

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.
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

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

- 1.** The Fisheries (Reporting) Regulations 2017 require reporting of **all** NFPS captures (dead or alive). It is an offence to fail to report.
- 2.** All permit holders and skippers must know the law and be able to file an NFPS catch report using their vessel's Electronic Reporting system.
- 3.** Fisheries New Zealand observers file their own NFPS catch reports, but this does NOT mean the vessel's obligation to report has been removed.
- 4.** *Captures* means that the NFPS has become fixed, entangled, or trapped in such a way that it cannot move freely or free itself from any part of the fishing gear. (includes for example tori lines and paravanes)
- 5.** *Deck strikes* means seabirds injured or dead from colliding with the vessel, or any that need crew assistance to leave the vessel because they are disoriented.
- 6.** Treat all animals with respect and care (dead or alive).
- 7.** Return all NFPS to the sea promptly and carefully unless required to be kept on board by a Fisheries New Zealand observer.
- 8.** Unauthorised retention or any further interference with protected species is an offence under the Wildlife Act 1953.
- 9.** If unsure of the species name (NFPS code) use the generic codes provided.
- 10.** E-logbook Users Instructions and Codes can be found here:
<https://www.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/
- A fuller set of invertebrate NFPS material is available at: fs.fish.govt.nz/Doc/23020/AEBR_86.pdf.ashx
- A coral guide is available at doc.govt.nz/Documents/conservation/marine-and-coastal/fishing/coral-id-guide-updated.pdf

Harbour and Coastal Setnet Operational Procedures for Protected Species Risk Management

Version 2.0



FISHERIES
INSHORE NEW ZEALAND

Part 1: Introduction	4
Purpose and rationale of these Operational Procedures.....	4
Objectives of these Operational Procedure.....	5
Status of these Operational Procedures	5
Application of these Operational Procedures	5
Other key documents or rules & regulations	6
Seabirds.....	6
National Plan of Action-Seabirds (NPOA-Seabirds).....	6
Marine mammals.....	7
Sharks.....	7
Turtles	7
Part 2: Responsibilities of Crew	8
Commitment to these procedures	8
Vessel owner and operator responsibilities.....	8
Vessel crew responsibilities	8
Seal Handling and Crew Safety Issues	8
Part 3: Risks Associated with Setnet Fisheries	9
Part 4: Protected Species Handling & Release and Crew Safety	13
Release alive.....	13
Seabirds.....	13
Live Marine Mammals and Sharks	13
Returning Dead Seabirds, Marine Mammals and Protected Sharks to the Sea	13
Seal Handling and Crew Safety Issues	14
Part 5: MPI Mandatory Reporting	15
NFPSCR codes.....	15
Part 6: Reporting Triggers	15
Coastal Setnet Liaison Programme Triggers & Reporting Requirements	16
Coastal Setnet Triggers Breach & Reporting Contact 24/7	16
Part 7: Audit and Review	17
FNZ Observer Review Form	17
<u>Plan Review</u>	<u>17</u>

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:

- < Vessels, skippers and crew should be trained to identify and report protected species captures.
- < Vessels should have a skipper or crew member responsible for monitoring and reporting protected species captures.
- < Vessels should have a skipper or crew member responsible for monitoring and reporting protected species captures.
- < Vessels should have a skipper or crew member responsible for monitoring and reporting protected species captures.

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;
- < That skippers 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 Convention on the Conservation of Antarctic Seabirds (CCS) 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. It provides a risk ratio (the number of 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.

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 (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 are included in the scope of Threat Management Plans (TMPs). New closures to setnetting have been put in place as a result of the 2020 TMP for Hector'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, Hector's dolphins were assessed as having a moderate population risk. Around the rest of New Zealand, 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) which sets out 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 relevant regulatory framework;
- ◁ 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

- ◁ Liaison officers will conduct 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.


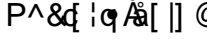

Mandatory measures include:

- ◁ 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.

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

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

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

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

Table 3 Other bycatch species at risk in coastal setnet fisheries

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

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.
- ◁ Use a bucket or similar container to hold the bird if it is on the deck or in a safe area on deck away from oil.

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

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 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: Animals struck by vessel/deck/superstructure and are dead or injured, unable to leave vessel of its own accord; are reported as 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 limits. 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.

Ô [} cæó ^!• [} Áe å Á ^ cã Áe ^ Áe Á @ Áæ Á Á - Á @ Á Ú Áe å Á } Á @ Á ^ • • ^ | q Á Ú Ü T Ú .

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 the Coastal Setnet Plan (PSRMP). The Observer Audit form is used to document the assessment of vessel and

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?