

# **Review of Rock Lobster Regulations**

## **A summary of proposals for the New Zealand Sport Fishing Council**

*December 2012*

The National Rock Lobster Management Group (NRLMG) had released several proposals to review regulations applying in CRA 3 (Gisborne), 7 (Otago) & 8 (Southern). The Ministry for Primary Industries (MPI) seeks feedback on the [proposals](#). Refer Appendix One and Two. Implementation of any amendments is expected by 1 June 2013. Submission deadline is 13 December 2012.

Feedback is sought on proposals to:

- Review Rock Lobster Concession Area regulations associated with the taking, landing, transport, processing and sale of rock lobsters; and
- Review the Fiordland (Te Moana o Atawhenua) Marine Area Rock Lobster Amateur Regulations.

### **Concession Area regulations**

#### ***Points of interest:***

The May 2012 decision, to retain all concessions, effectively set new minimum legal size (MLS) for each region, eliminating what was once a size concession for a specific purpose and transforming these into new MLS regimes; the proposals to remove regulations associated with each concession confirms this transformation. Therefore we are no longer talking about concessions, we are talking about the MLS.

MLS regimes can be established for several reasons, the most popular being to provide for recruits to breed and maintain productivity levels before becoming vulnerable to harvest.

The new MLS resulting from these ‘concession’ reviews are advocated on the basis of commercial benefit from taking immature fish, with a simple denial of any sustainability risks.

There is no discussion on the principles and purpose of a MLS regime; apparently it is available on a whim.

MLS for Rock Lobster must be set at a size that has 90% of recruits breeding at least once before becoming available for catch. Once this is established then there is no need for a raft of ancillary regulations.

While there is a MLS that permits large catches of immature fish compliance will require ancillary regulations to contain the harvest of small fish.

There is an unnecessary raft of comment that serves to confuse, for example, that a regulation was in place before Rock Lobster entered the Quota Management System. The suggestion that this somehow indicates an unnecessary regulation is dismissed, as each one must stand on its merits.

Any MLS must apply to all fishers, as there are now no concessions; the reasons for each concession has expired and now all that’s left is a new MLS.

MPI advise none of the concessions, to enable commercial fishers to take fish smaller than the minimum legal size (MLS) that applies to amateur fishers, are being reviewed. On advice from MPI, the Minister decided to retain these concessions in May 2012.

MPI’s intention is for “better” utilisation of these fisheries, while “ensuring sustainability and cost-effective compliance and enforcement”.

MPI argue sustainability is unlikely to be impacted because the Total Allowable Catch (TAC) is the primary sustainability control.

MPI advocate that most of these measures are unlikely to have negative outcomes for amateur fishers.

NRLMG argue that the lack of data on recreational fishing in all areas limits the ability of managers to assess any detrimental impact on recreational interests, from these proposed changes.

There are varying opinions amongst the recreational, customary and commercial parties within the NRLMG-

- Recreational participants do not support regulation amendments until MLS inequity is removed & more research is conducted.
- Customary support most of the proposals, 2C to 2H.
- Commercial & MPI support in principle options 2A to 2H.

***Comments:***

It seems commercial fishers have become dependent on concession fish. Anecdotal comments indicate that concession fish could comprise more than 70% of CRA 3 catch.

These proposed amendments are designed to provide benefits to industry, by reducing compliance costs and improving market access. There may be some increased compliance costs for MPI, which may be offset by cost savings in some work areas.

These measures do nothing to address the long-standing issues in CRA 3, and the concerns of recreational interests, about the existence of concessions.

These concession fisheries, particularly CRA 3 & 7, no longer provide for the social, economic and cultural wellbeing of New Zealanders. These stocks are managed to serve commercial purposes, as evidenced by these proposals.

While the concession regulations are not under review, the NRLMG invite comment on the impact and potential benefits of allowing recreational fishers access to concession fish. MPI advise this could be a possibility for CRA 7 & 8. CRA 3 is excluded because of the current level, and potential increase, in illegal fishing.

***Recommendations***

- NZSFC submit a response to the proposals, reiterating the need to abandon concession fisheries.
- Concession male fish must be recorded separately, at 52mm, 53mm and 54mm and above.
- NZSFC supports the:
  - Status quo for regulation 2A.
  - Status quo for regulation 2B.
  - Proposed change for regulation 2C and 2D.
  - Status quo for regulation 2E, reject outright any change.
  - Proposed change for regulation 2F.
  - Status quo for regulation 2G.
  - Proposed change for 2H, only if concession fish are recorded and can be traced separately.

## **Fiordland Amateur regulation review**

### ***Points of interest:***

- Four regulation options proposed by the Fiordland Marine Guardians (FMG), all changes supported by the NRLMG.
- Options offer status quo or an alternative; refer Appendix Two.

### ***Comments:***

Option 2A merely restores amateur access to Rock Lobster in most of the Fiords to pre-2005, pre-FMG management levels. This is not a gift from FMG, NRLMG or MPI. Bag limits were cut in 2005 without adequate consultation with recreational fishing interests.

NRLMG emphasise that the Minister has “broad discretion in exercising his powers of decision-making”. While this may be true, he has an obligation pursuant to s8 of the Fisheries Act 1996, to manage fisheries to “enable people to provide for their social, economic and cultural wellbeing”.

Also, the Supreme Court clarified that “the notion of people providing for their wellbeing, an in particular their social wellbeing, is an important element of recreational interests”.

### ***Recommendations***

NZSFC respond as follows:

- Support proposed change for regulation 2A.
- Support proposed change for regulation 2B.
- Retain status quo, option 1, for regulation 2C.
- Any potting prohibition in the internal waters of Fiordland must apply to both amateur and commercial fishers. If benthic damage by pots is the major concern, then it is irrelevant if the pot is being managed by an amateur or commercial fisher, both (or neither) must be prohibited
- Any suggestion that amateur fishers use coloured cable ties and a written record to differentiate their catch in a holding pot is rejected. It is one step away having to identify recreationally caught fish from commercially caught animals, an unwelcome development and encumbrance on the public’s access to their fisheries.

## Appendix One

### 1. Summary of options for Concession Area regulation review

Regulation type	Option 1 – status quo	Option 2 – proposed change
<b>A. CRA 3 &amp; 7 closed seasons.</b>	<b>CRA 3</b> is closed to commercial fishing during May.	Remove the CRA 3 May closure.
	<b>CRA 7</b> is closed to commercial fishing from 20 November to 31 May.	Remove the CRA 7 closed season.
<b>B. CRA 7 closed area.</b>	<b>CRA 7</b> commercial fishing is prohibited in the ‘Otago Concession Area Buffer Zone’.	Remove the CRA 7 ‘Buffer Zone’.
<b>C. CRA 7 vessel requirements.</b>	<b>CRA 7</b> commercial fishers must register their fishing vessel at Dunedin and domicile it within the area.	Remove the CRA 7 vessel requirement.
<b>D. Landing requirements.</b>	<b>CRA 3</b> , must be landed within the area (or elsewhere subject to prior approval and conditions) and be delivered and sold to a licensed fish receiver (LFR).	No change.
	<b>CRA 7</b> , must be landed within the area at port of domicile for the vessel and to a LFR in CRA 7 only.	Amend the CRA 7 landing requirements to equate with existing CRA 3 requirements.
	<b>CRA 8</b> , must be landed within CRA 8 and to a LFR in the area, or fish can be moved to an LFR outside subject to written approval.	Amend the CRA 8 landing requirements to equate with existing CRA 3 requirements.
<b>E. Domestic sales.</b>	<b>CRA 7</b> domestic sales allowed subject to ‘consumer pack’ packaging requirements.	Allow CRA 7 domestic sales outside of a ‘consumer pack’.
	<b>CRA 3 &amp; 8</b> domestic sales are prohibited.	Allow CRA 3 & 8 domestic sales.
<b>F. Export container labeling and packaging requirements.</b>	<b>CRA 3</b> , must be held in containers marked ‘Gisborne rock lobsters’.	Amend container labeling requirements to ‘CRA 3 rock lobsters’.
	<b>CRA 7</b> , must be packed in a sealed container under the direction of a Fishery Officer.	Amend CRA 7 requirements to: must be held in containers marked ‘CRA 7 rock lobsters’.
	<b>CRA 8</b> , must be packed in a sealed [container] and marked ‘Southland concession pack’.	Amend CRA 8 requirements to: must be held in containers marked ‘CRA 8 rock lobsters’.
<b>G. Export requirements.</b>	<b>CRA 3</b> , export must be from LFR only.	Amend the CRA 3 & 7 export requirements to equate with the existing CRA 8 requirements.
	<b>CRA 7</b> , export must be direct from CRA 7 LFR.	
	<b>CRA 8</b> , export must be direct from LFR, or through export transshipment point subject to prior approval and conditions.	No change.
<b>H. Export notification &amp; records.</b>	<b>CRA 3</b> , no export notification or records required.	No change.
	<b>CRA 7 &amp; 8</b> , LFR must notify export particulars to MPI prior to shipping. In addition for CRA 8, specific LFR records are required.	Remove export notification and record requirements for CRA 7 & 8.

## Appendix Two

### 1. Summary of options for Fiordland amateur regulation review

Regulation	Option 1 – status quo	Option 2 – proposed change
<b>A. Daily bag limit</b>	Retain the current maximum daily limit of 3 rock lobsters per amateur fisher in the internal waters of Fiordland.	Increase the maximum daily number of rock lobster that may be taken or possessed by amateur fishers from 3 to 6 per day in the internal waters of Fiordland, except for Milford Sound, which is to remain at 3.
<b>B. Accumulation limit</b>	Retain the current rock lobster accumulation defence provisions that allow for accumulation of up to 3 rock lobsters in the internal waters of Fiordland.	Amend the rock lobster accumulation defence provisions by removing the accumulation limit of 3 rock lobsters in the internal water of Fiordland, except for Milford Sound, to allow for an accumulation of up to 15 rock lobsters.
<b>C. Written records</b>	Retain the current amateur rock lobster accumulation defence provision conditions for the FMA.	Amend the rock lobster accumulation defence provision conditions by requiring amateur fishers to maintain a written record of all live rock lobsters stored in and removed from holding pots in the FMA.
<b>D. Potting prohibition</b>	Retain the current use of amateur rock lobster pots in the internal waters of Fiordland.	Prohibit the use of amateur rock lobster pots in the internal waters of Fiordland adjacent to Seymour Island, in Pendulo Reach, Doubtful Sound.