

Mark Connor
President
NZ Sport Fishing Council
PO Box 93
Whangarei
secretary@nzsportfishing.org.nz



Rock Lobster submissions
Fisheries Management – Inshore Fisheries
Ministry for Primary Industries
PO Box 2526
Wellington 6140
FMSubmissions@mpi.govt.nz

18 February 2015

NZ Sport Fishing Council submission on the review of Rock Lobster sustainability measures for 1 April 2015

Contents

1. INTRODUCTION.....	2
2. EXECUTIVE SUMMARY	3
3. RECOMMENDATIONS.....	4
4. ROCK LOBSTER MANAGEMENT	6
4.1. NRLMG ADVICE.....	6
4.2. CPUE AS A PROXY FOR ABUNDANCE	7
4.3. APPLICATION OF MANAGEMENT PROCEDURES	8
4.4. MLS AND SIZE CONCESSIONS.....	8
4.5. FISHERIES ACT SUPPORT FOR REASONABLE PUBLIC CATCH	9
5. ROCK LOBSTER PROPOSALS	9
5.1. CRAYFISH 1 (CRA 1) KAIPARA TO MANGAWHAI.....	9
5.2. CRAYFISH 3 (CRA 3) EAST CAPE – GISBORNE.....	13
5.3. CRAYFISH 5 (CRA 5) CANTERBURY/MARLBOROUGH.....	16
5.4. CRAYFISH 7 (CRA 7) OTAGO	18
5.5. CRAYFISH 9 (CRA 9) KAIPARA HARBOUR – WESTLAND	20
6. OTHER MATTERS.....	23
7. PREVIOUS NZSFC SUBMISSIONS.....	23
8. APPENDICES	24

1. INTRODUCTION

The New Zealand Sport Fishing Council (NZSFC) is a National Sports Organisation with over 32,000 affiliated members from 57 clubs nationwide and a growing number of contributing supporters to LegaSea, our public outreach initiative. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Roz Nelson, secretary@nzsportfishing.org.nz.

In July 2014 the NZSFC and Gisborne Tatapouri Sports Fishing Club issued a Crayfish 3 policy designed to increase the size and abundance of rock lobster around Gisborne and the East Coast, and ensure the needs of customary and amateur fishers are met. This policy was submitted to MPI in 2014 and has subsequently been ignored in advice papers despite the support of more than 3000 club members and the Council. (Refer Appendix One)

The New Zealand Sport Fishing Council and LegaSea supporters (the submitters) are seriously concerned that Nathan Guy, the Minister for Primary Industries, is again being exposed to a public backlash arising from shallow commercial advantage being disguised as balanced advice from the National Rock Lobster Management Group. The Group's latest advice is within the *Discussion Paper No: 2015/04 Review of Rock Lobster Sustainability Measures for 1 April 2015*. Flaws in the National Rock Lobster Management Group's process and advice have been identified in many past submissions and this year mistakes are repeated.

As submitters we are interested in firstly, maintaining the marine ecosystem so species such as rock lobster (crayfish) can thrive, and secondly, to ensure the public has reasonable access, taking into account the state of the ecosystem and popularity of the species.

In respect of current rock lobster management, the National Rock Lobster Management Group (NRLMG) processes show little regard for the public's interests, in environmental and fishing terms, and our social, economic and cultural wellbeings.

These interests and wellbeings are largely ignored or passed over with a cursory paragraph or two. This creates a sense of disengagement, which is amplified by the truncated submission periods offered to stakeholders by the Ministry for Primary Industries (the Ministry, MPI). In particular, we have had little time to consider the implications of a new Management Procedure and non-commercial allowances for CRA 1 and a revised Management Procedure for the contentious CRA 3 area.

Rock lobster must be abundant to enable us to provide for our social, economic and cultural wellbeings. Our members, LegaSea supporters and others nationwide are becoming disillusioned with the ongoing mismanagement and subsequent depletion of our taonga [treasure], our crayfish.

The Minister must be advised that we object to the Ministry's short timeframes for submission preparation and constituency consultation so offensively. The Ministry released the latest proposals on 20 January 2015, with submissions due by 17 February 2015.

It is unreasonable to expect non-commercial representative entities to either fulfill proper, respectful process amongst constituent organisations and their members, or respond with adequate information to inform the Minister's decision, as required by ss12 and 13 of the Fisheries Act 1996 (the Act).

Our team used its collective resources to develop a summary of the proposals, to try and explain the process and points of interest. This document was prepared for the NZSFC and LegaSea supporters and distributed on 29 January. It then took us until the February 9th to develop and distribute our first draft submission. There were five subsequent drafts before this submission was finalised. This process has used up a vast amount of scarce resources and energy.

The ongoing lack of respect for the quality consultation the Minister so desires results in the erosion of goodwill and the all-important good faith such processes depend upon for robust outcomes.

We question the legality of this current process, of only 18 working days, and whether it complies with the Court of Appeal's definition of effective consultation –

“Consultation must allow sufficient time, and a genuine effort must be made. It is a reality not a charade. To consult is not merely to tell or present. Nor, at the other extreme is it to agree. Consultation does not necessarily involve negotiation towards an agreement, although the latter not uncommonly can follow, as the tendency in consultation is to seek at least consensus. Consultation is an intermediate situation involving meaningful discussion.....Consulting involves the statement of a proposal not yet fully decided upon, listening to what others have to say, considering their responses and then deciding what will be done.

“Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have working plan in mind, must keep its mind open and be ready to change and even start afresh. Beyond that, there are no universal requirements as to form.¹”

This current process compromises our ability to offer the NZSFC club delegates and their committees, and LegaSea supporters the opportunity to review and offer feedback on our draft submission.

The New Zealand Sport Fishing Council and LegaSea supporters urge the Minister to take a more active role in the management of rock lobster, to restore abundance and to decrease the risks associated with low biomass levels, and to provide for reasonable public use of the resource.

In the management of rock lobster there is a disconnect between the commercial CPUE index and the Minister’s duty to provide reasonable allowance for recreational fishing. The Supreme Court reiterated that qualitative factors are an important component of recreational fishing interests yet the NRLMG’s Discussion Paper makes no attempt at understanding these factors, assessing and allowing for them. A simple estimate of past catch is deemed sufficient without any qualification.

While we aspire to have abundant rock lobster populations the models and management advice appear to favour maximum exploitation, especially in areas like CRA 2 where fishing effort has been very high for 60 years or more.

We remind the National Rock Lobster Management Group and MPI that the Minister for Primary Industries has a statutory duty to sustainably manage fisheries to maintain the potential of our fisheries resources to meet the reasonably foreseeable needs of future generations, pursuant to s8(2)(a) of the Fisheries Act 1996 (the Act).

2. EXECUTIVE SUMMARY

1. Catch Per Unit of Effort (CPUE) point estimates, with little supporting information, are not a reliable proxy for abundance. In our view implementation of the proposed Management Procedures will not meet the statutory obligations in the Fisheries Act 1996 (the Act).
2. The growing gap between modeled stocks and the observed stocks is diverging to the point where the standardised CPUE, the Management Procedures based on CPUE, and stock assessment models can no longer be relied upon as providing the ‘best available information’, as required by the Act. Where there is uncertainty in what is being measured by CPUE the Minister is obliged to apply a precautionary management approach to ensure sustainability.
3. A full review must be undertaken to correct the misnomer that in all rock lobster stocks ‘CPUE is a reliable indicator of abundance’. An alternative management strategy must be used where CPUE does not reflect abundance, and we remain unconvinced it does in any NZ stock.
4. The exploitation rate of rock lobster in CRA2 and CRA3 is huge, meaning large numbers of new recruits are killed each year to take the Total Allowable Commercial Catch (TACC).
5. The once-prolific Gisborne fishery, CRA 3, is now so depleted that surveys of recreational catch estimate just 8 tonne of catch, with the lowest average weight (580g) per crayfish in the country.

¹ International Airport Ltd and Air New Zealand (CA 23/92, 73/92[1993] 1 NZLR 671).

Recreational harvest is being constrained by low levels of availability, small animal size and the concession granting commercial fishers access to undersized rock lobster. While the concession remains the submitters will reject any Total Allowable Commercial Catch (TACC) increase.

6. The submitters remain committed to opposing the CRA 7 (Otago) concession allowing commercial fishers to harvest undersized crayfish. We reiterate our requests to review the data on the number of concession-sized crayfish taken by fishing year and the proportion of CRA 7 landings in this category. If stock abundance is improving then there is no need for the concession, which contributes to growth overfishing. Growth overfishing is where the adults are removed and young fish make up the catch. Typical of a high exploitation rate, where the catch is mostly made up of new recruits and future catch is reliant on next year's recruits. Growth overfishing needs a lower exploitation rate; that is less young fish being killed allowing the survivors to grow and build the stock.
7. CRA 9, extending from the Kaipara Harbour to Westland, west coast of the South Island has a relatively healthy fish stock with a reasonable number of large adult fish. The CPUE has dropped since last year, the first year a Management Procedure applied to this stock. A stable stock and stable fishing mortality, as typified in CRA 9 before the Management Procedure was implemented, is a worthy target and should be delivered by maintaining a conservative exploitation rate.
8. The Minister cannot continue to hide behind the veil of the National Rock Lobster Management Group when it comes to the sustainable management of our taonga, our crayfish. Consultation, the science and ongoing management processes are being hijacked by a few interested parties, to the detriment of our marine environment. It is time the Minister became more active and risk averse when managing our fragile fisheries and near shore ecosystems.

3. RECOMMENDATIONS

- The Minister must take a more active role in the management of rock lobster, to restore abundance and to decrease the risks associated with low biomass levels, and to provide for reasonable public use.
- The Minister addresses the sustainability concerns of non-commercial stakeholders by agreeing to stop the use of Management Procedures based on Catch Per Unit of Effort (CPUE) controls, and to initiate a full review of rock lobster management.
- CRA 1 -
 - The Minister must identify and consider both the quantitative and qualitative factors implicit in his decision when setting aside a tonnage to allow for recreational interests.
 - The Minister must ensure that the recreational allowance is able to be caught and is sufficient to provide for recreational fishing interests. CRA 1 CPUE is maintained by fishing effort migrating from the east coast to offshore islands and previously lightly fished exposed northwestern coasts – this CPUE has zero connection with recreational fishing interests and little to do with abundance.
 - The Minister must be advised that the 2013–14 amateur harvest estimate for rock lobster in CRA 1 of 42 t probably underestimates landed catch, and that higher estimates were used in the stock assessment models.
 - The ability to redirect commercial effort back to the east coast is a real threat to the provision of a reasonable recreational allowance. It is futile to leave the issue of effort migration within a Quota Management Area to a time when it has already damaged local abundance – as demonstrated in CRA 2.
 - **Increase the recreational allowance to 75 t to provide for maximum estimated catch, thereby ensuring the Total Allowable Catch (TAC) will not be exceeded. In CRA 1 it is equally important to consider both where catch is taken and how much is taken.**
 - The Minister sets a TAC of 296.062 t to ensure CRA1 continues to provide sufficient abundance for future generations.
 - The Minister sets aside 20 t to allow for Maori customary interests in CRA 1.

- The Minister sets aside 75 t to allow for recreational fishing interests in CRA 1.
- The Minister sets aside 70 t to allow for illegal harvest in CRA 1.
- The Minister retains the current TACC of 131.062 t in CRA 1.
- CRA 3 –
 - The Minister must be convinced that the high exploitation rate in the northern stat areas, combined with a very small Minimum Legal Size, is ensuring sustainability. The age structure of the population is atypical and fits a stock severely growth overfished. The southern stat area holds a population more typical of a productive fishery and the difference between the areas has thus far been dismissed in a glib manner.
 - The ongoing dissatisfaction articulated by the Gisborne recreational fishing public will not be mitigated by Management Procedures, and rather than leave decisions to ‘the market’ the Minister would be well advised to reduce commercial pressure on the few local areas intensively used by the public.
 - We support the work done by the Gisborne Tatapouri Sports Fishing Club in preparing sensible policy and their striving for greater abundance and improved public fishing opportunity. The continuing size concession, granted to commercial fishers in a time of stock crisis, stands in the way of any attempts at “collaborative management”.
 - **The Ministry work with the Gisborne public to identify local areas where commercial effort needs reducing to reasonably allow for recreational interests. The status quo is unreasonable.**
 - **Remove the size concession and reduce the exploitation rate on the stock.**
 - The Minister sets a TAC of 334 t to ensure CRA 3 rebuilds to provide sufficient abundance for future generations.
 - The Minister sets aside 30 t to allow for Maori customary interests in CRA 3.
 - The Minister sets aside 50 t to allow for recreational fishing interests in CRA 3.
 - The Minister sets aside 89 t to allow for illegal harvest in CRA 3.
 - The Minister sets a TACC of 165 t in CRA 3.
- CRA 5 –
 - The Minister needs to be warned that technology in detecting rock lobster habitat and ‘dens’ has been greatly enhanced within the CRA 5 fishery. CPUE, despite the claims of ‘standardising’, has less to do with abundance with every detection technology step. The Minister is requested to act in a precautionary manner as CPUE declines and recruitment remains uncertain.
 - Rather than follow the decline in abundance with small incremental reductions, the Minister is advised to make a step-change in landings and ‘ensure’ sustainability and abundance for future generations.
 - The Minister sets a TAC of 430 t to provide sufficient abundance for future generations.
 - The Minister sets aside 40 t to allow for Maori customary interests in CRA 5.
 - The Minister sets aside 50 t to allow for recreational fishing interests in CRA 5.
 - The Minister sets aside 40 t to allow for illegal harvest in CRA 5.
 - The Minister sets a TACC of 300 t in CRA 5.
- CRA 7 –
 - The Minister cannot reasonably increase the TACC in CRA 7 while a commercial size concession continues, one that was originally established to enable the ‘bottling’ of immature rock lobster. The first consideration is the implausible nature of the increase in CPUE following the introduction of a Management Procedure – it does seem contrived in this fishery.
 - **The only actions required by the Minister are to remove the concession, monitor CPUE and independently verify abundance in CRA 7. If no legal sized rock lobster form a fishable stock in CRA 7 then there isn’t a ‘fishery’.**

- The Minister sets a TAC of 40 t to provide sufficient abundance for future generations.
 - The Minister sets aside 10 t to allow for Maori customary interests in CRA 7.
 - The Minister sets aside 10 t to allow for recreational fishing interests in CRA 7.
 - The Minister sets aside 10 t to allow for illegal harvest in CRA 7.
 - The Minister sets a TACC of 10 t in CRA 7.
- CRA 9 –
 - The Minister is asked to respond to a past mistake – the interference in a TAC/TACC that was generating the most stable and useful CRA area. The TACC increase, and failure to show its sustainability means a simple decision to reverse the 2014 decision is required. A stable stock and stable fishing mortality, as typified in CRA 9 before a Management Procedure was implemented is a worthy target, and should be delivered by maintaining a conservative exploitation rate. The NRLMG science advice seems driven to finding maximum harvest strategies for commercial gain, leaving everything else in the margin.
 - The Minister sets a TAC of 110 t to provide sufficient abundance for future generations.
 - The Minister sets aside 20 t to allow for Maori customary interests in CRA 9.
 - The Minister sets aside 40 t to allow for recreational fishing interests in CRA 9.
 - The Minister sets aside 10 t to allow for illegal harvest in CRA 9.
 - The Minister sets a TACC of 40 t in CRA 9.

4. ROCK LOBSTER MANAGEMENT

4.1. NRLMG advice

9. In 1992 the National Rock Lobster Management Group (NRLMG) was established as a statutory body to provide advice to the Minister on managing the rock lobster fisheries. It is advertised as a multi-stakeholder group comprising representatives of customary, recreational and commercial fishing interests, and the Ministry for Primary Industries (MPI). In reality, sector representatives are limited to Te Ohu Kaimoana (TOKM), NZ Rock Lobster Industry Council (NZ RLIC), New Zealand Recreational Fishing Council (NZRFC) and the Environment and Conservation Organisations of Aotearoa New Zealand (ECO). Clearly the NZRFC are disillusioned with the NRLMG process – as per their submission to the 2014 review. We draw your attention to para 18, 21, 22 and 23 in that submission copied in Appendix Two.
10. Representatives sitting on the NRLMG routinely select data with the comment “agreed to by Working Group members”. This arises from the demands of the stock assessment models or Management Procedures for information, much of which is unknown. In our view, the unknowns overwhelm what is known about rock lobster stocks.
11. The potentially most valuable data sets to inform on the status of a rock lobster fishery relate to:
 - a. Annual recruitment and abundance of pre-recruits; and
 - b. The full description of the catch and harvest by sex and size.
 It seems that this data is missing or merely guessed at.
12. The purpose and principles of the Fisheries Act 1996, sections 8-10, support the management of fisheries at abundant levels to enable people to provide for their social, economic and cultural wellbeings. The public has rights to fish for food and recreation under the Act and failure to properly provide for these rights is unreasonable. There are many ways that the public’s fishing interest in the rock lobster stocks could be advanced in advice papers, but these are forgone in the pursuit of commercial benefits through higher catches.

13. In our view the NRLMG fails to give advice that enables all sectors to maximise the benefits from the rock lobster fisheries, instead adopting strategies and crafting advice that benefit commercial users, while barely noting the effect of continued low abundance on non-commercial fishers.
14. In 2001 it was agreed by the Minister and the NRLMG that the group would “*provide well informed, credible, and consistent research and management information and advice to sector groups, Government agencies, and Ministers*”². The NRLMG must be held accountable to all stakeholders for achieving this unfulfilled commitment.
15. The submission period is too short. Details of the review of rock lobster sustainability measures for CRA 1, 3, 5, 7 and CRA 9 were released on 20 January 2015 with submissions due on 17 February. A submission timeframe of just 18 working days has limited our consultation to only a few of our members and interested parties.
16. Consultation, the science process and ongoing management are being hijacked by commercial interests, to the detriment of the marine ecosystem. It is time the Minister became more active and risk averse when managing our fragile fisheries. The Minister cannot continue to ignore the weaknesses in the NRLMG process that enables commercial interests to so easily capture the advice he is given.

4.2. CPUE as a proxy for abundance

17. The NRLMG makes the assumption that commercial Catch Per Unit of Effort (CPUE) is proportional to abundance however, this assumption comes with many risks. Commercial CPUE is often affected by operational changes and market demands, but there is no consistent way that these changes are recorded or taken into account.
18. The practice of high grading and returning the less profitable grades to the sea has become widespread. This practice is allowed under Schedule 6 of the Fisheries Act. Legal fish released are included in the CPUE (kg/potlift) estimate. Our concern is that fishers’ estimates of the weight of those released crayfish has a significant influence on CPUE in some areas.
19. The use of holding pots also complicates the recording of retained catch, which has to be estimated by the fisher each day. At the peak of the season some fishers work a lot of pots or work further afield. Is the fishing effort of a pot lifted every day the same as a pot lifted every 2 or 3 days? No account seems to be taken of these operational changes when assuming that standardised CPUE is proportional to abundance.
20. Another critical assumption is that commercial fishing effort effectively samples the vulnerable biomass. The submitters reject the assumption that CPUE gives an unbiased sample of population abundance, primarily on the grounds that rock lobster have always suffered serial depletion, as the stock is fished down effort is redeployed to pockets of remaining adult stock.
21. The rock lobster population is fished at different rates across its range. Areas close to home ports such as Gisborne are the first to be depleted. As catch rates diminish pots are moved to grounds holding a less heavily fished population, where abundance is greater. When that is getting exhausted another move is made, allowing stocks to be serially depleted without any apparent decline in CPUE to highlight changes in stock size.
22. Without knowing what effort is applied to the same area, in the same way, and the catch composition, the changes in raw CPUE data becomes non-attributable.
23. In future, some form of electronic logging of location and catch by potlift would show the extent of shifting effort.

² NRLMG 2003 Annual Report.

4.3. Application of Management Procedures

24. Management Procedures are a mechanism used to guide catch limit decisions in most rock lobster fisheries. Management Procedures are driven by the annual standardised CPUE from the previous year.
25. Setting and altering the Total Allowable Catches (TACs) based on un-validated fisher-recorded catch, including legal crayfish returned to the sea and number of potlifts, requires a good deal of faith to overcome the possibility that fishers can ignore the high incentive to report a CPUE increase.
26. Fishers have ready access to better boats, better haulers, and pots. Electronic aids such as sounders, sonar, GPS and bottom mapping software are now available. A potlift in 2015 is not directly comparable to a potlift 10, 20 or 35 years ago.
27. The basic understanding of rock lobster settlement, recruitment, growth, migration, natural mortality, and natural variances are mostly missing. A few small pieces have been studied, but the knowledge base is dominated by the unknown, and this alone reinforces the need for the Minister to act in a lawful, precautionary manner when managing rock lobster fisheries.
28. To understand how the stock is affected by fishing it is critical that we know the numbers of each cohort being taken in commercial crayfish pots. This data is important if we are to have any understanding of population changes and exploitation rate, particularly when no reliable index of rock lobster settlement and recruitment exists.
29. The introduction of Management Procedures for CRA 1 for the first time is a significant management change. Once adopted it may not be reviewed for the next five years. We have raised concerns about problems with CPUE-based Management Procedures in previous submissions and these latest proposals just reinforce our concerns regarding this high-risk strategy and the lawfulness of this approach.

4.4. MLS and size concessions

30. Tracking changes in the age/size composition of the harvest is essential if the effects of a Minimum Legal Size (MLS) concession are to be understood. Concessions enabling commercial fishers to take rock lobster below the MLS, at 52mm and 53mm, apply in CRA 3 (Gisborne), CRA 7 (Otago) and CRA 8 (Southland).
31. We are seriously concerned that commercial fishers, in CRA 3 in particular, are reliant on concession fish. At earlier CRA 3 regional meetings fisheries managers advised that concession fish were estimated to be between 60 and 70% of landed catch.
32. The Minister must insist that information is made available on where, when, and how many concession fish are being harvested. This information is critical to determining whether it is the abundance of these small fish that are skewing the CPUE results. Having validated this information the Minister will then be empowered to make a more informed TAC decision. Without this information we can only guess at the proportion of how many rock lobster below the MLS are contributing to the CPUE.
33. In 2013 and 2014 the NZSFC requested the following information. We received no response. We repeat our questions with the expectation of receiving answers this year –
 - c. What percentage of fish below the national MLS are landed, per stock?
 - d. Where and when fish below the national MLS are being harvested, per stock?
 - e. What proportion of legal rock lobster catch is returned to the sea?
 - f. What is the trend in high grading over time in each rock lobster fishery?

Management without this supporting information means there is no ability to cross check the changes observed in CPUE. Validation of such important information enables credible management.

34. In a fishery of such high social, economic and cultural value it is important for the Minister to insist he receives full and balanced advice, and MPI must provide the Minister with the best information – not just an all-powerful point estimate of standardised average CPUE.

4.5. Fisheries Act support for reasonable public catch

35. Advice to the Minister includes comments on his statutory duties when making decisions under the provisions of the Fisheries Act 1996. This advice would include, among other matters, how the decision conforms to the Act’s purpose in section 8.
36. The purpose directs the Minister to manage fisheries sustainably, to both enable people to provide for their social, economic and cultural wellbeing, and to maintain the potential of the fishery to meet the reasonably foreseeable needs of future generations, s8(2)(a & b) of the Act.
37. The Supreme Court has also identified the obligations of the Minister in saying, “*the notion of people providing for their wellbeing, and in particular their social wellbeing, is an important element of recreational interests*³”.
38. The submitters urge the Minister to make a lawful decision. To do so, the Minister must be informed that the application of Management Procedures to set TACs and TACCs ignores the public’s fishing interests and has resulted in further depriving the public of an opportunity to a reasonable catch.
39. Increasing abundance in our rock lobster fisheries would yield many benefits for the Minister and all other interests including, but not limited to:
- Improved marine environment, with more diversity and robust fisheries;
 - Increased real-time CPUE for commercial fishers;
 - Increased size and abundance of rock lobster available for non-commercial use;
 - Reduced conflict between various interest groups; and
 - Simplified and more credible management processes inclusive of stakeholder input.

5. ROCK LOBSTER PROPOSALS

5.1. Crayfish 1 (CRA 1) Kaipara to Mangawhai

Stock	Option	TAC	Customary	Recreational	Other mortality	TACC
CRA 1	CRA1_01: Use the <u>new Rule 8d</u> CRA 1 management procedure and set the following TAC, allowances and TACC	269.62 t	10 t	50 t	72 t	137.62 t ↑
	CRA1_02: Use the <u>new Rule 8d</u> CRA 1 management procedure and set the following TAC, allowances and TACC	279.62 t	20 t	50 t	72 t	137.62 t ↑
	CRA1_03: Use the <u>new Rule 9d</u> CRA 1 management procedure and set the following TAC, allowances and TACC	263.062 t	10 t	50 t	72 t	131.062 t
	CRA1_04: Use the <u>new Rule 9d</u> CRA 1 management procedure and set the following TAC, allowances and TACC	273.062 t	20 t	50 t	72 t	131.062 t
	CRA1_05: Retain the current CRA 1 TACC (no TAC or allowances have been previously set for CRA 1)	N/A	N/A	N/A	N/A	131.062 t

Table 1: MPI summary of Total Allowable Catch, allowances and Total Allowable Commercial Catch proposals for CRA1.

³ NEW ZEALAND RECREATIONAL FISHING COUNCIL INC AND ANOR V SANFORD LIMITED AND ORS SC 40/2008 [28 May 2009]. Para 54.

5.1.1 Points to note

40. There is a new stock assessment for CRA 1. It shows a steady increase in biomass, from a low point in the mid-1990s to the mid-2000s. Biomass has been relatively constant since then.
41. The stock assessment model is largely driven by the commercial catch rate (CPUE) in kg per potlift, which is higher when commercial fishing effort is based in the Three Kings and Far North areas.
42. The stock assessment estimates current vulnerable biomass is 850 tonnes (t). The Total Allowable Commercial Catch (TACC) has been about 131 t since the mid-1990s and is fully caught each year.
43. CRA 1 was introduced into the QMS in April 1990. No Total Allowable Catch (TAC) has been set and no allowances for non-commercial interests have been made in CRA 1.
44. If the status quo is retained under option CRA1_05 the NRLMG propose that no TAC will be set and no allowances will be made for non-commercial interests.
45. If the new Management Procedure is applied to alter the TACC, a TAC and allowances will need to be specified. The NRLMG proposes a 50 t allowance for recreational fishers and options of 10 t and 20 t for the customary allowance.
46. Two Management Procedures are provided as options in the Discussion Paper. The first has a step up at 1.5 kg per potlift the second has the step up at 1.7 kg per potlift. The 2014 standardised CPUE was 1.580 kg/potlift so the first rule results in a 6.6 t increase in TACC while the second holds the TACC at 131 t.
47. An allowance of 72 tonnes is proposed for other sources of fishing-related mortality in CRA 1. Most of this is based on an old estimate of illegal catch, but seems very high given the frequency and scale of illegal crayfish detected in recent years.
48. Commentary in the Discussion Paper is clearly designed to highlight the benefits of increasing utilisation if the Minister increases the TACC. There is no similar emphasis on highlighting the benefits of increasing the environmental, social and cultural outcomes, by setting aside an adequate allowance for both present and future non-commercial (recreational and customary) interests.

5.1.2 Management Procedures

49. The submitters note the National Rock Lobster Management Group (NRLMG) has developed a new Management Procedure for use in CRA 1, to be applied from 1 April 2015. As noted previously, the submitters do not accept Management Procedures as a legitimate way for the Minister to 'allow for' the public's non-commercial fishing interests, as required by the Fisheries Act 1996.
50. The submitters note the NRLMG is confident they have available key stock indicators for CRA 1 including an estimate of estimated biomass required to produce maximum sustainable yield (Bmsy), a conceptual proxy of reference biomass level (Bref), the minimum stock size (Bmin), spawning stock biomass, biomass of all fish and numbers of all fish. We are not confident that any of these estimates are reliable or sufficiently robust to be used together or separately to calculate an increase in the TAC and TACC.
51. The inescapable truth is that what is known about rock lobster stocks is overwhelmed by the unknowns. Our concern is that the above indicators will become key inputs into future management via a Management Procedure when they are largely guesses. The Minister cannot expect to rely on these indicators to guide decisions using Management Procedures when it is his duty to act in a precautionary manner in the absence of reliable information.
52. We submit the Minister's decision must be independent of any CPUE-related data.

5.1.3 Catch Per Unit of Effort (CPUE)

53. The NRLMG considers that catch rates are a reliable indicator of how much fish is in the water. Catch rates are measured by commercial Catch Per Unit of Effort (CPUE). Current CPUE is 1.58 kg per potlift in CRA 1. This compares to CRA 2, further south, where CPUE is around 0.4 kg/potlift and 2.095kg/potlift in CRA 9, Kaipara-Westland.
54. It is difficult to reconcile the Rock lobster Working Group decision to continue to treat CRA 1 as a single stock when all available evidence demonstrates differences in landings and CPUE between the sub-management areas – statistical areas 903 and 904 (East Coast Northland), 901 (Three Kings Is), 902 (Far North) and 939 (West coast). The Working Group surmise the exploitation rate across the entire CRA 1 management area is similar. The proposed Management Procedure uses CPUE as the abundance indicator.
55. We do not believe commercial CPUE is a reliable indicator of abundance because many factors influence catch rates, including market demand for particular size fish, weather and sea conditions on the west coast and regional variations in crayfish size.
56. There are relatively few commercial fishers in CRA 1 compared to other crayfish stocks. Around 2000 there was a noticeable increase in fishing effort around the Three Kings Islands. More recently catches at the Three Kings have declined and effort has shifted to the northwest coast, between 90 Mile Beach and north Kaipara Head. As these populations are fished down CPUE is likely to decrease.
57. If catch rates in the Far North and Three Kings decline much more then more commercial effort could shift back to the southeast area, between Takou Bay and Mangawhai. This area has smaller crayfish and consistently low commercial CPUE. This is the area where most of the recreational catch comes from and there are few areas within CRA 1 that commercial fishers do not target. The concern is that commercial fishers can intensively fish a small area within CRA 1 and then move on. Any shift of commercial effort to this southeastern area will have a major impact on availability of crayfish. Recreational fishers are genuinely concerned their local area will be quickly depleted. The retail price of crayfish excludes many Kiwis from enjoying this shellfish; any depletion on this popular coastline will have an effect on the social and cultural wellbeing of these coastal communities.

5.1.4 CRA 1 management options

58. The NRLMG propose options CRA1_01 and 02 to set a Total Allowable Catch (TAC) for the first time and increase utilisation of the fishery through a Total Allowable Commercial Catch (TACC) increase. The NRLMG advise non-commercial utilisation of the fishery is not likely to change because the stock is expected to be maintained above reference levels. Given the unreliability of the information underpinning the reference points for CRA 1 the submitters do not accept the TACC increase in CRA1_01 and 02 as viable options for the future management of this stock.
59. The NRLMG propose options CRA1_03 and 04 to set a Total Allowable Catch (TAC) for the first time, to retain the current TACC, and to set initial allowances for non-commercial interests and fishing related mortality. This is expected to maintain current commercial and non-commercial utilisation of the fishery.
 - The submitters support the Minister in setting a TAC for CRA 1, and making allowances for non-commercial interests and other mortality, without the need to apply a Management Procedure.
60. The NRLMG also propose CRA1_05, to retain the status quo. No Management Procedure would be applied and “periodic” stock assessments will be used. It has been 12 years between the previous and most recent stock assessment (2002 – 2014).
 - We would expect more frequent monitoring if option CRA1_05 is approved for the future management of CRA 1.

61. Te Puna Mataitai Reserve was established on 27 August 2013. This Mataitai excludes commercial fishing and potting from a large area of the western Bay of Islands, including Cape Wiwiki to the Black Rocks. Any Ministerial decision on commercial catch limit needs to take account of this large area where commercial harvest is prohibited, the potential to displace commercial effort to other areas, and what impact that may have on the environment and non-commercial fishing interests.
62. Most recreational catch is taken in the Whangarei and Bay of Islands regions. Overall recreational catch for the 2013-14 year was estimated to be around 42 tonnes. The submitters support an allowance of 75 t to be set aside for recreational interests, to allow for maximum estimated catch, thereby ensuring the TAC will not be exceeded.
63. Little is known about Maori customary catch, but given the number of marae along the CRA 1 coastline an initial allowance needs to be high enough to account for current catch and potential future growth. The submitters support an allowance of 20 t to allow for Maori customary interests in CRA 1.
64. An allowance of 72 tonnes is proposed for other sources of fishing-related mortality in CRA 1. Most of this is based on an old estimate of illegal catch, but seems very high given the frequency and scale of illegal crayfish detected in recent years. The highest annual estimate of illegal catch is 31 t in 1992. In the absence of any other estimate, the submitters support a precautionary allowance of 70 t to be set aside to allow for illegal harvest in CRA 1. A revised estimate should be made before the next stock assessment.
65. The NRLMG note there is “*no major differences*” between the two proposed options for managing commercial effort. Rule 8d results in a 6.6 t increase to the Total Allowable Commercial Catch (TACC). Rule 9d results in no change to the 131 t TACC.
66. We submit any TACC increase will have an effect on non-commercial interests and the environment from where those extra crayfish are taken. This is just another example of downplaying the impact of any commercial catch increase!
67. The Minister must ensure that the recreational allowance is sufficient to provide for recreational fishing interests. CRA1 CPUE is maintained by fishing effort migrating from the east coast to offshore islands and previously lightly fished exposed northwestern coasts – this CPUE has zero connection with recreational fishing interests and little to do with abundance.
68. The 2013–14 amateur harvest estimate for rock lobster in CRA 1 of 42 t probably underestimates landed catch. We note that higher estimates were used in the stock assessment models.
69. The ability to redirect commercial effort back to the east coast is a real threat to the provision of a reasonable recreational allowance. It is futile to leave the issue of effort migration within a Quota Management Area to a time when it has already damaged local abundance – as demonstrated further south in CRA 2.

5.1.5 Recommendations for CRA 1

- Increase the recreational allowance to 75 t to provide for maximum estimated catch, thereby ensuring the Total Allowable Catch (TAC) will not be exceeded. In CRA 1 it is equally important to consider both where catch is taken and how much is taken.
 - The Minister sets a TAC of 296.062 t to ensure CRA 1 continues to provide sufficient abundance for future generations.
 - The Minister sets aside 20 t to allow for Maori customary interests in CRA 1.
 - The Minister sets aside 75 t to allow for recreational fishing interests in CRA 1.
 - The Minister sets aside 70 t to allow for illegal harvest in CRA 1.
 - The Minister retains the current TACC of 131.062 t in CRA 1.

5.2. Crayfish 3 (CRA 3) East Cape – Gisborne

	TAC	Customary	Recreational	Other mortality	TACC	
CRA 3	CRA3_01: Use the <u>new Rule 4</u> CRA 3 management procedure and retain the TAC, allowances and TACC	389.95 t	20 t	20 t	89 t	260.95 t
	CRA3_02: Use the <u>new Rule 6</u> CRA 3 management procedure and retain the TAC, allowances and TACC	389.95 t	20 t	20 t	89 t	260.95 t

Table 2: MPI summary of Total Allowable Catch, allowances and Total Allowable Commercial Catch proposals for CRA3.

5.2.1 Points to note

70. There is a new stock assessment for CRA 3. It shows a rapid increase in biomass from 2009 to 2013 and a decline in 2014. The model is largely driven by the commercial catch rate (CPUE) in kg per potlift. Biomass is projected to decline by 15-31% in the next four years.
71. The stock assessment estimates current vulnerable biomass is 525 t. The TACC increased from 164 t to 261 t under the old Management Procedure and this has been fully caught each year.
72. The distribution of crayfish is unusual, with an abundance of small males and few females north of Gisborne, and larger crayfish with more females further south, around Mahia Peninsula.
73. The NRLMG proposes no change to the 20 t allowance for recreational fishers or the 20 t customary allowance.
74. An allowance of 89 tonnes is proposed for other sources of fishing-related mortality in CRA 3. Most of this is based on an old estimate of illegal activities, but seems high. Ironically, one of the justifications for implementing the concession was to reduce black market sales from commercial vessels that were struggling to catch legal size crayfish.

5.2.2 Management Procedures

75. The NRLMG propose two options to replace the previous Management Procedure. The old CRA 3 Management Procedure allowed the maximum 10% increase in the TAC every year and would have provided another 10% this year if it were not being replaced.
76. The new Management Procedures have a number of plateaus and steps that apply to the TACC only, in line with recent practice.
77. The first option, CRA3_01, has a ramp up from 1 to 2 kg per potlift then a plateau between 2 and 3 kg per potlift. The second option is similar, but with a plateau between 1.3 and 2 kg per potlift that would hold the TACC at 225 t for CPUE in that range.

5.2.3 Catch Per Unit of Effort (CPUE)

78. The NRLMG considers that catch rates are a reliable indicator of how much fish is in the water. Catch rates are measured by commercial Catch Per Unit of Effort (CPUE). The 2014 standardised CPUE was 2.214 kg per potlift in CRA 3. This compares to CRA 2, further north, where CPUE is around 0.4 kg/potlift and 2.095kg/potlift in CRA 9, Kaipara-Westland. Both proposals would retain the current TACC of 261 t.
79. We are concerned that even with the new Management Procedure to guide decision-making, the stock is expected to decline by 15-31% over the next four years. CPUE is projected to reduce to 0.77 kg per potlift by 2017. Both proposed Management Procedures would have the TACC at 150 t if that happened. This would be an historic low.

5.2.4 CRA 3 management options

80. No changes to current catch levels or allowances are proposed. The current discussion revolves around which of two Management Procedures to apply to CRA 3 from 2015 until 2020.
81. Best available information suggests CRA 3 is above Bref. Both options CRA3_01 and 02 are expected to maintain the stock above Bref and help prevent a substantial decline in abundance.
82. However, with current catch levels and recent recruitments CRA 3 biomass is projected to decline in the next four years, but remain above reference points. If abundance is proportional to biomass we submit the projected decrease will have a detrimental effect on the availability of crayfish to non-commercial fishers.
83. We also submit the Minister must act in a manner that sustains the fishery at an abundance level that provides for the foreseeable needs of future generations, pursuant to s8(2)(a) of the Fisheries Act. Given the ongoing conflict in this area the required abundance level is likely to be well above current estimates.
84. There is an existing allowance of 89 tonnes to account for other sources of fishing-related mortality in CRA 3. Most of this is based on an old estimate of illegal activities, but seems high. We note the Rock lobster Working Group has little confidence in the illegal harvest estimate as it cannot be verified. Ironically, one of the justifications for implementing the concession was to reduce black market sales from commercial vessels that were struggling to catch legal size crayfish.
85. The non-commercial allowances are 20 t for Maori customary interests and 20 t for recreational fishing interests. No change is proposed to either allowance.
86. NRLMG advise that in 2013-14 about 26,000 rock lobsters were reported as caught in CRA 3 under the Kaimoana Regulations. And that 20 t was used in the 2014 stock assessment model to represent customary catches. It is unclear what these 26,000 crayfish equate to in tonnes, but at an average of 500g that would equal 13 t. This seems implausible when compared to the most recent recreational harvest estimate of 8.07 tonnes at an average of 580g, the lowest average weight per animal in the country.
87. It is also unclear why the NRLMG used an estimate of 20.42 t in their stock models given that the recent recreational harvest estimate is 8.07 t. It is possible that cray fishers were under-represented in the NRB year long panel survey, but anecdotal reports are that it is still difficult to catch a crayfish above the recreational MLS.
88. Both recreational harvest estimates include 2.94 tonnes of recreational catch taken by commercial fishers under s111 of the Fisheries Act 1996.
89. It is clearly nonsense to consider that the Minister can lawfully manage CRA 3 at an availability level that only enables the public access to 2% of the TAC. This is unreasonable when the tonnage set aside to allow for these same recreational interests represents 5% of the TAC. And more unreasonable when considering the low decile population and their inability to afford the retail price of crayfish.
90. The submitters acknowledge and appreciate the Ministry's targeted enforcement effort to reduce illegal catch levels in recent years. All catch must be accounted for within the TAC to ensure sufficient abundance for future generations.

5.2.5 CRA 3 concessions

91. CRA 3 is a relatively small but significant fishery for commercial, customary and recreational fishers. It is well documented that recreational fishers feel disadvantaged by the existing concession allowing undersized male rock lobster to be taken by commercial fishers. This concession was implemented in 1993 as a "temporary" measure.

92. Council's policy on concessions is the same as the Gisborne Tatapouri Sports Fishing Club's policy. The Minister must revoke the concession, enabling commercial fishers to harvest crayfish during winter, at 52 and 53mm. In some areas close to town there are now few legal sized crayfish, at or above 54mm, available to recreational fishers.
93. We are concerned that commercial fishers in CRA 3 are reliant on concession fish. Concession fish has been earlier estimated as making up to 60 to 70% of landed catch. Over the past few years we have consistently asked for, but not received, any of the following information. We again request:
- a) What percentage of fish below the national MLS are landed, per stock?
 - b) Where and when fish below the national MLS are being harvested, per stock?
 - c) What proportion of legal rock lobster catch is returned to the sea?
 - d) What is the trend in high grading over time in each rock lobster fishery?

We are not dealing in state secrets. Public demand for this data will increase as long as this information is withheld.

94. The submitters note MPI is proposing to discuss CRA 3 size limits, for commercial and recreational fishers, with stakeholders during a separate process in 2015. The submitters want to be actively involved in discussions regarding the future management of CRA 3 and the removal of the concession.

5.2.6 Recommendations for CRA 3

- The Minister must be convinced that the high exploitation rate in the northern stat areas, combined with a very small Minimum Legal Size, is ensuring sustainability. The age structure of the population is atypical and fits a stock severely growth overfished. The southern stat area holds a population more typical of a productive fishery and the difference between the areas has thus far been dismissed in a glib manner.
- The ongoing dissatisfaction articulated by the Gisborne recreational fishing public will not be mitigated by Management Procedures, and rather than leave decisions to 'the market' we recommend the Minister reduces commercial pressure on the few local areas intensively used by the public.
- We support the work done by the Gisborne Tatapouri Sports Fishing Club in preparing sensible policy and their striving for greater abundance and improved public fishing opportunity. The continuing size concession, granted to commercial fishers in a time of stock crisis, stands in the way of any attempts at "collaborative management".
- The Minister must reject the implementation of any Management Procedure in CRA 3 until the commercial concession has been revoked.
- **The Ministry work with the Gisborne public to identify local areas where commercial effort needs reducing to reasonably allow for recreational interests. The status quo is unreasonable.**
- **Remove the size concession and reduce the exploitation rate on the stock.**
 - The Minister sets a TAC of 334 t to ensure CRA 3 rebuilds to provide sufficient abundance for future generations.
 - The Minister sets aside 30 t to allow for Maori customary interests in CRA 3.
 - The Minister sets aside 50 t to allow for recreational fishing interests in CRA 3.
 - The Minister sets aside 89 t to allow for illegal harvest in CRA 3.
 - The Minister sets a TACC of 165 t in CRA 3.

5.3. Crayfish 5 (CRA 5) Canterbury/Marlborough

	TAC	Customary	Recreational	Other mortality	TACC
CRA5_01: Use the <u>current</u> CRA 5 management procedure and decrease the TAC and TACC	452.81 t ↓	40 t	40 t	37 t	335.81 t ↓
CRA5_02: Retain the current CRA 5 TAC, allowances and TACC	467 t	40 t	40 t	37 t	350 t

Table 3: MPI summary of Total Allowable Catch, allowances and Total Allowable Commercial Catch proposals for CRA5.

5.3.1 Points to note

95. The current TAC in CRA 5 is 467 tonnes. Best available information suggests CRA 5 is above Bmsy. Ongoing management is expected to maintain stock abundance above the reference levels, but in decline. A stock assessment will be conducted in 2015, a year earlier than originally planned.
96. If the stock continues to decline a bigger decrease in the TAC may be required for April 2016 if the proposed decrease is not applied in April 2015.

5.3.2 Management Procedures

97. The NRLMG propose two options CRA 5_01 and 02.
98. Option CRA5_01 means the existing Management Procedure will be applied to reduce the TAC and TACC and retain existing allowances. The TACC will be reduced by 4%, from 350 to 336 t.
99. Option 02 means the Management Procedure is not applied and the status quo is retained for all interests. The TAC would stay at its current level for the 2015-16 fishing year. This option has initial support from industry.
100. Some of the Management Procedures applying in other areas have a 5% threshold for changing the TACC. The NRLMG advise this was not applied to CRA 5 as the science suggested a decline below 1.4 kg per potlift was unlikely. The CPUE in CRA 5 is now at 1.355 kg/potlift.
101. Management Procedures have been used in the rock lobster fishery since 1997. The CRA 5 Management Procedure has applied since 2012. We question the validity of the stock modelling when a CPUE decrease below 1.4kg/potlift was not anticipated.
102. NRLMG advise retaining the status quo under CRA5_02 is unlikely to pose a sustainability risk. They also advise a stock assessment will now be done in 2015 rather than 2016, and that initial consultation around allocation will be conducted with regional fishery interests. We are unclear who the NRLMG are referring to as “*regional fishery interests*”.
103. Also, while we do not support the application of Management Procedures the NRLMG seems to apply them when convenient, to increase the TAC and TACC, but are reluctant to apply them when a reduction is possible. We note the NRLMG advise, “*If a decision is made not to follow the results of the CRA 9 Management Procedure in 2015, the procedure cannot be used to guide TAC setting in future years*”. No such advice is given in regards to CRA 5. The submitters are unsure if this omission is deliberate or an oversight.
104. NRLMG advise that CRA5_02 allocation decisions can be considered in conjunction with a new stock assessment model and Management Procedure evaluation. This suggests that it is okay to ignore the Management Procedure in the year prior to a stock assessment, as long as the TAC and TACC are retained. The submitters do not agree with this assumption. There is no such thing as a freebie year, catches either need to be reduced or they don’t, and the TAC decision needs to be made by the Minister independent of any consideration of the TACC.

5.3.3 Catch Per Unit of Effort (CPUE)

105. The NRLMG considers that catch rates are a reliable indicator of how much fish is in the water. Catch rates are measured by commercial Catch Per Unit of Effort (CPUE). The commercial CPUE in CRA 5 has decreased since 2009, but remains at a reasonable level. The 2014 standardised CPUE was 1.355 kg per potlift. This compares to CRA 7, further south, where CPUE is around 2.3 kg/potlift and 2.1kg/potlift in CRA 9, Kaipara-Westland.
106. CRA 5 was considered to be in reasonable shape. Commercial fishers may be a bit surprised at the sudden decline in CPUE. They may look for a scapegoat, such as blaming increasing recreational catch or possibly the effect of implementing of the Te Korowai agreement on the east coast of the South Island.

5.3.4 CRA 5 management options

107. The NRLMG propose two options CRA 5_01 and 02. Neither option would change the existing allowances.
108. Maori customary catch is considered to be well below the current allowance of 40 tonnes. An estimate of 10 t was used in the 2010 stock assessment model.
109. The recreational harvest estimates include annual catch taken by commercial fishers as “recreational” under s111 of the Fisheries Act 1996, up to a maximum of 6.2 tonnes.
110. No change is proposed to the 40 t recreational allowance. However, a recreational harvest survey of Kaikoura and Motunau boat based catch estimated a recreational harvest of 55 t. The catch from other areas in CRA5 and by shore-based fishers is likely to be significant. It is likely that the current recreational harvest is much more than last year’s allowance and that proposed for 2015.
111. The stock assessment model shows an increasing trend in catch, exceeding 100 t since 2005 and exceeding 150 t in 2009.
112. The submitters are concerned that there is no attempt to adjust the recreational allowance to provide for current catch or interests. Our recreational interests extend beyond just catch, there are qualitative aspects to our recreational fishing that is not just measured in kilos or tonnes.
113. The non-commercial allowances (and TACC) have not changed since 1999, 16 years ago. As has happened in previous reviews such as SNA1, a perceived large increase in recreational catch estimates could trigger commercial pressure to reduce bag limits. This would be patently unfair if the tonnage set aside to ‘allow for’ recreational interests, as per s21 of the Act, is not sufficient to provide for our interests.
114. Irrespective of the existence of the Management Procedure and NRLMG advice, the Minister must turn his mind to how he is going to “allow for” current recreational interest in CRA 5.
115. Importantly, the Supreme Court has considered the TAC and allowances and ruled that, *“Starting with the figure for the total allowable catch, the Minister must decide what allowances to make for what will be taken by the specified non-commercial fishing interests, and all other mortality caused by fishing. The Minister deducts the sum of these allowances from the total allowable catch and the difference is the total allowable commercial catch.”*⁴
116. The Minister cannot knowingly allow the TAC to be exceeded or make a recreational allowance that he knows will be exceeded. Medium-term recreational harvest rates may be affected by the change due to implementation of the Te Korowai agreement, however this mainly restricts harvestable areas and will likely shift effort to outside this region.

⁴ NZRFC INC AND ANOR v SANFORD LIMITED AND ORS SC 40/2008 [28 May 2009] para 53.

117. NRLMG propose no change to the 37 tonne allowance for other sources of fishing related mortality. For the 2009-10 fishing year the estimate from the Rock lobster Working Group model was 52 t. The NRLMG advise this, “suggests the current CRA 5 other mortality allowance of 37 tonnes may be being exceeded. However, there is little confidence in the estimates of illegal catch because the estimates cannot be verified. The NRLMG does not propose to vary the CRA 5 other mortality allowance until a better estimate of illegal take becomes available”.
118. The submitters do not agree. It is unlikely there will ever be a better estimate of illegal take and so the Minister must act in a precautionary manner now and increase the tonnage set aside to allow for other sources of fishing related mortality.
119. The Minister is obliged to set the TAC to maintain CRA 5 at or above Bmsy. This TAC needs to be made first, before any utilisation decision. The Minister must consult with relevant interests then he can apply wide discretion when apportioning a TAC. However, as the Supreme Court has already identified, “in setting the total allowable commercial catch the Minister is required to have regard to the total allowable catch, and to allow for mortality to the stock that is caused by both non-commercial fishing interests and all other mortality⁵”.

5.3.5 Recommendations for CRA 5

- The Minister is warned that technology in detecting rock lobster habitat and ‘dens’ has been greatly enhanced within the CRA 5 fishery. CPUE, despite the claims of ‘standardising’, has less to do with abundance with every detection technology step. The Minister is requested to act in a precautionary manner as CPUE declines and recruitment remains uncertain.
- Rather than follow the decline in abundance with small incremental reductions, we recommend the Minister makes a step-change in landings and ‘ensure’ sustainability and abundance for future generations.
 - The Minister sets a TAC of 430 t to provide sufficient abundance for future generations.
 - The Minister sets aside 40 t to allow for Maori customary interests in CRA 5.
 - The Minister sets aside 50 t to allow for recreational fishing interests in CRA 5.
 - The Minister sets aside 40 t to allow for illegal harvest in CRA 5.
 - The Minister sets a TACC of 300 t in CRA 5.

5.4. Crayfish 7 (CRA 7) Otago

	TAC	Customary	Recreational	Other mortality	TACC
CRA 7					
CRA7_01: Use the <u>current</u> CRA 7 management procedure and increase the TAC and TACC	117.72t ↑	10 t	5 t	5 t	97.72t ↑
CRA7_02: Retain the current CRA 7 TAC, allowances and TACC	86 t	10 t	5 t	5 t	66 t

Table 4: MPI summary of Total Allowable Catch, allowances and Total Allowable Commercial Catch proposals for CRA7.

5.4.1 Points to note

120. The current TAC in CRA 7 is 86 tonnes. In 2014 commercial Catch Per Unit of Effort (CPUE) was well up and the TAC and TACC was increased. The TACC was increased by the maximum 50% allowed under the Management Procedure, from 44 to 66 tonnes.
121. NRLMG advise, “There is a reliable estimate of current biomass, but no reliable estimate of Bmsy. Because of this any variation to the CRA 7 TAC [Total Allowable Catch] must be done under s13(2A)” of the Fisheries Act 1996.

⁵ NZRFC INC AND ANOR v SANFORD LIMITED AND ORS SC 40/2008 [28 May 2009] para 48.

122. The submitters remain opposed to the CRA 7 concession allowing commercial fishers to harvest undersized crayfish. We repeat our information request, as per CRA 3, to have made available data describing the number of concession sized crayfish taken by fishing year and the proportion of CRA 7 landings in this category.

5.4.2 Management Procedures

123. The NRLMG propose two options CRA 7_01 and 02.
124. Option CRA7_01 means the existing Management Procedure will be applied to increase the TAC and TACC and retain existing allowances. The TAC would be increased by 48%, from 86 to 118 t and TACC would be increased by 48%, from 66 to 98 tonnes.
125. Option 02 means the Management Procedure is not applied and the status quo is retained for all interests. The TAC would stay at its current level for the 2015-16 fishing year.
126. NRLMG advise CRA7_02 could result in increased abundance in CRA 7 in the short term, increased non-commercial catches and higher CPUE for commercial fishers, but would mean commercial interests forgo the potential gains to be made from applying option CRA7_01.

5.4.3 Catch Per Unit of Effort (CPUE)

127. The NRLMG considers that catch rates are a reliable indicator of how much fish is in the water. Catch rates are measured by commercial Catch Per Unit of Effort (CPUE). The 2014 standardised CPUE was 2.304 kg per potlift. This compares to around 1.4 kg per potlift in CRA 5, further north, and 2.1kg/potlift in CRA 9, Kaipara-Westland.
128. The commercial CPUE in CRA 7 has spiked sharply in the last two years. Typically this is a result of good recruitment with young fish entering the fishery. Current understanding is that after a few years crayfish recruited in 2014 and 2015 will move out of CRA 7 to Foveaux Strait and Stewart Island. We submit this Management Procedure will always be chasing the tail of CPUE and probably won't reflect true abundance in the current or the following fishing year.
129. In 2012-13 CPUE in CRA 7 increased by 69%, to 1.36kg per potlift. The 2014 CPUE is 2.3kg/potlift. If CPUE is a reliable indicator of abundance, it is unreasonable to think that the stock has almost doubled in size in one year. This change just reinforces our concerns that there are many factors that influence CPUE and that the Management Procedure does not account for the migratory habits of rock lobster moving out of CRA 7 to other areas.

5.4.4 CRA 7 management options

130. The NRLMG propose two options CRA7_01 and 02. CRA7_01 applies the Management Procedure to increase the TAC and TACC. CRA7_02 retains the status quo. Neither option would change the existing allowances.
131. Option CRA7_01 increases the TAC and TACC, even so the NRLMG note that, "*overall utilisation benefits are likely to increase for all sectors under the Management Procedure approach through increases to CRA 7 abundance*". Interesting comment, we would welcome any evidence that demonstrates an increase in abundance while providing for extra commercial catch.
132. The wildly fluctuating CPUE means the TAC and TACC also fluctuates, changing by the maximum 50% over the past two years. For example, in 2013 the TACC was reduced by 31%, from 64 to 44 tonnes. In 2014 the TACC was increased by 50%, from 44 to 66 t. The NRLMG now propose a 48% increase, from 66 to around 98 tonnes.
133. The submitters oppose any change to the TACC until the concession, enabling the commercial harvest of undersized crayfish, has been revoked.
134. No change is proposed to the 10 tonne Maori customary allowance. An estimate of 1 tonne was used in the 2012 stock assessment model.

135. No change is proposed to the 5 tonne recreational allowance in CRA 7. Based on the 2012 stock assessment model, the average catch from 1979 to 2011 was 10 t. Section 111 harvest of crayfish taken by commercial fishers as “recreational” catch (a maximum of 1.7 t) was added to the recreational catch estimate in the model. It is noted that s111 catch represents up to 34% of the allowance in some years.
136. NRLMG note the 5 tonne recreational allowance “*may have been exceeded at times over this period, but given the uncertainty associated with the model estimates of recreational catch it is proposed that no change is made to the recreational allowance at this time*”.
137. The submitters note the 32-year average harvest was 10 tonnes, 50% more than the current allowance. The submitters ask at what threshold of excess would be required before the NRLMG recommend an increase (or change) to the recreational allowance?
138. As per previous comments, the Minister cannot knowingly allow the TAC to be exceeded. He must act in a precautionary manner and set aside a reasonable allowance, as highlighted by the Supreme Court.
139. No change is proposed to the 5 tonne allowance for other sources of fishing related mortality. The Rock lobster Working Group used a 1 tonne estimate in the stock assessment model, but this is not considered reliable and cannot be verified.
140. There is little information on the rationale used to set the initial allowances.

5.4.5 Recommendations for CRA 7

- We submit the Minister cannot reasonably increase the TACC in CRA 7 while a commercial size concession continues, one that was originally established to enable the ‘bottling’ of immature rock lobster. The first consideration is the implausible nature of the increase in CPUE following the introduction of a Management Procedure – it does seem contrived in this fishery. **Therefore we recommend the only actions required by the Minister are to remove the concession, monitor CPUE and independently verify abundance in CRA 7. If no legal sized rock lobster form a fishable stock in CRA 7 then there isn’t a ‘fishery’.**
 - The Minister sets a TAC of 40 t to provide sufficient abundance for future generations.
 - The Minister sets aside 10 t to allow for Maori customary interests in CRA 7.
 - The Minister sets aside 10 t to allow for recreational fishing interests in CRA 7.
 - The Minister sets aside 10 t to allow for illegal harvest in CRA 7.
 - The Minister sets a TACC of 10 t in CRA 7.

5.5. Crayfish 9 (CRA 9) Kaipara Harbour – Westland

	TAC	Customary	Recreational	Other mortality	TACC
CRA 9 CRA9_01: Use the <u>current</u> CRA 9 management procedure and decrease the TAC and TACC	101 t ↓	20 t	30 t	5 t	46 t ↓
CRA9_02: Retain the current CRA 9 TAC, allowances and TACC	115.8 t	20 t	30 t	5 t	60.8 t

Table 5: MPI summary of Total Allowable Catch, allowances and Total Allowable Commercial Catch proposals for CRA9.

5.5.1 Points to note

141. CRA 9 covers a large area of exposed west coast in the North and South Islands. Commercial effort is not high and weather conditions and access to suitable rocky reef areas may affect CPUE as much, or more than, abundance. Reportedly there are a lot of large crayfish in areas such as Taranaki, good for recreational fishers, but not the preferred target size for commercial fishers.
142. The current TAC in CRA 9 is 115.8 tonnes. CRA 9 is considered to be above Bmsy.
143. A TACC of 47 tonnes was in place from 1992 to 2014. Last year the TACC was increased to 61 t, under the first year of the new Management Procedure with CPUE at an historic high, at over 3 kg per potlift.
144. In 2015 option CRA9_01 means the TACC will be back at 46 t. This fluctuation over just one year again proves the folly of relying on CPUE as a measure of abundance.
145. NRLMG note that CPUE could be affected by different catch patterns rather than changes in stock size.
146. We re-submit that commercial CPUE is not a good measure of abundance or the risk to sustainability of this fish stock.

5.5.2 Management Procedures

147. The NRLMG propose two options CRA 9_01 and 02.
148. Option CRA9_01 means the existing Management Procedure will be applied to decrease the TAC and TACC and retain existing allowances.
149. Option 02 means the Management Procedure is not applied and the status quo is retained for all interests. The TAC would stay at its current level for the 2015-16 fishing year.
150. NRLMG advise retaining the current TAC for another year, under option 2, is unlikely to pose a sustainability risk to the stock in the short term.
151. NRLMG caution against ignoring the Management Procedure under option 2. *“If a decision is made not to follow the results of the CRA 9 Management Procedure in 2015, the procedure cannot be used to guide TAC setting in future years. The current TACC could pose a risk to stock sustainability in future years unless a revised Management Procedure is evaluated or a new assessment is performed”*.
We submit this statement is intimidating and could deter best management decisions for 2015-16 fishing year. This advice was not included in regards to in CRA 5, what makes CRA 9 so special? Is it that the Management Procedure has only been in effect for one year and the NRLMG want to maintain it on principle?

5.5.3 Catch Per Unit of Effort (CPUE)

152. The NRLMG considers that catch rates are a reliable indicator of how much fish is in the water. Catch rates are measured by commercial Catch Per Unit of Effort (CPUE). The 2014 standardised CPUE in CRA 9 was 2.095 kg per potlift. This compares to 1.58 kg per potlift in CRA 1, further north, and 1.355 kg /potlift in CRA 5, Canterbury/Marlborough.
153. From 1982 to 2000 CPUE was about 1 kg/potlift. It increased markedly as catch effort changed, to a new peak of 3.2 kg/potlift.
154. It is unreasonable to think that the stock has fluctuated to the extent of the changes in CPUE. The west coast is a rugged environment that holds large animals. Relatively few boats fish CRA 9.
155. Large rock lobster caught and release are included in the standardised CPUE. A healthy fish

stock has a reasonable number of large adult fish. Large crayfish are prime breeding stock and can play an important role in the ecosystem. It is encouraging that CRA 9 still has reasonable numbers of large crayfish.

5.5.4 CRA 9 management options

156. The current TAC in CRA 9 is 115.8 tonnes. The NRLMG propose two options CRA9_01 and 02. CRA9_01 applies the Management Procedure to decrease the TAC and TACC. CRA9_02 retains the status quo. Neither option would change the existing allowances.
157. Under option 01 the TAC would be decreased by 13%, from 116 to 101 t and TACC would be decreased by 24%, from 61 to 46 tonnes.
158. The NRLMG note that CRA9_01, “*will decrease the current utilisation benefit of the fishery. How the reduction is shared amongst the fishery sectors will depend on allocation decisions*”. Another interesting comment.
159. We submit that commercial interests reaped all the benefits from the TAC and TACC change in 2014 and, given that the fishery requires catch reductions, those reductions need to be attributed to the commercial sector.
160. Also, we do not accept an allocation. As the Supreme Court has already identified, the allowances made under s21(1) for non-commercial fishing interests differ in nature from the TACC, and encompass more than just monetary values. Non-commercial fishing, both recreational and Maori customary, enables people to provide for their social, economic and cultural wellbeings, but only if there is sufficient abundance in the areas fished.
161. No change is proposed to the 20 t allowance made for Maori customary interests. An estimate of 1 tonne was used in the 2013 surplus production model.
162. No change is proposed to the 30 t recreational allowance. In 2011-12 recreational catch in CRA 9 was estimated at 18 tonnes.
163. NRLMG provide no details in the proposal paper on how many tonnes of rock lobster were harvested by commercial fishers as “recreational” catch, under s111 of the Fisheries Act 1996. In CRA 7 s111 catch represents up to 34% of the recreational allowance in some years.
164. No change is proposed to the 5 t allowance set aside to account for other sources of fishing related mortality. A 1 tonne estimate was used in the 2013 stock assessment. It is assumed that illegal catch fits within the current allowance.
165. As noted above, we submit it is unreasonable to think that the stock has fluctuated to the extent of the changes in CPUE and consequent TACC change. This just highlights again the mistaken belief that Management Procedures are an adequate management tool. For such a high value fishery we would expect the Minister to apply his discretion and make a precautionary decision based on the best available information and not be constrained by the Management Procedure.

5.5.5 Recommendations for CRA 9

- The Minister is asked to respond to a past mistake – the interference in a TAC/TACC that was generating the most stable and useful CRA area. The TACC increase, and failure to show its sustainability means a simple decision to reverse the 2014 decision is required. A stable stock and stable fishing mortality, as typified in CRA 9 before a Management Procedure was implemented is a worthy target, and should be delivered by maintaining a conservative exploitation rate. The NRLMG science advice seems driven to finding maximum harvest strategies for commercial gain, leaving everything else in the margin.
 - The Minister sets a TAC of 110 t to provide sufficient abundance for future generations.

- The Minister sets aside 20 t to allow for Maori customary interests in CRA 9.
- The Minister sets aside 40 t to allow for recreational fishing interests in CRA 9.
- The Minister sets aside 10 t to allow for illegal harvest in CRA 9.
- The Minister sets a TACC of 40 t in CRA 9.

6. OTHER MATTERS

166. There is a high level of catch classed as “recreational” taken by commercial under s111 of the Fisheries Act. This catch is taken using commercial methods and inflates the recreational harvest figures. There is nothing specified in CRA 9, but in CRA 7 it is 1.7 t of a 5 t allowance, 34% of known catch.

Stock	S111 catch (t)	Recreational allowance (t)	% of recreational allowance
CRA 1	5.01	50 (proposed)	10
CRA 3	2.94	20	14.7
CRA 5	6.2	40	15.5
CRA 7	1.7	5	34
CRA 9	--	30	--

Table 6: Summary of section 111 catches taken by commercial fishers for non-commercial purposes. These catches are added to recreational catch estimates.

7. PREVIOUS NZSFC SUBMISSIONS

- 2014 – Submission on the review of Rock Lobster [sustainability measures for 1 April 2014](#).
- 2014 – NZSFC & Gisborne Tatapouri Sports Fishing Club [Crayfish 3 Policy. July 2014](#).
- 2013 – Submission on the review of Rock Lobster [sustainability measures for 1 April 2013](#).
- 2012 – Submission on the review of [Rock Lobster regulatory controls](#).
- 2012 – Submission on the review of Rock Lobster [sustainability measures for 1 April 2012](#).
- 2011 – Submission on the review of Rock Lobster [commercial Concession Area Regulations](#)
- 2011 – Submission on the review of Rock Lobster [sustainability measures for 1 April 2011](#)
- 2010 – Submission on the review of sustainability measures for [CRA 3 & 4 for 1 April 2010](#).
- 2010 – NZSFC Zone 5 clubs submission on the review of [CRA sustainability measures for 1 April 2010](#).

8. APPENDICES

Appendix One

Crayfish 3 Policy

**Gisborne Tatapouri Sports Fishing Club
New Zealand Sport Fishing Council**



JULY 2014

Goal

To increase the size and abundance of rock lobster in Crayfish 3 (CRA 3) and ensure the needs of customary and amateur fishes are met.

Policy -

- No increase to the Total Allowable Commercial Catch (TACC) in Crayfish 3 until:
 - The concession enabling commercial fishers to take undersized rock lobster is revoked.
 - There is adequate allowance made for illegal and unseen mortality.
 - The stock is sufficiently abundant to provide for public use in a reasonable manner and timeframe.
 - The stock is capable of meeting the reasonably foreseeable needs of future generations; and
 - Those needs have been adequately identified and allowed for.
- Commercial Catch Per Unit of Effort (CPUE) does not adequately reflect the abundance and availability of crayfish to customary and amateur fishes in Area 3.
- The voluntary commercial closure applying in statistical area 909 and 910 from 1 September to 15 January be retained.
- Selected areas within the 30 m depth contour are closed to commercial fishing year-round, to ensure adequate access for customary and amateur fishers.
- Management responsibility of New Zealand's crayfish stocks must be returned to the Crown. Advice from the National Rock Lobster Management Group is considered unbalanced and crafted to benefit commercial users of the crayfish fishery, while barely noting the effect of ongoing low abundance on the ecosystem, associated and dependent species, and non-commercial customary and recreational fishing interests.
- Information on the proportion of concession size fish landed to overall landings, in numbers and weight, must be collected and made available for public review.
- The Minister must implement measures to collect valuable data to inform on the status of the crayfish stock, this includes:
 - Annual recruitment and abundance of pre-recruits; and
 - The full description of the catch and harvest by sex and size.



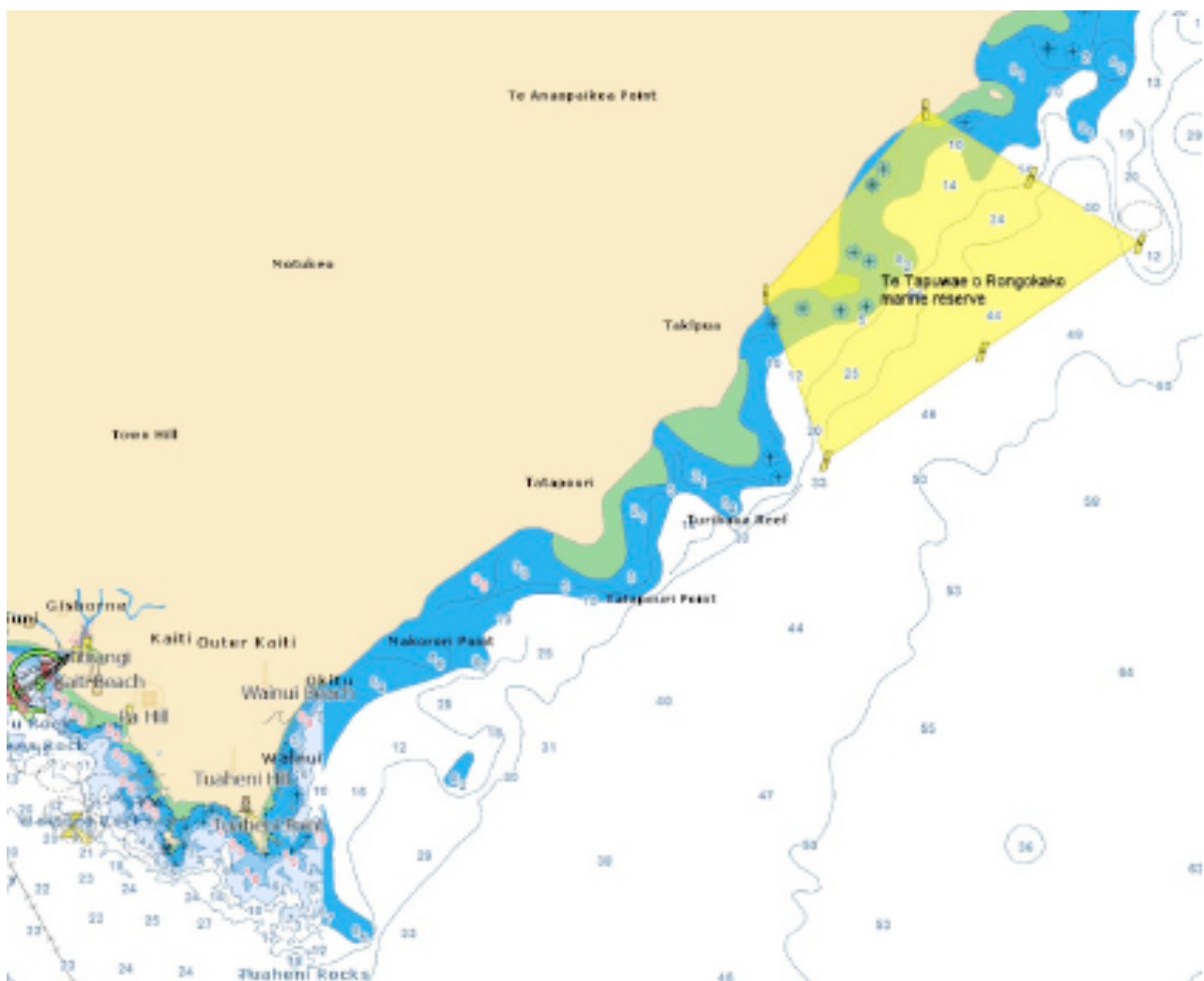
Strategy

1. While recent recruitment has supported improvements in the commercial fishery the availability

of rock lobster to non-commercial fishers remains inconsistent, especially in accessible areas north of Gisborne. Increases in the TACC leads to increased commercial effort in areas used by non-commercial fishers, especially closer to town. Any new management strategy must ensure better access to crayfish for customary and amateur fishers.

2. Reduce commercial effort that has collapsed the local fishery near Gisborne. Substantial commercial effort was displaced when Te Tapuwae o Rongokako marine reserve was established in 1999. This marine reserve spans 2450 hectares of coastline and is around 16 kilometres north of Gisborne. Near shore areas (within the 30 m depth contour) either side of the reserve should be closed to commercial rock lobster potting
3. Initiate research and consultation on what additional voluntary measures could be embraced to reduce fishing related mortality, to better look after the environment and to accelerate the rebuild.

Example of the location of the 30 m depth contour north of Gisborne.



This policy was developed by the Gisborne Tatapouri Sports Fishing Club and in conjunction with the New Zealand Sport Fishing Council. This policy was ratified and adopted by the NZSFC at the Council's Annual General Meeting on 27th September 2014.

Appendix Two



NZ RECREATIONAL FISHING COUNCIL

P.O. Box 276
Motueka

Phone	03 5287511
Cell Phone	021 1193296
Email	NZRFC@kinect.co.nz
Web Site	www.recfish.co.nz

21 February 2014

NEW ZEALAND RECREATIONAL FISHING COUNCIL

Submission on Review of Rock Lobster Sustainability Measures For April 2014

Inshore Fisheries Management
Ministry for Primary Industries
PO Box 2526
Wellington 6011
FMsubmissions@mpi.govt.nz

The Council and its Representation

1: The national organisations represented by this body are N.Z. Angling & Casting Association, N.Z. Trailer Boat Federation, N.Z. Marine Transport Association, N.Z. Sports Industry Association and N.Z. Underwater Association. We also support the Ministry led and funded recreational forums of which many of these regional members are now members as individuals.

2: The Council maintains close contact with a number of Iwi representatives. While every effort has been made to consult we do not suggest that this submission is representative of their views.

3: This Council represents over 76,000 recreational and sustenance amateur fishers. In addition by default we represent the public interest in the fishery and those amateur fishers who are non-members. We say by default because we are the only constituted representative body that has been recognised by Government and the Courts of doing so.

4: Over one million people or by recent Ministry of Fisheries figures 20% of New Zealanders fish for sport or sustenance. This does not include those elderly or infirmed amateur fishers who can no longer actively participate in catching seafood for the table. The 1996 research to provide estimates of Recreational and Sustenance Harvest Estimates found that there are approx 1.35 million and increasing recreational and sustenance amateur fishers in New Zealand and therefore we effectively, through our associated member groups, and lack of any other democratically elected or statutory recognised group represent this number also.

5: The Council has been recognised in three court cases as representing the recreational and amateur fishers of New Zealand. The Council was attached to two of these cases without its prior knowledge and the court papers show it was ordered, "To represent the recreational fishing public of New Zealand". The first of these was the order of attachment to the High Court Action on the Manukau, Taiapure application. The second relates to the SNAI challenge of the Minister's decision that was heard by the High Court. The Council also holds "Approved Party Status" for consultations with the Ministry of Fisheries and is recognised by them and the Minister of Fisheries as a stakeholder group. In the third case this Council along with the NZ Big Game Fishing Council were the applicants in the recent Kahawai case.

6: The Council has a Board of democratically elected officers and members. The Council consults with its members and the public using various means. These include newsletters, both written and electronic, its web site and various press releases. In addition it consults through the various fishing media and meetings it holds and receives input through those forums.

7: This submission has been prepared and presented after consultation via email and our web site to our members and board members.

8: As previously stated, we are aware that many of our National Affiliates and Regional Members are submitting their own submissions and in most cases we have seen and support these submissions where they are not in direct conflict with this submissions intent or requested outcome.

9: In the submission we talk of both recreational and amateur fishers as these two descriptions are so intertwined. For sake of some clarity recreational fishers referred to are generally those who have an interest in supporting recreational fishing interests while amateur refers to all fishers who exercise their rights to fish under the amateur fishing regulations.

10: The NZRFC participates as fully as possible for a voluntary organisation in the annual management rounds and in addition we have made submissions on many of the recent Bills before Parliament relating to our marine systems.

11: NZRFC Submission on the Review of Rock Lobster Sustainability Measures for April 2014

Management Procedures (MP's)

The NZRFC has supported the use of MP's in the past and believes if they are applied in a fair and equitable manner good outcomes can be achieved. We are concerned about how they are now being used to lock in increased TACC's while at the same time reducing or limiting noncommercial allowances.

12: In CRA5 when it was proposed to tie the noncommercial allowance to CPUE the method was changed. In CRA3 and CRA7 other regulations are being fiddled to enhance commercial take while noncommercial take is strongly regulated.

13: The move to bring a MP into CRA2 is going to do the same thing with the MP doing its best to hold the TACC in spite of it being obvious noncommercial catch has been suffering for years because the TACC is too high.

14: No doubt we will also see a significant TACC increase in CRA9 once the MP is in place and noncommercial catches will decline as a result.

15: In general the principle of having better abundance is good, but where there is serious competition for catch from noncommercial, MP's are set to favor commercial.

16: New MPS.

The new MP in CRA2 has been designed to protect the commercial TACC at the expense of noncommercial. We will be surprised if abundance increases to allow noncommercial to catch the allowance within the TAC. This hasn't happened for years because abundance has been low because of a too high TACC. We know commercial interests struggle to accept the most recent noncommercial catch estimates and will ensure their TACC is protected. Rec representatives at the NRLMG table will simply be out voted at any time commercial want as the Customary reps seem to be more interested in protecting their commercial interests rather than those Customary fishers seeking a feed.

17: In CRA9 the new "allowances" set will favor commercial and with large numbers of large fish sitting in the water, CPUE will be driven through the roof resulting in vastly increased TACC's within a few years. Rec fishers will be negatively impacted upon when that happens. The rec allowance in CRA3 should be set at 50 tonnes otherwise the TACC will be allowed to increase too fast.

18: Proposed allowances in all fisheries.

It will make not one jot of difference what we write here as MPI has failed to collect decent data on rec fishing for years, has allowed excessive TACC's to persist, and neither them or their minister have paid any regard to past submissions on improving public access to or fisheries. Instead they support the retention of concessions for commercial when they can fish all day with hundreds of pots

against the draconian rules rec fishers have to put up with. Once again rec fishers at the NRLMG are ganged up on and virtually all proposals are quashed.

19: The MPs will generate what they generate and if noncommercial are lucky there will be a reasonable level of abundance in some fisheries.

20: CRA3 is showing increases in abundance because of the 10% rule. That will be reviewed this year and there is little doubt commercial will want it gone so they can take more. This of course while they still retain the concession enabling them to effectively remove the competition from some parts of the fishery.

21: CRA7 can only be described as a sick joke where most public fishers don't even bother. There has been more bullshit put about by commercial interests in this fishery than virtually any other. It is disgusting that a once 600 tonne per year fishery now musters about 50 tonne. Shame on you all.

22: The idea of a NRLMG is good but the whole process is flawed with MPI so easily being able to over-rule any recommendations that don't suit their commercial goals. There is also a total lack of balance between the opportunities of the various stakeholders to represent their respective groups. Commercial have the backing of a 400 million dollar industry and recreational have less than 50 thousand dollars to represent their interests in all fisheries combined, including finfish and shellfish. Successive versions of MPI and various Governments have done nothing to remedy this so it is no wonder groups like "Legasea" are being spawned.

23: In most instances rec fishers would be better to go fishing for the day rather than take part in such a lop-sided show.

24: The NZRFC submits that in all CRA fisheries the most conservative MP's are implemented and that when agreed abundance level is reached decent public allowances are set.

25: The public fishers of New Zealand care about the way the fisheries are managed. They want to see equity of allocation guiding management decisions MPI need to look at the way they engage the fishing public of this country. This needs to change from the present. The allocation discussion needs to take place. Then and only then can we look forward to a world leading sustainable fisheries management system.

26: We look forward to our concerns being addressed, especially those around consultation and allocation. We would like to be kept informed of any future developments. The NZRFC is always available to discuss this submission and fisheries management in general in more detail if needed.

Yours faithfully,

NEW ZEALAND RECREATIONAL FISHING COUNCIL

Sheryl Hart

Vice President