



Fisheries New Zealand

Tini a Tangaroa

Proposal to review the recreational rules for the CRA 2 rock lobster fishery

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Publications Logistics Officer
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140

Email: brand@mpi.govt.nz
Telephone: 0800 00 83 33
Facsimile: 04-894 0300

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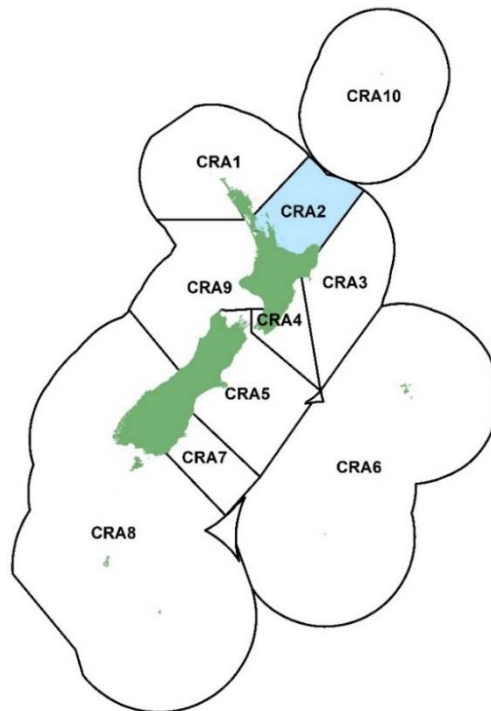


Figure 1: Map of rock lobster Quota Management Areas (QMAs) with CRA 2 highlighted in blue.

1 Executive Summary

1. Fisheries New Zealand and the National Rock Lobster Management Group welcome feedback on measures proposed for recreational fishers in the CRA 2 (Hauraki Gulf/Bay of Plenty) spiny rock lobster fishery (Figure 1)¹.
2. The results from a full scientific assessment late in 2017 suggested that the CRA 2 fishery is currently experiencing low levels of abundance and management action is needed to rebuild it. A multi-staged rebuild plan is in place to improve the abundance of spiny rock lobsters in the CRA 2 fishery.
3. New catch settings were implemented from 1 April 2018, and included significant reductions to the Total Allowable Commercial Catch and recreational allowance. The purpose of this paper is to initiate a review of the CRA 2 recreational daily bag limit and to consider introduction of a new fisheries compliance tool, to further support a rebuild of the fishery.
4. When the Minister of Fisheries made decisions on the Total Allowable Catch for CRA 2 for the 1 April 2018 fishing year, he signalled that other management measures should be progressed as soon as possible to support the management of CRA 2 recreational catch. This included a suggestion to review the daily bag limit of six spiny rock lobsters. The Minister also requested an increased compliance focus on the CRA 2 fishery to help minimise illegal take, so that the benefits of any rebuild do not go to those engaged in illegal activities.

¹ The National Rock Lobster Management Group includes representatives of customary, recreational and commercial fishing interests, and Fisheries New Zealand. It is responsible for advising the Minister of Fisheries on rock lobster management matters.

Review of the recreational daily bag limit

5. The Minister of Fisheries reduced the CRA 2 recreational allowance from 140 to 34 tonnes from 1 April 2018 to reflect best available information on current catch. The Minister is now obliged to take steps he considers necessary to ensure that recreational catch (on average) does not exceed the allowance set. Information from recreational harvest surveys suggests existing recreational regulations and non-regulatory options on their own are unlikely to be sufficient to manage recreational catch to the new 34 tonne allowance as abundance in the fishery improves.
6. To help manage recreational catch to the new allowance, it is proposed that the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) are amended as follows:
 - **Reduce the daily bag limit for spiny rock lobster (Option 1A)**

Within the daily limit of six rock lobsters (spiny “CRA”, and packhorse “PHC” combined), amend the Amateur Regulations so that a recreational fisher must not take or possess more than three spiny rock lobsters.

This reduces the quantity of spiny rock lobsters that can be harvested from six to three, while still enabling up to six packhorse lobsters to be harvested if no spiny lobsters are taken at the same time.

Minimising illegal take

7. When the Minister of Fisheries made his catch setting decisions for April 2018 he also requested that measures are looked at to ensure that illegal take is minimised in the CRA 2 fishery. To help ensure this, it is proposed that the Amateur Regulations are amended as follows:
 - **Introduce recreational telson clipping (Option 2A)**

Recreational fishers are required to clip the last third of the middle part of the tail fan (the “telson”) of every legal-sized spiny rock lobster that will be kept (see Figure 2 for an image of a clipped lobster).

This marks a lobster as being recreationally caught, and so is not permitted to be bought, bartered or traded.
8. To further ensure that illegal take is minimised in the CRA 2 fishery, the Ministry for Primary Industries (MPI) Fisheries Compliance group has a range of actions in place or planned. Appendix two provides an outline of these actions.

Research and monitoring

9. Ongoing research and monitoring is currently underway or planned to further support a rebuild of the CRA 2 fishery (refer Appendix three). Information from these initiatives will be considered in future decision-making on catch settings, and regulatory and non-regulatory measures.

2 Submission Information

10. Fisheries New Zealand and the National Rock Lobster Management Group welcome written submissions to inform the review and the proposals contained in this Discussion Paper. All written submissions must be received by Fisheries New Zealand, no later than **5pm, 19 December 2018**.
11. Written submissions should be emailed to: FMSubmissions@mpi.govt.nz
or sent to:

Inshore Fisheries Management
Fisheries New Zealand
P O Box 2526
Wellington 6140.
12. All submissions are subject to the Official Information Act 1982 and can be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.



Spiny (red) rock lobster
Jasus edwardsii
Dark red colour with a spiny
body and tail



Packhorse lobster
Sagmariasus verreauxi
Green colour with smooth
tail segments

3 Purpose

13. The purpose of this Paper is to initiate consultation on whether the Amateur Regulations should be amended. This includes a proposal to reduce the daily bag limit for spiny rock lobster in the CRA 2 rock lobster fishery, and whether recreational telson clipping should be introduced. These measures are proposed to support the rebuild of the CRA 2 fishery and ensure the new Total Allowable Catch has integrity.
14. Fisheries New Zealand and the National Rock Lobster Management Group are consulting and seeking submissions on the options provided in Table 1.

Table 1: Recreational daily bag limit and telson clipping proposals for CRA 2.

Measure	Option	Description
Daily bag limit	1A	Reduce the daily bag limit for spiny rock lobster Within the daily limit of six rock lobsters (spiny and packhorse combined), amend the Amateur Regulations so that a recreational fisher must not take or possess more than <u>three spiny rock lobsters</u> .
	1B	Status quo Retain the current daily limit of six rock lobsters (spiny and packhorse combined) per recreational fisher.
Telson clipping	2A	Telson clipping is mandatory for recreational fishers Amend the Amateur Regulations to require a recreational fisher to clip the telson of every legal-sized spiny rock lobster taken from CRA 2 that they intend to keep and retain.
	2B	Status quo There is no mandatory requirement for a recreational fisher to telson clip every legal-sized spiny rock lobster that they intend to keep from CRA 2.

15. Tangata Whenua and stakeholders with an interest in the CRA 2 fishery are encouraged to provide their views and any other information relevant to the review. Submitters' views will be included in the final advice provided to the Minister of Fisheries by Fisheries New Zealand and the National Rock Lobster Management Group.

4 Objective

16. The overall objective is to rebuild the abundance of spiny rock lobsters in the CRA 2 fishery.
17. The objective of the first proposal is to constrain recreational take from the CRA 2 fishery to the 34 tonne allowance (on average) until increased stock abundance enables consideration of a Total Allowable Catch increase.
18. The objective of the second proposal is to provide MPI Fisheries Compliance with additional and cost-effective tools to minimise the illegal take and sale of rock lobsters from the CRA 2 fishery by opportunistic non-commercial fishers and fish thieves.
19. These objectives are consistent with the National Rock Lobster Management Group's goal for all rock lobster fisheries. They are also consistent with the purpose of the Fisheries Act 1996 to provide for utilisation of fisheries resources while ensuring sustainability.

Management goal for rock lobster

For all rock lobster fisheries to be managed and maintained at or above the assessed and agreed reference levels, using a comprehensive approach that **recognises a range of Māori customary** non-commercial, recreational, commercial, and environmental concerns and values.

5 Problem Definition

20. The CRA 2 fishery is currently experiencing low levels of abundance².
21. Results from a full scientific assessment in 2017 suggested that female spawning stock biomass during the 2016 autumn-winter season (1 April to 30 September) was 18.5% of the unfished level. This means the stock is probably below the level required by the Fisheries Act 1996 to maintain the biomass of the stock at or above a level that can produce the maximum sustainable yield. It is also below the level where it is Fisheries New Zealand policy to put in place a time-bound formal rebuilding plan.
22. After consideration of the best available information and submissions from Tangata Whenua and stakeholders, the Minister of Fisheries made significant reductions to the CRA 2 Total Allowable Catch, recreational allowance and Total Allowable Commercial Catch from 1 April 2018 to ensure a rebuild of this important shared fishery (Table 2).

² Refer to appendix one for further stock status information.

Table 2: CRA 2 catch settings from before and after 1 April 2018.

Catch setting	New	Old
Total Allowable Catch	173 tonnes ↓	416.5 tonnes
Customary non-commercial allowance	16.5 tonnes	16.5 tonnes
Recreational allowance	34 tonnes ↓	140 tonnes
Other mortality allowance	42.5 tonnes ↓	60 tonnes
Total Allowable Commercial Catch	80 tonnes ↓	200 tonnes

23. The new Total Allowable Catch is expected to see a doubling of current rock lobster abundance in about 4 years. This is based on average recruitment (new lobsters entering the fishery) from 2005 to 2014, and assumptions that recreational catch will be managed to the 34 tonne allowance and illegal take remains within its 42.5 tonne allowance while abundance rebuilds. If recruitment continues at the estimated lower levels of the most recent four years (2011 to 2014), it could take at least eight years for rock lobster abundance to double.

Management measures to support the new Total Allowable Catch

24. To support the new Total Allowable Catch that was set for the 1 April 2018 fishing year, further management measures are needed to ensure the rebuild and the long-term sustainable utilisation of this important shared fishery are not compromised.
25. Recreational catching success can vary from year to year based on a number of factors, including changes in rock lobster availability and abundance, accessibility, and recreational fishing effort. To manage recreational catch (on average) to an allowance of 34 tonnes until the fishery has rebuilt to a healthier level requires a consideration of changes to the recreational rules (e.g. daily bag limit). Information from recreational harvest surveys suggests existing recreational regulations and non-regulatory options on their own are unlikely to be sufficient to manage recreational catch to the new 34 tonne allowance as abundance in the fishery improves.
26. The allowance for other sources of fishing-related mortality (i.e. illegal take and handling mortality) is set at 42.5 tonnes. This reflects assumptions made in the stock assessment based on information provided by Fisheries New Zealand about this removal, while noting there is considerable uncertainty on the actual level (by its nature it is hard to estimate). However, the Minister of Fisheries when making his April 2018 catch setting decisions requested that measures be implemented to ensure that illegal take is minimised in this fishery (see Appendix two for Fisheries Compliance actions).

Discussion question:

- Do you agree with how we have defined the problem?

6 Pre-engagement

27. Given the high level of public interest in the CRA 2 fishery and how it is managed, Fisheries New Zealand carried out direct engagement with Tangata Whenua and a range of fishing interests from late 2017.
28. Feedback from this pre-engagement has been discussed by Fisheries New Zealand and by the National Rock Lobster Management Group when developing options presented for consultation in this paper.

6.1 INPUT AND PARTICIPATION OF TANGATA WHENUA

29. The Act defines Kaitiakitanga to mean “the exercise of guardianship; and, in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate Tangata Whenua in accordance with tikanga Māori”, where tikanga Māori refers to Māori customary values and practices.
30. Iwi Fisheries Forums and Forum Fisheries Plans are ways in which input and participation of Tangata Whenua can be provided for. Information provided by Forums and Tangata Whenua views on the management of fisheries resources and fishstocks set out in Iwi Fisheries Plans express how Tangata Whenua exercise Kaitiakitanga.
31. Fisheries New Zealand has directly engaged with the Mai i nga Kuri a Whareki ki Tihirau Iwi Fisheries Forum (the Bay of Plenty Iwi Fisheries Forum) about the future management of the CRA 2 fishery. The Iwi Forum has also participated in multi-sector workshops in November 2017 and June 2018. Iwi that are represented at the Forum include: Ngai Te Rangī; Ngāti Ranginui; Ngāti Pukenga; Te Arawa; Ngāti Tuwharetoa ki Kawerau; Ngāti Manawa; Ngāti Whare; Whakatohea; Te Upokorehe; Ngāti Awa; Ngāitai; and Ngāti Rangitīhi.
32. The Mai i nga Kuri a Whareki ki Tihirau Iwi Fisheries Forum is supportive of taking action to rebuild the CRA 2 fishery, and note that they are already placing limitations on customary harvest authorisations.
33. Te Ohu Kaimoana also supports relevant Iwi commercial and non-commercial interests to provide feedback on specific rock lobster proposals each year. Te Ohu Kaimoana has provided the Mai i nga Kuri a Whareki ki Tihirau Iwi Fisheries Forum with support on the review of the CRA 2 fishery and have also encouraged other Iwi that are not part of the Forum to participate in CRA 2 engagement opportunities.

6.2 MULTI-SECTOR WORKSHOPS

34. Fisheries New Zealand has held two rounds of multi-sector workshops in Whakatane and Thames to gather feedback from the wider community on the management of the CRA 2 fishery.

35. The first workshops were held in November 2017. Feedback was sought on the current state of the CRA 2 fishery and participants' vision for the fishery and its rebuild. All sectors (customary, recreational and commercial) agreed that the fishery is in a poor state and action was needed to ensure more lobsters are in the water for future generations. It was agreed that all interests needed to contribute to the rebuild of the fishery.
36. The second round of workshops were held in June 2018. At these workshops participants were asked to consider the proposals in this paper (daily bag limit of three spiny rock lobsters, and telson clipping). There was general support for a daily bag limit of three. For telson clipping, customary interests indicated initial support, but noted further consideration was needed given the uncertainty about its benefits for the CRA 2 fishery. Recreational interests were unsure about its effectiveness, and noted the need for supporting education, with Thames participants suggesting some kind of traceability of recreational and commercial catch. Commercial interests considered that telson clipping recognises legitimate recreational take, and provides a tool to help address illegal take for sale.
37. At the June workshops, participants were also asked to provide feedback on how their sector could contribute to the rebuild of the CRA 2 fishery. A range of measures were suggested, with mixed support from each sector. Some of these measures included (but were not limited to): a recreational accumulation limit, reduced recreational pot limits, customary already ensuring limits are placed on harvest authorisations for lobster, marketing and education to influence fishers of the importance of supporting a rebuild of the fishery, and more frequent monitoring of recreational harvest.

6.3 STATUTORY CONSULTATION ON APRIL 2018 SUSTAINABILITY MEASURES

38. Early in 2018, 55 submissions were received on the April 2018 sustainability measure proposals for CRA 2. The majority of submitters recognised the importance of the shared fishery and that measures must be taken to rebuild the stock as soon as possible.
39. As part of this consultation, it was noted that a broader range of management measures would be consulted on during 2018 to ensure that non-commercial fishers support a rebuild of the CRA 2 fishery. This included a reduction to the existing recreational daily bag limit of six spiny rock lobsters. Additional measures proposed by submitters to manage catch, included: a reduced recreational daily bag limit from six spiny rock lobsters, seasonal closures, telson clipping of recreationally caught spiny lobsters to assist in the reduction of illegal take, pot limits, and finer-scale management initiatives.

7 Proposal to reduce the recreational daily bag limit

7.1 BACKGROUND

40. The CRA 2 rock lobster fishery extends from Te Arai Point north of Auckland to the East Cape Lighthouse, and encompasses Auckland, the Coromandel Peninsula, and Tauranga. Given its proximity to Auckland and other holiday destinations it supports a popular recreational rock lobster fishery.

Recreational regulations

41. Recreational catch is managed within the allowance set, primarily through a combination of a daily bag limit and a minimum legal size. Table 3 provides a summary of the recreational regulations that are currently in place to manage rock lobster fishing in CRA 2.

Table 3: Summary of the key Fisheries (Amateur Fishing) Regulations 2013 that currently apply in CRA 2 (mouse click and type Ctrl over the word 'regulation' for each rule in the table to take you to the specific wording of the regulation on the New Zealand Legislation website).

Daily bag limit of six lobsters per person (regulation 13)	No person may take or possess more than 6 rock lobsters (spiny and packhorse rock lobster combined) on any one day.
Minimum size limit for spiny lobster (regulation 30)	54 mm tail width for males; 60 mm tail width for females.
Minimum size limit for packhorse (regulation 30)	216 mm tail length for either sex
Protected spiny lobsters that cannot be taken and must be returned to the sea (regulation 31)	Undersize lobsters below the minimum size limit; 'Berried' females carrying external eggs; Soft-shelled lobsters (both sexes); and Unmeasurable lobsters (both sexes).
Pot limits (spiny and packhorse) (regulation 43)	3 pots for one person, up to 6 pots for 2 or more persons from a vessel.
Pot escape gap requirements for spiny and packhorse lobster (regulation 45)	Pots must have at least two escape gaps 54 mm x 200 mm to allow undersized rock lobsters to escape.
The buoy or floats attached to the pot must be marked with the fisher's name (regulation 44)	
Spear guns, spring-loaded loops, and spring-loaded lassos may not be used to harvest rock lobster. Hand drawn loops may be used (regulation 46)	

42. When developing options for consultation in this Paper, Fisheries New Zealand and the National Rock Lobster Management Group considered various regulatory measures to manage recreational harvest to the new allowance while the fishery rebuilds. These potential measures included seasonal closures, recreational boat limits, pot limits, an increase to the minimum legal size, and an accumulation limit and associated bag and tag conditions.

43. Fisheries New Zealand and the National Rock Lobster Management Group consider that a reduction to the daily recreational bag limit would be the most effective measure to manage recreational harvest to the new allowance. Assessing the effectiveness of the recreational daily bag limit will probably require more frequent monitoring of the recreational harvest (over and above periodic National Panel Surveys). Other regulatory and non-regulatory measures will be considered in due time if the CRA 2 fishery does not rebuild as expected.

Recreational harvest

44. Recreational fishers are not required to report the quantities of rock lobster they catch (other than reporting by amateur charter vessels). In recent years, levels of CRA 2 recreational harvest have been determined through specific onsite surveys and periodic National Panel Surveys.
45. The CRA 2 rock lobster fishery is predominantly a dive fishery. The 2011/12 National Panel Survey estimated that 85% of the spiny rock lobsters were taken by the dive method.
46. The 2011/12 National Panel Survey estimated the recreational catch of rock lobsters in CRA 2 at 40.86 tonnes. This estimate does not include catch taken by commercial fishers for non-commercial purposes under section 111 of the Fisheries Act 1996³. However, section 111 catches are considered relatively minor with an average reported annual weight of 1.3 tonnes occurring over the past three April fishing years.
47. Since the 2011/12 survey of recreational catch, rock lobster abundance has declined. In the absence of any new survey information, an assumption of 34 tonnes was made to represent current levels of recreational catch in the 2017 CRA 2 stock assessment. While it is probable that recreational catch has declined since the 2011/12 estimate of 40.86 tonnes, the level to which it has declined is uncertain at this time.
48. A 2017/18 National Panel Survey was recently completed (1 October 2017 to 30 September 2018). However, full results aren't available to inform decision-making on the bag limit proposed in this paper. These results will be available later in 2019 and will inform future bag limit reviews (likely to be in 2021 when the next CRA 2 stock assessment is scheduled).

Consideration of a voluntary application of a reduced daily bag limit

49. The Amateur Regulations do not prohibit a recreational fisher from choosing to voluntarily catch or keep fewer than the maximum daily bag limit. It is understood that many fishers are not catching a bag limit of six spiny rock lobsters given the low abundance.

³ Section 111 of the Act allows for recreational take from commercial vessels with prior approval from MPI's Director-General, including the requirement to take rock lobsters in accordance with the Amateur Regulations (e.g. size limit, daily bag limits and methods).

50. Adherence to a lower voluntary recreational daily bag limit of three spiny rock lobsters could be encouraged via fisher education. However, a purely voluntary measure is unlikely to be as effective or have widespread uptake, particularly as the fishery rebuilds and the availability of spiny lobsters to recreational fishers improves.

7.2 PROPOSED OPTIONS

51. The daily bag limit is the primary tool for managing recreational harvest from the CRA 2 fishery. Table 4 provides a summary of the options proposed – a bag limit reduction or the status quo.

Table 4: Daily bag limit proposals for CRA 2.

Option	Description
1A	<p>Reduce the daily bag limit for spiny rock lobster</p> <p>Within the daily bag limit of six rock lobsters (spiny and packhorse combined), amend the Amateur Regulations so that a recreational fisher must not take or possess more than <u>three spiny rock lobsters</u>.</p>
1B	<p>Status quo</p> <p>Retain the current daily bag limit of six rock lobsters (spiny and packhorse combined) per recreational fisher.</p>

Option 1A – Reduce the CRA 2 daily bag limit for spiny rock lobster

52. Option 1A is to set a daily bag limit of three spiny rock lobsters for the CRA 2 fishery, which will sit within the combined daily limit of six rock lobsters (spiny and packhorse combined). This would not change the packhorse bag limit because up to six packhorse lobsters could still be harvested if no spiny lobsters are taken at the same time.
53. This option would apply to all recreational fishers in CRA 2. A “recreational fisher” is a person fishing under the Amateur Regulations, and includes those fishing on an amateur fishing charter vessel and commercial fishers taking fish for non-commercial purposes under section 111 of the Fisheries Act 1996.
54. No new offences would be introduced as a consequence of the bag limit proposals. The following infringement fees would continue to apply:
- A \$250 infringement fee for taking or possessing more than the daily limit for rock lobster, but not more than 2 times that daily limit;
 - A \$500 infringement fee for fee for taking or possessing more than the daily limit for rock lobster, but not more than 3 times that daily limit.

Option 1B – Status quo

55. Under Option 1B, the existing management controls for recreational fishers in CRA 2 would continue. The daily recreational bag limit of six rock lobsters (spiny and packhorse combined) per person per day would continue to apply in CRA 2.

7.3 ANALYSIS OF OPTIONS

56. To complement the catch setting reductions from April 2018, it is proposed that the spiny rock lobster daily recreational bag limit is reduced to further support the rebuild. A reduction to the bag limit is considered to be the most effective measure to manage recreational harvest to the new 34 tonne allowance as the fishery rebuilds. The proposed reduction is unlikely to impact greatly on recreational use benefits at this time given the low abundance, but will support the rebuild as lobster abundance increases and more lobsters become available to recreational fishers.

Option 1A – Benefits of reducing the daily bag limit

Managing recreational harvest to the allowance

57. The impact of a daily bag limit reduction on overall recreational harvest depends on the frequency at which the daily bag limit is fully caught by recreational fishers.
58. Analyses based on information provided by the 2011/12 National Panel Survey suggest that Option 1A is likely to manage recreational catch to the 34 tonne recreational allowance over the next few years. However, there is considerable uncertainty in the analyses, because a range of factors can drive what bag limit is taken (including fisher behaviour).
59. Since recreational catch is strongly influenced by abundance (generally lower when abundance is low, and higher when abundance is higher), it is intuitive that recreational harvest will have been restrained by the low levels of abundance.
60. The 2011/12 National Panel Survey results suggested that bags of three or less lobsters made up 66% of the bags for CRA 2. Anecdotal information also suggests that recreational fishers are finding it challenging to find legal-sized rock lobsters in parts of the CRA 2 fishery, and many fishers are no longer focused on targeting rock lobsters. Therefore, a bag limit of three is unlikely to impact greatly on the utilisation benefits that recreational fishers realise from the use of the resource at this time, since many are not catching a bag limit of six.
61. As rock lobster abundance increases as the CRA 2 fishery rebuilds, it is expected that spiny rock lobsters will become increasingly available to recreational fishers. Consequently, halving the spiny lobster bag limit from six to three is intended to manage recreational catch to the new allowance of 34 tonnes while the CRA 2 fishery rebuilds to ensure this is not compromised.

62. Feedback from pre-engagement suggests there is a high level of support for the proposed bag limit reduction. The National Rock Lobster Management Group also unanimously supports the proposal.

Option 1A – Impacts of reducing the daily bag limit

Fishers changing behaviour

63. There is a risk under any proposal to reduce a daily bag limit that fishers could be incentivised to go fishing to take their bag limit more often. More frequent collection of a daily bag limit will minimise the overall reduction in harvest that is intended by lowering the bag limit.
64. Overall, the risk of fishers fishing more often for CRA 2 lobsters is considered to be low. Reducing the bag limit could change fisher behaviour, however recreational fishing effort is influenced by a range of factors, including weather, accessibility and the availability of rock lobsters. Also, there is widespread acknowledgement that the recreational fishing sector needs to contribute to the rebuild of the fishery. Pre-engagement on the proposal suggests recreational fishers are supportive of the reduction.

Different bag limits between management areas

65. The proposed bag limit reduction in CRA 2 will create different bag limits to the rest of New Zealand, which could create some confusion for some fishers. However, this is likely to be a relatively minor consideration since there will be widespread education on the new rule.
66. If a recreational fisher takes rock lobster from outside of the CRA 2 fishery, the combined daily bag limit of six spiny and packhorse lobsters would still apply (i.e. fishers could take up to six spiny lobsters). Therefore, if this catch is brought into the CRA 2 fishery and the catch is inspected by MPI Fisheries Compliance, it will be up to the recreational fisher to provide evidence that the lobsters were harvested outside of CRA 2.

Concerns that the bag limit will remain at three for spiny lobster

67. Some recreational fishers may have concerns that the proposed spiny lobster bag limit reduction might be set at three and not reviewed in the future.
68. It is proposed that the bag limit, along with the catch settings, are reconsidered at the time of the next CRA 2 stock assessment. This is currently scheduled for 2021. This will provide an opportunity to address any concerns that may arise regarding the efficacy of the proposed bag limit. However, if the 2017/18 National Panel Survey results or other information suggest management action is required sooner than 2021, this will be considered by Fisheries New Zealand and the National Rock Lobster Management Group.

Option 1B (Status quo): Benefits and Impacts

69. Under Option 1B, the utilisation opportunities for recreational fishers in the CRA 2 fishery would remain unchanged. However, as CRA 2 rock lobster abundance increases there is the potential for recreational fishers to receive the benefits of additional catch as the stock rebuilds. If this goes unchecked, the rebuild of the fishery could be compromised and the overall objective of increasing CRA 2 abundance will be put at risk.

Discussion questions:

- Do you agree that these are the correct options to consider? If not, why not?
- Do you support a proposed daily bag limit of three spiny rock lobsters?
- Are there any other benefits and impacts of the proposed bag limit reduction in addition to those discussed here?



8 Proposal to introduce recreational telson clipping

8.1 BACKGROUND

70. The proposal to identify recreational rock lobster catches by telson clipping was initially promoted by the New Zealand Recreational Fishing Council in the early 2000s as a way of reducing illegal sales of rock lobsters. The measure was not progressed to review by Fisheries New Zealand (or its predecessors) because of differing views about the costs and benefits of the proposal in the New Zealand context (i.e. telson clipping is one tool in the compliance toolkit). The Kaikōura Coastal Marine Guardians (Te Korowai o Te Tai o Marokura), however, implemented telson clipping in the Kaikōura Marine Area in 2014.



**One third of the telson
has been clipped**

Figure 2: A telson clipped rock lobster. Photo credit: K. Ingram.

Illegal take concerns

71. The National Rock Lobster Management Group and fishing interests (through pre-engagement) are concerned about the apparent level of illegal fishing for rock lobster in CRA 2. Any rock lobster that is not taken under a commercial fishing permit or a customary authorisation is subject to legislation governing recreational fishing. Commercial rock lobster catches can be sold (subject to a stringent record keeping and reporting regime), but customary and recreational catches cannot.
72. Rock lobster is prone to being illegally taken or sold because:
 - It is highly valued by many New Zealanders;
 - It can be easily accessed by divers and potters, and can be taken in isolated areas where the chances of being seen by someone who could report the activity are lower;
 - Legally caught rock lobster is more expensive than rock lobster from the black market;
 - Rock lobsters are expensive on the domestic market, which means there can be demand for illegal product; and
 - Rock lobsters are valuable barter goods. The inherent financial and 'status' value of lobsters makes trading and bartering a frequent means of disposal of illegal product.
73. The presence of illegal fishing can undermine the integrity of the fisheries management regime, increase the uncertainty in stock assessment results, reduce the benefits that legitimate fishers can realise from the use of the resource, contribute to localised depletion, and result in increased non-compliance of legitimate fishers if they lose confidence in the fisheries management regime.
74. The level of illegal take of rock lobsters is difficult to quantify because it is hard to detect. There is considerable uncertainty in current levels of illegal take from the CRA 2 fishery; despite this, an estimate of 40 tonnes was used in the 2017 scientific assessment to represent illegal take.

Telson clipping in Western Australia

75. The New Zealand Recreational Fishing Council's proposal was based on experience from Western Australia, where telson clipping was being used to successfully constrain black market activity. It assisted Fishery Officers in distinguishing recreationally caught rock lobster from those landed by licensed commercial fishers.
76. Recreational fisheries in Western Australia have some differences to those of New Zealand, but their experience is useful to consider, and suggests that telson clipping:
 - Can be helpful in inspections of commercial fish retailers and wholesalers because it can assist Fishery Officers in detecting illegally sold catch; and
 - Provides a deterrent or disincentive to sell recreational catch.

77. While telson clipping may assist in reducing the number of recreationally caught lobsters entering the domestic market, Western Australia found that there were still numerous small-scale ‘backyard’ black market operations involving sales to friends and neighbours or bartering in exchange for goods or services that telson clipping wasn’t effective at addressing.

Telson clipping in the **Kaikōura Marine Area**

78. Based on the Western Australian example, in 2012 the Kaikōura Coastal Marine Guardians proposed that telson clipping be introduced to the Kaikōura Marine Area. This was to help minimise illegal take because they considered that fish theft was the biggest risk to rock lobster in the area.
79. Telson clipping was implemented for the Kaikōura Marine Area, a sub-area of the CRA 5 (Canterbury/Marlborough) rock lobster fishery, in August 2014. MPI Fisheries Compliance advise that telson clipping in this area has successfully reduced the illegal sale of recreationally caught rock lobsters by commercial operators i.e., by fish dealers and restaurants.
80. Telson clipping is currently being considered for the CRA 5 fishery. This fishery faces a higher than normal risk of poaching and black market activities compared with other South Island rock lobster fisheries (CRA 7, 8 & 9).

8.2 PROPOSED OPTIONS

81. Table 5 provides a summary of the options proposed – introduce recreational telson clipping or the status quo.

Table 5: Telson clipping proposals for CRA 2.

Option	Description
2A	<p>Telson clipping is mandatory for recreational fishers: Amend the Amateur Regulations to require a recreational fisher to clip the telson of every legal-sized rock lobster that they intend to keep from CRA 2.</p>
2B	<p>Status quo: There is no mandatory requirement for a recreational fisher to telson clip every legal-sized rock lobster that they intend to keep from CRA 2. A recreational fisher can currently choose to voluntarily clip a lobster.</p>

Option 2A – Telson clipping is mandatory for recreational fishers in CRA 2

82. Option 2A would apply to all recreational fishers, including those fishing on an amateur fishing charter vessel and commercial fishers taking fish for non-commercial purposes under section 111 of the Fisheries Act 1996.

83. Under Option 2A it is proposed that:
1. Recreational fishers must clip the last third of the middle part of the tail fan (the “telson”) of every legal-sized rock lobster that will be kept from CRA 2 (even if the lobsters are to be moved outside of the area) (refer to Figure 2 above);
 2. It would be an offence for a recreational fisher to possess any rock lobsters caught from CRA 2 that do not have clipped telsons;
 3. Lobsters retained and landed by recreational fishers must be kept and stored with the telson clipped tail intact until being prepared for immediate consumption; and
 4. It would be illegal for owners and operators of commercial premises such as licensed fish receivers or dealers in fish to possess any rock lobsters with a clipped telson.
84. The Amateur Regulations would be amended to reflect points 1 to 3 above in paragraph 83. This is along with the introduction of new penalties and offences for the CRA 2 fishery:
- A \$250 infringement fee for failing to telson clip a rock lobster;
 - A \$250 infringement fee for possessing a rock lobster without a clipped telson; and
 - For repeated or more serious offending, a person will be liable on conviction to a fine not exceeding \$10,000, if a person, on any day, takes or possess a rock lobster from the CRA 2 area without a clipped telson.
85. The Fisheries (Commercial Fishing) Regulations 2001 (Commercial Regulations) would be amended to reflect point 4 in paragraph 83. This includes the creation of a new offence for a person who possesses a telson clipped rock lobster on a commercial premises to be liable on conviction to a fine not exceeding \$10,000.
86. Telson clipping will not be made mandatory for customary fishers (catch taken under the authority of customary regulations) because those regulations let Iwi and hapu manage their non-commercial fishing in a way that best fits their local practices, without having a major effect on the fishing rights of others. However, Tangata Kaitiaki will be encouraged to make telson clipping a condition of customary permits or authorisations under this option.

Option 2B – Status quo (no mandatory telson clipping)

87. Under Option 2B, the existing management controls for recreational fishers in CRA 2 would continue (except for a proposed reduction in the daily bag limit). Recreational fishers will not be required to identify rock lobsters from the CRA 2 fishery by telson clipping.

Voluntary application of telson clipping

88. The Amateur Regulations do not prohibit a recreational fisher from choosing to voluntarily clip any legal-sized rock lobster they intend to keep. However, Fisheries New Zealand is not aware of any recreational fishers voluntarily clipping rock lobsters in CRA 2 at this time.
89. If the status quo is maintained, voluntary telson clipping could be encouraged via fisher education. However, a purely voluntary measure is unlikely to be effective or to have widespread uptake.

8.3 ANALYSIS OF OPTIONS

90. In combination with CRA 2 Fisheries Compliance actions (as outlined in Appendix two), telson clipping is an additional tool that could assist with minimising illegal take from the CRA 2 fishery. This will help to ensure that the benefits of any rebuild do not go to those engaged in illegal activities.

Option 2A: Benefits of telson clipping

Additional Compliance measure

91. Telson clipping (Option 2A) will provide Fishery Officers with an additional tool in their toolkit to assist with addressing the illegal take and sale of rock lobsters from the CRA 2 fishery by:
 - Opportunistic non-commercial fishers who sell or barter their catch for financial gain; or
 - Dedicated fish thieves who conceal their activity under legitimate non-commercial fishing (i.e. legal-sized fish and within the recreational daily bag limit of six rock lobsters).
92. The benefits that Fisheries New Zealand could gain from telson clipping relate to areas where Fishery Officers currently carry out inspections of non-commercial catch (e.g. at sea, on landing (i.e. at boat ramps), and at road checks). Telson clipping will provide Fishery Officers with the immediate ability to see that the rock lobster is taken as recreational catch (aside from fishers' claims) and may make detection of illegal fishing clearer than the status quo (Option 2B).
93. Telson clipping should also deter licensed fish receivers and dealers in fish from opportunistically purchasing recreationally caught lobsters (which is illegal). If Fishery Officers find clipped rock lobsters at commercial premises, this would reveal involvement in illegal trade. This could result in a decrease in the markets for non-commercially landed lobsters intended for illegal sale.

Low cost and simple to do

94. No special tools or devices are required to clip the telson of a rock lobster. Telson clipping can be done quickly and easily with ordinary kitchen scissors, which are readily available and cheap. It also involves minimal actions by the

fisher considering the normal handling of a rock lobster (during measuring, moving in and out of pots, etc.).

Option 2A: Impacts of Telson Clipping

95. Telson clipping is likely to assist with addressing some aspect of illegal take (primarily opportunistic offences), however it may not help with reducing illegal take by determined offenders. This is because individuals involved with poaching and black market activities often operate in settings and locations where inspection and detection of offences are difficult. For example, when lobsters are illegally sold to consumers in informal settings, or are stored on private premises before entering the premises of a restaurant. Other compliance tools are required to minimise this type of illegal activity.

Education and Enforcement

96. The requirement for a recreational fisher to telson clip rock lobsters could potentially penalise previously compliant fishers if they are found with unclipped lobsters in their possession. This is rather than determined offenders who are believed to be responsible for most of the illegal catch and black market trade of rock lobsters.
97. Based on the experience of the introduction of telson clipping into the Kaikōura Marine Area, it took some time for fishers to comply with the new rule. Given this, Fisheries New Zealand will need to spend time educating the community on the requirement (and method) of telson clipping, including updates to signage and the publication of guidance information for fishers and the community.
98. Regardless of the introduction of telson clipping, MPI Fisheries Compliance will still need to maintain high levels of surveillance and monitoring activities in CRA 2 because of the relatively high risk of non-compliance that generally applies in rock lobster fisheries.

Animal welfare considerations

99. Rock lobsters are defined as an animal by the Animal Welfare Act 1999, and this Act recognises all animals as sentient (able to perceive or feel things). The Act requires that people who own or are in charge of an animal must meet their physical, health and behavioural needs in accordance with good practice and scientific knowledge. This includes treating any ill or injured animals, and killing them in a way that does not cause unnecessary or unreasonable pain or distress. The Animal Welfare Act applies to any rock lobster captured in a wild state (unless the animal has been captured for the purpose of facilitating its imminent destruction).
100. In the past, some recreational fishers have raised concerns about whether telson clipping causes a rock lobster pain or undue discomfort. To address this question, an Australian review in 2003⁴ examined nervous tissue present in the

⁴ *Recreational rock lobster fisheries: An examination of the welfare implications of the management procedure of tail fin clipping*. A report prepared by the Department of Primary Industries and Resources South Australia, Government of South Australia, July 2003.

tail fan of the spiny rock lobster. This review suggested that the type of nerve tissue present in the tail fan of the lobster is simplistic, and that telson clipping represents a less intense stimulus for rock lobster than being removed from the water.⁵

101. Nevertheless, if telson clipping is not done properly and a greater proportion than the last third of the telson is clipped (because nervous tissue becomes thinner towards the end of the telson) there is some uncertainty about the level of discomfort. Therefore, Fisheries New Zealand welcomes feedback on any alternative, effective and non-invasive techniques to mark a rock lobster as recreationally caught.

Option 2B (Status quo): Benefits and Impacts

102. Under Option 2B, no additional benefits or costs would be borne by recreational fishers on top of what is currently required under the Amateur Regulations. Recreational fishers would not be required to telson clip rock lobsters in CRA 2. Also, the status quo does not run the risk of causing a lobster some level of discomfort by clipping too much of the telson.

Discussion questions:

- Do you agree that telson clipping will help to minimise illegal take and sale of rock lobster? If not, why not?
- Are you aware of any effective non-invasive techniques that could be used as an alternative to telson clipping?
- Are there any other benefits and impacts of telson clipping in addition to those discussed here?

⁵ *Ibid.*

9 Next steps

103. Following consultation, Fisheries New Zealand and the National Rock Lobster Management Group will develop a Decision Document for the Minister of Fisheries, who will make a decision on the future regulations for recreational fishers in CRA 2. Subject to approval by Cabinet, it is proposed that any changes to the regulations would be implemented before May 2019.
104. The Minister of Fisheries' decisions on the proposals will be posted on the Fisheries New Zealand website and social media pages, and submitters will be notified directly of the decisions.
105. If changes to the regulations are made, Fishery Officers will educate the local community and recreational fishers about the new rules, including demonstrations of telson clipping. To support education initiatives, updates will be made to signage along the coastline and to information brochure material. Enforcement of the new rules will not pose significant compliance costs beyond normal education requirements.
106. Fisheries New Zealand will use existing compliance resources to monitor whether the proposed measures are effective and have made a difference to the number of non-commercially caught rock lobsters being illegally bartered, bought, sold, or traded.
107. It is proposed that a full scientific assessment of the CRA 2 fishery will be carried out in 2021. This will provide an opportunity to review the catch settings for the fishery for 1 April 2022, and also determine whether any regulatory measures need to be considered to ensure the long-term sustainability of the fishery. This will include a review of the recreational daily bag limit.

Discussion questions:

- Do you agree with the proposed next steps?
- How should the proposals in this paper best be implemented, enforced and monitored?

Appendix one – CRA 2 stock status information

CRA 2 stock abundance has been in a period of decline since a peak of abundance experienced in the mid-1990s. The decline in abundance is unlikely to be solely related to fishing.

In the last two decades there has only been one significant pulse of recruitment (new lobsters entering the fishery). Future recruitment into the fishery is uncertain, particularly given that environmental conditions such as sea temperatures and ocean currents can influence recruitment success.

A new stock assessment was carried out late in 2017. The results from this assessment are shown in Figure A.1, comparing the estimated autumn-winter female spawning stock biomass of CRA 2 with the soft and hard limits for the stock.

The assessment results suggested that female spawning stock biomass during the 2016 autumn-winter season (1 April to 30 September) was 18.5% of the unfished level.

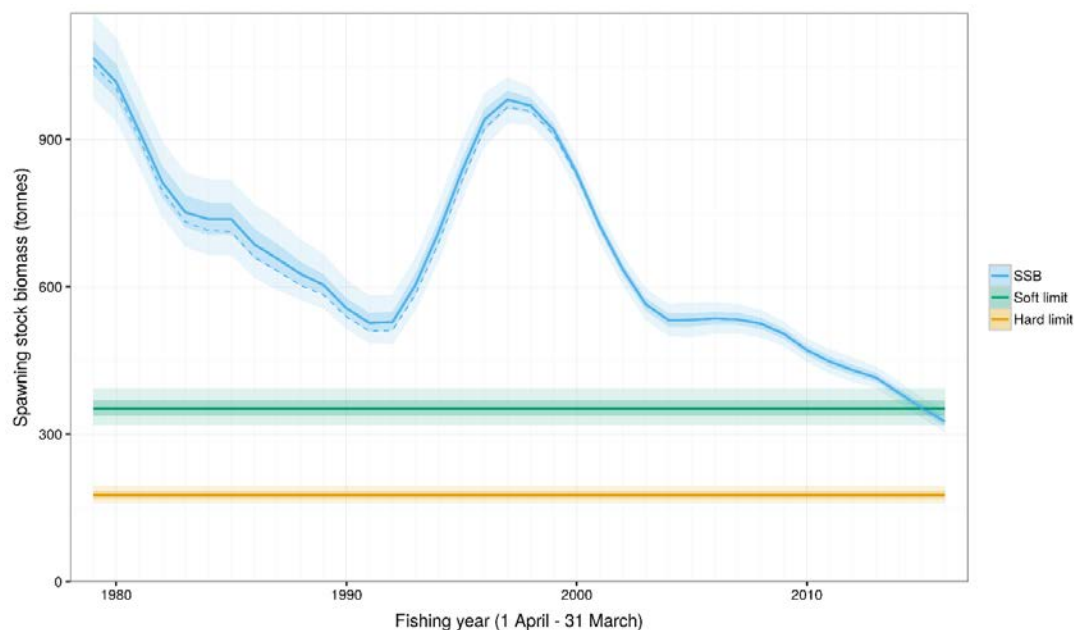


Figure A.1: 2017 CRA 2 stock assessment results showing the estimated abundance of mature female rock lobsters (spawning stock biomass) in autumn-winter over time (blue line) in relation to the soft limit (green line) and hard limit (yellow line).

This means the stock is probably below the level required by the Fisheries Act 1996 to maintain the biomass of the stock at or above a level that can produce the maximum sustainable yield. It is also below the level where it is Fisheries New Zealand policy to put in place a time-bound formal rebuilding plan⁶.

⁶ The Harvest Strategy Standard guides the way fishstocks are managed under the Quota Management System: www.mpi.govt.nz/dmsdocument/728-harvest-strategy-standard-for-new-zealand-fisheries.

It is very likely (82% probability) that CRA 2 stock biomass is below the soft limit. The soft limit is 20% of the unfished spawning stock biomass level; the level at which the Harvest Strategy Standard suggests a formal, time-constrained rebuilding plan should be considered. However, it is very unlikely (0% probability) that it is below the hard limit. The hard limit is 10% of the unfished spawning stock biomass level; the level at which it is Fisheries New Zealand policy to consider closing the fishery.

Should you require further information on the 2017 CRA 2 stock assessment, please see:

Fisheries Assessment Report 2018/17 – The 2017 stock assessment and management procedure evaluation for rock lobsters (*Jasus edwardsii*) in CRA 2
<http://www.mpi.govt.nz/dmsdocument/29387-far-201817-the-2017-stock-assessment-and-management-procedure-evaluation-for-rock-lobsters-jasus-edwardsii-in-cra-2> [11582 KB].

Appendix two – CRA 2 Fisheries Compliance actions

MPI Fisheries Compliance is supported by three key frameworks, an Intelligence Framework, distinct Planning Cycle and the Voluntary, Assisted, Directed and Enforced (VADE) operating model:

- *Intelligence Framework* - This supports operational and tactical level planning through the provision of accurate and timely intelligence. It ensures that data and information analysis is pivotal to prioritising, planning and in the decision-making process.
- *Planning cycle* - Three-monthly outlined planning cycle and a monthly detailed planning cycle which, when incorporated with the intelligence cycle, prioritises Compliance effort proportional to risks and the level of identified or suspected offending.
- *VADE operating model* - This framework assists stakeholders in understanding the Fisheries Compliance discretionary powers. This operating model covers the full spectrum of Compliance interventions, for example; assisted compliance is that range of activities that re-enforce obligations and give MPI the confidence that the desired purpose of legislation is being achieved. This is heavily reliant on monitoring, inspection, information gathering and analysis. It requires feedback loops and complements the voluntary component to determine if stakeholders are attempting to comply, are aware of their obligations or indeed choosing not to comply. Assisted compliance remains heavily focussed on reminding individuals their compliance is being monitored and if there is no discernible behaviour change, formal direction or sanction will occur. Enforced compliance is where the full extent of the law is applied.

The table below provides an outline of some of the Fisheries Compliance actions in place or planned for the CRA 2 fishery to assist with minimising illegal take.

Monitoring, Surveillance and Education		
1	Targeted on-the-water enforcement activities	Ongoing activity Interagency partnering on vessel patrols Airforce patrols
2	Ensuring appropriate resources are available to mitigate compliance risk	Ongoing activity New Compliance vessel in Whitianga Two new Fishery Officers have been appointed in Whakatane and Whitianga, and a third Fishery Officer is being appointed in Tauranga Recruitment of extra Honorary Fishery Officers is also currently underway
3	Deployment of extra staff and resources to areas identified as being high risk	Ongoing activity Aim to achieve greater compliance
4	Implementation of a 2018/19 summer communication plan	New activity To encourage the public to fish responsibly

4	Utilise the VADE operating model, with an emphasis on Voluntary and Assisted aspects of that model during any change and implementation of new regulation	Proposed for 2019 Complemented by a communications plan to ensure relevant fishers are informed of any changes to regulations
Other		
5	Working with Fisheries New Zealand on different approaches to estimating illegal take	Estimating illegal take is inherently difficult given that by its nature it is hard to detect. MPI and Fisheries New Zealand will look at other jurisdictions and past methodologies for estimating illegal take to assist with improving estimates of illegal take from rock lobster fisheries
6	Ensuring regular communication with Iwi and relevant stakeholder groups	For example, through participation in Iwi Fisheries Forums, multi-sector engagement, industry meetings, and the National Rock Lobster Management Group

Appendix three – CRA 2 Research, monitoring and review

The current Fisheries New Zealand rock lobster research contracts incorporates extensive stock monitoring coverage, stock assessments, and the maintenance and development of management procedures (a tool that is used to guide catch setting decisions).

The following table provides an outline of some of the research initiatives in place or planned for the CRA 2 fishery under the rock lobster research contracts, along with some of the relevant Government-funded recreational harvest research and industry funded research initiatives.

CRA 2 fishery monitoring and research		
1	Collect length frequency and other biological information	<ul style="list-style-type: none"> • Work already commissioned under Fisheries New Zealand research contract. Ongoing activity • This information is used in stock assessments • The rock lobster industry is committed to continuing the industry logbook and catch sampling programmes under the contract
2	Conduct tagging projects to measure growth rates of rock lobsters	<ul style="list-style-type: none"> • Work already commissioned under Fisheries New Zealand research contract. Ongoing activity • Growth information is used in stock assessments • The rock lobster industry is committed to continuing tag-recapture programmes under the contract
3	Monitor commercial catch-per-unit-effort or CPUE	<ul style="list-style-type: none"> • Work already commissioned under Fisheries New Zealand research contract. Ongoing activity • Standardised commercial CPUE is considered to be a reliable indicator of relative stock size in CRA 2 • Updated standardised CPUE information is available in November each year
4	General improvements to stock assessment approach	<ul style="list-style-type: none"> • Work to be carried out in 2018 and is already commissioned under Fisheries New Zealand research contract • This work includes improvements to the interpretation of CPUE information, exploration of alternative management targets, and new ways to search for management procedure candidates
5	Development of a longer-term management target	<ul style="list-style-type: none"> • The goal to double current rock lobster abundance in an about four to eight years is an "intermediate" target • A longer-term management target will be considered and developed as part of points (4) and (6)
6	Next CRA 2 stock assessment	<ul style="list-style-type: none"> • A full scientific assessment of the CRA 2 fishery is currently proposed for 2021 • This assessment could be used to develop a new management procedure
7	More frequent monitoring of CRA 2 recreational harvest	<ul style="list-style-type: none"> • A new CRA 2 recreational harvest estimate will be available from the 2017/18 National Panel Survey in 2019 • The Fisheries New Zealand Marine Amateur Fisheries Working group is currently discussing potential approaches of more frequent monitoring of CRA 2 recreational harvest. This research is Government funded

8	Monitor trends in the settlement of puerulus rock lobsters	<ul style="list-style-type: none"> • The rock lobster industry is committed to continuing to fund and deploy deepwater puerulus (late larval-stage lobster) collectors and to monitor puerulus settlement levels • This information may assist with predicting future catch levels
9	Monitor trends in the abundance of pre-recruit lobsters	<ul style="list-style-type: none"> • The rock lobster industry is investigating the feasibility of a new approach to pre-recruit (sub-legal) lobster monitoring • This information may assist with predicting future catch levels