



Figure 1: Map of rock lobster Quota Management Areas with CRA 2 and CRA 5 highlighted in blue.

1 Summary

1. This paper seeks your decisions on proposed changes to recreational fisheries regulations for the CRA 2 (Hauraki Gulf/Bay of Plenty) and CRA 5 (Canterbury/Marlborough) rock lobster fisheries (Figure 1):
 - a) **Reduce the CRA 2 recreational daily bag limit** from six to three spiny rock lobsters to ensure that recreational catch (on average) is managed within the 34 tonne allowance while the fishery rebuilds from low levels;
 - b) **Introduce new CRA 2 and CRA 5 recreational regulations to assist with addressing illegal take**, including the requirement for recreational fishers to clip the last-third of the middle part of the tail fan (the telson)¹ of spiny rock lobsters in one or both of CRA 2 and CRA 5, and to introduce an accumulation limit² and associated bag and tag conditions³ for spiny lobsters in CRA 5.
2. Subject to your decisions, it is proposed that these measures will come into effect before recreational fishing activity increases over the 2019/20 summer period.
3. This Final Advice Paper has been prepared by the National Rock Lobster Management Group (NRLMG), and includes consideration of the best available information, and an analysis of submissions received from tangata whenua and stakeholders on each consultation option.

¹ Telson clipping is a way of marking spiny rock lobsters to make it clear that they have been recreationally caught, and therefore unable to be sold, traded, or bartered.

² Accumulation limit means the maximum amount of a particular species (in this case spiny rock lobster) that a recreational fisher can be in possession of at any one time, even if they have been fishing on multiple days.

³ Bag and tag conditions support the accumulation limit and refer to the requirement for a fisher to hold a single day's catch in a container or bag, and label this with the fisher's name, date taken, and number held.

4. The NRLMG is a national-level, multi-stakeholder group comprising representatives of the customary, recreational and commercial fishing sectors, and Fisheries New Zealand. Since its formation in 1992, the NRLMG has acted as the primary advisor to Ministers on catch limit, regulatory and other management actions that apply specifically to rock lobster fisheries.
5. Fisheries New Zealand publically consulted on your behalf on the proposals presented in this paper for six weeks (separately for CRA 2 and CRA 5) in the latter half of 2018. Tangata whenua and the majority of submitters generally supported the change proposals. However, several non-commercial submitters did not support telson clipping in CRA 2, although general support was expressed for the measure through informal engagement.

CRA 2 bag limit

6. The NRLMG recommends that you reduce the recreational daily bag limit for spiny rock lobsters in the CRA 2 fishery from six to three.
7. This measure is proposed to complement the significant commercial catch and recreational allowance reductions you made from 1 April 2018, and to further support the rebuild of the CRA 2 fishery. A reduction to the bag limit is considered to be the most effective measure to manage recreational harvest to the 34 tonne allowance as the fishery rebuilds. The proposed reduction is unlikely to impact greatly on recreational use benefits at this time given current levels of low abundance. But it will support the rebuild as lobster abundance increases and more lobsters become available to recreational fishers.
8. It is proposed that the CRA 2 bag limit, along with the Total Allowable Catch and allowances, be reconsidered at the time of the next CRA 2 stock assessment, which is currently scheduled for 2021. If information suggests management action is required sooner, this will be considered by the NRLMG.

CRA 2 and CRA 5 telson clipping

9. The NRLMG sector members (customary, recreational and commercial) support the introduction of telson clipping in CRA 2 and to the wider CRA 5 area. These members consider that telson clipping is likely to be the most effective additional measure to support compliance actions to reduce illegal take for sale, poaching, and black market activity. This conclusion is based on the NRLMG's consideration of measures to reduce the extent of illegal take, and discussions with different Ministry for Primary Industries (MPI) Fisheries Compliance representatives who attended some NRLMG meetings. Telson clipping should deter licensed fish receivers, dealers in fish and those in the retail and hospitality trades from opportunistically purchasing recreationally caught lobsters (which is illegal).
10. The NRLMG sector members also note that an additional benefit of telson clipping is that it will actively engage recreational fishers in the management of rock lobster fisheries. If the measure is not introduced for the CRA 2 fishery this will result in a lost opportunity, particularly since there is a willingness from recreational fishers to contribute to the rebuild of the stock.
11. Fisheries New Zealand supports telson clipping in CRA 5, but does not support this measure in CRA 2. This position differs between the fisheries because of the different fishery characteristics, the level of compliance risk and associated compliance costs:
 - The CRA 5 fishery is abundant, meaning rock lobsters are easy to catch, and there are known groups of non-commercial fishers who take the daily bag limit frequently (i.e. six-a-dayers), with some of these fishers opportunistically selling or trading these lobsters. Telson clipping is likely to assist with reducing the abilities of these opportunistic fishers to sell or trade their catch in CRA 5. MPI Fisheries Compliance experience from telson clipping in Kaikōura (a sub-area of CRA 5) suggests that it has assisted in reducing the illegal sale of non-commercially caught rock lobsters through commercial premises.
 - Fisheries New Zealand acknowledges that telson clipping could assist with addressing illegal take and sale of rock lobsters by non-commercial fishers in CRA 2. However, it is concerned that the costs of the measure will outweigh its expected benefits due to the particular nature of the offending that is observed in the CRA 2 fishery.

MPI Fisheries Compliance do not observe as many opportunistic non-commercial fishers who sell their catch in CRA 2, compared to CRA 5. This is likely to be related to a combination of factors, including socio-economic drivers and current low levels of abundance. The recommended reduction to the CRA 2 bag limit is also likely to further reduce the incentives for non-commercial fishers to sell their catch, and impede recreational catch from ending up in commercial premises.

MPI Fisheries Compliance does not expect that telson clipping will result in significant additional compliance costs associated with inspections of CRA 2 non-commercial catch (i.e. at sea or boat ramps). Additional and ongoing compliance costs are expected in relation to enforcement action against those not complying with telson clipping. This could be significant in CRA 2 given the higher levels of recreational participation in the area (a substantial proportion of the New Zealand population reside or holiday in the area).

CRA 5 accumulation limit and bag and tag conditions

12. The NRLMG supports the introduction of a rock lobster accumulation limit and associated 'bag and tag' conditions to the wider CRA 5 area.
13. An accumulation limit of 18 spiny rock lobsters provides a balance between restricting stockpiling for illegal purposes, while providing for reasonable levels of recreational harvest for enjoyment and subsistence. Setting the accumulation limit at three times the daily bag limit (6) in CRA 5 is less likely to generate undesirable outcomes, such as fishers acting illegally to bypass the limit. Based on MPI Fisheries Compliance experience, the trial of an accumulation limit and bag and tag conditions in the Kaikōura Marine Area has provided Fishery Officers with another tool to address illegal take in the fishery.

2 Recommendations

14. The NRLMG recommends that you make decisions for each proposed measure as follows:

CRA 2 recreational daily bag limit

Option CRA2_1A (NRLMG recommended option)

- i. Agree to reduce the recreational daily limit for spiny rock lobsters from six to three for the CRA 2 Quota Management Area, within the combined daily limit of six rock lobsters (spiny and packhorse combined). This means that six packhorse lobsters could still be harvested, if no spiny lobsters are taken at the same time.

Agreed / Not Agreed

OR

Option CRA2_1B (Status quo)

- ii. Agree to retain the recreational daily limit of six rock lobsters (spiny and packhorse combined) for the CRA 2 Quota Management Area.

Agreed / Not Agreed

CRA 2 recreational telson clipping

Option CRA2_2A (NRLMG customary, recreational and commercial sector member recommended option)

- iii. Agree to introduce a requirement for recreational fishers to mark spiny rock lobsters taken from the CRA 2 Quota Management, through clipping the last-third of the telson off the tail fan of the spiny rock lobster on taking. This includes the creation of new penalties and offences for not complying with the measure.

Agreed / Not Agreed

OR

Option CRA2_2B (Status quo) (Fisheries New Zealand recommended option)

- iv. Agree to retain the status quo, which does not require recreational fishers to telson clip spiny rock lobsters taken from the CRA 2 Quota Management Area.

Agreed / Not Agreed

CRA 5 recreational telson clipping

Option CRA5_1A (NRLMG recommended option)

- v. Agree to extend the requirement to mark spiny rock lobsters taken from Te Whata Kai o Rakihouia i Te Tai o Marokura – Kaikōura Marine Area to the wider CRA 5 Quota Management Area, through clipping the last-third of the telson off the tail fan of the spiny rock lobster on taking. This includes extending the existing Kaikōura Marine Area telson clipping penalties and offences to the wider CRA 5 area.

Agreed / Not Agreed

OR

Option CRA5_1B (Status quo)

- vi. Agree to retain the status quo, which does not require recreational fishers to telson clip spiny rock lobsters taken from the CRA 5 Quota Management Area (apart from the Kaikōura Marine Area).

Agreed / Not **Agreed**

CRA 5 accumulation limit and associated bag and tag conditions

Option CRA5_2A (NRLMG recommended option)

- vii. Agree to extend the spiny rock lobster accumulation defence limitation provision that applies in the Te Whata Kai o Rakihouia i Te Tai o Marokura – Kaikōura Marine Area to the wider CRA 5 Quota Management Area. Noting that this includes:
- a. A limit on the number of rock lobsters that a recreational fisher can accumulate to three daily bag limits (i.e. 18 rock lobsters); and
 - b. Conditions that require recreational fishers to hold spiny rock lobsters in a container or bag that only contains a single day's catch, and is clearly labelled with the individual fisher's name, date it was taken, and the number held.

Agreed / Not **Agreed**

OR

Option CRA5_2B (Status quo)

- viii. Agree to not extend the Kaikōura Marine Area accumulation defence limitation provisions for spiny rock lobsters to the wider CRA 5 Quota Management Area.

Agreed / Not **Agreed**



Hon Stuart Nash
Minister of Fisheries

7 / 8 / 2019