these audits, and the number of issues that arise each fishing year, is publicly reported by FNZ in its Annual Review Report and by DOC in its summary of the LO programme. Note that individual vessel details are confidential to the operator, DOC and FNZ and cannot be disclosed publicly.



# Check of the Setnet Operating Procedures

## Fisheries New Zealand observer review form

Trip Number	Vessel Name	FMA's fished	Trip start date	Trip end date	
□ □ □ □ □			□ □ / □ □ / □ □ □ □	□ □ / □ □ / □ □ □ □	
Target species		Observer name		Total sets observed	

Record Yes (Y), No (N), Unknown (U) or Not Applicable (N/A) in the box provided. If you answer N or U to any questions, or Y for items 4 or 19, then please make detailed comments on the reverse.

Item 1. Did the vessel carry a copy of the Southland set net Operational Procedures onboard and was this made available on request?

Item 2 Was a copy of The 10 Golden Rules for Setnet Vessels and risk management plan readily available and accessible to all crew?

Item 3. Were the crew familiar with the contents of the above documents?

Item 4. Were any protected species trigger points activated during the trip?

Item 5. Were any changes made to vessel operations following a trigger?

Item 6. Did the vessel set the nets after nautical dusk and retrieve these before nautical dawn?

Item 7 Was the vessel skipper and crew aware of seabird/mammal activity around the vessel, assessing risks and taking necessary actions to minimise risk where necessary?

Item 8. Did the vessel skipper ensure correct reporting to Fisheries NZ (FNZ) and that trigger reports were sent promptly to the relevant Liaison Programme personnel?

Item 9. Did the vessel skipper ensure the crew were meeting their responsibilities listed below?

Item 10. In cases of protected species captures, were handling procedures followed as per the handling guides

Item 11. Did the crew manage offal and fishwaste to reduce attraction of protected species to the vessel during times of shooting and hauling?

Item 12. Did the crew shoot and haul the net as quickly as practicable and always seek to minimise the time the net remains above, on or near the surface?

Item 13. Did the crew maintain an alert watch of seabird and marine mammal activity around the vessel and advise the skipper where required?

Item 14. Were known areas of high activity of protected species (season, area, time of day or night etc.) avoided

Item 15 Was an acoustic or other device to deter the presence of risk species to the gear used?

Item 16. Was the net clean of any meshed fish or other potential food attractant when being set?

Item 17. Did the vessel have information (copy of rules and exclusion areas marked on navigation systems) regarding where setnet fishing is prohibited or restricted and were these complied with?

## 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](mailto: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](mailto: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](http://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
	Ghost shark	GSH
	Mako shark	MAK
	Pale ghost shark	GSP
	Porbeagle shark	POS
	Rig	SPO
	School shark	SCH
Ratio		

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.

## 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.

# 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>



Photo: Mike Bhana.

## 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”.

### FOR MORE INFORMATION

Fact sheet 1 – Conservation and management of New Zealand sharks

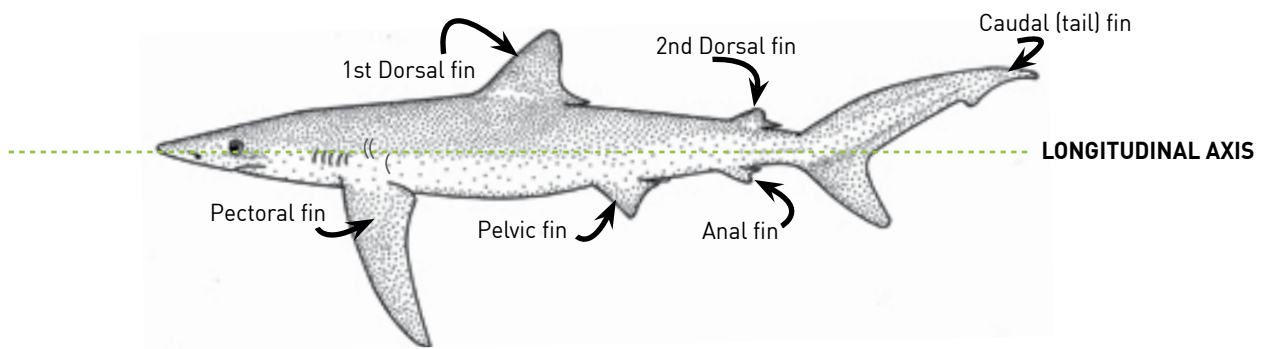
Fact sheet 3 – Landing shark fins subject to a ratio

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

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

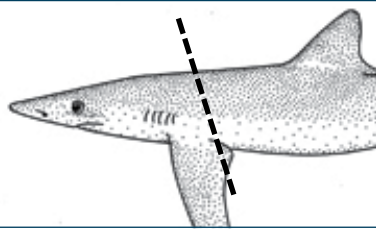
The content of this Fact Sheet is information only. The requirements are set out in the Fisheries (Commercial Fishing) Regulations 2001 and the *Fisheries (Shark Fin to Greenweight Ratios) Circular 2014*. The Ministry for Primary Industries does not accept any responsibility or liability for any error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

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



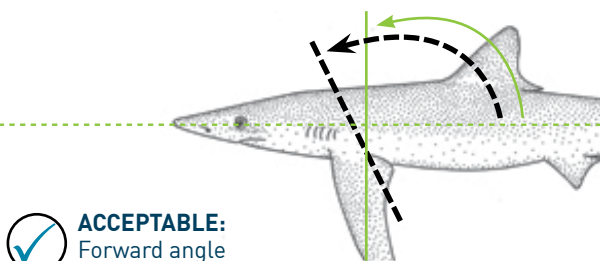
The body of a fish from which the head, gut and fins have been removed with:

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

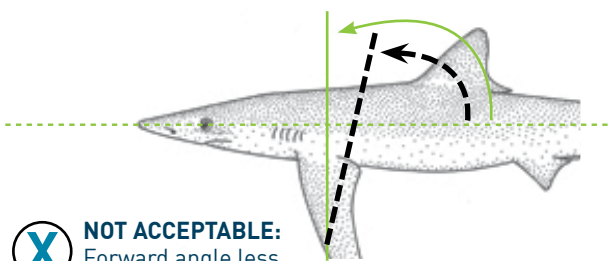


*(The posterior insertion of the pectoral fin means the point along the body of a fish at which the rear (posterior) edge of the pectoral fin emerges.)*

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

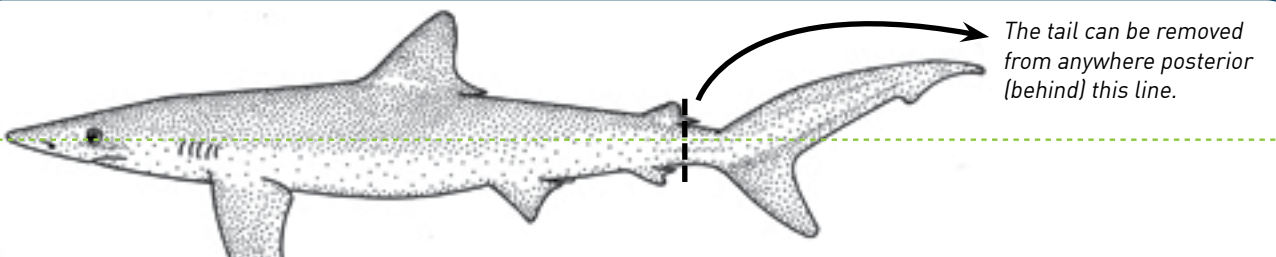


**ACCEPTABLE:**  
Forward angle greater than 90°

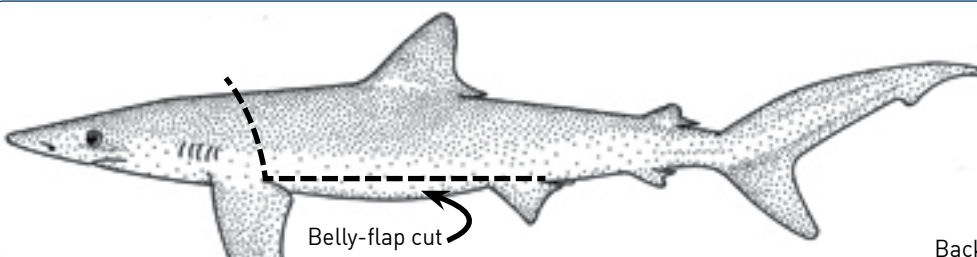


**NOT ACCEPTABLE:**  
Forward angle less than 90°

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.



**CROSS-SECTION:**  
No part of belly-flap cut to be above this line

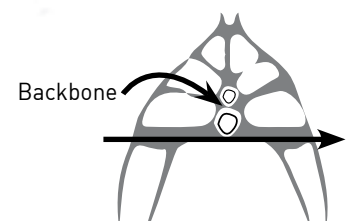




Photo: Mike Bhana.

## 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](http://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>

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.

## 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

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# 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



# Hector's and Māui dolphins Threat Management Plan

## North 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.

While trawl fishing poses a lower risk of fishing-related mortality, given the critically endangered status of the Māui dolphin, the Government is also extending the trawl prohibition within the central Māui dolphin habitat zone.

### What does this mean for the North Island?

**The west coast North Island, from Cape Reinga down to Wellington, will see new measures introduced.**

- New commercial and recreational set-net closures out to 4 nautical miles offshore will be created between Cape Reinga and Maunganui Bluff, and between Hawera and Wellington.
- Set-net closures will be extended between Maunganui Bluff and the Waiwhakaiho River (New Plymouth) from 7 nautical miles to 12 nautical miles offshore, as well as between the Waiwhakaiho River and Hawera from 2 nautical miles to 7 nautical miles offshore.
- Set-net closures within the Manukau Harbour will be extended to Taumatarea Point in the north and Matakawau Point in the south within the harbour.
- An extension to commercial trawl closures between Maunganui Bluff and Pariokariwa Point will be put in place, extending south to the Waiwhakaiho River (New Plymouth) and to 4 nautical miles offshore. This falls within the central Māui dolphin habitat zone.
- Commercial and recreational drift netting will be banned in its entirety in all New Zealand waters.
- A change to the regulations allows the Minister to act immediately to impose further restrictions if a single dolphin is caught in the Māui dolphin habitat within the west coast of the North Island.

### How do the measures affect commercial fishers?

The measures will prevent commercial set-net fishing in the areas outlined above, extend closures to trawl fishing in the central Māui dolphin habitat zone, and prohibit drift netting in all New Zealand waters. These changes are significant to fishers who operate between Maunganui Bluff and Hawera, given the scale of the offshore extensions. However, the measures will also be notable in the Northland, Manawatu-Whanganui, and Wellington (Kapiti) regions where there are currently few or no commercial restrictions on the use of set-net.

An additional new measure will enable the use of commercial ring nets in set-net prohibition areas within west coast North Island harbours; this fishing method poses a low risk to Māui dolphins.

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 to fish using set-nets in the areas outlined above, or drift net in any New Zealand waters. The set-net changes will be notable in the Northland, Manawatu-Whanganui, and Wellington (Kapiti) regions 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.

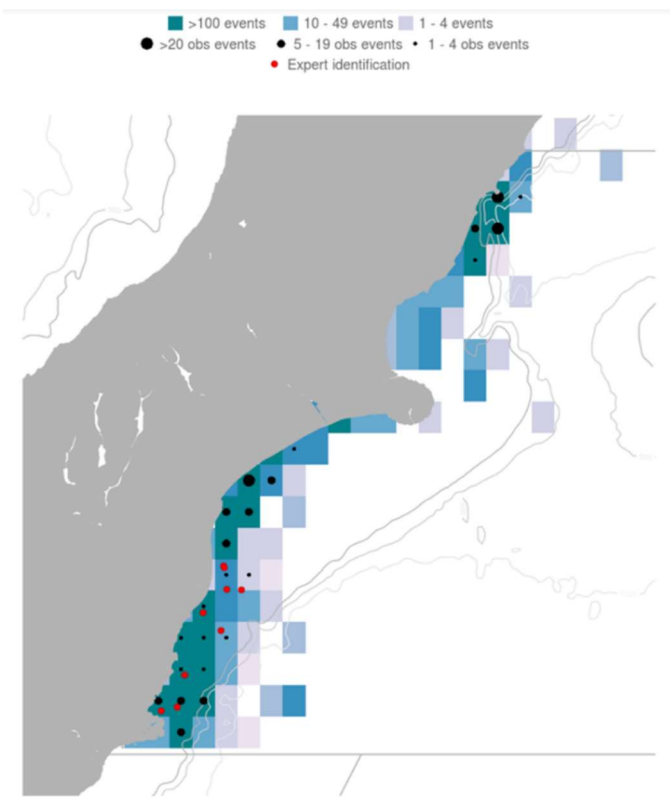
## What does this look like in your area?



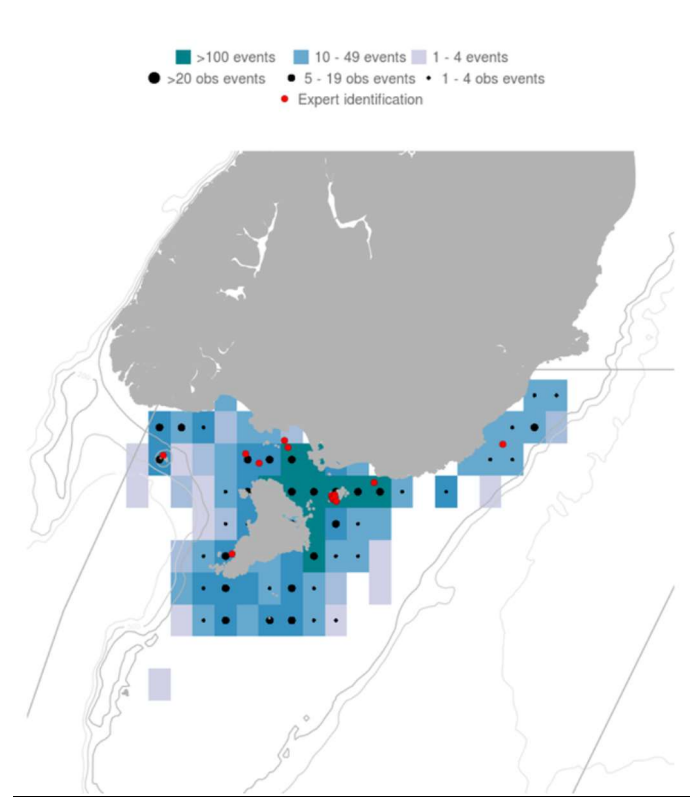
For more information, please visit [www.fisheries.govt.nz/dolphintmp](http://www.fisheries.govt.nz/dolphintmp) or contact [dolphintmp@mpi.govt.nz](mailto:dolphintmp@mpi.govt.nz)

## Specific Yellow-eyed Penguin Information (XYP)

- It is suspected that yellow eyed penguins are not feeding on fish in the gear, therefore the capture risk is because you and penguins are both fishing in the same spot. This is important because compared to say albatross and trawlers, XYP are not “following” you or deliberately engaging with your fishing event.
- They are visual and mostly seabed (bottom or benthic) feeders. this means whilst the odd one may remain at sea at night and away from their nest for a couple days, usually they will only fish in daylight hours.
- They can and do travel to areas quite distant from shore and dive to surprising depths (e.g. 160m). Most XYP captures occur in shark setnet fishing rather than butterfish.
- It appears from tracking data that different colonies and individuals have different fishing grounds and some may travel significant distances offshore while others operate closer to the coast
- Some of these patterns appear quite consistent.
- The penguins are believed 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 they eat any fish they can catch
- 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
- In particular the area off Glenavy in South Canterbury and northwest of Stewart Island (where birds may be travelling and foraging towards Te Wae Wae Bay) areas where fishermen should consider every option to reduce risk including night fishing when possible or avoiding fishing in that area

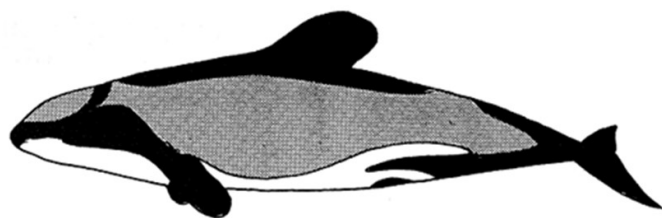


South Island (FMA 3) shark setnet effort (coloured squares with dark squares = more effort) observer coverage (black dots with bigger dot = more observer coverage) and yellow eyed penguin captures (red dots) from 2003-2018. Data from Fisheries NZ and Dragonfly.



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.

# South Island Hector's Dolphin (HDO) Factsheet



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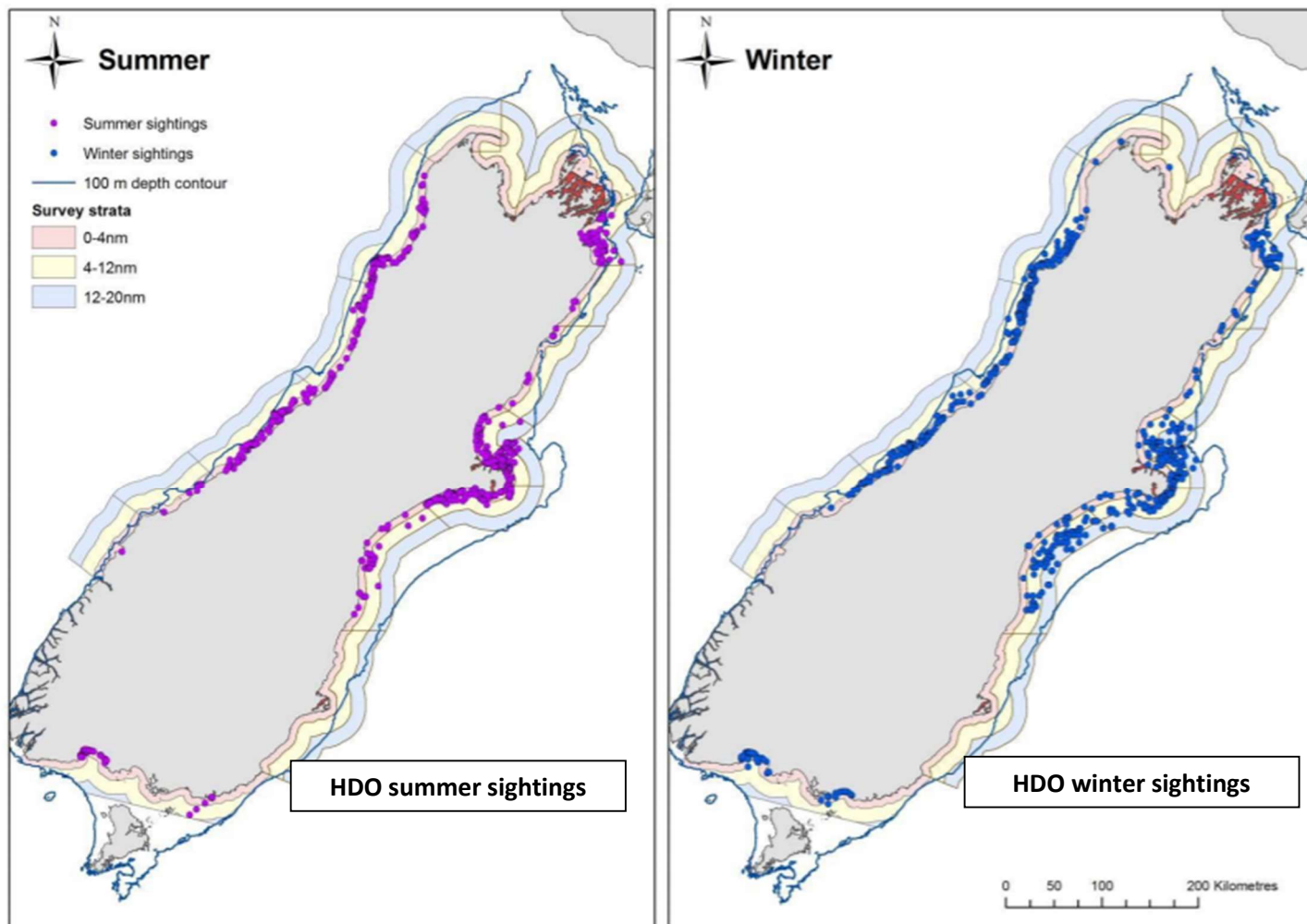
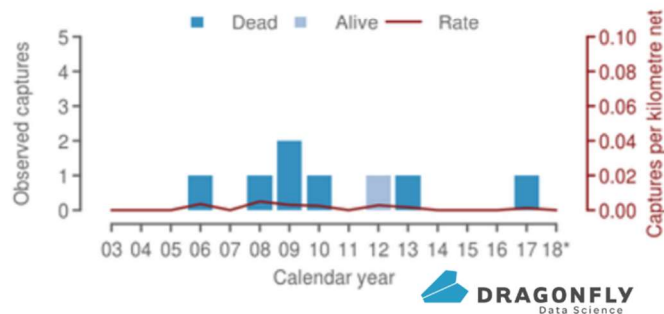


Figure from MacKenzie, D.I.; Clement, D.M. (2016). Abundance and distribution of WCSI Hector's dolphin. New Zealand Aquatic Environment and Biodiversity Report No. 168. 67 p + supplemental material.

Observed captures of Hector's dolphins have occurred off the East Coast of the South Island in set net 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.

## Observed captures of Hector's dolphin in setnet fisheries



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.

# 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.



## 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.

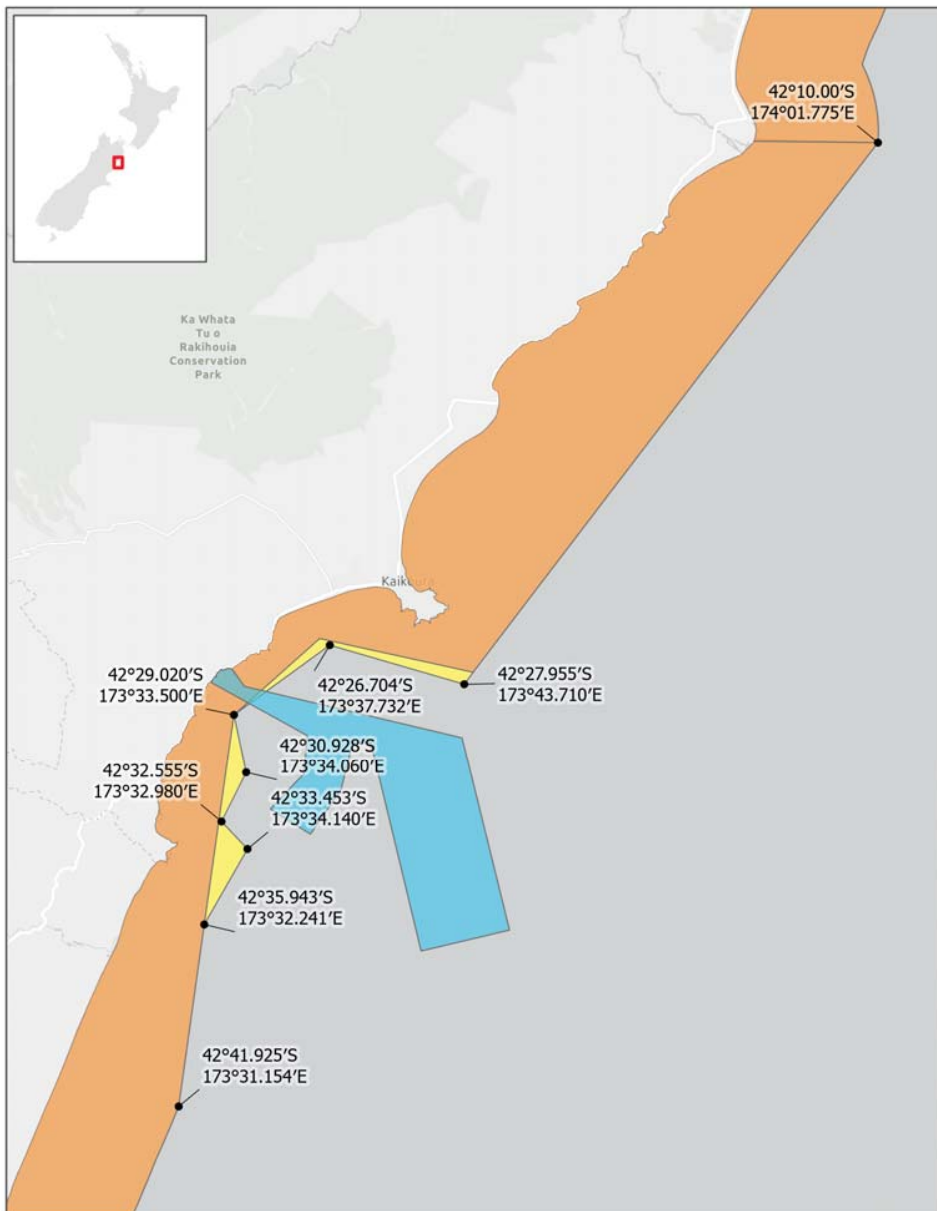
## What does this look like in your area?



## 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.



**Commercial Set Net Restrictions: Kaikōura**

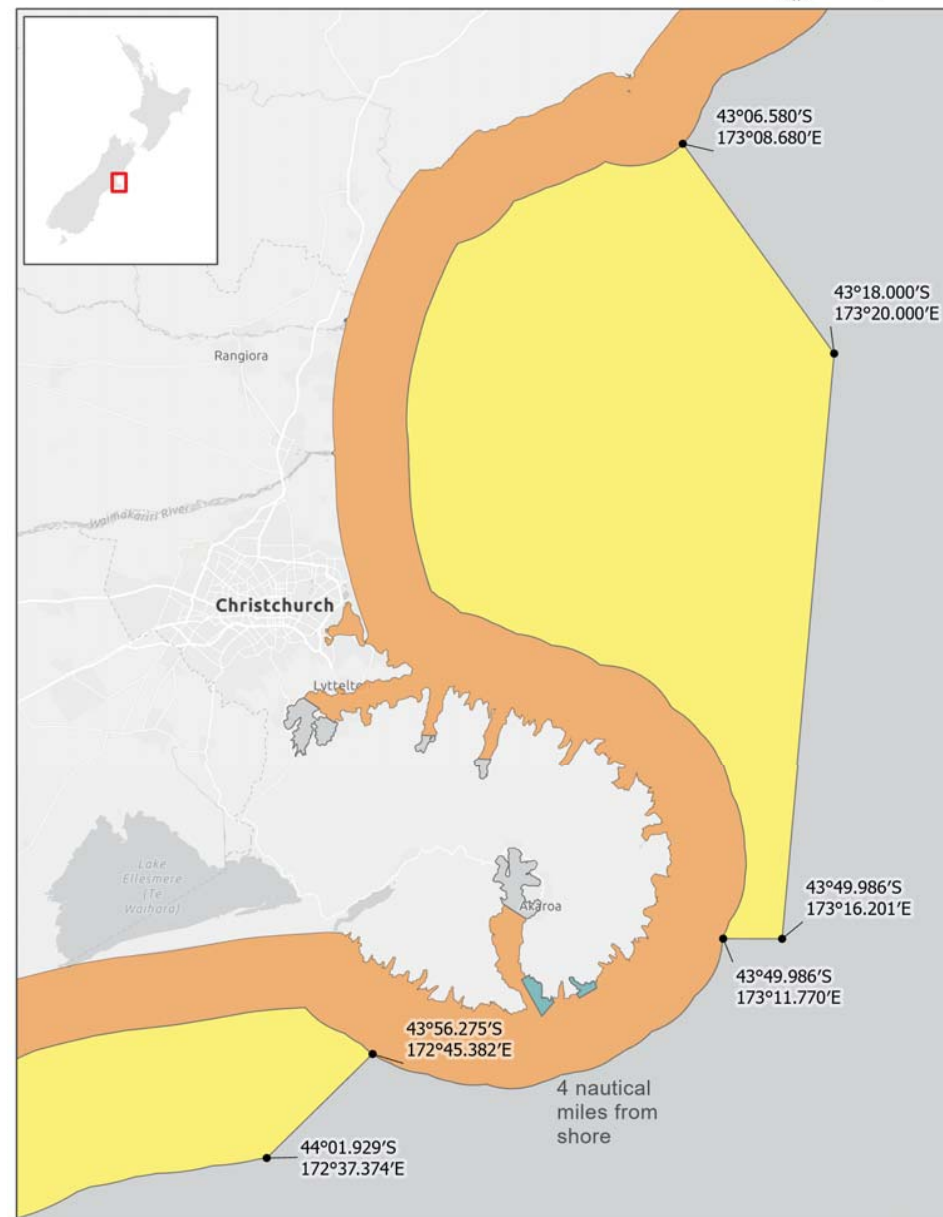
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Reference: r200203  
Coordinate System: NZTM

- Legislated Coordinates
- Set Net Prohibition
- Set Net Prohibition (in force 1 Oct)
- Marine Reserve

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nm  
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Data Attribution: This map uses data sourced from Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors.



**Commercial Set Net Restrictions: Pegasus Bay / Banks Peninsula**

Date: 28/09/2020  
Produced by: Spatial Intelligence  
Reference: r200203  
Coordinate System: NZTM

- Legislated Coordinates
- Set Net Prohibition
- Set Net Prohibition (in force 1 Oct)
- Marine Reserve

0 2.5 5  
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