World Wide Fund for Nature - New Zealand
PO Box 11514, Manners Street,
Wellington 6142

Fisheries Management
Fisheries New Zealand
PO Box 2526
Wellington 6140
FMSubmissions@mpi.govt.nz

12 December 2025

Submission on the proposed long-term measures to reduce bycatch of hoiho/yellow-eyed penguin

As one of the leading environmental Non-Governmental Organisations (eNGOs) in Aotearoa New Zealand, World Wide Fund for Nature New Zealand (WWF) supports science-based, pragmatic solutions that safeguard biodiversity and ensure a future where humanity lives in harmony with nature. WWF welcomes the opportunity to provide feedback on the proposal for further measures to reduce fisheries bycatch of hoiho/yellow-eyed penguin.

Hoiho are a taonga species of immense cultural, ecological, and national significance, yet they now stand on the brink of functional extinction on mainland New Zealand. With fewer than 150 breeding pairs remaining on the mainland and survival rates declining across all northern subpopulations, the need for decisive action has never been more urgent.

While community groups and conservation organisations continue to play a crucial role in habitat protection, predator control, and wildlife rehabilitation, these efforts cannot succeed without robust regulatory intervention that eliminates avoidable mortality at sea. Set-net bycatch is one of the few major threats that can be eliminated immediately and decisively. We support the option that provides the greatest spatial protection (Option 1b) in concurrence with Option 2; however, we feel that all the proposals fall short of what is required to prevent the irreversible loss of this iconic species. Allowing these birds to disappear on our watch would be both a moral failure and a national tragedy. We need to prohibit commercial set net fishing from the entire hoiho range until suitable mitigation measures are established, and population counts have increased to healthy ranges.

Hoiho are a species in crisis and urgent action is required to prevent their extinction

Hoiho/yellow-eyed penguin have experienced sustained decline across all subpopulations since 1991.[1] A major threat assessment released this past month shows the species is collapsing across every part of its northern range in the South Island and Rakiura/Stewart Island. The report identifies that both juvenile and adult survival have dropped to critically low levels. This is an alarming indicator, as survivorship is one of the strongest predictors of long-term population viability for seabirds such as penguins. Without urgent action, hoiho could disappear from the mainland in the very near future. The northern population is genetically distinct from the southern population,

[1] Roberts, J.; Webber, D.N. (2025). Spatial risk assessment of threats to yellow-eyed penguin/hoiho (Megadyptes antipodes). New Zealand Aquatic Environment and Biodiversity Report No. 370. 162

World Wide Fund for Nature - New Zealand
PO Box 11514, Manners Street,
Wellington 6142

meaning local extinction in the north would represent not just a numerical decline in the species but an irreversible loss of unique biodiversity.

Disease and malnutrition are also of major concern, disproportionately affecting chicks and juveniles, undermining recruitment. Introduced predators such as feral cats, stoats, and dogs continue to threaten juveniles and adults, despite substantial community-led predator control efforts. Climate-driven changes to prey distribution and abundance have also significantly reduced the availability of small benthic fish on which hoiho depend. Starvation is increasingly documented as a cause of death. It is also a known precursor to disease susceptibility and is expected to worsen as ocean temperatures rise.

Notwithstanding these stressors, commercial set-net entanglements remain the most immediate, preventable cause of mortality for hoiho, responsible for an estimated 17 deaths in the 2022–23 season. Most bycatch occurs around the Otago Peninsula, a region of high overlap with human pressures, including recreational netting, dogs, oil-spill risk, and other coastal activity. The latest breeding count referenced in the consultation document cites 143 nests, but this estimate is outdated. Early indications suggest that the current count, still being finalised, is likely to be even lower.

Tangata whenua, local conservation groups, landowners, wildlife hospitals, and community volunteers have poured immense energy into predator control, habitat restoration, nest-site protection, and rehabilitation. These efforts are vital and demonstrate the depth of public commitment to hoiho recovery. Without stronger fisheries management, the gains from land-based conservation cannot offset adult mortality from bycatch. A species cannot recover when healthy individuals are routinely removed from an already diminished breeding population. This decline reinforces the need for precautionary and immediate action.

The current options do not sufficiently address the threat of bycatch

WWF acknowledges and welcomes the governments intent to reduce bycatch risk to hoiho. However, we strongly believe that the proposed options fall short of what is required to stabilise the population, let alone support recovery. The current consultation document proposes three options, and we support the option that provides the greatest spatial protection (Option 1b) in addition to Option 2. However, while these are a step in the right direction, they are not sufficient to stabilise the population and does not show an apt level of caution. Fisheries New Zealand (FNZ) estimates a reduction in bycatch risk by 75%; however, given the suite of other threats facing hoiho, reducing and not removing completely the risk of birds drowning in set nets is unlikely to ensure sustainability.

The proposal leaves key areas, particularly around Rakiura and the Catlins, exposed to ongoing bycatch risk for hoiho. The set net ban being proposed will only cover out to 8 nautical miles from shore, when hoiho are shown to forage up to 14 nautical miles. As noted in the updated consultation materials, the recent November capture and death of a hoiho in Southland waters was well outside the nearest industry voluntary set net closed area (100 nautical miles).[2] Hoiho are being forced to

[2] https://www.mpi.govt.nz/dmsdocument/70928-Addendum-to-the-Consultation-on-further-measures-to-reduce-fisheries-bycatch-of-hoihoyellow-eyed-penguin

World Wide Fund for Nature - New Zealand
PO Box 11514, Manners Street,
Wellington 6142

travel further offshore to find food as climate change alters ocean temperatures and reduces local fish availability. It is therefore appropriate to exclude commercial set net fishing from the hoiho's entire potential range.

The proposal also includes implementing an escalating response framework of voluntary and, if required, regulatory measures, underpinned by a regulated Fishing-Related Mortality Limit (FRML). The proposed FMRL suggests allowing up to four reported bycatch events per year. Allowing up to four reported bycatch events per year is incompatible with a precautionary, recovery-focused management approach. Hoiho are a 'Nationally Critical' species, so even a small number of fishing-related deaths has population-level implications. Setting an FRML of 4 effectively normalises up to four avoidable mortalities per year, as limits tend to be interpreted as acceptable loss thresholds. For a species with declining populations and on the brink of functional extinction on the mainland, the only biologically safe FRML is zero.

Additionally, the framework acts only after hoiho deaths occur, rather than a focus on preventing them. It is also inefficient with each response step relying on assessment, communication, and voluntary adaptation by the fleet. During that time, fishing continues, meaning additional mortalities may occur before the next escalation activates. The framework also relies on mitigation being available, which currently there are no mitigation measures that commercial set-net fishers can use that are known to be effective to reduce hoiho bycatch. There is only trailing and research occurring into new tech like LED lights, but the results on effectiveness are not expected to be available until 2027. Therefore, it is unclear what the escalating response framework would achieve besides closing off additional areas to fishing. Bycatch from set nets is the one major threat that can be immediately eliminated from the entire hoiho range and would be more effective and efficient than any combination of options proposed. Failing to remove this preventable cause of death would fall short of FNZ's statutory obligations under the Fisheries Act 1996 to manage the adverse effects of fishing on protected species, like the critically endangered hoiho.

Long-term solutions for creating a marine environment where hoiho can thrive

While eliminating set-net bycatch is the most urgent priority, long-term recovery requires urgent, systemic change in how we manage and protect our marine environment. There is no single fix because the threats to hoiho are complex and compounding. To prevent the extinction of hoiho, we need to expand marine protection across hoiho's entire northern range (from Banks Peninsula to Rakiura/Stewart Island) to create safe havens for foraging, reduce overlap with fishing pressure, and strengthen ecosystem resilience.

Hoiho rely on small benthic fish for food, and destructive bottom-contact fishing has direct and negative impact on their food supply and therefore survival. These damaging fishing practices need to be phased out in key hoiho foraging areas.

The hoiho is just one of many of our protected species facing decline. 22% of New Zealand's marine mammals, 90% of seabirds and 80% of shorebirds are threatened with, or at risk of, extinction.[3] Our current marine legislation is fragmented and outdated, and inadequate at protecting our species.

[3] https://www.stats.govt.nz/indicators/extinction-threat-to-indigenous-species/

World Wide Fund for Nature - New Zealand
PO Box 11514, Manners Street,
Wellington 6142

Legislative reform is needed to create a coherent, fit-for-purpose system capable of supporting biodiversity recovery.

Summary

WWF urges the government to approach hoiho conservation with the urgency, ambition, and precaution that the situation demands. For decades, successive governments have acknowledged the decline of this species but have not acted at a scale appropriate to the severity of the crisis. Today, we are dangerously close to losing hoiho from the mainland forever.

Eliminating set-net bycatch is the most immediate, practical, and effective step available. It must be implemented alongside broader reforms to ensure the long-term health of New Zealand's marine ecosystems. Allowing even a small number of preventable deaths each year risks tipping the species into irreversible decline.

The options presented appear to attempt to do the bare minimum while preventing economic impacts, but we really should be focusing on preventing the intergenerational loss of an iconic endemic species of Aotearoa. We cannot allow the survival of a taonga species to be reduced to a symbol on our currency. A future in which hoiho can only be seen on the five-dollar note would represent a profound moral and national failure. With decisive leadership and robust action, that future is still preventable.