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Submission: We support a recreational daily bag limit reduction from 6 to 3 in CRA 2 at this time.
We **do not support** telson clipping in CRA 2.

Recommendations

1. The Minister supports an interim recreational daily bag limit reduction from 6 to 3 in CRA 2.
2. The Minister rejects proposals to make telson clipping mandatory for recreationally caught rock lobster in CRA 2.
3. The Minister requests evidence to demonstrate that telson clipping has resulted in a measurable and significant reduction in the volume of crayfish being sold through the black market before its introduction to any crayfish stock.
4. The Minister introduces measures to ensure only legal commercial rock lobster are sold and used on commercial premises, and that the solution includes traceability and identification of commercial catch destined for the local market.
5. The Minister initiates a broad review of section 111 provisions of the Fisheries Act 1996 currently enabling each commercial fisher to take the daily limit of rock lobster under the amateur regulations.

The submitters

6. The New Zealand Sport Fishing Council (NZSFC), our public outreach team LegaSea, and the New Zealand Angling & Casting Association appreciate the opportunity to submit on the proposal to review the recreational rules for the Crayfish 2 (CRA 2) rock lobster fishery. Fisheries New Zealand (FNZ) advice of consultation was received on 7 November, with submissions due by 19 December 2018.
7. The New Zealand Sport Fishing Council is a recognised national sports organisation with over 34,000 affiliated members from 56 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine

environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz.

8. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
9. Together we are '*the submitters*'. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
10. The submitters note and appreciate the consultation timeframe of 30 working days for this process. This is an improvement from the 18 working days that had become standard FNZ practice. This 30-day window has allowed us more time to consult with local recreational interests, our affected clubs and other representative organisations including the New Zealand Underwater Association and Spearfishing New Zealand.
11. 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 Helen Pastor, secretary@nzsportfishing.org.nz.

Background

12. Rock lobster is an important species and fishery in the Hauraki Gulf and Bay of Plenty areas (CRA 2) for all sectors. CRA 2 encompasses extensive areas of rocky coastline and reef around the islands of Gulf, Coromandel and Eastern Bay of Plenty. The entire Hauraki Gulf Marine Park is contained within CRA 2. In the past rock lobster were abundant and played a significant role in coastal ecosystems. Large catches were taken out of some ports in the 1920s for canning and export to Europe. Widespread commercial rock lobster fishing has occurred since 1945.
13. Rock lobster became a quota species in 1990. The Total Allowable Commercial Catch (TACC) in CRA 2 was set at 250 tonnes (t) and reduced soon after. It then increased to 236 t in 1997 when catch rates were improving. CRA 2 was not reviewed for the next 17 years despite significant technological advances and a doubling of effort (potlifts) to maintain commercial catches.
14. CRA 2 was assessed at 37% of unfished levels in 2013. In 2017 CRA 2 was assessed at a new historical low, at just 18% of unfished levels. This was below the soft limit and requiring a time-bound rebuild plan. The Minister's decision for 1 April 2018 reduced the Total Allowable Catch (TAC) by 58%, the TACC by 60%, and the recreational allowance by 76%. The Minister also signalled regulatory changes for the recreational harvest of crayfish.



FNZ proposals

15. Fisheries NZ is proposing that the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) be amended to address concerns that the existing recreational regulations are unlikely to manage recreational catch (on average) to the new 34 tonne allowance as abundance in the fishery improves.
16. FNZ is consulting on the following measures for recreational fishers in the CRA 2 area (Hauraki Gulf/Bay of Plenty):
 - a. **Status quo.**
 - b. **Daily bag limit reduction.**

Reduce the individual daily bag limit for spiny rock lobster only from 6 to 3, while enabling a combined 6-daily bag limit for spiny (3) and packhorse crayfish (3), or packhorse (6) only.
 - c. **Telson clipping.**

Recreational fishers are required to clip the last third of the middle part of the tail fan (the “telson”) of every legal sized red rock lobster that will be kept. This marks a lobster as being recreationally caught, and so is not permitted to be bought, bartered or traded.

Submission

17. The CRA 2 stock has been over-exploited for a long time. The CRA 2 population has now reached a point where it has no resilience to cope with the current period of poor recruitment.
18. The submitters have actively objected to the mismanagement of CRA 2 for many years. Multiple submissions have been tabled with the Ministry and the National Rock Lobster Management Group, and a string of letters has been sent to Ministers calling for more conservative management of this taonga, our crayfish.
19. CRA 2 was assessed at 37% of unfished levels in 2013, which we submitted at the time as being implausibly high. A rapid rebuild was required and requested in 2014. Those pleas were subsequently ignored and commercial interests were allowed to continue exploiting CRA 2 at levels that reduced the stock further. Now we have the Ministry and Minister coming to the public asking for constraints.
20. Earlier in 2018 the submitters committed substantial resources into developing and distributing an online survey to gauge public support for various management options for CRA 2 under consideration by the Minister. The response by over 4000 people was unprecedented, representing the largest survey of recreational crayfish interests in Aotearoa.
21. The survey was distributed through a variety of channels by the New Zealand Sport Fishing Council, LegaSea, New Zealand Angling & Casting Association, New Zealand Underwater Association, Dive New Zealand and Spearfishing New Zealand. The survey showed there was strong public support for a closure of CRA 2 to all commercial and recreational fishing for a set time period. There was some resistance to the proposed large cut to the overall recreational allowance, from 140 to 50 tonnes. The 50 t allowance represented the upper-bound of the most defensible recreational harvest survey estimate.

22. Survey respondents were concerned that recreational fishers were again being asked to bear the brunt of years of excessive commercial exploitation.
23. As it turned out, the Minister reduced the recreational allowance to 34 t, below the last survey estimate from CRA 2. This lower estimate is based on the assumption that recreational harvest declined by the same proportion as the decline in abundance. It is likely that, if and when the CRA 2 stock rebuilds, recreational harvest will grow with that increasing abundance.
24. FNZ advise the reduction to the recreational daily bag limit from 6 to 3 for red rock lobster is to help ensure recreational catch does not exceed the new 34 tonne allowance. We remind the Minister, FNZ, the National Rock Lobster Management Group et al that the recreational allowance is not a maximum allowable catch as per a quota limit. It is an amount set aside by the Minister every year to 'allow for' what he/she expects the public to catch or might catch in the next fishing year. It is obvious to the submitters that the recreational harvest from CRA 2 in 2017-18 will be much less than 34 tonnes, based on current availability. A more accurate description, based on the advice from the Rock Lobster Fisheries Assessment Working Group, is that the reduction will prevent recreational harvest from increasing at the same rate as abundance, and will better distribute recreational catch amongst non-commercial fishers as the stock rebuilds.
25. Fisheries New Zealand continues to conflate the terms 'allocation' which relates to quota, and 'allowances' that relate to non-commercial fishing. While it might be convenient to do so, public fishing is not part of the Quota Management System and allocations do not apply to either Maori customary or recreational interests. Section 21 of the Fisheries Act 1996 explicitly refers to the Minister setting aside 'allowances' for non-commercial, Maori customary and recreational fishing interests.
26. Reduced abundance and availability over many years has reduced recreational catch and effectively propped up commercial harvest levels in many fisheries such as CRA 2. There were more commercial potlifts in CRA 2 than any other New Zealand fishery, over 615,000 in 2012-13, and the commercial catch rate was the lowest in the country. Clearly, non-commercial fishers cannot compete when there is that much effort going into exploiting the last remnants of a depleted stock.
27. It is highly objectionable and unfair that recreational fishers are being asked to compensate for years of excessive commercial exploitation and mismanagement by the Ministry and National Rock Lobster Management Group. However, the task now is to ensure the long-term viability of CRA 2.

Daily bag limit reduction

28. The Ministry has proposed regulatory measures that, if approved, will be implemented in mid-2019. Through our survey and earlier consultation we understand there is a willingness by the public to contribute to rebuilding CRA 2 irrespective of how the stock was depleted, but with an expectation that public interests will be restored when the stock rebuilds because fisheries managers cannot expect the public to keep subsidising the growth of crayfish exports.
29. Clearly the status quo is not an option given the current stock size so the submitters are taking a proactive stance to help rebuild abundance in CRA 2.

30. **We are promoting a voluntary reduction on daily harvest from six to three crayfish in the Hauraki Gulf, Coromandel, and Bay of Plenty over the coming summer. Public fishers who target crayfish are encouraged to join with the submitters in this conservation initiative.**
31. The submitters consider now is a good time to reduce the daily bag limit from six to three because it will assist with the early stages of the rebuild. It will also leave more crayfish in the water leading up to the next spawning season. And a reduced bag limit will help share the benefits of a rebuilding stock between recreational fishers without a large increase in total harvest.
32. We also note that historically when stocks are assessed as rebuilding commercial interests are quick to lobby the Minister for more catching rights and most often they succeed. There is no record of increased recreational bag limits being granted when a stock rebuilds. Even in Snapper 1 in 2013 the recreational allowance was increased by 500 tonnes yet individual daily bag limits were reduced from 9 to 7 and an increased minimum size limit applied. The benefits of applying such measures were known at the time to be within the margin of error, yet recreational access was still reduced. Given the iconic status of crayfish to non-commercial interests and the high cost of any available retail local produce, we advocate that recreational allowances and controls applying to individual harvest are reviewed after the next stock assessment due in 2022.

Telson clipping

33. The submitters support compliance initiatives to stop illegal take by fishers across all sectors. However, we hold doubts about the effectiveness of telson clipping as a deterrent for large-scale poaching. Those responsible are intent on avoiding detection, and a whole tail does not prove that the rock lobster was legally landed by a commercial fisher for sale.
34. In reality, telson clipping does the opposite intended, by legitimising the illegitimate. It makes every crayfish that is not telson clipped available for sale.
35. The submitters have asked FNZ in several submissions, stakeholder and management forums to provide evidence or compliance reports on the utility of telson clipping in the Kaikōura Marine Area, where it has been in place since 2014. Apart from an unattributed statement in the FNZ August discussion document, **no evidence has been provided about the effectiveness on telson clipping in the Kaikōura Marine Area.**
36. In an Australian report telson clipping was found to be most effective at reducing illegal sales from crew taking rock lobster from commercial vessels. In New Zealand commercial fishers are able under section 111 of the Fisheries Act 1996 to take home their amateur bag limit of six rock lobster per person, per day only if they are taken from designated recreational pots and the weight is reported on their catch landing returns.
37. Reported section 111 catch in CRA 2 in 2014-15 was two tonnes, about one third of the amount from CRA 5. As submitted earlier in the year, given the high value of rock lobster to all stakeholders **we support a broad review of section 111 provisions for commercial fishers.**
38. There is a cost to introducing telson clipping across the whole CRA 2 Quota Management Area. This includes signage, education, compliance resources, and potential problems for legitimate recreational fishers who forget or are unaware of telson clipping and incur fines of \$250. We

submit MPI Compliance resources would be better used to target the individuals who are taking, selling or buying illegal rock lobster. We also note that if telson clipping is introduced it will not be a mandatory requirement for customary fishers. **FNZ have not proven that the benefits of telson clipping outweigh the costs of implementation, monitoring and enforcement in CRA 2.**

A realistic solution – Traceability and catch ID

39. What is required to ensure only legal commercial rock lobster are sold and used on commercial premises is traceability and identification of commercial catch destined for local market. This would be much harder for poachers to get around than telson clipping.
40. Traceability is becoming increasing popular amongst restaurateurs and consumers. That is because traceability provides the added benefit and assurance to everyone in the food chain that they know where and when their \$145 per kilo rock lobster was caught.

Previous NZSFC submissions

41. A record of New Zealand Sport Fishing Council rock lobster submissions in the past decade -
 - 2018 – Submission on the review of regulatory controls in CRA 5.
 - 2018 – Submission on the review of selected stocks, CRA 2, 4, 7 & 8.
 - 2017 – Submission on the review of selected stocks, CRA 3, 4 & 7.
 - 2016 – Submission on the review of the Crayfish 3 (Gisborne) fishery.
 - 2016 – Submission on the review of Rock Lobster sustainability measures for 1 April 2016.
 - 2015 – Submission on the review of Rock Lobster sustainability measures for 1 April 2015.
 - 2014 – Submission on the review of Rock Lobster sustainability measures for 1 April 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.