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Submission: We **do not support** telson clipping in CRA 5 at this time.

Recommendations

1. The submitters will not support telson clipping in CRA 5 until clear evidence is provided that this technique has been effective in the Kaikōura Marine Area.
2. The submitters support implementation of effective measures such as traceability and identification of commercial rock lobster catch destined for the local market.
3. The submitters support a broad review of section 111 provisions of the Fisheries Act 1996 enabling commercial fishers to take rock lobster and other species for non-commercial purposes.
4. The submitters support the proposal for an accumulation limit of 18 rock lobster to apply to recreational harvest accompanied by bag and tag provisions for daily catch.

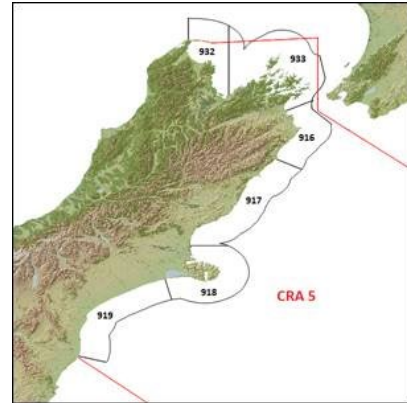
The submitters

5. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposal to introduce recreational telson clipping and an accumulation limit in the Crayfish 5 (CRA 5) rock lobster fishery. Fisheries New Zealand (FNZ) advice of consultation was received on 22 August, with submissions due by 3 October 2018.
6. 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. Together we are '*the submitters*'.
7. 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].

8. 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 and the Marlborough Recreational Fishers Association in CRA 5, however, it still constrains our ability to receive adequate feedback from clubs whose members may be affected but who only meet once a month.
9. 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

10. Rock lobster is an important species and fishery in the Canterbury and Marlborough areas (CRA 5) for all sectors. Since 2014, telson clipping, an accumulation limit, and bag and tag conditions have applied to recreational fishers in a portion of the CRA 5 fishery, known as Te Whata Kai o Rakihouia i Te Tai o Marokura (the Kaikōura Marine Area).
11. Currently the Total Allowable Commercial Catch (TACC) in CRA 5 is 350 tonnes (unchanged since 1999), while the recreational allowance is 87 t and customary allowance 40 t. The allowance for other sources of mortality which includes poaching and release mortality is highly uncertain, but is set at 37 t.



FNZ proposals

12. Fisheries NZ is proposing that the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) be amended to address concerns about the apparent level of illegal fishing for rock lobster in CRA 5. FNZ propose to introduce the following measures for recreational fishers in the CRA 5 area only (Canterbury/ Marlborough):
 - a) **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 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.
 - b) **Accumulation limit and associated ‘bag and tag’ conditions:**
 - i. *Accumulation limit:* The number of rock lobsters that a recreational fisher can accumulate is limited to three daily bag limits (i.e. 18 lobsters), provided that the catch for any one day does not exceed the current daily limit of six rock lobsters per person.
 - ii. *‘Bag and tag’ conditions:* Recreational fishers are required to hold rock lobsters in a container or bag that only contains a single day’s catch (i.e. up to six rock lobsters), and is clearly labelled with the individual fisher’s name, date it was taken, number held and where it was taken. This provides evidence that accumulated lobsters are taken within the daily limit over three days or more.

Submission

13. Stock abundance in CRA 5 is close to the highest it has been in the last 30 years. This is good news considering the major ecological disruption caused by the Kaikoura earthquakes. It is also good for commercial, customary and recreational fishers. The high abundance and reasonable access to rock lobster in CRA 5 is also attractive for poachers intent on profiting from illegal sales. The scale of this problem will be greater in CRA 5 than in other areas where accessibility is low.
14. 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.
15. 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 discussion document, **no evidence has been provided about the effectiveness on telson clipping in the Kaikōura Marine Area.**
16. 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 that they set and the weight is reported on their catch landing returns.
17. CRA 5 has the highest section 111 reported catch of any quota management area in New Zealand, at about 6 tonnes per year. We are concerned this may be an underestimate of the total amount of rock lobster being removed. Anecdotal reports suggest there is more crayfish coming off commercial vessels under the guise of recreational catch. Our concern is that even at 6 tonnes per annum this reflects commercial quantities of rock lobster being removed from some vessels rather than reasonable take for personal use.
18. MPI Fisheries Compliance has also commented that on some vessels the catch rate from the designated recreational pots is many times higher than the catch rate from the vessel's commercial pots, given the number of pot lifts and reported weights. **This is indicative of deliberate misreporting on statutory documents.**
19. Given the quantities involved and the high value of rock lobster to all stakeholders **we support a broad review of section 111 provisions for commercial fishers.**
20. There is a cost to introducing telson clipping across the whole CRA 5 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 need to prove that the benefits of telson clipping outweigh the costs in the rest of CRA 5.**
21. 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. Traceability would have the added benefit of giving consumers the assurance of knowing where and when their \$130 per kilo rock lobster was caught.

22. The submitters support the proposals for an 18 rock lobster accumulation limit for recreational harvest and the proposed bag and tag provisions for daily catch to support this. We anticipate these provisions will assist in both discouraging large-scale illegal rock lobster fishing and facilitating the detection of illegal crayfish sales operations in CRA 5. The provisions must not be used to hinder legitimate recreational fishing activities, for example if the accumulated catch is six or less rock lobster caught on multiple days.