

NEW ZEALAND COASTAL SETNET
PROTECTED SPECIES RISK MANAGEMENT
OPERATIONAL PROCEDURES

Version 4.0 December 2025

Disclaimer: *These Operational Procedures do not replace or override any fisheries legislation or other regulations, including but not limited to 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 and requirements that are relevant to the fisheries and environment that they are operating in, whilst always maintaining crew and vessel safety.*

1. PURPOSE

The purpose of the Operational Procedures (OPs) is to provide a structured approach to the mitigation of risk to protected species.

The New Zealand fishing fleets, both inshore and deepwater, experience some level of monitored capture.

Many protected species are of great importance to the wider community and have tourism value in some regions. All protected species have biodiversity value to New Zealand and varying levels of population and threat status, with government and relevant agencies monitoring and managing impacts on their populations.

There are legal frameworks and guidelines in place for specific protected species groups. Seafood New Zealand (SNZ) Operational Procedures (OPs) aim to summarise key information on risk and mitigation options for inshore fisheries.

The OPs align with the 'Mitigation Standards to Reduce the Incidental Captures of Seabirds in New Zealand Commercial Fisheries' (Toolbox of Measures) developed by the Department of Conservation (DOC) and Fisheries New Zealand (FNZ). These standards, based on international best practice and statutory requirements, provide bycatch mitigation options that are above and beyond minimum legal requirements.

The OPs sit alongside vessel-specific Protected Species Risk Management Plans (PSRMPs). The PSRMPs document each vessel's individual approach to minimising risk to protected species and how they implement the OPs, legal requirements, and mitigation standards.

Fishers are legally required to reduce any undue impact on protected species and report all interactions with protected species using an electronic Non-Fish Protected Species (NFPS) capture form.

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

The ultimate mitigation practice is to **LOOK – THINK – ACT**

2. LEGISLATION AND GUIDING POLICY DOCUMENTS

The Wildlife Act and Marine Mammals Protection Act

The Department of Conservation (DOC) are responsible for the Wildlife Act 1953 and Marine Mammals Protection Act 1972. The Acts protect various species, and it is an offence to hunt, kill, take, disturb, possess, buy, sell or destroy any protected species or any part of one without a permit. For some species (e.g. Antipodean albatrosses, Hector's dolphins) you may receive an authorisation from DOC to retain these for analysis ashore.

It's not an offence to accidentally catch any of these species if they are released immediately and the capture is reported accurately as soon as possible to DOC and MPI, via your electronic logbook.

Crew must observe safe handling practices for themselves and protected species when dealing with captured animals. Handle animals with care to minimise any further stress, harm or injury, and to maximise the chances of post-release survival. Refer to the [DOC Handling and Release Guide](#) for further diagrams and instructions.

The Fisheries Act

The Fisheries Act 1996 regulates fishing and is administered by Fisheries New Zealand (FNZ). They produce the mitigation and reporting circulars which describe the legal requirements. See the Reporting Requirements (Section 3) and Mitigation Measures (Section 8) of this OP for more information.

Beyond this, FNZ have only reasonably blunt tools to regulate impacts on protected species – for example closed areas/seasons and setting fisheries related mortality limits (FRMLs). The goal of this OP and the support you receive from DOC Liaison Officers and Seafood New Zealand aims to keep captures sufficiently low to avoid such measures.

Department of Conservation, Conservation Services Programme (CSP)

There are provisions under the Fisheries Act 1996 for both fisheries services (which largely sit with FNZ) and conservation services (which largely sit with DOC). Conservation services are outputs produced to mitigate the adverse effects of commercial fishing on protected species, as agreed between the Minister for Conservation and the Director-General of the Department of Conservation. Following consultation, industry is levied to provide services to undertake research relating to the effects of fishing on protected species and research into measures to mitigate the adverse effects of commercial fishing on protected species.

The DOC Liaison Programme is one such output enabled through CSP, and Liaison Officers are your primary contact to utilise for mitigation advice and protected species capture responses.

National Plan of Action - Seabirds

The National Plan of Action – Seabirds ([NPOA](#)) is part of an international management framework that guides seabird risk management. It is a requirement of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of which New Zealand is a signatory. It is also linked to United Nations Food and Agriculture Organisation (FAO) processes and guidelines.

The NPOA guides assessment and management of risk to seabirds in New Zealand fisheries. This management comes mostly from Fisheries New Zealand (FNZ) and Department of Conservation (DOC) with support from fishing industry bodies such as Seafood New Zealand (SNZ).

The Risk Assessment referred to in the NPOA assesses the impact of potential fisheries mortalities on 70 of the seabird species that breed in New Zealand. Risk for each seabird species is estimated as the ratio between the estimated annual deaths from fishing and the number that the population can withstand. The risk ratios are assessed on a fishery-by-fishery basis where data is sufficient to allow this.

A key NPOA objective is to move seabird species to lower risk categories, so the populations are not threatened, and a long-term objective is to have negligible impact on all 70 seabird populations.

DOC and FNZ have published mitigation standards which specify ‘best practice’ seabird bycatch mitigation methods for each fleet to support the NPOA.

Species specific approaches

Species specific approaches are in place for some particularly at-risk species including hoiho (yellow-eyed penguin) which are managed in line with the Te Kaweka Takohaka mō te Hoiho. This is a high-level strategy which aims to restore hoiho populations in the face of pressures from human activities.

More detailed threat management plans are in place for New Zealand sealions and Hector’s dolphins which are managed with area specific fisheries related mortality limits (FRMLs).

Te Mana O Te Taiao Aotearoa New Zealand Biodiversity Strategy 2020

The Government also administers the [Biodiversity Strategy](#) which includes the objective (12.2.1):

The number of fishing-related deaths of protected marine species is decreasing towards zero for all species.

3. REPORTING REQUIREMENTS

All protected species captures must be reported. Protected species are considered caught if they have become fixed, entangled, or trapped in such a way that they cannot move freely or free themselves. Deck strikes must also be reported and are defined as: where a bird collides with, or lands on a vessel or its superstructure, and is unable to leave the vessel of its own accord because it is injured or disoriented.

Instructions for completing E-logbooks, including species codes can be found here:

<https://www.mpi.govt.nz/dmsdocument/70593-Fisheries-E-logbook-Users-Instructions-and-Codes-Circular-2025>

If you are 100% sure of the identification of a protected species you have captured, use the individual species codes supplied by FNZ and available in the identification guides supplied by your Liaison Officer. 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. You can use a more general group code if you are unsure (e.g. XMA - 'Smaller albatross – unidentified').

Seabirds

All seabirds, except black-backed gulls, are protected.

DO NOT USE CODE XAL (unidentified albatross). If you use this code, your Liaison Officer will be in touch to confirm ID. Please take photos and confirm with LO if you are uncertain.

Albatrosses should, as a minimum, be split into **XGA – Great albatrosses** (wandering and royals) and **XMA – Smaller albatrosses** (mollymawks). Split mollymawks to species level if you are confident – this just takes a bit of practice.

Record any leg band numbers, take a photo and send it to your LO. These are important for scientific assessment purposes.

If dead birds have a recorder attached remove this and inform your Liaison Officer

For dead birds show them to the camera including views of the head (side on), feet, upper and lower side of wings. This is important for identification confirmation.

Marine Mammals

All marine mammals are protected including NZ fur seal, NZ sea lion, dolphins and whales. Please make sure your crew are aware of the differences between seals and sea lions and are checking all individuals as juveniles can be misidentified.

Fur seals have a pointy nose, long whiskers and a thick double layer of fur. The maximum size is 2.5 m and 150 kg (females 1.5 m, 50 kg) use code **FUR**

Sea lions have a flat nose, shorter whiskers, and 'velvety' fur. The maximum size is 3.5 m and 400 kg (females are smaller and lighter in colour 2.0 m, 160 kg) use code **HSL**

SEA is the general code for seals and sealions. If you use this code, your Liaison Officer will be in touch to confirm ID. Please take photos and confirm with your LO if you are uncertain.

Any dead marine mammals should preferably be marked before returning them to the sea, with twine or cable ties around the jaw. This avoids them being double-counted if recaptured in a trawl.

Marine Reptiles

All marine reptiles, including sea turtles, sea snakes, and kraits are protected.

Three species of sea snake are present in New Zealand, and all are protected. The group code is **SSN** but they are relatively easily identifiable to species based on colour.

Although turtles breed in the tropics and subtropics, there are five species that are seen in New Zealand waters, with green and leatherback being the most common.

Leatherback Turtles (**LBT**) are easy to identify due to their size and ridged leathery looking back.

Hard-shelled turtles will be harder to split to species level – use the identification guides and the following codes:

- Green turtle **GNT**
- Hawksbill turtle **HBT**
- Loggerhead turtle **LHT**
- LHT Olive Ridley turtle **ORT**

The group code for turtles is **TLE**. If you use this code, your Liaison Officer will be in touch to confirm ID. Please take photos and confirm with your LO if you are uncertain.

Protected Fish

There are two bony fish species that are protected species:

- Giant grouper **GGP**
- Spotted black grouper **SBG**

Similar to seabirds, NZ's shark species are managed under a 'NPOA -Sharks' that documents the planned actions for conservation and management of those species. Several sharks and ray species are protected under NZ legislation including:

- Oceanic whitetip shark **OWS**
- Basking shark **BSK**
- Deepwater nurse shark **ODO**
- White pointer shark **WPS**
- Whale shark **WSH**
- Manta ray **RMB**
- Spinetail devil ray **MJA**

Benthic Species

A number of benthic species (things that live on the seafloor) are protected, including:

- Black corals **COB**
- Gorgonian corals **GOC**
- Stony corals **SIA**
- Hydrocorals **COR**

In addition to corals, it is a requirement under the Fisheries Act to report captures of sponges and bryozoans and record the weight of each species. These must be reported with a weight, whether they are alive or dead. For weights above a kilogram round to the nearest kilogram and use the following codes:

- Unidentified corals use **COU**
- Bryozoans use **COZ**
- Sponges use **ONG**

Identification can be difficult - if you are unsure use **CSB** which covers all three groups. However, if you use this code, your Liaison Officer will be in touch to confirm ID as not all corals are protected. Please take photos and confirm with your LO if you are uncertain.



Handling and release guide



Species ID guides



DOC Liaison Programme

4. NON-FISH PROTECTED SPECIES IDENTIFICATION AND HANDLING RESOURCES

- DOC protected species identification guides are available at: <https://www.doc.govt.nz/our-work/conservation-services-programme/csp-resources-for-fishers/protected-species-identification-guides/>
- A detailed set of invertebrate NFPS material is available at: https://fs.fish.govt.nz/Doc/23020/AEBR_86.pdf.ashx
- Earth Sciences NZ invertebrate guides are available at: <https://niwa.co.nz/oceans/identification-guides>
- Handling and Release Guide – For protected species interactions within New Zealand fisheries: <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservation-services/resources/protected-species-handling-guide-2022.pdf>

Fishers can request hard copies of these documents in both English and Indonesian to keep onboard, via their Liaison Officer.

5. PROTECTED SPECIES RISK MANAGEMENT PLANS (PSRMPs)

Your Liaison Officer will help with the development of your Protected Species Risk Management Plan (PSRMP). This will detail your vessel's specific approach to mitigating protected species interactions. It will summarise the legal requirements and also include a comprehensive list of non-regulated measures that reduce risk.

This is your plan – ensure that it accurately represents what is happening on your vessel.

Do not write anything into the PSRMP that you do not intend on doing.

Trigger points are included in your PSRMP to help you proactively manage NFPS interactions and tell you when to act – they are our real time reporting “threshold” system and first line of defense to escalating risks on the water.

The goal of a trigger point is to trigger a response by the skipper - to stop and think about the capture and how to avoid it happening again.

If you hit a trigger, you need to think very carefully before shooting again and aim to change something to reduce the chances of it happening again.

Report all trigger points to your Liaison Officer within 24 hours so that any follow-up can be discussed and carried out immediately.

When a trigger point is reached, the Liaison Officer and the operator/owner and skipper (noting these might be the same person at times) will work together to review the situation.

If interactions continue to escalate, or the interaction is a species of concern, the Liaison Officer, your licensed fish receiver, and Seafood NZ can support the response and ensure fleet-wide communication of high-risk times and areas.

Audit and review

The Government will audit the implementation of your PSRMP via Electronic Monitoring and port-based visits. Information collected will be provided to DOC, FNZ and the Liaison Officer.

If your NFPS interactions are continuous or significant, 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.

Camera footage will be reviewed for all protected species interactions.

6. RESPONSIBILITIES

Operator and Skipper Responsibilities

- Ensure all crew are briefed on the OP and the vessel's PSRMP and fully understand their responsibilities.
- Display a copy of the PSRMP on the bridge.
- Manage fishing operations in time and place based on experience and the information provided in this OP to minimise overlap with protected species.
- Be aware of protected species activity around the vessel and in the area; take actions to minimise risk. (See Section 8)
- Ensure correct protected species reporting to FNZ and DOC. (See Section 3)
- Ensure the Liaison Programme trigger points are reported promptly to your local Liaison Officer and work with them to review the effectiveness and implementation of content in the PSRMP. (See Section 5)
- Reach out if you need support, including for protected species ID.

Crew Responsibilities

- Know the PSRMP contents – this is your approach to minimising risk.
- Maintain a watch of seabird and marine mammal activity around the vessel and advise the skipper when there is risk that requires action.
- Advise skipper if any animal is seen caught and ensure its immediate release if alive.
- Check and maintain any mitigation equipment (e.g. Hookpods, tori lines, bafflers).

7. MITIGATION MEASURES

Legal requirements

There are a number of regulatory requirements for the use of set nets including mesh sizes, soak times and net lengths. The overarching requirements can be found in the *Fisheries (Commercial Fishing) Regulations 2001*

<https://www.legislation.govt.nz/regulation/public/2001/0253/latest/whole.html>.

Set net bans to protect Hector's and Maui dolphins are available on separate sheets and at:

<https://www.mpi.govt.nz/fishing-aquaculture/sustainable-fisheries/managing-the-impact-of-fishing-on-protected-species/protecting-hectors-and-maui-dolphins#fish-related-threats>

Further restrictions to protect hoiho (yellow-eyed penguins) are available at:

<https://www.mpi.govt.nz/fishing-aquaculture/sustainable-fisheries/managing-the-impact-of-fishing-on-protected-species/reducing-deaths-of-seabirds>

Fishers should also check with the Liaison Officer or Seafood NZ for any voluntary measures that have been adopted by region, these will be appended to this OP.

Protected Species Risk Management Plans (PSRMP)

Your Liaison Officer will help with the development of your Protected Species Risk Management Plan (PSRMP). This will detail your vessel's specific approach to mitigating protected species interactions. It will be updated regularly and include a comprehensive list of measures that reduce risk.

This is your plan – ensure that it accurately represents what is happening on your vessel.

Important mitigation measures beyond those in the regulations that should form part of your plan include:

- Offal and discards management and control
- Reducing the amount of time gear is at the surface
- Use of acoustic devices and/or lights
- Light control – including when at anchor
- How you choose where and when to fish to minimise risk

If you catch a Hector's or Maui dolphin or yellow-eyed penguin, and you have authorisation from DOC, retain the carcass for necropsy. The information necropsies provide are invaluable for learning more about these dolphins, particularly about disease.

8. RISK MANAGEMENT

Vessel operators need to be aware of all factors of your operation that can influence the risk posed to protected species.

RISK ITEM	RISK FOR	WAYS TO MANAGE RISK
All risks	All species	• Consider overlap with protected species when choosing where and when to fish. • Contain and minimise vessel lighting.
Set capture	Seabirds	• Sink nets rapidly • Shoot only clean nets • Remove attractants – no dumping of fish waste / offal immediately before or during setting.
Soak capture	Seabirds Marine mammals	• Considered soak time and location to minimise overlap • Acoustic devices • Lights
Haul capture	Seabirds	• Recovering gear quickly • Hold or, if necessary, batch discard offal and fish waste
Deck strike	Seabirds	• Minimise light spill, especially when at anchor and steaming close to colonies • Keep deck clean

MAIN SPECIES AT RISK – SOUTH ISLAND

Species at Risk	Species Code	Main Risk Area	Place, Time, Risk Profile
Yellow-eyed penguin	XYP	Otago, Catlins, Stewart Island	- Typically found within 25 km of the coast, but may travel up to 50 km offshore - Mostly feed on the seabed during the day at depths up to 150 m - Juveniles migrate north after they fledge in February towards Kaikoura and are often sighted around the Canterbury Bight - 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	XFC	Fiordland, Stewart Island, Foveaux Strait	- Most frequently caught nearshore e.g. overlapping with butterfly 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 may add to these threats
Little blue penguin	XLB	All Areas	- Strongly impacted by adverse climate and oceanic events - Present year-round on entire NZ coastline - Most frequently caught nearshore but may range up to 25 km - Daylight forager, often rafts, return to land at night
Foveaux shag and Otago shag (previously Stewart Island shag)	XHG	Foveaux Strait, Stewart Island, Otago	- 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 50 km offshore - Seabed forager (down to 30 m) also forage in murky water e.g. Otago Harbour
King shag	XHG	Marlborough Sounds and western D'Urville	- 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 25 km from their colony - Seabed forager (down to 50m) during daylight hours
Spotted shags	XPP (spotted)		- Summer breeders, ranging further from colonies outside of breeding season - Can raft and feed in large numbers - Hot spots –Banks Peninsula, Otago

Species at risk	Species Code	Main Risk Area	Place, Time, Risk Profile
Hector's dolphin	HDO	ECSI, WCSI	• 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 20 nm offshore • Are thought to move further offshore at night • 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: Closures regulated as of June 2020. See supplemental material for maps
Dusky dolphin	DDO	All areas, Kaikoura	• Found all around the coastline of New Zealand
NZ Sea lion	HSL	Otago to Stewart Island	• Re-establishing on Mainland NZ • Present year-round in southern coastal waters
NZ Fur seal	FUR	All areas	• Present year-round on entire NZ coastline, usually haul out on rocky shores • Main SI colonies in Kaikoura, D'Urville Island Separation Point, Cape Foulwind, Banks Peninsula, Otago, Stewart Island, Ruapuke, Fiordland, the Solander Islands
Great white shark (White pointer)	WPS	Particularly Stewart Island and Foveaux Strait	• Most common over summer, particularly Nov-Mar • Trans-Tasman population (range between NZ, Australia and the South Pacific islands – highly migratory species)

MAIN SPECIES AT RISK – NORTH ISLAND

Species at risk	Species Code	Main Risk Area	Place, Time, Risk Profile
Maui dolphin	MDO	WCNI, particularly between Manganui Bluffs and Mokau	- 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 - WCNI: Closure regulated as of June 2020. See supplemental material for maps
Dusky dolphin	DDO	All areas, Particularly ECNI	Found all around the coastline of New Zealand, but more so on the East coast north island
NZ Fur Seal	FUR	All areas	- Present year-round on entire NZ coastline, mainly rocky shores - Main SI colonies in Kaikoura, D'Urville Island Separation Point, Cape Foulwind, Banks Peninsula, Otago, Stewart Island, Ruapuke, Fiordland, the Solander Islands
Great white shark (White pointer)	WPS	Northern east coast	- Most common over summer, particularly Nov-Mar - Trans-Tasman population (range between NZ, Australia and the South Pacific islands – highly migratory species)
Little Blue Penguin	XLB	All areas	- 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
Spotted shags	XPP	All areas	- Summer breeders, ranging further from colonies outside of breeding season - Can raft and feed in large numbers - Hot spots – Very small population in Firth of Thames
Black petrel	XBP	East coast	- Summer breeder on Great and Little Barrier (migrate to South America) - Aggressive feeding on arrival into NZ and before departure - Good diver
Flesh-footed shearwater	XFS	East coast	- Summer breeder on several Islands on East Coast to Marlborough Sounds and Sugarloaf Islands off Taranaki (migrate to N. Pacific). - Aggressive feeding on arrival into NZ and before departure. - More inshore distribution than black petrel - Even better diver than black petrel