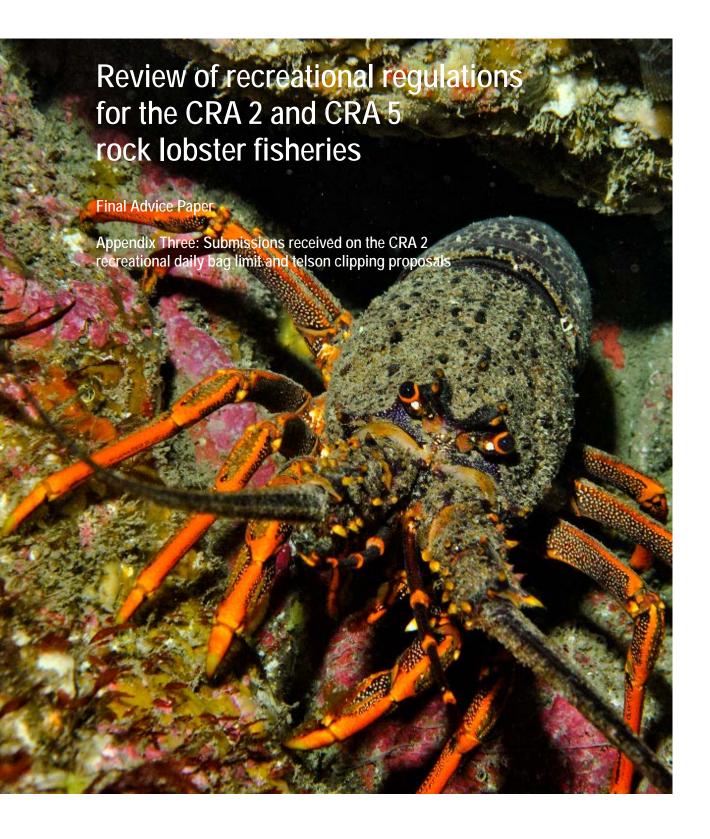
### NATIONAL ROCK LOBSTER MANAGEMENT GROUP





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Recreational Fisheries

Sent:

Thursday, 22 November 2018 11:00 AM

To:

'Rachel Jorion'; Recreational Fisheries

Cc:

**FMSubmissions** 

Subject:

RE: ALAIN JORION to

- CRA2

Hi Alain,

We have a submission that you submitted as part of our online survey, thanks for having your say.

The CRA2 TACC was reduced from 200 tonnes to 80 tonnes, a reduction of 60%.

I have passed this email onto FMSubmissions@mpi.govt.nz and it will be treated as a submission.

Kind regards,

Fisheries Management

Fisheries New Zealand - Imi a rangaroa | Pastoral House | PO Box 2526 | Wellington | New Zealand

Telephone:

Web: www.fisheries.govt.nz

Click here to sign up for the Recreational Fisheries Mailing List

Email us about recreational fisheries: recreationalfisheries@mpi.govt.nz

Get the free NZ Fishing Rules app - Apple or Android.



From: Rachel Jorion

Sent: Thursday, 22 November 2018 10:18 AM

To: Recreational Fisheries < recreational fisheries @mpi.govt.nz >

Subject: ALAIN JORION to

#### Dear

I haven't heard back from you regarding my submission for CRA2 and input regarding CRA3.

Did you find what I sent in the submission process?

I agree with MPI but have reservations regarding commercial only reduced by 20% when perhaps it should have been more.

Regarding Telson Clipping, I was at the NZ RFC conference in Auckland many years ago, when Western Australian Frank Prokop who had worked with government fisheries and then advocacy recreational, brought telson clipping up for the first time. I was a very strong advocate for this and helped our Ted Howard of Kaikoura get it going down there.

Here is Gisborne Alicia has drummed into us at meetings that the MPI figure of illegal take is 89 tonnes in CRA3 standing. That is crazy and your scientists Paul Starr and Paul Been back this figure. I would sincerely hope Customary Maori would be forced by MPI to do that too. We need leadership from you. There is no argument against a lot of fake customary permits with size down to 50mm tail width. People are catching their permits several times renewing and changing days, till checked by Fisheries officers....

My crewman has a permit at the moment for his 80th for 50 crays or more.

Out of town, you wouldn't believe it. He went ring potting and couldn't find 50mm!!! Overfished out of town and recreational have to target 54 tail width. This is just so unfair considering slow growth.

The other thing was at the NRLMG Keith Ingram followed our stakeholder meeting results by NOT agreeing to telson clipping in CRA3 until the concession was removed. So I have to stick to that decision although I want Telson Clipping eventually and the concession gone.

I don't mind this being my submission and seen in public on your web site.

It's all about equity, fairness and not being different rules just in Gisborne.

Fiordland has the Guardians of Fiordland who have the agreement that commercial leave the inner Fiords for recreational. Size is no issue down that area, see Fishing Shows on TV.

This I feel, is MPI/FNZ's duty to put things right.

Yours sincerely

Alain Jorion NZ Recreational Fishing Council board member.

Response to MPI Discussion Paper no 2018/17

Submission by A	lan Dawn, 🐇	~ =	•
Email ¿			
Phone			

Fisheries New Zealand is consulting on two measures proposed by the National Rock Lobster Management Group for recreational fishers in the CRA2 (Hauraki Gulf/Bay of Plenty) rock lobster fishery;

- a) A reduction to the recreational daily bag limit from 6 to 3 spiny rock lobsters to help ensure recreational catch does not exceed the new 34-tonne recreational allowance.
- b) The introduction of recreational telson (tail fan) clipping for spiny rock lobster to assist with minimising illegal take.
  - 1. I am a recreational fisher, ex commercial fisherman and a stakeholder (Quota holder) in CRA1. I am also a member of CRAMAC1, however these comments are my own.
  - I am not directly affected by rock lobster management in CRA2, however the two areas are adjacent and management in CRA2 affects abundance and recreational fisher behaviour in CRA1.
  - 3. Lobster management issues in CRA1 are similar.
  - 4. I support the recognition that recreational mortality has an effect on abundance and believe it requires sophisticated management.
  - 5. I support the proposals to reduce daily catch limit to 3 and to introduce telson clipping, however the proposals do not go anywhere far enough and could not be considered sophisticated.
  - 6. As recognised in paragraph 74 of the document, the level of illegal take is difficult to quantify. By it's very nature, results are concealed and the figure could be considerably larger.
  - 7. The population living within 90 minutes drive from CRA2 is estimated around two million (see appendix 1).
  - 8. It follows then, that a recreational allowance of 34 tonnes average assumes one person in 300 of the catchment population will take a little over 5 kg per year, or 10 minimum size lobsters.
  - 9. Experience in CRA1 indicates a conservative estimate of 50% of regular "recreational" fishers are in fact trading, bartering or selling excess catches. An allowance of 42.5 tonnes therefore indicates that one person in 600 illegally takes 12.75 kg per year.
  - 10. I suggest these numbers are grossly underestimated and may be the cause of the decline in CRA2.
  - 11. With increasing abundance, participation and fishing mortality may increase exponentially even if 100% of participants obey amateur rules.
  - 12. Measurement of recreational effort is inaccurate, inefficient and totally inadequate to provide meaningful management.
  - 13. Sir Tipene O'Regan was recently reported at the launch of Sealord's Tokatu as saying, "The biggest threat to the fishery was a huge recreational sector that was uncontrolled and incapable of being policed". That is blindingly obvious to anyone with knowledge of New Zealand fisheries.

- 14. Currently recreational fishers are incentivized to act rationally in their own interest, rather than as stakeholders in a resource managed under a system of commons, with a consequent risk of tragedy.
- 15. A culture of stewardship needs to be developed by the recreational sector, as has happened with the commercial sector since introduction of the Quota Management System.
- 16. Increased monitoring and compliance is also required to minimise risk of failure.
- 17. Resources for both the above could be generated by an annual levy on recreational fishers as is done in other successfully managed fisheries. An annual fee of say \$50 is less than a day's fishing (bait, replacement fishing gear, ice, fuel, towing vehicle and depreciation of all) and would generate between \$30 and \$50 million to enhance the recreational fishing experience and protect commercial economic value.
- 18. The only barrier to an annual levy is political; Legasea attempting to control government like the NRA in the United States, and career politicians frightened of losing votes.

### Appendix One: Cities and towns with population over 5000 within 90 minutes drive of CRA2:

Auckland	417910
Manukau	362000
Waitakere	208100
North Shore	207865
Hamilton	152641
Tauranga	110338
Rotorua	65901
Mangere	55266
Whangarei	50900
Papakura	28010
Taupo	22469
Pukekohe East	21438
Whakatane	18602
Cambridge	15192
Tokoroa	14277
Pakuranga	8907
Waiuku	7555
Thames	7136
Kawerau	6702
Matamata	6306
Ngaruawahia	5106
Total	1,792,621

Plus rural and tourism, estimated 2 million.

Source: Statistics NZ.

MPI Customer Enquiries Centre

Sent:

Thursday, 8 November 2018 9:01 AM

To:

**FMSubmissions** 

Subject:

FW: Review of the CRA2 rock lobster fishery

Hi team

For your attention

Kind regards,

stry for Primary Industries - Manatū Ahu Matua Pastoral

House 25 The Terrace | PO Box 2526 | Wellington 6140 | New Zealand

Web: www.mpi.govt.nz

Trouble finding people? info@mpi.govt.nz HELP you

----Original Message-----

From: Amiria Hunt

Sent: Thursday, 8 November 2018 /:29 AM

To: MPI Customer Enquiries Centre < Info@mpi.govt.nz>

Subject: Review of the CRA2 rock lobster fishery

To whom it may concern,

As I am a recreational diver, who relies on the ocean to feed my family, I am opposed to the new recommendation regarding lowering the daily limit of gathering rock lobster from 6 to 3. Instead a recommend the use of rāhui and creating more reserves to allow the stock numbers to improve.

Yours Thankfully, Amiria Hunt

## Review of the recreational rules for the CRA 2 rock lobster fishery



### Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

### Submissions must be received no later than 5pm, Wednesday 19 December 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

#### Submitter details:

Name of submitter or contact person:	Professor Andrew Jeffs
Organisation (if applicable):	University of Auckland
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	

### **Official Information Act 1982**

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

### Submission:1

### **Details supporting your views:**

Large areas of CRA2 have suffered from the loss of kelp habitat on rocky reefs, due to the dramatic expansion of kina (sea urchin) populations. There is good scientific evidence that this population explosion is a direct result of overfishing their major predator, rock lobsters. Diver surveys have shown that in many accessible shallow coastal reef areas in CRA2 the population abundance of rock lobsters is extremely low, so the predation pressure on sea urchins will be correspondingly low. Kelp forests are extremely important as a source of energy and nutrients in coastal ecosystems, and provide biodiverse and structured habitats that are particularly important as nursery habitats for many commercial species, including rock lobster.

It is unlikely the stock rebuilding measures will be sufficient to address this ecological problem. An alternative is to introduce an upper size limit on rock lobsters so that larger lobsters remain safe from harvesting and can establish in reef areas, predate on sea urchins to control their numbers, and provide a stronger breeding basis for recovery of the population. Large lobsters have limited value for commercial fishers who frequently return them as they do not receive the best prices in the market. Recreational fishers are smart enough to recognise the benefits of restoring kelp habitats and establishing a breeding pool of large lobsters to safeguard the population. The Ministry of Primary Industries has talking about ecosystem based fisheries management for years, here is a great opportunity for the Ministry to demonstrate its ability to operate effectively in this space by introducing an upper size limit on both rock lobster species.

Please continue on a separate sheet if required.

<sup>&</sup>lt;sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

## Review of the recreational rules for the CRA 2 rock lobster fishery



### Once you have completed this form

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#### Submitter details:

Name of submitter or contact person:	Angela Cintra Farr
Organisation (if applicable):	
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

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### Submission:1

### **Details supporting your views:**

After reading the options, it is clear to me that neither alone will solve the problem.

- 1. Reducing the number of spike crayfish from 6 to 3 is hardly enforceable, and will only put pressure on the packhouse species stock.
- 2. Besides, as the proposal states, "The 2011/12 National Panel Survey results suggested that bags of three or less lobsters made up 66% of the bags for CRA 2. Anecdotal information also suggests that recreational fishers are finding it challenging to find legal-sized rock lobsters in parts of the CRA 2 fishery, and many fishers are no longer focused on targeting rock lobsters. Therefore, a bag limit of three is unlikely to impact greatly on the utilisation benefits that recreational fishers realise from the use of the resource at this time, since many are not catching a bag limit of 6". It seems to me the reduction is unlikely to produce any improvement on current situation.
- 3. Cutting the tail offers the same issue of being hard to enforce, and there will always be a black market for the product caught illegally.
- 4. I fully support the Bird and Forest request for a total ban, and establishment of hefty penalties for infringement of the ban. All options include the establishment of an efficient monitoring system and enforcement of the law.

<sup>&</sup>lt;sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

# Review of the recreational rules for the CRA 2 rock lobster fishery



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### Submitter details:

Name of submitter or contact person:	Basil Graeme and Ann Graeme
Organisation (if applicable):	
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	We support a reduction in the maximum daily recreational catch to a total of <u>combined</u> CRA and PHC to 3 per person We support telson clipping for recreational catches.

### Official Information Act 1982

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Bruce Larseri -

Sent:

Wednesday, 7 November 2018 4:46 PM

To:

**FMSubmissions** 

Subject:

Cra2

### Hi MPI

- 1. Reduce the take to 3 ok
- 2. Reduce kingfish take to 1
- 3. Remove / reduce iwi licence rights to maximum of 20 crayfish of legal size i know blokes going out and getting in excess of 60 and not legal
- 4. Have a season when in berry of no take at all.

Scallops - why is the season open during spawning... that doesnt make sense to me. But im not a scientist

Cheers

Bruce



# Review of the recreational rules for the CRA 2 rock lobster fishery

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While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

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### Submitter details:

Name of submitter or contact person:	Carole Long
Organisation (if applicable):	
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other Agreement with Tail clipping

### Official Information Act 1982

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#### Submission:1

### **Details supporting your views:**

As it has been identified that accurate data gathering from recreational rock lobster fishers is difficult due to voluntary uptake and reporting, along with highly concerning lack of information regarding illegal take levels, it is the view of the submitter that the Ministry of Fisheries must take a cautionary approach to management of recreational takes. Acknowledgement that the soft limit has been breached based on such inaccurate data, with a comment that it is very unlikely that the hard limit has been breached would indicate that accurate information on CRA2 is based on *likelihoods*, computer modelling and hypotheticals, and with that, they fishery may very well be in a worse state than currently thought. The data on offer in the CRA review shows a decline in mature females since 1990. With this modelling based on an initially healthy stock, it highlights a major issue with what is happening to the fish stock. Allocations have not included the impact of climate change on habitat or food sources which could also have serious impacts on fishery.

Reducing takes on a temporary measure, based on levels that are currently being caught, is not offering a long term solution. Clearly, the historic maximum of 6 is not a sustainable level, with fishers currently only managing 3, though they intend taking 6 if they can find them. Catch limits should be set at 2 with a 10 yearly review to lift limits to 3 in months of less pressure on the fishery.

Furthermore, fishery closures for CRA2 based on the moulting and mating cycle of rock lobster, should occur for June and July and August each year. This allows for mating to occur with larger specimens as per the preference of both male and female, and takes into account the habitat changes that occur during the mating period. i.e. mature cray are unlikely to share crevices during mating. (information from NZ rock lobster industry council website). As soft shelled animals cannot be taken, along with berried females, a closure at this time is unlikely to have a major impact on both recreational and commercial fishers. A further recreational closure for a short period in the busy summer months will also benefit the stock.

In conjunction with fishery closures, perhaps having recreational fishers apply for a cray permit for the day they plan to take at a fair price, would give an indication of demand, pressure on stock and provide funds for stock management such as monitoring, and education regarding the state of the fishery. On the day they use the permit, they are required to record the catch using an online app, or an 0800 number.

Increasing the size of the cray for take will also benefit the fishery through providing a healthier, more attractive mate during the breeding season and increasing therefore increasing the number of settling stock. Given adult maturity takes 5 years sexual maturity is not until 7-10 years, a larger size will allow for more breeding opportunities for the species.

An increase in physical monitoring of stock numbers and habitat health must be undertaken, annually, to determine what stocks are in areas accessible to recreational fishers, and the health of the supporting habitat. This should include both marine reserves and non reserves to

<sup>&</sup>lt;sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

determine numbers and allow for more reliable data. Surveillance, monitoring and compliance reporting needs to be improved both on the water and at boat ramps over the busier periods to identify potential breaches in sizes and numbers of cray caught. Having a person at the main boat ramps throughout the fishery will also give an indication of catch numbers, catch effort, and any illegal takes. Having a physical presence will encourage fishers to abide by rules and be seen to be taking measures to ensure the sustainability of the fishery.

While the northern fishery is the main source of settling stock, along with salinity cues for peurelous larval stage, management beyond the CRA2 area is required. Increasing TAC in both CRA4 and CRA8 as per the ministers review earlier in 2018 may also impact on migrating run lobsters coming into the area.

While prosecution and fines are not in the scope of this consultation, increasing the penalty may reduce the amount of illegal takes.

I support tail clipping in the event of the catch meeting all catch criteria and the cray being kept for consumption. I am not convinced of the effectiveness of the clipping on reducing poaching as this is not being policed and is completely voluntary.

Please continue on a separate sheet if required.

clarrie till

Sent:

Friday, 9 November 2018 3:51 PM

To:

**FMSubmissions** 

Subject:

Cray2

Please keep the limit at 6 per person. Get the commercial quotas cut. After all it is the massive overfishing that the commercial quotas allowed that is the cause of the destruction of the cray fishery in the first place. Also politicians with close ties to fishing company's shouldn't be allowed anywhere near the setting of the new quotas. Look after the people who care about the welfare of the cray fishery not the commercial quota holders who don't give a stuff and just rape the place. Also take away the ability of maori to giveout preferential treatment to their mates with customary takes and the ability to take as many crays as they like .

# Review of the recreational rules for the CRA 2 rock lobster fishery



### Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

### Submissions must be received no later than 5pm, Wednesday 19 December 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### **CRA2 ROCK LOBSTER MANAGEMENT COMPANY LTD**

CHAIRMAN
Dan McRae

Peninsula Business Services Ltd PO Box 118, Whitianga

**SECRETARY** 

### Submitter details:

Name of submitter or contact person:	Robyn Garrett	
Organisation (if applicable):	CRA2 Rock Lobster Management Company Ltd	
Email:		
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	The CRA2 Rock Lobster Management Co Ltd supports the following measures:  a) Reduce the daily bag limit (Option 1A):  i) Amend the amateur fishing regulations so that a recreational fisher must not take or possess more than three spiny rock lobsters with the daily bag limit of six rock lobsters (spiny "CRA" and packhorse "PHC" combined  b) Telson clipping (Option 2A):	

 Recreational fishers are required to clip the last third of the middle part of the tail fan (the "telson") of every legal sized 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.

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### Submission:1

**Details supporting your views:** 

### Introduction

The CRA2 Rock Lobster Management Company (CRAMAC 2) is a commercial stakeholder organisation representing the commercial CRA 2 fishery and quota owners for the CRA2 area. There are larger corporate quota owners in CRA 2 but the majority of quota is owned by iwi and small family businesses. The CRA2 Rock Lobster Management Company Ltd is a registered company and is the mandated representative body for the CRA 2 commercial rock lobster industry.

CRAMAC 2 acknowledges and supports the submission on this proposal by the New Zealand Rock Lobster Industry Council.

### **CRA2** industry position

On 1 April 2018, the TAC for CRA 2 was very substantially reduced, and the TACC which closely controls commercial take was cut from 200 tonnes to 80 tonnes. This followed several years of CRAMAC 2 initiated voluntary commercial catch reductions in recognition of the need to stimulate a rebuild in the fishery, and the implementation of other management initiatives such as voluntary sub-area catch management agreements.

The CRA 2 industry is frustrated that the burden and costs of the rebuild of the CRA2 fishery have rested disproportionately with the commercial sector until this point. Industry incentives to continue voluntary industry management are undermined if there is no certainty that the benefits of a stock rebuild will reflect in the TACC and not be reallocated to other sectors. CRA2 is a shared fishery and all sectors must contribute to rebuilding the stock. CRAMAC 2 has consistently advocated for better data collection and catch estimation for both recreational and illegal take in order to facilitate appropriate management actions.

CRAMAC 2 welcomed the Minister's decision to reduce the recreational allowance as part of the TAC reduction in April 2018, and endorses the Minister's direction to implement recreational management measures as soon as possible.

### Recreational catch management

CRAMAC 2 supports the reduction of the recreational daily bag limit from a possible six spiny rock lobster to a maximum of three. CRAMAC 2 considers the use of daily bag limits as an effective and enforceable recreational catch management tool.

CRAMAC 2 also strongly urges the Ministry to implement improved methods of recreational catch estimation and/or reporting. The lack of accurate recreational take data is constantly a hindrance to effective management of the CRA 2 fishery, and needs to be urgently addressed.

The implementation of other management tools for recreation take should also continue to be investigated, such as lower pot limits; management of bag limits is only one way of addressing the problem.

### Illegal take

CRAMAC 2 supports the use of compulsory telson clipping by recreational fishers as a tool to help combat illegal take.

While some reservation was expressed regarding the use of telson clipping, in relation to the possibility of recreational fishers clipping and releasing lobster to prevent later commercial catch, it was considered that the benefits of enabling this enforcement tool outweighed the risk of this type of action.

CRAMAC 2 emphasises that enforcement of this measure and a willingness to issue infringement notices and prosecute where necessary is vital. However, resourcing the enforcement of telson clipping must not take away from current enforcement activities; on-water and on-beach inspection and enforcement are critical to reducing illegal take. If illegal removals from the CRA 2 rock lobster fishery are not effectively constrained, they will prevent the rebuild of the fishery and contribute to localised depletion.

### **Timing**

CRAMAC 2 is very disappointed that another summer season is here and no further recreational catch management tools are in place. It will be over a year since the commercial catch reduction took effect before recreational catch controls are implemented; this is not reflective of the shared nature of the CRA 2 fishery and will impede the rebuild of the fishery.

CRAMAC 2 looks forward to the outcome of this consultation.

Yours sincerely

Dan McRae

Chairman.

CRA2 Rock Lobster Management Company Ltd

<sup>&</sup>lt;sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

Dirk Sieling

Sent:

Friday, 7 December 2018 7:31 PM

To:

FMSubmissions

Subject:

Cra 2 submission

I support reducing the recreational bag limit from 6 to 3, conditional upon a review of section 11.

I do not support Telson clipping until it has proven to work, which it hasn't at this stage.

Cheers

Dirk Sieling

Ellyse Meredith-Wilkie

Sent:

Monday, 17 December 2018 8:14 PM

To:

**FMSubmissions** 

Subject:

Cra2 Recreational Submission

To whom it may concern,

I support amendments 1a and 2a.

As a recreational fisher myself I have always thought the current limit excessive and unnecessary.

I also feel that if the 2a amendment has proven to reduce black market trading in other areas of the world then it is a very simple rule to be put in place and followed.

Kind regards Ellyse Meredith-Wilkie

### Review of the recreational rules for the CRA 2 rock lobster fishery



### Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

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#### Submitter details:

Name of submitter or contact person:

Grigor Exton Wilkie and Karyn Berniece Meredith

Organisation (if applicable):

Email:

Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):

We agree with 1A & 2A only.

### Official Information Act 1982

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To Fisheries New Zealand/Ministy of Primary Industries:

it is our opinion that the proposed recreational catch measures for the Cra 2 rocklobster fishery of Option 1A - daily bag limit of 3 and Option 2A - telson clipping, are the only viable options to help rebuild the Cra 2 fishery, but in reality these two options go nowhere near far enough.

We contend FNZ./MPI should be prepared to do far more than this to imp-rove the current situation. The options 1A and 2A seem to be the minimum required to make any quantifiable difference. As noted almost everyone at the multi stakeholder meetings were prepared to do more than this.

FNZ/MPI continue to promote the use of false information by using hypothetical recreational catch figures of 140 tonne which was gained by extrapolating commercial catch figures back in the 1970's when the commercial fishing rates were at their highest.

FNZ/MPI have no reliable numbers for this period or any time up[ to the years 2011/12 that are of any use whatsoever. To continue on with this practice can only be called 'FAKE NEWS' at best, it is time FNZ/MPI stopped putting bull s...t into the recreational catch equation because we are only ever going to get bull s..t out

We have but one only modern "On-site" and "Periodic Survey" to refer to and this was done in 2011/2012, currently now 6 years old. FNZ/MPI can only use the numbers from this survey to gain any kind of truthful, fact-based data.

How FNZ/MPI can go from an imagined 140 tonne recreational catch down to a semi-accurate figure of 40.86 tonne recreational catch, should give everyone an idea of the scale of the problem without the accurate numbers necessary. The Cra 2 fishery needs and deserves far better than this.

Commercial fishermen have to put in monthly catch figures and if late with this information receive an infringement notice/fine. So come on FNZ/MPI, you should be able to give everyone involved a semi-accurate yearly recreational catch total.

To give more insight into the problem we include an article from the December 1018 issue of N Fishing News magazine, page "3 written by the editor, Grant Dixon under the title "Crayfish in crisis?" I include the full extract as an attachment, and write here word verbatim...... "I have been diving this region for 45 years and have watched the gradual decline in crayfish numbers, especially in the more populated areas. I stick my hand up and admit I have contributed to the stock's demise. My family and I holidayed at Whangamata for many years, and it was nothing to catch 100 crayfish plus for the two weeks of annual leave, and that was writhout the use of GPS and a decent sounder. I have friends who would take a chest freezer away with them camping around the east coast, just to keep their crayfish in. A daily bag limit of six per diver accumulates fast."

I thank Grant Dixon for being open and honest on this subject and for being prepared to write about it in such a widely read publication which at most times is hostile and anti-commercial fishermen. From Opotiki eastward where the crayfishing is easily accessible we do need craypot and accumulation limits. Three cray pots per boat/persons is more than enough to catch your limit, or enough for a meal, nobody needs six cray pots.

In conversations with our local fishery officers we have been personally told their job would be far easier if a three pot limit per boat/person was in existence. A problem already exists here with persons frequently launching more than once a day to bypass the daily catch regulations if they are not seen by a fisheries officer the first time. When the fishery rebuilds who in their right mind is going to throw back the excess crayfish from six pots if they can already get away with this.

Our local hapu Te Ehutu in signage requests not using scuba gear to help maintain the resource, this should give FNZ/MPI some idea that local hapu/people are aware a problem exists with recreational take.

Based on the 2011/2012 "On-site" and "Periodic Survey" of the Recreational Catch of 40.86 tonne the new proposed limit of 34 tonne only equates to a 15/16% reduction. This does not even come close to the 60% true cut the commercial sector has had to endure, not including pre 2017 commercial quota cuts.

We think it is fair to say recreational fishermen catch for a meal and possibly the odd special occasion but in no way will they have had to or will have the extreme problems facing commercial fisherpeople of lost income and other financial problems caused by quota cuts that have not been based on reliable recreational information in the first place.

Finally thank you for allowing us this opportunity to express our concerns and place our submission. Yours sincerely, Grigor Wilkie and Karyn Meredith.

Please continue on a separate sheet if required.



From the Helm

# Crayfish in crisis?

Welcome to the December edition.

It is hard to believe we are into our 12th edition for 2018 – time files when you are having fun!

This issue's lead news item is a said but inevitable one.

Fisheries NZ (FNZ) are surveying recreational fishers, seeking their input into a number of changes in the CRA2 (crenfish) management area.

Our coastline is thirded up into many management areas for various species. CRAz encompasses the greater itauraki Gulf and the Bay of Plenty down to East Cape — an area that represents a fair chunk of our leadership.

FNZ is consulting on the options to reduce the recreational crayfish catch in a fishery that is in crisis. It has already made sewere cuts in the Total Atlowable Catch (TAC) – that is all extractions including customary, commercial, recreational and mortality (including illegal commercial fishing for the black market) – from 416.5 torsies down to 173.

The recreational allowance is now 34 tonnes, down from 140, while commercial fishers have been cut from 200 tonnes to 80, so the pain is shared. PMZ say such measures will result in a doubling of abundance between four and eight years, depending on recruitment – i.e. how fast the stocks recaver.

The survey, which when completed doubles as your personal submission, looks at several things. From my perspective, to have the status quo remain is not an option.

I have been diving this region for 45 years and have watched the gradual decline in crayfish numbers, especially in the more populated areas. I stick my hand up and admit I have contributed to the stock's demise.

My family and I holidayed at Whangamata for many years, and it was nothing to catch 100 craylish plus for the two weeks of annual leave, and that was without the use of GPS and a decent sounder. I have friends who would take a chest freezer away with them camping around the east coast, just to keep their crayfish in. A daily bag limit of six per diver accumulates feet.

It was an abundant fishery, and i took full advantage of it. We used landroarks to determine the general location of our offshore reefs, and then a paper chart sounder to narrow our spots down.

It wasn't the exact science that is modern marine electronics but got the job done (until the farmer



felled the clump of trees we were using as one of the marks on a distant skylinel) and resulted in many boot begal limits being taken.

The point I am making is we have collectively put pressure on this fishery, bringing it to its knees, and now it is time to pay the price for an abundance exploited by a previous generation.

The consultation is seeking the public's reaction to featuring the daily recreational bag lishs from six down to these; reducing potting effort by a third – three puls per person down to two; and telson dipping all recreational catch to indicate the crayfish in your possession has been caught non-commercially. The latter is a move to help reduce the black marketing of crayfish where idegal commercial fishing activity harvests crayfish that are sold for cash in pubs and to the "back dones" of restaurants.

I understand the effects of this reduction in hing limits and effort will have and think it would be great to double she abundance in four years – but what then?

When 'abundance' is met, how is the TAC managed then? Will we see the commercial quota increased and the recreational daily bag limits stay the same? FNZ takks a lot about a 'sharen' fishery and is asking us all to share the pain, but, iong-term, how will we share the gain?

I urge you all, whether you are a crayfish gatherer or not, complete the online survey and have your say. The link and more information are in the news item on page 14 and 170.

And as this is the December issue, on behalf of the NZ Fishing Media team, business partner firant Blair and myself, I would like to wish you a great festive season.

light lines,

Grant

Chartelle-

Subscribe at nzfishingnews.co.mz 13

Huia Whangapirita

Sent:

Wednesday, 7 November 2018 3:23 PM

To:

**FMSubmissions** 

**Subject:** 

CRA2

Great start, glad to see depletion is finally being addressed. 6 down to three, definitely, have it my way will be no fishing for 2 years then slowly introduce back lesser take. Give all species time to flourish again. If we can go without, so can all markets, nationally and internationally, there understand the situation. Eat more veges for two years. As a permit issuer for customary take for our marae, we acknowledged this a few years ago, so gone went the days of supplying large numbers of crayfish for tangi etc. Thanks.



### Review of the recreational rules for the CRA 2 rock lobster fishery

### Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

### Submissions must be received no later than 5pm, Wednesday 19 December 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

#### Submitter details:

Name of submitter or contact person:	Kylie Woodham
Organisation (if applicable):	
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other Agreement with Tail clipping

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

### Submission:

### **Details supporting your views:**

As it has been identified that accurate data gathering from recreational rock lobster fishers is difficult due to voluntary uptake and reporting, along with highly concerning lack of information regarding illegal take levels, it is the view of the submitter that the Ministry of Fisheries must take a cautionary approach to management of recreational takes. Acknowledgement that the soft limit has been breached based on such inaccurate data, with a comment that it is very unlikely that the hard limit has been breached would indicate that accurate information on CRA2 is based on *likelihoods*, computer modelling and hypotheticals, and with that, they fishery may very well be in a worse state than currently thought. The data on offer in the CRA review shows a decline in mature females since 1990. With this modelling based on an initially healthy stock, it highlights a major issue with what is happening to the fish stock. Allocations have not included the impact of climate change on habitat or food sources which could also have serious impacts on fishery.

Reducing takes on a temporary measure, based on levels that are currently being caught, is not offering a long term solution. Clearly, the historic maximum of 6 is not a sustainable level, with fishers currently only managing 3, though they intend taking 6 if they can find them. Catch limits should be set at 2 with a 10 yearly review to lift limits to 3 in months of less pressure on the fishery.

Furthermore, fishery closures for CRA2 based on the moulting and mating cycle of rock lobster, should occur for June and July and August each year. This allows for mating to occur with larger specimens as per the preference of both male and female, and takes into account the habitat changes that occur during the mating period. i.e. mature cray are unlikely to share crevices during mating. (information from NZ rock lobster industry council website). As soft shelled animals cannot be taken, along with berried females, a closure at this time is unlikely to have a major impact on both recreational and commercial fishers. A further recreational closure for a short period in the busy summer months will also benefit the stock.

In conjunction with fishery closures, perhaps having recreational fishers apply for a cray permit for the day they plan to take at a fair price, would give an indication of demand, pressure on stock and provide funds for stock management such as monitoring, and education regarding the state of the fishery. On the day they use the permit, they are required to record the catch using an online app, or an 0800 number.

Increasing the size of the cray for take will also benefit the fishery through providing a healthier, more attractive mate during the breeding season and increasing therefore increasing the number of settling stock.. Given adult maturity takes 5 years sexual maturity is not until 7-10 years, a larger size will allow for more breeding opportunities for the species.

An increase in physical monitoring of stock numbers and habitat health must be undertaken, annually, to determine what stocks are in areas accessible to recreational fishers, and the health of the supporting habitat. This should include both marine reserves and non reserves to

<sup>&</sup>lt;sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

determine numbers and allow for more reliable data. Surveillance, monitoring and compliance reporting needs to be improved both on the water and at boat ramps over the busier periods to identify potential breaches in sizes and numbers of cray caught. Having a person at the main boat ramps throughout the fishery will also give an indication of catch numbers, catch effort, and any illegal takes. Having a physical presence will encourage fishers to abide by rules and be seen to be taking measures to ensure the sustainability of the fishery.

While the northern fishery is the main source of settling stock, along with salinity cues for peurelous larval stage, management beyond the CRA2 area is required. Increasing TAC in both CRA4 and CRA8 as per the ministers review earlier in 2018 may also impact on migrating run lobsters coming into the area.

While prosecution and fines are not in the scope of this consultation, increasing the penalty may reduce the amount of illegal takes.

I support tail clipping in the event of the catch meeting all catch criteria and the cray being kept for consumption. I am not convinced of the effectiveness of the clipping on reducing poaching as this is not being policed and is completely voluntary.

Louis Shaw

Sent:

Tuesday, 18 December 2018 8:48 AM

To:

**FMSubmissions** 

Subject:

Cra2 Recreational Submission

Good morning,

Please accept my support towards the lowering of the recreational limit to 3 crays per person.

This is plenty and the size will come back up meaning a single cray will feed 3 people. Therefore three would feed 9 and so on.

Currently, it is a struggle to find legal size crays and I'm all for making change to support the fishery and assist the commercial crews out there trying to make a living.

Feel free to contact me to discuss.

Kind regards, Louis Shaw Construction Planner Director | Lobell Construction Ltd |



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	From:	Matthew Cornish
	Sent:	Wednesday, 14 November 2018 11:39 AM
	То:	FMSubmissions
	Cc:	MPI Customer Enquiries Centre
	Subject:	Re: Review of the CRA2 rock lobster fishery
		,
	Great, good to hear. Yes please tr	reat as formal submission.
	Cheers,	
	Matt	
	Sent from my iPhone	
	> On 14/11/2018, at 11:21 AM, FM	NSubmissions <fmsubmissions@mpi.govt.nz> wrote:</fmsubmissions@mpi.govt.nz>
	>	C Mp Note.
	> Hi Matt	
	> Then be former for the control of	
	> Thanks for your feedback on the >	CRA 2 rock lobster fishery.
	> Would you like us to treat this as	s a formal submission?
	>	
	> A lot of what you have raised ha closure for when crays are in berry the rebuild.	s also been voiced by other fishers. We have thought about introducing a seasonal and soft shell, and is something we may progress in the future to further support
	>	
		tion on the review of CRA 2, please follow the link included in the text below.
;	>	tion on the review of CRA 2, please follow the link included in the text below.
;	> Cheers	
;	>	
2	>	
>	>	
	>	
>	or rienty) rock lobster listlery.	feedback on rule changes for recreational fishers in the CRA2 (Hauraki Gulf/Bay
	> Consultation will run from 7 Nove	embar to 10 December 2010
>		amber to 19 December 2018.
>	The following measures are prope	osed:
>	1. A reduction to the recreation	al daily bag limit from 6 to 3 spiny rock lobsters to help ensure recreational catch
~	PHILO1-45 Men and procedure new 24-folling	recreational allowance.
>	<ol><li>The introduction of recreation</li></ol>	nal telson (tail fan) clipping for spiny rock lobster to assist with minimising illegal
t	ake.	, person of the control of the contr
>		
_	<ul> <li>Details of the consultation proces</li> <li>https://www.mpi.govt.nz/news-a</li> <li>ew-of-the-cra2-rock-lobster-fishe</li> </ul>	s and a copy of the full discussion paper are available here: nd-resources/consultations/proposed-revi ry
>	The second secon	
> A	nese measures follow on from si pril this year to support a rebuild o	gnificant reductions to the commercial and recreational catch allowances from 1 of this very important shared fishery.
>		
<i>&gt;</i>	Original Message	
	♥	

Lue Shaw

Sent:

Tuesday, 18 December 2018 8:51 AM

To:

**FMSubmissions** 

Subject:

Cra2 Recreational Submission

To whom it may concern,

I support amendments 1a and 2a.

As a recreational fisher myself I have always thought the current limit excessive and unnecessary.

I also feel that if the 2a amendment has proven to reduce black market trading in other areas of the world then it is a very simple rule to be put in place and followed.

Regards, Lue Shaw Managing Director

Ph:

Fax:

Email:



> From: Matthew Cornish [ > Sent: Tuesday, 13 November 2018 8:05 AM > To: MPI Customer Enquiries Centre <info@mpi.govt.nz> &gt; Subject: Review of the CRA2 rock lobster fishery</info@mpi.govt.nz>
>
>
> Hi There,
> Just a few comments if you're happy to take some on.
> Just a few comments if you're nappy to take some on.
> Has it been considered to have part of the year as a no take time? So have a season just like there is with scallops?
> Even if it was just 3-4 months of the year. Obviously the time you would put this in place would be around the time the crays are in berry and soft shell. This would remove the problem of crays being taken in berry and soft. The soft ones that are picked up get pretty damaged and have a low chance of survival so avoiding this would be good. It also leaves them in peace while nesting in the shallows.
> I'm ok with the limit dropping but I'm worried it's going to put a lot more pressure on some of the areas just outside of these areas specifically the coast north of te arai and the hen and chicken islands.
> I myself am a freediver and consider myself pretty good when it comes to getting crays and I only recall one time I have taken my limit of 6 crays in the last 5 or so years and that was outside of cra2. I imagine it would be a lot easier on tank to get your limit but still pretty hard going in this area unless going really wide but often that's where the comms are really hammering the stocks too. Maybe some more research needs to be done on how much the recs are actually taking as this change may not make much of an impact of the majority are only getting 3 or less anyway.
> The tail clipping is a good idea however I feel for cra2 it would not be the most beneficial. It should be applied nation wide as from what I see on Facebook etc this kind illegal selling of crayfish, pāua etc happens outside of the cra2 area where the crays etc are more plentiful.
> I'm sure there is plenty of research done on them the crays are soft and in berry so a good time frame should be able to be picked quite easily. 1st Jul until end if oct I imagine would cover it.
> Cheers,
> Matt Cornish
>
>
>
>
>
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14th December 2018

FMSubmissions@mpi.govt.nz

### Submission on Proposed review of the CRA2 rock lobster fishery

This submission is made on behalf of the membership of the New Zealand Marine Sciences Society (NZMSS). It is made in good faith in my role as President of the NZMSS and in accordance with the Code of Ethics and Rules of the Royal Society of New Zealand.

NZMSS commends Fisheries New Zealand for initiating this review of the management of the CRA2 fishery and taking action with quota cuts earlier in the year. The plight of crayfish in this region has been well publicised for a number of years now and there is no doubt that urgent management action is needed. However, given the ecological importance of crayfish in coastal ecosystems in this region and the current state of the CRA2 stock, NZMSS believes a more substantial and wide-reaching approach to managing this stock is needed to allow populations in this region to rebuild and be sustained in the future.

In our submission below we provide comment on the two proposed regulation changes for the recreational fishery, and also present fishery-independent information that highlights the poor state of crayfish populations in the Hauraki Gulf/Coromandel region and the need for wider management action.

Please contact me at the email address provided below for any further information regarding this submission.

Dr Nick Shears

President

**New Zealand Marine Sciences Society** 

Address for service:

Email

# NZMSS Submission on Proposed review of the CRA2 rock lobster fishery

The New Zealand Marine Sciences Society (NZMSS) is a professional society affiliated to the Royal Society of New Zealand with a membership of approximately 250 marine scientists. We are a non-profit organisation that provides access to, and within, the marine science community, and we identify emerging issues through annual conferences, a list serve and a website <a href="https://www.nzmss.org.nz">www.nzmss.org.nz</a>. NZMSS membership covers all aspects of scientific interest in the marine environment and extends to the uptake of science in marine policy, resource management, conservation and the marine business sector. We speak for members of the society and we engage with other scientific societies as appropriate.

Below we provide comment on the two proposed regulation changes for the recreational fishery in CRA2.

1. A reduction to the recreational daily bag limit from 6 to 3 spiny rock lobsters to help ensure recreational catch does not exceed the new 34-tonne recreational allowance.

NZMSS strongly supports a reduction in the recreational bag limit as an *interim measure*.

While this reduction is long-overdue and much-needed, we believe a reduction from 6 to 3 will have little influence on the current levels of recreational catch in CRA2. Based on anecdotal reports, observations and boat ramp surveys in the Hauraki Gulf/Coromandel area, it is evident that recreational fishermen very rarely collect more than 3 crayfish a day.

We recognise that reducing the recreational bag limit will help keep recreational catch at lower levels in the future, should the fishery recover. However, as the human population of increases in this region, so will the number of people recreationally fishing. We encourage Fisheries NZ to gain a better understanding of the effect of reducing the daily bag limit on recovery of the crayfish population in CRA2.

A reduction in bag limit to 1 or 2 crayfish would provide a longer-term and more precautionary approach to managing this recreational fishery in a region where there is a rapidly growing human population and increasing demands on inshore fish stocks.

Current monitoring of crayfish populations in the Hauraki Gulf/Coromandel area indicates that *populations have declined below 10% of unfished levels*. Monitoring of crayfish using diver surveys has been carried out for the Department of Conservation inside and outside marine reserves at Leigh, Tawharanui and Hahei since 1995. This provides fishery-independent information with the populations inside marine reserves providing an "un-fished" reference point to compare fished populations in the surrounding areas. The latest surveys from 2017 and 2018 indicate that the biomass of legal-sized lobster in the Leigh and Tawharanui area is 2-3% of that found in the marine reserves<sup>1</sup>. At Hahei the biomass of legal-sized lobster is ~7% of that found in the reserve<sup>2</sup>. It is important to note however, that populations inside these reserves have been declining over the last 10 years due to intense

<sup>&</sup>lt;sup>1</sup> Haggitt and Freeman (2014) Cape Rodney to Okakari Point Marine Reserve and Tawharanui Marine Reserve Lobster (*Jasus edwardsii*) Monitoring Programme: 2014 Survey. Report to the Department of Conservation 41p; Shears NT and Hanns B (2018) Leigh and Tawharanui Marine Reserve crayfish monitoring 2018. Summary report to the Department of Conservation 3p.

<sup>&</sup>lt;sup>2</sup> Haggitt T (2017) Te Whanganui-a-Hei Marine Reserve Benthic and Lobster Monitoring Programme - 2017 Survey. Report to the Department of Conservation. 73p

fishing on the offshore boundaries of these relatively small reserves. Therefore, when compared to historic levels in these three reserves, which provide a better proxy for unfished biomass than current levels, the biomass of fished populations in these areas is currently <2%. These estimates show serious localised depletions of crayfish populations in coastal areas around the Hauraki Gulf. Furthermore, size structure data collected at these locations indicate continued low recruitment into the populations. His suggests that the recent reductions in TACC and proposed changes in recreational limits are unlikely to allow populations to rebuild in these areas in the estimated 4-8 year time frame.

Recent scientific potting inside and outside the Leigh and Tawharanui Marine Reserves has also identified the presence of tail fan necrosis in these crayfish populations<sup>3</sup>. This disease is linked to physical damage associated with fishing and is of concern for the viability and value of local stocks. The presence of this disease provides further impetus for implementation of more drastic management measures.

The ecological effects of removing crayfish from reef ecosystems have been unequivocally demonstrated in the CRA2 region, where crayfish are considered to be ecologically or functionally extinct<sup>4</sup>. The removal of reef predators (including crayfish and snapper) through fishing has led to large increases in sea urchins, which have grazed down kelp forests and formed urchin barrens on many shallow reefs in northeastern NZ. The high prevalence and extent of urchin barrens in the CRA2 region has been clearly linked to fishing through research in the three marine reserves listed above. In each of these reserves research has shown that following a recovery of crayfish and snapper populations, the urchin barrens slowly revert back to kelp forests<sup>5</sup>. Consequently, this research also highlights the potential value of marine protected areas as management tools for promoting the recovery of fished populations and allowing ecosystems to recover from the ecological effects of fishing.

NZMSS believes that *Fisheries NZ should consider wider more integrated management measures* rather than simply adjusting catch limits that then apply to an entire fishery area. We encourage Fisheries NZ to explore the use of finer-scale spatial measures as well as catch limits to manage the CRA2 fishery. A major challenge to managing CRA2 is it includes some highly populated areas such as the Hauraki Gulf. There is consequently intense overlap and competition between commercial and recreational interests, and this likely explains the severely depleted stocks in parts of the region. This problem should be addressed through a variety of spatial measures that apply to strategically located areas within CRA2 that restrict the types of fishing allowed. Such areas could include replenishment zones (no fishing allowed), recreational only zones (highly accessible inshore waters, e.g. the Hauraki Gulf and Mercury Bay), and multi-use zones that are more remote and allow both recreational and commercial fishing.

Currently, crayfish in the CRA2 area are afforded very little protection from fishing, with only four relatively small marine reserves that include open coast rocky habitat suitable for crayfish. Increasing the amount of area protected from fishing, and the proportion of the stock within protected areas, should be a key management consideration for the future sustainability and resilience of crayfish populations within CRA2 and around NZ more generally.

<sup>&</sup>lt;sup>3</sup> Hanns B and Shears NT (2018) Cape Rodney to Okarari Point and Tawharanui Marine Reserve rock lobster potting survey – March 2018. Summary report to the Department of Conservation 8p.

<sup>&</sup>lt;sup>4</sup> MacDiarmid, A., Freeman, D. & Kelly, S. (2013). Rock lobster biology and ecology: contributions to understanding through the Leigh Marine Laboratory 1962–2012. New Zealand Journal of Marine and Freshwater Research, 47, 313-333.

<sup>&</sup>lt;sup>5</sup> Shears NT, Babcock RC, Salomon AK (2008) Context-dependent effects of fishing: Variation in the kelp forest trophic cascades across environmental gradients. Ecological Applications 18: 1860-1873.

# 2. The introduction of recreational telson (tail fan) clipping for spiny rock lobster to assist with minimising illegal take.

NZMSS does not support the introduction of recreational telson clipping.

From the information provided it is unclear how telson clipping will prevent poaching on a meaningful scale and therefore minimise illegal take. If a non-commercial operator wishes to illegally catch and sell crayfish, they will simply not clip the telson of the crayfish to be sold.

The measure seems to focus on recreational fishermen, rather than larger illegal operations which are presumably of greater concern for the fishery. Furthermore, it is important to note that the scope for small-scale illegal selling of recreationally caught crayfish will be reduced through the proposed reductions in the recreational bag limit.

More evidence is needed to support telson clipping as an effective means of reducing illegal take. While MPI Fisheries officers suggest this has successfully reduced the illegal sale of recreationally caught rock lobsters by commercial operators in Kaikoura more evidence is needed.

NZMSS believes that resources would be better spent on compliance, increasing awareness of the legalities and consequence of selling recreationally caught crayfish, and gaining a better understanding of "the apparent level of illegal fishing for rock lobster in CRA2" to better inform future management of the fishery.



# NZ ROCK LOBSTER INDUSTRY COUNCIL

Ka whakapai te kai o te moana

lobster@seafoou.co....

19 December, 2018

PROPOSAL TO REDUCE RECREATIONAL DAILY BAG LIMITS AND INTRODUCE RECREATIONAL TELSON CLIPPING IN THE CRA 2 ROCK LOBSTER FISHERY

#### **NZRLIC**

The NZ Rock Lobster Industry Council (NZ RLIC) welcomes the opportunity to submit on the proposals to better manage the CRA 2 fishery.

The NZ RLIC is an umbrella organisation for the nine commercial stakeholder organisations, known as CRAMACs, operating in each of the nine rock lobster (CRA) management areas of New Zealand.

CRAMAC membership comprises CRA quota owners, processors, exporters, and fishermen in each region. All nine CRAMACs hold a significant majority mandate of CRA quota shares owned. This submission is made in collaboration with CRAMAC 2.

#### **SUBMISSION**

The NZ RLIC <u>supports</u> the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) being amended to introduce the following measures:

# a) Reduce the daily bag limit (Option 1A):

i) Amend the amateur fishing regulations so that a recreational fisher must not take or possess more than three spiny rock lobsters within the daily bag limit of six rock lobsters (spiny "CRA" and packhorse "PHC" combined

# b) Telson clipping (Option 2A):

i. 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.

#### **DISCUSSION QUESTIONS:**

- o Do you agree with how we have defined the problem?
- o Do you agree that these are the correct options to consider ? If not, why not?
- Do you support a proposed daily bag limit of three spiny rock lobsters ?
- Are there any other benefits and impacts of the proposed bag limit reduction in addition to those discussed here?
- Do you agree that telson clipping will help to minimise illegal take and sale of rock lobster ? If not, why not ?
- Are you aware of any effective non-invasive techniques that could be used as an alternative to telson clipping?
- Are there any other benefits and impacts of telson clipping in addition to those discussed here?
- o Do you agree with the proposed next steps ?
- How should the proposals in this paper best be implemented, enforced and monitored?

#### 1. BAG LIMIT REDUCTIONS

On 1 April 2018, the TAC for CRA 2 was very substantially reduced, and the TACC which closely controls commercial take was cut from 200 tonnes to 80 tonnes. The recreational allowance was also reduced and the Minister instructed MPI to implement changes to recreational management measures as soon as possible and prior to 1 October 2018.

The intent of these decisions was to rebuild the stock from its low level of abundance for the benefit of all stakeholders. However, although significant constrain has been applied to the commercial sector with loss of revenue, vessels

off the water and flow on effects to local fishing businesses, no steps have yet been taken to constrain recreational take to the new allowance.

The NZ RLIC considers that all fishing sectors should share in the effort to rebuild the lobster stocks in CRA 2. Over the past three years, commercial harvest has been significantly reduced by two successive years of shelving and now a TACC reduction. These reductions have been implemented with a high level of certainty they have actually reduced commercial take.

Management measures must now be taken to constrain recreational harvest and bag limit changes provide the mechanism with the most certainty. The NRLMG considered other potential measures to manage recreational take to the new allowance including recreational boat limits and lower pot limits, seasonal closures and increases to the minimum legal size. However, based on advice from MPI Compliance about their ability to enforce measures, and focussing on actually controlling take to the allowance, bag limit reductions were considered to be the most effective measure.

The consultation material highlights the absence of recent reliable information on recreational fishing for rock lobster in CRA 2. The latest estimate for CRA 2 is from the 2011/12 National Panel Survey and an on-site survey conducted in the Bay of Plenty at the same time. These surveys are now dated and the results from the 2017/18 NPS survey are preliminary at this time.

Because of the poor information on recreational catch, and the uncertain relationship between bag limits and catch, decision makers currently need to act on the basis of best available information. Given this significant uncertainty, section 10 of the Fisheries Act (information principles) requires that in order to achieve the purpose of the Act, recreational bag limits should be set conservatively.

The information available suggests that a bag limit reduction to a least three is needed to constrain recreational take, particularly as the stocks rebuilds as a result of the significant volume of catch foregone by the commercial sector. Using the 2011/12 NPS results and the base case from the assessment, recreational catch will exceed the new allowance in 2020 based on recruitment over the last 10 years, and in 2022 if the unusually poor recent recruitment continues. However, our science advisors have cautioned us about drawing conclusions from this data, and noted very considerable uncertainty in the analysis because of a range of factors that influence what bag limit is commonly taken, particularly changes in fishers' behaviour and avidity.

Given recreational catch and participation is strongly influenced by abundance, we can expect that recreational catch will increase markedly unless restrained as the stock rebuilds. This further emphasises the need to have far more regular

(annual) and accurate estimates of recreational catch and consequent adjustment of management controls. The bag limit will need to be reviewed prior to the scheduled 2022 full assessment of the stock.

Adjustment of recreational controls is likely to be necessary or the rebuild of the fishery will be compromised, a transfer of catch from the commercial sector will occur, and the overall objective of increasing the abundance in the CRA 2 fishery will be put at risk.

A large proportion of submissions from the recreational sector leading up to 1 April acknowledged that the current bag limits were unsustainable in the current stock situation, and that substantially lower individual bag limits of 2-3 were necessary. In the second round of consultation workshops held in June 2018, recreational fishers were uniformly supportive of reducing the daily bag limit for spiny rock lobsters to three, and in fact there was support by some for a limit of two.

Recognising his legal obligations, the Minister has directed that recreational catch be constrained to the new allocation until the stock has rebuilt to a healthier level. There is now some urgency to introduce this measure. The base case stock assessment suggested the TACC reduction could double rock lobster abundance within four years based on average recruitment over the last 10 years. The last few months show markedly increasing CPUE from commercial vessels indicating that the fishery is rebounding and emphasising the need to put in place meaningful constraints on the recreational sector.

# 2. TELSON CLIPPING

The intent of telson clipping is to impede the illegal sales of rock lobsters, and therefore the landing of lobsters for such unlawful purposes.

Poaching and black-market activity (i.e., taking rock lobsters for sale or barter outside of commercial entitlements) is a significant issue in a number of lobster fisheries.

If illegal removals from the CRA 2 rock lobster fishery are not effectively constrained, these removals will slow or prevent the rebuild of the fishery, can contribute to localised depletion, and deprive legitimate users of the catch they are entitled to, and depress the catch rate they could otherwise expect.

If left unchecked illegal fishing will also drive additional costs of enforcement and compliance services and will continue to confound the reliability of stock assessments given the lack of certainty about quantities of lobsters being illegally removed from fisheries.

The assumed prevalence and scale of illegal activity in some rock lobster fisheries is significant and impacts on stock sustainability. The allowance made in TAC setting for illegal unreported removals can reduce the TACCs that might otherwise be set, and therefore represent a direct and quantifiable economic loss to the nation.

We agree that telson clipping (Option 2A) will provide Fishery Officers with an additional 'tool in the toolbox' to address the illegal take and sale of rock lobsters from the CRA 2 fishery by:

- a) Opportunistic non-commercial fishers who sell or barter their catch for financial gain;
- b) Dedicated fish thieves who conceal their activity under legitimate noncommercial fishing.

Compulsory telson clipping for recreational fishers and voluntary specification of telson clipping on customary permits/authorisations could complement enforcement activities carried out by the Ministry and can be relatively easily enforced in the course of normal inspections of amateur fishers. This initiative is all about taking an incremental step to constrain illegal catch.

It will be necessary to complement the measure with landing point and premise inspections and a willingness to issue infringements and pursue prosecutions where appropriate. Inspections of catch as they are landed need to be given some priority in the CRA 2 rock lobster compliance programme.

Stakeholders do not expect to see a reduction in current compliance activity or resourcing – this additional measure should be accompanied extra resourcing.

If these actions are taken we can reasonably expect that the answer to the question - "will it aid enforcement efforts to reduce illegal unreported removals from rock lobster fisheries?" - should be yes. Based on the Kaikoura experience, the measure should help address the potential for illegally taken lobsters to end up being sold and displacing legally taken product in the restaurants, retail and hospitality trade.

MPI Compliance personnel have confirmed that the implementation of telson clipping in the Kaikōura Marine Management Area in 2014 has successfully reduced the supply of recreationally caught rock lobsters illegally being sold commercially. The NRLMG has advised the Minister the measure should be extended to the whole of CRA 5.

This additional measure will reduce illegal take for sale because;

- a) Operators in the restaurant and hospitality trade will be deterred from the opportunistic purchase of lobsters with a clipped telson because they will expose themselves to the likelihood of prosecution;
- b) Telson clipping should decrease the potential number of buyers and demand for illegal rock lobster in the commercial sector, and fish thieves will find it harder to illegally dispose of lobsters.

Amendments to commercial regulations will also be necessary to create an offence to possess telson clipped lobsters on commercial premises and in the retail and hospitality sectors.

MPI have announced there will be/have been some modest increases in resources through appointment of three new Fishery Officers in the CRA 2 region, a new compliance vessel and recruitment of additional Honorary Fishery Officers. These resources can support an increased level of inspection of fishers to ensure compliance with telson clipping, or detect offences.

The consultation document does not address how telson clipping will operate for packhorse rock lobster (PHC). Because the method for measuring packhorse is tail length, for these lobsters each of the outer telsons on the tail fan will need to be clipped by at least one third so that the tail length of the PHC catch can still be measured. Additionally,

- it would be an offence for an amateur fisher to store (in holding pots or elsewhere) or possess any legal rock lobsters that do not have the telsons clipped;
- lobsters retained and landed by amateur fishers must be kept and stored whole (i.e. shell/tail intact) until they are being prepared for immediate consumption or being eaten.

# 2.1 ANIMAL WELFARE

The NZ RLIC rejects a suggestion that telson clipping raises animal welfare issues of sufficient cause to defer implementation.

When first evaluating the utility of telson clipping back in 2010 and again in 2014, the NRLMG was mindful of the Animal Welfare Act and also of the possibility of clipped lobsters being returned to the wild fishery. Lobsters are sentient beings

and New Zealand legislation obliges relevant care and attention during harvest, transportation and food preparation.

Removing a section of the telson (clipping or punching) prior to landing legal status rock lobsters has been used in Australian lobster fisheries (Tasmania, Victoria, WA and South Australia) to identify recreational landings for two decades or longer.

Animal welfare issues have been well canvassed in Australia. In 1995 the Western Rock Lobster Fishery implemented telson clipping to identify recreational landings. The scheme is reviewed at regular intervals as part of the Marine Stewardship Council certification of the fishery. No animal welfare issues associated with telson clipping have been identified by reviewers.

In 2003 a formal review of the telson clipping practice was conducted by the South Australian fisheries management agency and the findings endorsed the continuation of the management initiative as set out in the 2018/19 South Australian Recreational Fishing Regulations. The proposal for CRA 2 rock lobsters is the same as used in South Australia and Western Australia.

Similar telson clipping schemes have been implemented globally for clawed lobsters (Homarus *spp*) and the longest established, V-notching of reproductive female lobsters, is a fishery management tool widely recognised by both scientific (Gunning 2012) and fishing (Acheson et al. 2010) communities to help sustain lobster fisheries.

- V-notching of Homarus lobsters commenced in the Gulf of Maine in 1917 and was expanded in 1948 as a fisheries conservation measure by way of a catch buy-back scheme.
- ii. In the 1980s Maine fishermen voluntarily implemented a V-notching programme which is now well established across all Canadian Atlantic lobster fisheries.
- iii. A similar scheme was implemented in Ireland in 1985 when a MaxLS regime was implemented as a conservation measure.
- iv. In 2016 telson clipping was voluntarily implemented by Anegada commercial fishermen (Caribbean) as a conservation measure intended to enhance the resident breeding stock.

Scientific studies (Crustacean Biology 34/1 2014) have shown that for lobsters released to the sea, V-notching (telson clipping) did not affect survival in the wild; did not favour the development of shell disease; and did not affect growth.

Throughout the long history of V-notching and telson clipping programmes globally there have been no animal welfare issues cited as being of sufficient concern to consider deferral of those initiatives. The NZ RLIC supports and strongly encourages proper care and attention of all lobsters throughout the chain of custody.

# 2.2 ALTERNATIVES TO TELSON CLIPPING

In his 1 April decisions, the Minister directed that MPI ensure an increased compliance focus on the CRA 2 fishery to minimise illegal take and prevent the benefits of the rebuild accruing to those engaged in illegal activities.

During the NRLMG's consideration of measures to reduce the extent of illegal take other steps were considered and discussed with the different MPI Compliance representatives who attended some meetings. The NRLMG considered these other measures and the advice from MPI Compliance and came to the conclusion that telson clipping was likely to be the most effective additional measure to support compliance actions to reduce illegal take for sale, poaching and black market activity (in fact the only new, credible measure suggested to address this type of illegal activity).

# 3. IMPLEMENTATION DELAY

The discussion document does not state when the bag limit reductions will come into effect, but NZ RLIC suggests they must come into effect as soon as practical. The likelihood they will not be implemented until May 2019, more than a year after commercial reduction had effect, and after a further summer with higher levels of recreational effort, is reprehensible.

In the absence of any constraints on recreational harvest, the reductions in commercial catch are likely to have enabled an increased level of recreational harvest (since recreational catch levels are closely associated with abundance).

More timely and responsive mechanisms for adjusting input controls that affect recreational harvest levels are needed urgently. One clearly available and simple mechanism to allow changes to be affected by Ministerial decision and a gazette notice under section 11(4)(b) of the Fisheries Act was set out in a letter from sector representative entities to FNZ in July 2018. No response or even acknowledgement was received.

# 4. OTHER MEASURES

# 4.1 IMPROVE ESTIMATES OF AMATEUR TAKE

The poor estimates of recreational take available have compromised the accuracy of the stock assessment and therefore the ability to effectively manage the stock. The acknowledged historical overestimates of recreational take resulted in overrating productivity of the stock, and were a contributing factor, in combination with poor recruitment, to management settings not being adequate to arrest the depletion of the stock earlier.

It is very evident that estimates of recreational take only every 5-6 years will be inadequate to effectively manage the CRA 2 stock or meet the Minister's obligations to constrain recreational catch to the allowance.

The Marine Amateur Fishery Assessment Working Group is now examining methods that could be used to produce timely and cost effective estimates of recreational catch. Lobster fisheries pose particular issues because of the relatively low participation rate and the large proportion of take by diving, including from many shore based access points. These features pose particular issues for the methods historically used in New Zealand which rely on trying to survey a obtain a representative sample of the population, and calibrate this with measurements from boat ramps.

#### Methodology

A promising new approach that is better suited to the characteristics of rock lobster fisheries has been implemented in Victoria, Australia over the last 18 months, with data now available for the first full fishing year. The results are very encouraging with credible estimates that for the western zone are markedly different to the estimates used to date.

All recreational pot fishermen and divers need to acquire 'lobster tags' before they go fishing and must apply a tag to each lobster they decide to retain and land.

<a href="https://vfa.vic.gov.au/recreational-fishing/tagging-of-recreationally-caught-rock-lobsters">https://vfa.vic.gov.au/recreational-fishing/tagging-of-recreationally-caught-rock-lobsters</a>\

The approach would appear to have major advantages in cost-effectiveness for rock lobster fisheries and steps around the issue of trying extrapolate from a (inevitably small) sample by providing a means to have all take reported.

Tags could be ordered online, using an APP like the Victorian system, or uplifted from accredited fish and dive shops and MPI offices at no cost to the users.

The NZ RLIC preference is to implement a web-based ordering and dispatch system

- amateur rock lobster fishers go online, register their ID (drivers licence for example); order a number of tags which are then delivered to them.
- o Tags would be numbered, and the sequence assigned to the person to whom the order was delivered.
- Confirm tag use/tag loss would be required before approving subsequent orders.
- Individuals would not be restricted to the number of orders they could make within a fishing year once they had reported on use of the previous batch.

Amateur fishers would only use tags when they decide to land a lobster. They can transfer tags across to friends through a simple online transfer to another registered fisher.

Tags will have no implicit monetary value because the number of lobsters that can be legally landed is defined by a bag limit; not by the numbers of tags you order. There would be no great incentive for counterfeiting.

Tags would be refreshed (colour and legend) in every fishing year and only be valid for that year. The tag acquisition register would enable polling of fishers to determine what proportion of tags acquired were deployed to land catches.

NZRLIC suggests this methodology needs serious and urgent consideration for application in New Zealand. Although the science community is familiar with, and somewhat defensive of the sample and survey approaches used to date, this methodology holds real promise for fisheries with features such as rock lobster.

#### Charter vessel industry

The other component of recreational catch that needs serious attention is take by the recreational charter vessel industry. Since 2010 these charter vessels have had a statutory responsibility to report their catch of rock lobster. From the records MPI holds it is quite apparent that administration of this obligation has been ignored to an unacceptable extent.

For most areas the amateur charter vessel data shows a substantial reduction in numbers of lobsters caught in recent years. Given the status of most rock lobster fisheries, thesis data is not credible and suggest charter vessel operators are in breach of their statutory obligations. Despite this clear trend, it is not apparent MPI has attempted to consistently enforce these obligations, or issue fines or take prosecutions. Such a level of misreporting would have visited timely and serious consequences on commercial sector operators.

# 4.2 ACCUMULATION LIMITS

At present there is no effective limit on the amount of rock lobster people can have in their possession at any one time. The availability of the defence provision in regulation 29(3) of the Amateur Regulations (where a person can be in possession of more than the daily bag limit if they can satisfy the court that the fish were taken over a number of fishing days) is currently exploited by illegal operators in some rock lobster management areas.

An accumulation limit and the associated 'bag and tag' conditions are intended to limit the ability to store and transport large quantities of rock lobster where people deliberately exceed the daily bag limit or where the bag limit is consistently taken for sale or barter. This measure should be implemented to complement the other measures proposed to address illegal take in the CRA 2 fishery.

# 4.3 ILLEGAL TAKE

In his 1 April decision, the Minister directed MPI to look closely at methods to estimate illegal take, so that better information is available to support his decisions. The NRLMG has been informed that some internal discussion has taken place in MPI, but we are not aware of any new information collection being implemented, or revised approach being undertaken. For all of the stocks being reviewed for 1 April 2019, based on the existing TACC based management procedures, there is very poor information on illegal take.

There remains very considerable uncertainty in estimates of illegal take, including for CRA 2. When pressed to consider additional effective compliance measures, in a disturbing development, MPI Compliance now suggest that illegal take may be of a lesser level that the 40 tonne estimate used in the assessment and management process. These poor estimates of illegal unreported removals compromise assessments of stock status when TACs are set. It is now evident that overestimates of non-commercial and illegal removals lead to overestimating

productivity of the CRA 2 stock, and contributed to the decline in the stock despite the management procedure and shelving.

# CONCLUSION

NZ RLIC supports the reductions in daily bag limits for CRA 2 and the introduction of telson clipping. However, we are frustrated that it has taken such a long time for FNZ to consult on and implement these measures. We recommend these measures are complemented by an accumulation limit and "bag and tag" requirements as proposed for the CRA 5 area.

We remain greatly concerned by the relatively poor information available to decision makers on recreational and illegal take.

The uncertainty in predicting the effectiveness of a bag limit of three in constraining recreational catch to the allowance emphasizes the requirement to undertake more regular (annual) assessments of recreation catch.

The delay in implementing controls on CRA 2 recreational harvest highlights the need to amend the regulatory framework to put in place a more timely and responsive mechanisms for adjusting recreational harvest levels across fisheries.

Effective implementation of these measures will be reliant on MPI Compliance maintaining acceptable levels of inspection, surveillance and monitoring because of the overt risk of non-compliance that exists in rock lobster fisheries.

Supplementary inquiries on this submission can be directed to -

**NZ Rock Lobster Industry Council** 

Chief Executive Officer

JM/L Edwards

Chief Operating Officer

Yang R Sykes

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13 December 2018

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.
- 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.
- 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

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- environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. <a href="www.legasea.co.nz">www.legasea.co.nz</a>.
- 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, <a href="mailto:secretary@nzsportfishing.org.nz">secretary@nzsportfishing.org.nz</a>.

# 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 cravfish.

#### **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

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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 sustainably measures for 1 April 2016.
  - 2015 Submission on the review of Rock Lobster sustainably 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.



# PĀUA INDUSTRY COUNCIL Ltd.

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# Pāua Industry Council submission on proposal to reduce recreational daily bag limits and introduce rock lobster telson clipping in the CRA2 Rock Lobster fishery

The Paua Industry Council (PIC) thanks Fisheries New Zealand for the opportunity to submit on the proposal to review recreational daily bag limits and introduce telson clipping to the CRA2 Rock Lobster fishery. PIC is the national umbrella organisation representing the interests of pāua quota and ACE owners and other participants in the New Zealand commercial pāua fisheries. The organisation provides advocacy, consultation and support services to five regional representative bodies, PauaMACs, with each of those entities providing one of the five PIC board members.

#### Submission

The Paua Industry Council support and endorses the New Zealand Rock Lobster Industry Council (RLIC) submission on the proposal.

# a) Reduce the daily bag limit (Option 1A)

PIC supports Option 1A in the Ministry discussion document, to amend the amateur fishing regulations so that the maximum daily catch limit for spiny rock lobsters is three. We are also in favour of a combined maximum daily bag mix of three spiny rock lobsters and three packhorse, totalling six rock lobsters.

#### b) Telson Clipping (Option 2A)

PIC supports the regulated requirement that recreational fishers must clip off the outer third of the middle tail telson of their catch.

#### In general

We believe that the RLIC submission provides a comprehensive exploration of the issues here and support and endorse their response to FNZ discussion questions cited on p.2-12 of the RLIC submission, and see no need to add to that discussion. We would note that recreational fishers in the area largely support a daily bag limit reduction, and that the experience by FNZ enforcement officials in Kaikoura that we are aware of indicates that telson clipping does reduce levels of illegal traded rock lobster.

PIC believes that Animal Welfare Act considerations have now been thoroughly dealt with as part of the package of recreational catch measures consulted on for the Kaikoura area and should not be used to delay the measures being consulted on here.

FNZ has a history of avoiding dealing with recreational fishing matters, to the detriment of the fisheries involved. As an example, while commercial paua catch was immediately halved in the Kaikoura area (PAU3) to help mitigate displaced catch issues not a single measure is yet in place to deal with the equivalent recreational displaced catch problem. And none is expected to be in place until April next year. This will be two and a half years after the earthquake. FNZ needs to step up in this space and do its job. The CRA2 lobster fishery would be a good place to start.

# Other matters

PIC believes that telson clipping should be rolled out for all New Zealand recreational rock lobster fisheries. Abuse of recreational fishing rules for rock lobster is not uncommon, and telson clipping is an easy way to deal with much of it.

Further FNZ must deal with the lack of any accumulation limit for recreationally caught rock lobster. There is thriving illegal trade in rock lobster driven from pseudo amateur fishers in a number of places around New Zealand, for example Island Bay near Wellington. This illegal trade is largely enabled by the lack of any accumulation limit allowing, for example, accumulation into holding pots of large numbers of rock lobster for ease of later uplift at the daily bag limit of six per day per person. It is also a difficult defence for compliance to breach when a freezer full of rock lobster is found. Most recreational fishers are honest, they should welcome the minor extra effort of telson clipping to help get rid of the fish thieves pretending to be otherwise.

Finally we have the ludicrous situation of commercial catch reductions being managed by way of a s.11(4)(b) Gazette Notice, while any recreational rule changes require an Order in Council. Recreational fishing rules changes are therefore effectively a Cabinet level decision. If FNZ is in any way serious about managing recreational fishing in a timely and efficient way then the appropriate regulatory changes should be made to allow implementation of recreational rule changes by Gazette Notice.

In conclusion. Telson clipping and accumulation limits for recreationally caught Rock Lobster should be rolled out across the country for consistency and to ensure good fisheries management. These should be implemented through the more timely and cost effective tool of a Gazette Notice. Those three as a package would go a long way to managing the impacts of recreational fishing effort and dealing with fish thieves masquerading as legitimate recreational fishers on this valued marine species.

Yours sincerely

DIStanley

Storm Stanley

Chairman - PICL

From:

Sent:

Wednesday, 7 November 2018 8:39 PM

To:

**FMSubmissions** 

Cc:

Subject:

cray submission

Very simple start, is to have ONE RULE for all ??? Do away with BROWN PERMITS, SIMPLE, would be a good fair start ??? By reducing the limits, you only reduce the AVERAGE FISHER limit ???

# Submission Form

# Review of the recreational rules for the CRA 2 rock lobster fishery



# Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

# Submissions must be received no later than 5pm, Wednesday 19 December 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

#### Submitter details:

Name of submitter or contact person:	Rodney Waterhouse
Organisation (if applicable):	
Email:	
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Reduce the daily bag limit I support the reduction of recreational take from 6 to 3 spiny rock lobster, Packhorse lobster should also be limited to a total of 3 lobster making a maximum total combined bag limit of 6  Telson clipping I support telson clipping, this have proven successful in deterring non-commercial sales in CRA5 Kaikoura Marine Management Area and Australia.  The 40-ton estimated illegal catch is not acceptable, in reality represents 50% of the TACC of 80 ton. telson clipping becomes another tool front line officer's could use to eradicate black-market sales,  Other measures The 2 proposals do not address the issue of obtaining accurate data collection of recreational catch, this data is vital as we move forward in rebuilding the CRA2 fishery. The current survey method is outdated and inadequate, the coastal nature of CRA2 offers opportunities for a vast number of recreational divers / potters to gain access to the open sea without having to use a boat ramp, the current system of boat ramp surveys can never accurately estimate the true recreational effort / catch.

Horn tagging has been widely discussed and endorsed at various stakeholder meetings.

In Australia it is proven reliable, effective and cost effecient method of collecting recreational take and effort.

Recreational catch horn tagging is essential and needs to be implemented without delay.

# Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Fisheries New Zealand Inshore Fisheries Management PO Box 2526 Wellington, 6011

FMsubmission@mpi.govt.nz



19<sup>th</sup> December, 2018

Submission: Proposed review of the CRA2 rock lobster fishery

- The Royal Forest & Bird Protection Society of New Zealand Ltd. (Forest & Bird)
  appreciates the opportunity to comment on the proposed review of the CRA2 rock
  lobster fishery.
- 2. Forest & Bird is New Zealand's largest independent conservation organization, numbering around 80,000 members and supporters. Our members are people that work to preserve our natural heritage and native species. Forest & Bird is the New Zealand partner of the global BirdLife International network of NGOs with partners in 120 countries.

#### **Key recommendations:**

3. Forest & Bird recommends the Minister adopts a three year moratorium for CRA2 given; how severely overfished and critically low the crayfish populations is<sup>1</sup>, the low recruitment rate, the presence of tail fan necrosis, the vital ecological role of crayfish and the lack of transparency and ability of the National Rock Lobster Management Group to halt the CRA2 stock collapse. Fisheries New Zealand state in the consultation document that if "other information suggests management action is required sooner than 2021 [the scheduled review], this will be considered by Fisheries New Zealand". Forest & Bird has provided evidence in this submission that CRA2 warrants more immediate management action. We recommend the Minister instructs Fisheries New Zealand to prepare a briefing document, independent of the National Rock Lobster Management Group, for a three year moratorium which includes the best available science on crayfish biomass, legal obligations, public opinion<sup>2</sup> and views of local hapū and iwi throughout CRA2 area.

<sup>&</sup>lt;sup>1</sup> Latest monitoring of crayfish populations in the Hauraki Gulf and Coromandel area indicates that the population have declined below 10% of unfished levels (Shears, 2018 pers.comms. based on latest data). <sup>2</sup> Including the LegaSea online survey carried out in early 2018 which received over 4000 people. This was unprecedented and represents the largest survey of recreational crayfish interests in 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.

- 4. Fisheries New Zealand needs to take an integrated approach to fisheries management and look at wider ecosystem impacts especially as crayfish are a keystone species when setting or adjusting totally allowable catch and distributing quota. Fisheries New Zealand also needs a strong commitment to increase independent fisheries data by rolling out electronic monitoring alongside at sea monitoring to ensure best practice, good behaviour and accurate reporting is occurring within the CRA2 fishery. Fisheries New Zealand needs to work with independent researchers like University scientists, alongside the fishing industry and other stakeholders to ensure the best available information is used to inform management decisions.
- 5. Forest & Bird recommends the Minister withdraws his support immediately for the National Rock Lobster Management Group being the Ministers "primary source of advice" while Fisheries New Zealand undertakes an independent and robust review of the purpose, membership and authority of the National Rock Lobster Management Group.
- 6. Forest & Bird supports an interim reduction in the daily recreational allowance from six to three crayfish to fulfil the Ministers statutory obligation from the 1<sup>st</sup> April 2018 decision. Forest & Bird's support for this reduction is based on the Minister being accurately advised by Fisheries New Zealand that the National Rock Lobster Management Group's rebuild measures do not go far enough to rebuild this collapse fishery or meet the Harvest Strategy Standard.
- 7. Forest & Bird recommends the Minister rejects the proposal to make telson clipping mandatory for all recreationally caught crayfish within CRA2.
- 8. Forest & Bird recommends the Minister invests in more fisheries compliance officers to ensure that only legal commercially caught crayfish are sold within and outside New Zealand. Electronic monitoring of commercial catch, along with other measures, can support traceability and identification of catch which is destined for the domestic market. We also recommend the Ministry for Primary Industries compliance team focusses efforts on understanding an accurately estimating the amount of illegal crayfish catch occurring within CRA2 to better inform management decisions and actions.
- 9. Forest & Bird recommends the Minister requests evidence from Fisheries New Zealand to demonstrate that telson clipping applied in the Kaikoura region has resulted in a measurable and significant reduction in the amount of crayfish being sold illegally through black markets before it is applied anywhere else in New Zealand.

- 10. The Rock Lobster Industry Council undertakes all Government funded research including stock assessments<sup>3</sup>. Forest & Bird recommends the Minister reviews this contract due to the conflict of interest by the commercial fishing industry.
- 11. Forest & Bird supports the proposal in the joint recreational submission by LegaSea and the NZ Sports Fishing Council (and others) to review section 111 provisions for commercial fishers.

#### **FNZ Discussion Questions:**

12. Do you agree with how we have defined the problem?

No, see detailed submission below

- 13. Do you agree that these are the correct options to consider? If not, why not? No, see detailed submission below
- 14. Do you support a proposed daily bag limit of three spiny rock lobsters?

  As an interim measure, see detailed submission below
- 15. Are there any other benefits and impacts of the proposed bag limit reduction in addition to those discussed here?

Yes, see detailed submission below

#### **Submission:**

- 16. Red or spiny rock lobster (*Jasus edwardsii*), commonly known as crayfish is relatively slow-growing and long-lived and by far the most important New Zealand lobster species, not only economically but ecologically.
- 17. Crayfish are taonga to Māori and have been fished for centuries. Crayfish have been fished commercially for over 100 years (State of the Gulf Report, 2017) and is one of New Zealand's most valuable inshore fisheries. Crayfish is iconic and also one of New Zealand's most important recreational fisheries. Crayfish are not only important to fishers, but they are important to recreational divers and tourism operators.
- 18. Crayfish are vital because they play an important role in rocky reef ecosystem functioning (Babcock et al. 1999; Shears & Babcock, 2002; MacDiarmid, Freeman & Kelly, 2013). Kina (sea urchins) eat kelp and kina grazing creates and maintains urchin barrens and prevents kelp re-establishing. Research has found that crayfish and snapper, when in high enough densities, have positive effects on kelp forests and primary productivity as they consume kina (Shears & Babcock, 2002). Consequently, when crayfish densities are low, urchin barrens (kelp free areas) tend to be more prevalent, these are generally in areas where fishing is allowed (Shears &

<sup>&</sup>lt;sup>3</sup>Information based on verbal communication with a

Babcock, 2002). In contrast urchin barrens are less prevalent in protected areas such as marine reserves, where there are higher densities of crayfish and other important species (Babcock et al. 1999; Shears & Babcock 2002; State of the Gulf Report, 2017).

# Stock status and decline

- 19. The CRA2 area includes the wider Hauraki Gulf to Bay of Plenty and extends from Te Arai Point north of Auckland to the East Cape lighthouse.
- 20. The crayfish population in CRA2 has been severely overfished and is at a critically low level. The 2017 stock assessment estimates that the female spawning stock has been fished down to just 18.5% of the unfished level. CRA2 is below the level required by the Fisheries Act 1996 to maintain the biomass of the stock at or above a level that can produce the maximum sustainable yield. This means under the Harvest Strategy Standard<sup>4</sup>, which is Fisheries New Zealand policy<sup>5</sup>, CRA2 was below the soft limit and a formal, time-constrained rebuilding plan is required (Harvest Strategy Standard, 2008). The Harvest Strategy Standard has a soft limit of 20% of the unfished biomass and a hard limit of 10% of the unfished biomass. Based on recommendations from the National Rock Lobster Management Group (NRLMG) the Minister reduced the Total Allowable Catch (TAC) which included reducing the Total Allowable Commercial Catch (TACC) and recreational allowance as part of this rebuild plan required, which came into effect from the 1<sup>st</sup> April, 2018. FNZ has not provided the best available information, nor defined the stock status or 'problem' of CRA2 accurately.
- 21. Independent scientists have been monitoring crayfish and other species biomass inside and outside multiple marine reserves within the CRA2 area for over 20 years (Babcock et al. 1999; Shears & Babcock 2002; Haggitt & Kelly, 2004; Shears, Babcock & Salomon, 2008MacDiarmid, Freeman & Kelly, 2013; Haggitt & Freeman, 2014; MacDiarmid, McKenzie & Abraham, 2016; LaScala-Gruenewald et al., 2018). These long-term monitoring surveys not only highlight the on-going crayfish decline, but a change in population demographics such as a decline and loss of larger older individuals within CRA2 (Haggitt & Kelly, 2004; MacDiarmid, Freeman & Kelly, 2013; State of the Gulf Report, 2017; LaScala-Gruenewald et al. 2018 being written up to publish). Comparisons like these are useful as they are fisheries-independent and monitoring data from inside marine reserves provide an indication of what the unfished biomass could have been. This is an important reference point used by fisheries management when setting quotas.
- 22. Current monitoring inside and outside Cape Rodney to Okakari Point (Leigh), Tawharanui and Hahei marine reserves indicates that crayfish densities outside the

<sup>&</sup>lt;sup>4</sup> The Harvest Strategy Standard consists of three core elements:

<sup>1.</sup> A specified target about which a fishery or stock should fluctuate;

<sup>2.</sup> A soft limit that triggers a requirement for a formal, time-constrained rebuilding plan;

<sup>3.</sup> A hard limit below which fisheries should be considered for closure.

<sup>&</sup>lt;sup>5</sup> The Government signed off the Harvest Strategy Standard in 2008

**reserves have declined below 10% of the unfished level** (LaScala-Gruenewald et al. being written up for publication).

- 23. Results from Leigh are highly concerning; crayfish densities outside the reserve are approximately 3% of levels inside the reserve (LaScala-Gruenewald et al. being written up for publication). At Tawharanui and Hahei crayfish densities outside of the reserve are approximately 6% and 7% respectively of levels within the reserve (LaScala-Gruenewald et al. being written up for publication).
- 24. Densities are not always the best fisheries comparisons so Shears (2018 pers. comms.) converted this latest monitoring data to compare the biomass of legal sized crayfish inside and outside the three marine reserves. The estimates are alarming and should be a warning for the Minister that at some locations within CRA2 crayfish are fully collapsed. The biomass of legal sized individuals outside the Leigh and Tawharanui reserves are estimated at 2-3% of levels within the reserve, and 7% for Hahei (Shears, 2018 pers. comms.). It's worth noting that these biomass comparisons are conservative and if these were recalculated and compared to historic reserve biomass<sup>6</sup> which better reflects pre-fishing conditions (better proxy for unfished biomass) then the values would be much lower, < 2% for Leigh and Tawharanui (Shears, 2018 pers. comms.). Critically low crayfish biomasses have led expert scientists to describe crayfish in some areas within CRA2 as being ecologically or functionally extinct<sup>7</sup> (MacDiarmid, Freeman & Kelly, 2013; Haggitt, 2016). Forest & Bird recommends the Final Advise Paper to the Minister of Fisheries includes the best available information on stock status and includes this independent science<sup>8</sup>.

#### **Cumulative impacts and threats**

- 25. The collapse of the CRA2 crayfish fishery is highly likely the result of two interacting factors overfishing and low recruitment.
- 26. It is well documented through settlement experiments at the Leigh marine reserve that crayfish within CRA2 area experience very low levels of recruitment (MacDiarmid, Freeman & Kelly, 2013). The size structure data recorded over the last 20 years at these three marine reserves also indicate continued low recruitment. The stock assessment likely over estimated CRA2 recruitment rate and therefore it is unlikely CRA2 will 'rebuild' as required under the Harvest Strategy Standard within the proposed four to eight years.
- 27. It is also possible that other factors like climate change and other anthropogenic impacts could also be contributing to the CRA2 fishery collapse.

<sup>&</sup>lt;sup>6</sup> As noted by Shears, "it is important to note that crayfish populations inside these marine reserves have been declining over the last 10 years due to intense fishing on the offshore boundaries of these relatively small reserves. So comparing to historic levels in these reserves provides a better proxy for unfished biomass than current levels".

<sup>&</sup>lt;sup>7</sup> The term 'functionally extinct' means the population of a species is reduced so greatly, it is no longer able to perform its ecological role.

<sup>8</sup> FNZ should contact Dr Nick Shears at the University of Auckland for more information

- 28. Crayfish larvae have a long planktonic larval phase and can spend between 12 24 months at sea before swimming inshore to settle on coastal reefs (Jeffs et al., 2005; MacDiarmid, Freeman & Kelly, 2013). Jeffs et al., (2005) described possible mechanisms for post-larvae to find and orientate towards the coast as underwater sound, water chemistry, magnetic fields, celestial cues, hydrodynamic cues or electrosense. Some of these mechanisms could be affected by anthropogenic impacts. For example it is possible anthropogenic noise could be impacting on coastal settlement by masking important reef sound in the inshore area.
- 29. It is possible that as coastal and or oceanic sea surface temperatures warm currents could be altered, or circulation changed due to climate change impacts and it is possibly this could impact on recruitment rates. However, to date there is little evidence of this. More research is needed. Shears & Bowen (2017) looked at long-term sea surface temperatures to understand climate change impacts in coastal waters around New Zealand. The study found that there is no evidence of long-term increases in annual temperatures at the Leigh study site, within CRA2 area, an area which is influenced by the East Auckland Current (Shears & Bowen, 2017). Shear & Bowen (2017) conclude there was no indication of large-scale warming in coastal waters around the North Island of New Zealand. FNZ needs to invest in more research to better understand the risk climate change poses to New Zealand fisheries.
- 30. Tail fan necrosis (TFN) is a bacterial infection of the tail fan of crayfish which leads to melanosis and erosion of the tail fan tissues (Zha et al., 2018). The condition is found in aquaculture and commercially fished crayfish overseas. TFN can compromise crayfish health and greatly impact on their market value according to international studies cited by Zha et al. (2018).
- 31. TFN is present in New Zealand crayfish. Freeman & MacDiarmid (2009) found individuals inside and outside the Te Tapuwae o Rongokako marine reserve with TFN, but until recently it was not thought to have existed within the CRA2 area. This disease is linked to physical damage associated with fishing. Around Gisborne crayfish outside of the marine reserve exposed to fishing pressure were more likely to get TFN compared to crayfish found inside the marine reserve due to the handling effect by fishers (Freeman & MacDiarmid, 2009).
- 32. There is now evidence that TFN is present within CRA2 (Zha et al., 2018; Department of Conservation unpublished 2018 monitoring report; LaScala-Gruenewald et al. being written up for publication; Shears, 2018 pers.comms.).
- 33. Crayfish in CRA2 have a critically low population status, less than 10% of unfished levels, and given that TFN can compromise crayfish health, it is unknown what impact this bacterial infection could have on recruitment and the population rebuild. Forest & Bird strongly support the conclusion by Zha et al. (2018) that the causes of internal organ pathology associated with TFN in crayfish warrants more detailed research and we would recommend FNZ prioritise funding for 2019 to support this

work to better understand the impact TFN poses. FNZ needs to ensure the Minister is aware of TFN.

34. The critically low biomass of crayfish likely means they have low resilience to these threats described above and more research is needed to understand how these and other cumulative impacts could affect recruitment rates and the crayfish rebuild within CRA2. FNZ needs to take an ecosystem based fisheries management view for any future management decisions around CRA2.

#### Minister's obligations

35. The purpose of the Fisheries Act requires the Minister to avoid, remedy, or mitigate any adverse effects of fishing on the aquatic environment. Given the significant ecological role crayfish perform it's important to understand what impact overfishing is having. A recent study by Pinkerton et al. (2015) looking at crayfish biomass and trophic importance within the Hauraki Gulf region found that crayfish have gone from being the sixth-most tropically important (of the 12 benthic invertebrate groups) to the least important (State of the Gulf Report, 2017). Further published research supports that fishing has had major effects on crayfish populations and the broader ecosystem within the CRA2 area (Shears & Babcock, 2002; Shears, Babcock & Salomon, 2006; MacDiarmid, Freeman & Kelly, 2013; Pinkerton et al. 2015; MacDiarmid et al. 2016). This research should highlight to management the importance of ecosystem based fisheries management and the risks of single stock focus that has been adopted for crayfish. FNZ has not defined the tropic importance of crayfish and broader ecosystem impacts.

# The National Rock Lobster Management Group (NRLMG)

- 36. The NRLMG states they are the "primary source of advice" to FNZ and the Fisheries Minister. The NRLMG produced the Final Advise Paper (FAP) on the recent CRA2 sustainability measures which resulted in the 1<sup>st</sup> April TAC reductions.
- 37. The NRLMG lacks adequate reporting and transparency. Forest & Bird has attempted to find records of the NRLMG meetings and annual reports, which have not been made available and are currently being treated as an OIA. Even the basic membership of this group has been treated as an OIA. None of this information has been provided before the statutory consultation deadline for this submission. It is unacceptable that this group isn't transparent given it has apparently been given authority by the Minister in 2011 to develop management options including quotas, reviews public submissions and decide what is and what isn't relevant in the FAPs that go to the Minister.

<sup>&</sup>lt;sup>9</sup> Forest & Bird asked FNZ if the NRLMG had any statutory authority or recognition as the "primary source.." Forest & Bird was told over the phone by Alicia McKinnon that the NRLMG did not and that FNZ did not see them as the "primary source". When Forest & Bird clarified this in writing our email has been treated as an OIA which has not been fulfilled before the closing of this statutory consultation.

<sup>&</sup>lt;sup>10</sup> Forest & Bird has obtained a copy of a 2001 letter from the Office of the Hon. Phil Heatley, the Minister of Fisheries at the time to the NRLMG stating that "the NRLMG will act as my primary advisor on catch limit, regulatory and other management interventions that apply specifically to rock lobster fisheries".

- 38. Forest & Bird has little faith that the NRLMG can effectively manage CRA2 given its history of mismanagement. The NRLMG has continuously failed to maintain or increase the abundance of crayfish in CRA2 as required under the Fisheries Act 1996 and fisheries policy, even with significant voluntary shelving of quota by commercial fishers over the last 3 years.
- 39. The NRLMG does not represent stakeholders, from our understanding there are no independent scientists, there are no environmental representatives, the Department of Conservation doesn't participate, and the recreational fisher membership doesn't represent the NZ recreational fishing public (Legasea or the New Zealand Sports Fishing Council). In addition other stakeholders like the tourism and dive sector have never been asked to participate or receive updates.
- 40. Forest & Bird recommends the Minister withdraws his support immediately for the National Rock Lobster Management Group being his "primary source of advice" while FNZ undertakes an independent and robust review of the purpose, membership and authority of the National Rock Lobster Management Group.

# Illegal fishing and telson clipping

- 41. Fisheries New Zealand provided the stock assessment information that other sources of fishing-related mortality (e.g. illegal take and handling mortality) should be set at 42.5tonnes (from 60 tonnes). Forest & Bird is concerned with the lack of meaningful data to inform this and the large uncertainties around illegal poaching. It is likely some poaching occurs within CRA2, and Forest & Bird supports efforts to reduce this.
- 42. To combat the estimated large scale poaching occurring within CRA2 area FNZ is proposing introducing telson clipping of recreational crayfish catch. Recreational fishers would be required to clip the last third of the middle part of the tail fan (the "telson") of every legal sized crayfish that was kept. This clip would mark the crayfish as being recreationally caught, and so is not permitted to be sold, bought, bartered or traded.
- 43. There is no evidence in the consultation document that telson clipping reduces illegal poaching. Forest & Bird questions the effectiveness of telson clipping as a deterrent for large-scale poaching. As Forest & Bird cannot get access to the annual report or meetings notes, we do not know what information has been presented to the NRLMG which would support recommending this option. FNZ has failed to provide information to support the proposed Option 2A.
- 44. This measure is focusing on recreational fishers. Given the stock status of crayfish within CRA2 is so low and how difficult it is for the average recreational fisher to even find a single crayfish, let along three (acknowledged by FNZ in the consultation document) it seems this is the wrong group to focus efforts on. Those responsible for this large scale illegal poaching will likely be taking more than three crayfish and will simply not cut the telson and will avoid detection. A whole tail would not prove that the crayfish was landed legally and permitted to be sold.

- 45. Enforcing telson clipping and the increase in monitoring and education that would be needed requires a significant investment by FNZ and MPI compliance team. The consultation fails to explain the estimated cost of this measure.
- 46. Forest & Bird recommends a more appropriate use of Government funds is for the Minister to invest in more fisheries compliance officers. These officers can ensure that only legal commercially caught crayfish are sold in New Zealand. Electronic monitoring of commercial catch, alongside other measures, can support tractability and identification of catch which is destined for the domestic market. A better use of resources would also be spent educating recreational fishers by increasing awareness of the legalities and consequences of selling crayfish caught recreationally.
- 47. We also recommend the Ministry for Primary Industries compliance team focusses efforts on understanding an accurately estimating the amount of illegal crayfish take occurring within CRA2 to better inform management decisions and actions.
- 48. Forest & Bird recommends the Minister requests evidence from FNZ to demonstrate that telson clipping applied in the Kaikoura region has resulted in a measurable and significant reduction in the amount of crayfish being sold illegally through black markets before it is applied anywhere else in New Zealand.
- 49. Forest & Bird does not support Option 2A, we support Option 2B.

# Proposed recreational daily bag reduction

- 50. There is little evidence the proposed daily bag reduction from six to three will have any influence on the current levels of recreational catch within CRA2. Forest & Bird has been talking with its members (some of which are recreational fishers) and the recreational fishing sector (via Legasea and the NZ Sports Fishing Council) and based on this information it is clear that it is a rare event to collect three crayfish let alone the current six. This anecdotal evidence is supported by FNZ views in the consultation document that "fishers are not catching a bag limit of six spiny rock lobsters given the low abundance". Forest & Bird wanted to review the updated Recreational National Panel Survey but wasn't able to be provided with a copy of the report. FNZ planned this consultation date and should have ensured that the National Panel report was available during the consultation period.
- 51. Given, crayfish have been severely overfished and have a critically low population in CRA2 Forest & Bird supports an interim reduction in the daily recreational allowance from six to three crayfish to fulfil the Ministers statutory obligation from the 1<sup>st</sup> April 2018 decision. However, Forest & Bird's support for this reduction is based on the Minister being advised that the proposed rebuild measures by the NRLMG do not go far enough to rebuild this collapse fishery<sup>11</sup> or meet the Harvest Strategy Standard. FNZ has continuously failed to define the problem and make it clear to the Minister

 $<sup>^{11}</sup>$  Refer to stock status comments and the recent monitoring data provided by Dr. Nick Shears

- that the proposed NRLMG are unlikely to rebuild CRA2 within the four to eight 8 years.
- 52. The Quota Management System and allocations of maximum allowable catch 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. Forest & Bird supports Legasea and co. that the expectation is that public interests will be restored when CRA2 stock has been rebuilt before any consideration is given to increasing the total allowable commercial catch.

# Alternative option: Three year moratorium

- 53. Fisheries New Zealand states the CRA2 management settings will be reconsidered at the time of the next stock assessment, scheduled for 2021 (FNZ, 2018). But, FNZ also states in the statutory consultation document that "if the 2017/18 National Panel Survey results or other information suggest management action is required sooner than 2021, this will be considered by Fisheries New Zealand and the National Rock Lobster Management Group" (FNZ, 2018).
- 54. Despite the National Panel Survey results not being available Forest & Bird has presented evidence (refer to sections above) based on research carried out by independent scientist that highlights that management action is required sooner than 2021. Within the CRA2 area there is evidence that the biomass of legal sized crayfish is below 10% unfished levels (Shears, 2018 pers.comms.), and therefore below the hard limit reference point in the Harvest Strategy Standard. There is clear evidence of localised depletions across three locations ranging in distributions and this should warrant a review of management action and aids support for Forest & Birds alternative option. Forest & Bird recommends FNZ carries out this review not the NRLMG given its lack of transparency, bias stakeholder representation and mismanagement.
- 55. Crayfish play an important role in the ecosystem (Shears & Babcock, 2002). The current management measures, including the proposed reduction in daily recreational catch, and rebuild plan for the CRA2 do not explicitly consider the ecological role of lobsters, nor do they consider values other than those related to fishing, such as the values of larger crayfish (MacDiarmid 2003), or the impact of tail fan necrosis (Zha et al., 2018) or low recruitment rates (MacDiarmid, Freeman & Kelly, 2013).

<sup>&</sup>lt;sup>12</sup> Forest & Bird would like to highlight that despite requesting a copy of the finalised National Panel Survey we were not provided with this before this consultation closed. We are therefore unable to fully participate in this consultation using the best available recreational catch data. We understand from email correspondence with FNZ that the Rock Lobster Working Group – which is made up of fishing industry representatives were able to receive a copy of this report.

- 56. The Purpose and Principles of the Fisheries Act 1996 include "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996]. Based on the evidence presented in this submission it seems unlikely that the current fisheries management plan will rebuild CRA2 to provide for future generations needs, nor restore those important ecosystem processes.
- 57. Management action is required and Forest & Bird recommends an alternative option based on; the latest biomass of legally-sized crayfish estimates being below 10% of unfished levels, the recent 2017 stock assessment, the low recruitment rate, the presence of tail fan necrosis, the vital ecological role of crayfish and the lack of transparency and ability of the National Rock Lobster Management Group to halt the CRA2 stock collapse.
- 58. Forest & Bird recommends the Minister adopts a three year moratorium for CRA2.
- 59. Forest & Bird recommends the Minister instructs FNZ to prepare a briefing document, independent of the National Rock Lobster Management Group, for a three year moratorium which includes all legal obligations, public opinion<sup>13</sup> and feedback from local hapū and iwi throughout CRA2 area.
- 60. The three year period would allow crayfish to start to rebuild and would be assessed during the planned to 2021 updated stock assessment. The updated stock assessment using the best available information would then inform what the TAC should be set at to continue the rebuild.
- 61. FNZ needs to work with independent researchers like University scientists and the Department of Conservation who monitor biodiversity within marine reserves, including crayfish to ensure the best available information is used to inform management decisions.
- 62. Forest & Bird are available to discuss this submission in more detail if required.

  Thank you for the opportunity to comment. For any questions please contact Katrina Goddard.

Sincerely,

Katrina Goddard Marine Conservation Advocate Royal Forest & Bird Protection Society of New Zealand

<sup>&</sup>lt;sup>13</sup> LegaSea carried out an online survey in early 2018 which received over 4000 people. This was unprecedented and represents the largest survey of recreational crayfish interests in 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.

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From:

Sharon Shaw <'

Sent:

Tuesday, 18 December 2018 8:05 AM

To:

**FMSubmissions** 

Subject:

Cra2 Recreational Submission

To whom it may concern,

I support amendments 1a and 2a.

As a recreational fisher myself I have always thought the current limit excessive and unnecessary.

I also feel that if the 2a amendment has proven to reduce black market trading in other areas of the world then it is a very simple rule to be put in place and followed.

Kind regards, Sharon Shaw Ph: From:

Thornton, Shaun

Sent:

Tuesday, 18 December 2018 11:16 AM

To:

**FMSubmissions** 

Subject:

Hauraki Gulf and Bay of Plenty

Hello,

I have followed with interest the debate about the CRA2 area and the proposal to reduce the take of crayfish in this area.

I have been a diver since 1983 and I still dive regularly.

In that time I have seen a huge reduction in the crayfish population from Bream Head to Coromandel.

Clearly this fishery is really struggling and is on the edge of total collapse.

Therefore I really do not think that reducing the recreational limit from 6 to 3 will make much of a difference at all.

I fully support the submission made by Forest and Bird to close the crayfish fishery in the Hauraki Gulf and Bay of Plenty totally for a minimum period of 3 years.

In my opinion this is the only course of action that has any chance of allowing the crayfish population in this area to grow again.

In the last 35 years I have also seen a number of marine reserves be established and have seen how successful they are in re-establishing healthy marine habitats.

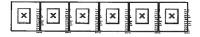
We know that to give the marine environment a chance all we need to do is stop taking and the ocean will do the rest.

I expect MPI to make appropriate decisions that may at times need to be controversial and courageous but they must be made regardless.

This is one of those decisions that needs to be made for the benefit of all future generations of New Zealanders.

Thanks and regards,

#### **Shaun Thornton**



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IN THE MATTER OF:

# PROPOSAL TO REVIEW THE RECREATIONAL RULES FOR THE CRA 2 ROCK LOBSTER FISHERY



SUBMISSION OF SPEARFISHING NEW ZEALAND

#### **About the Submitter**

Spearfishing New Zealand (SNZ) is an Incorporated Society. The committee is authorised by our constitution to represent the interests of freedive spearfishers in New Zealand. We support initiatives that we consider are beneficial to our members and will contribute to rebuilding fisheries to a healthy level that will support better utilisation of the resource.

SNZ reports directly to approximately 5,755 divers nationwide. The wider freedive spearfishing community is approximated by the 13,491 members of the most active (NZ) social media pages in our sport.

All our members rely on abundant fisheries as a food source and for the recreation value of harvesting.

Freedive spearfishers are active in the CRA2 fishery.

#### **CRA 2 Consultation**

We have read the Proposal to Review the Recreational Rules for the CRA 2 Rock Lobster Fishery.

We <u>support a reduction in recreational take to three</u> rock lobster per person. We consider this is the most efficient way to maintain recreational harvest at the target level as stocks rebuild.

We have discussed telson clipping. Our thoughts are summarised below:

- 1. Supplementary information supplied by FNZ indicates there is anecdotal evidence in support of this enforcement tool arising from Kaikoura.
- 2. We are wary of additional compliance measures being imposed on recreational fishers to address a compliance problem in the commercial sector's supply chain.
- 3. We see this measure as having potential to confuse fishers with variable requirements either side of an arbitrary line between CRA2 and CRA1 which is in the outer Hauraki Gulf and often crossed by boats on a single outing.
- 4. Fishers may genuinely simply forget to clip the telsons.
- 5. We would like to see a broader evaluation of alternative measures. It is our suspicion that commercial supply chain traceability (for example, tags from individual suppliers) might be a better solution for the industry and avoid the recreational sector bearing the burden of enforcement measures.

For these reasons, we have been unable to agree to support telson clipping in CRA2 at this time.

We thank MPI for the opportunity to submit on these important issues, and look forward to assisting MPI in future decision making that affects our members.

Kind Regards,

Reid Quinlan Secretary Spearfishing New Zealand 18 December 2018

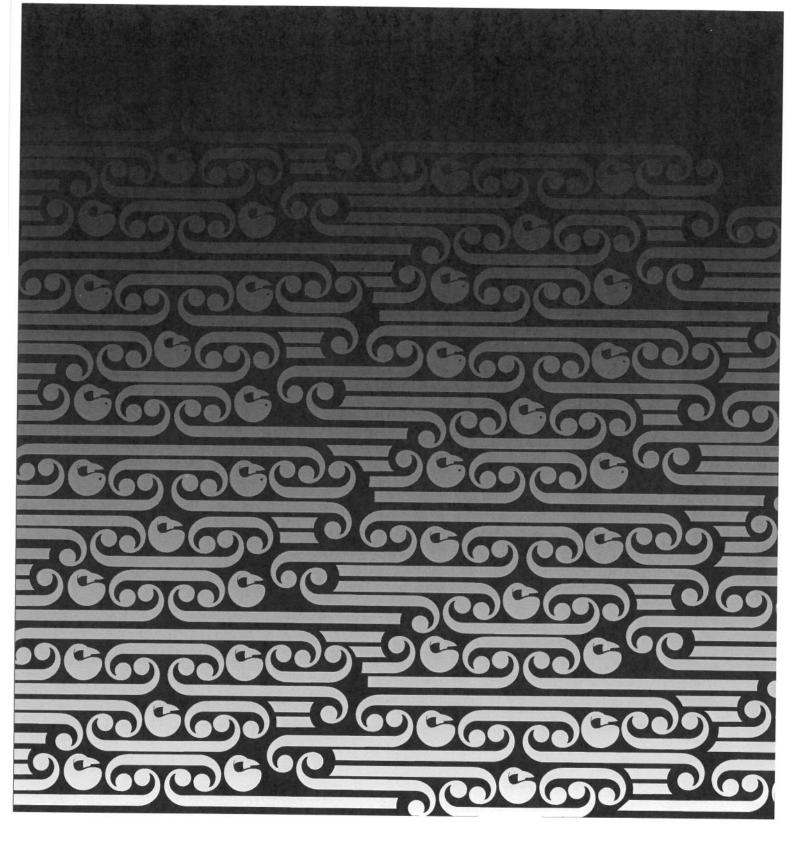
Contact details:

, H .....

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secretary@spearfishingnz.co.nz

Phone:



Te Ohu Kaimoana's Response to Fisheries New Zealand's Recreational Rules Review for the CRA 2 Rock Lobster Fishery





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## Introduction

1. Te Ohu Kaimoana welcomes the opportunity to provide a response to Fisheries New Zealand (FNZ) on their proposal to reduce the daily bag limit for spiny rock lobster, and the introduction of recreational telson clipping for rock lobster in the CRA 2 fishery.

# Who we are

- 2. Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Maori Fisheries Act 2004, is to "advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:
  - ultimately benefit the members of lwi and Māori generally; and
  - further the agreements made in the Deed of Settlement; and
  - assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
  - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement."
- 3. Mandated Iwi Organisations (MIOs) have approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal "that MIOs collectively lead the development of Aotearoa's marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent".
- 4. The principles guiding our response to the draft report are set out below.

Noho ora mai rā,

**Dion Tuuta** 

Te Mātārae - Chief Executive

Te Ohu Kaimoana

# 1.0 - Guiding Princples

# 1.1 - Te Hā o Tangaroa kia ora ai tāua

- 5. Prior to the colonisation of Aotearoa by the British Crown, Māori enjoyed complete authority over their fisheries resources. Te Ao Māori's relationship with Tangaroa, and ability to benefit from that relationship, was and remains underpinned by whakapapa descent from Ranginui, Papatūānuku and their children.
- 6. The signing of Te Tiriti o Waitangi in 1840 affirmed Māori tino rangatiratanga over their taonga including fisheries which was an essential affirmation of the traditional Māori world view. This world view endures in the modern day. Te Tiriti o Waitangi and the 1992 Maori Fisheries Settlement are built on a much deeper foundation of Māori whakapapa connection to and relationship with Tangaroa.
- 7. In the modern context, when considering or developing fisheries-related policy, Te Ohu Kaimoana is guided by the principle of 'Te Hā o Tangaroa kia ora ai tāua' the breath of Tangaroa sustains us. In this context Tangaroa is the ocean and everything connected to and within, on and by the ocean. This connection also includes humanity, one of Tangaroa's descendants.
- 8. Ko 'Te hā o Tangaroa kia ora ai tāua', highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty and how those parts individually and collectively sustain humanity. The guiding principles underpinning 'Te hā o Tangaroa kia ora ai tāua' highlight how we ensure that we foster and maintain our relationship with Tangaroa.

### 1.1.1 - Tangaroa

9. Tangaroa is the God of the Sea and everything that connects to the sea. He is the divinity represented through Hinemoana (the ocean), Kiwa (the guardian of the Pacific), Rona (the controller of the tides – the moon) and the connection with other personified forms of the Great Divine. For some tribes, he is also the overlord for all forms of water, including freshwater and geothermal as well as saltwater.

#### 1.1.2 - Te Hā

- 10. Te Hā means, breath and to breathe. Te Hā o Tangaroa represents the breath of Tangaroa, including the roar of the ocean, the crashing of waves on the beach and rocks, the voice of the animals in and above the ocean and of the wind as it blows over the ocean, along the coast and the rocks and through the trees that stand along the shoreline. Through our whakapapa to Tangaroa, we as humanity, we as tangata whenua, are the human voice for Tangaroa.
- 11. When Tangaroa breathes it is recognised through the ebb and flow of tide and the magnetism of the moon. This magnetism is recognised as the kaha tuamanomano (the multitudinal rope of the heavens). Therefore, we must also be mindful of the lunar calendar when working with Tangaroa and his various modes.

# 1.1.3 - Purpose and Policy Principles

- 12. Te hā o Tangaroa ki ora ai taua provides Te Ohu Kaimoana with guidance on key principles which should underpin our consideration of modern fisheries policy.
- Whakapapa: Māori descend from Tangaroa and have a reciprocal relationship with our tupuna;
- Tiaki: To care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa in order to care for humanity as relatives;
- Hauhake: To cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means
  of managing stocks) and for the sustenance of humanity; and
- Kai: To eat, enjoy and maintain the relationship with Tangaroa as humanity.
- 13. Whakapapa as a principle recognises that when Māori (and Te Ohu Kaimoana as an extension of Iwi Māori) are considering Tangaroa, we are considering the wellbeing of our tupuna (ancestor) rather than a thing or inanimate object. Therefore, the obligation and responsibility of Tiaki caring for Tangaroa comes from our descent from our Tupuna. Similarly, the responsibility and obligation of Hauhake (cultivation) is underpinned by our Tiaki obligations to Tangaroa in order to Tiaki humanity.
- 14. Ultimately, humanity's right to Kai to enjoy the benefits of our whakapapa relationship with Tangaroa are dependent upon our ability to Tiaki and Hauhake and how we uphold the responsibility and obligation in a modern and meaningful way to maintain legitimacy through practicing Tiaki, Hauhake and Kai.

15. These principles were inherent within the Treaty of Waitangi fisheries settlement and – Te Ohu Kaimoana asserts - the quota management system, which Māori endorsed as part of that historic settlement. This underscores its ongoing relevance and importance in modern New Zealand fisheries management.

# 2.0 Management measures for CRA 2

#### 2.1 Context

- 16. The Minister of Fisheries (the Minister) in his decision letter for the 1 April 2018 fishing year set out a recovery strategy for the CRA2 fishery. This requires additional management measures to be progressed as soon as possible.
- 17. As part of this strategy, FNZ on behalf of the National Rock Lobster Management Group (NRLMG), is welcoming feedback on proposals to reduce the daily bag limit for spiny rock lobster and introduce recreational telson clipping for rock lobster in the CRA2 fishery.
- 18. A full scientific stock assessment in 2017 suggested that the CRA2 fishery requires management action to ensure that the fishery rebuilds. A multi-staged rebuild plan has been put in place by the Minister on the advice of the NRLMG to improve abundance of spiny rock lobster in the CRA2 fishery.
- 19. The CRA2 TAC was significantly reduced on 1 April 2018. The allocations to the TACC, recreational allowance and other sources of mortality were both substantially reduced.
- 20. To assist the rebuild of the fishery, customary and additional sectors need to be managed within their allowance. Estimates of recreational catch are at 34 t per year. As the fishery rebuilds the opportunity to catch rock lobster will increase, and this could see the recreational sector catching above their allowance. Steps need to be taken to minimise the risk of that happening.
- 21. In addition, and to help minimise illegal take, the Minster also signalled that increased compliance would be required. Illegal fishing activities would also undermine the integrity of the fisheries management regime, reduce the benefits that fishers realise from the use of the resource, contribute to localised depletion, and potentially result in non-compliance by fishers if they lost confidence in the fisheries management regime. In order to reduce the potential for illegal take, FNZ with the support of NRLMG proposed that telson clipping be introduced into the fishery.

# 2.2 Proposed options

It is proposed that the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) be amended to introduce the measures outlined in Table 1.

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

# 2.3 Our position

22. Te Ohu Kaimoana supports options 1A and 2A to reduce the daily bag limit for spiny rock lobster and to introduce mandatory telson clipping in the CRA2 fishery.

# 2.4 Commentary

#### Integrity of the TAC

23. Te Ohu Kaimoana considers that the Quota Management System (QMS) is fit for fisheries management when utilised as it was designed. However illegal and unconstrained catch undermine the integrity of the TAC. Taking additional steps to manage the risk illegal take poses to the fishery is key to providing integrity to the TAC.

24. Equally important to upholding the integrity of the TAC is managing the recreational sector within the allowance that has been set.

#### **CRA 2 Measures**

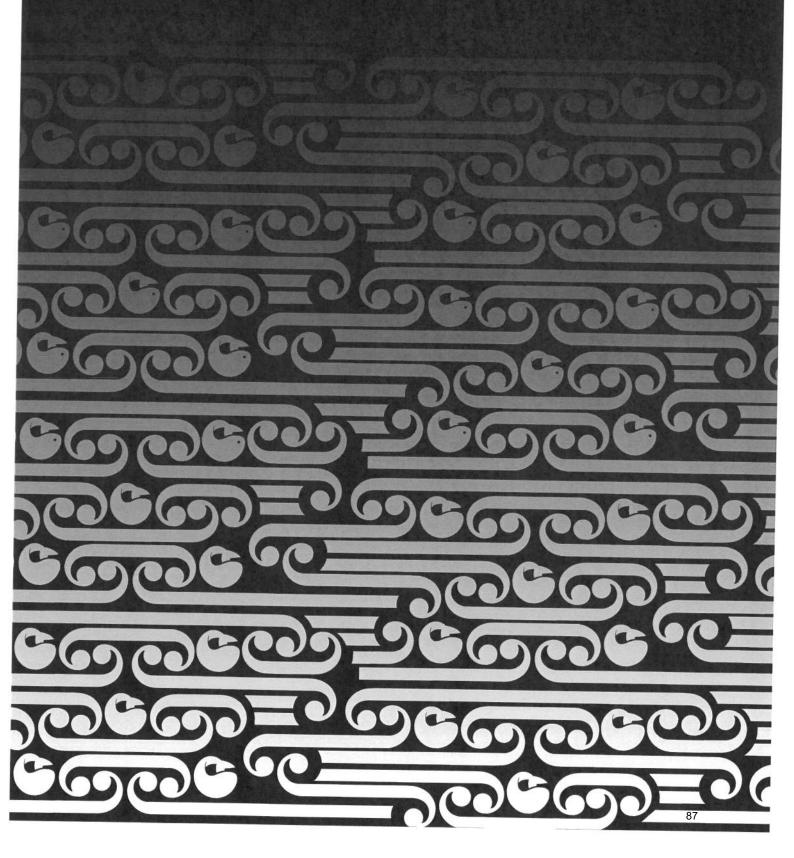
- 25. Te Ohu Kaimoana supports the reduction of the daily bag limit for spiny rock lobster from six to three. This should effectively constrain the recreational sector to within their 34 t allowance and limit the risk of the rebuild being undermined by sectors exceeding their allowance.
- 26. We also support the introduction of telson clipping to assist with reducing the possibility of illegally caught rock lobster entering the commercial supply chain. This measure has been successfully implemented in the Te Whata Kai o Rakihouia i Te Tai o Marokura (the Kaikōura Marine Area) area.
- 27. The elimination of illegal take is problematic, but the introduction of an initial measures can work to minimise illegal take.
- 28. In addition to supporting telson clipping, Te Ohu Kaimoana encourages FNZ to take further steps. This could include investigating novel measures that improve estimates of recreational take. Poor estimates of recreational take and low frequency of recreational harvest surveys are problematic to the effective management of the fishery.
- 29. Recreational horn tagging was recently implemented in the Victoria, Australia rock lobster fishery and is a potential tool to assist in the effective management of the rock lobster fishery. The utility of horn tagging was a measure discussed at both the Whakatane and Thames recreational CRA2 management meetings held earlier this year. This measure was supported by the customary representatives in attendance.

## 2.5 Conclusion

30. Te Ohu Kaimoana supports:

- option 1A and 2A to reduce the daily bag limit for spiny rock lobster and to introduce mandatory telson clipping in the CRA2 fishery
- the reduction of the daily bag limit for spiny rock lobster from six to three
- the introduction of telson clipping.
- 31. In addition, Te Ohu Kaimoana encourages FNZ to investigate the utility of recreational horn tagging to improve estimates of recreational take.

# Te Ohu Kaimoana



From:

Theo Meredith-Wilkie

Sent:

Monday, 17 December 2018 1:11 PM

To:

**FMSubmissions** 

Subject:

**CRA2** Recreational Submission

**Attachments:** 

NZFN Crayfish.jpg

To Fishing New Zealand/MPI

From: Theo Meredith-Wilkie

I support amendments both 1a and 2a.

I also think 1b and 2b should not even be an option in the CRA2 area.

Being a commercial fisherman,3rd generation and recreational fisherman, I can say i have taken my fair share of crayfish, but for the commercials to get the blame solely for the state of the fishery is completely unfair and an outright lie. We have been given subsequent cuts over the last 10 years, have taken the most recent 60% cut and also shelved our quota for the last 2 years on instruction by the scientists of MPI NIWA and others, all to try and improve our fishery and livelihoods while still no action has been taken towards the recreational sector. A sector who is growing immensely and only getting better and more equipped.

The CRA2 area has the densest populations of all of NZ's fishery's, add to the the brilliant weather we have and it is a fishing mecca. No other area in NZ is hit as hard as CRA2 recreationally. And yet there is no recording of catches to improve data (only guesswork off commercial catch rates),no recreational reductions have been made, all that there has been as a sustained attack on the commercials, dragging our names through the mud as the killers of CRA2.

I could write for pages about the recreational greed and exploitation I have seen and heard of over the years but I wont, I will only raise this one letter. Now don't get me wrong, I take my hat off to this man because at least he is honest, unlike all the LEGASEA followers who preach the good and still plunder under the daily catch limits. But if a man of this caliber, one of the top people of NZ's favorite fishing magazine is doing this over the 2 weeks of annual leave, what is the rest of NZ's population taking out of CRA2 all year round? Especially the underhanded ones and the ones in remote ares where the is little too no MPI.

Why is there a need to take so many crayfish out the water? A: Because greed is a part of human nature. B: Because the crayfish are being bartered with and sold.

Black marketing does happen in CRA2 despite what MPI may say, recreational take is bigger than what is 'guessed' despite what MPI may say

And as for the catch records of the charter fleet, something like 80 kilos of crayfish for a whole year. What a total load of rubbish! "Grant" himself admitted to taking 100 crayfish in the holidays which would be a easy 50+ kilos, and you want me to believe that all the charter boats in CRA2 took 80 kilos. The charter boats

themselves should be classified as commercials the amount of fish they take out of the water every year. And yet it seems like no one is policing or even worried about them.

Amendments 1a and 2a need to be put in place now.

To restore our fishery as quickly as possible recreational recording needs to be put in place, such as the "lobster tagging" used in Victoria Australia , mentioned by the NZ Rock Lobster Industry Council. How can recreational take MAGICALLY drop from 140 tonne to a estimated 34 tonnes with no data collection to prove otherwise? And how will you ever know when the 34 tonne limit is caught if there is no data? A reduced pot limit of a maximum 3 per boat needs to be implaced,

An accumulation limit needs to be enforced to stop the likelihood of black marketing There needs to be more MPI officers patrolling our coastlines, to stop illegal take whether it be recreational or commercial. In our remote areas such as Te Kaha there is 3 officers from Whakatane to east cape, how is this ever going to stop anything substantial let alone deter.

I urge you MPI to get off your behinds and do something substantial to help our fishery, other than raping the commercial sector.

Regards Theo Meredith-Wilkie

# **fishing**

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#### From the Helm

# Crayfish in crisis?

Welcome to the December edition.

It is hard to believe we are into our 12th edition for 2018 – time flies when you are having fun!

This issue's lead news item is a sad but inevitable one.

Fisheries NZ (FNZ) are surveying recreational fishers, seeking their input into a number of changes in the CRA2 (crayfish) management area.

Our coastline is divided up into many management areas for various species. CRA2 encompasses the greater Hauraki Gulf and the Bay of Plenty down to East Cape — an area that represents a fair chunk of our readership.

FNZ is consulting on the options to reduce the recreational crayfish catch in a fishery that is in crisis. It has already made severe cuts in the Total Allowable Catch (TAC) – that is all extractions including customary, commercial, recreational and mortality (including illegal commercial fishing for the black market) – from 416.5 tonnes down to 173.

The recreational allowance is now 34 tonnes, down from 140, while commercial fishers have been cut from 200 tonnes to 80, so the pain is shared. FNZ say such measures will result in a doubling of abundance between four and eight years, depending on recruitment – i.e. how fast the stocks recover.

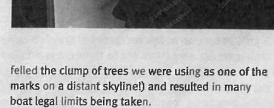
The survey, which when completed doubles as your personal submission, looks at several things. From my perspective, to have the status quo remain is not an option.

I have been diving this region for 45 years and have watched the gradual decline in crayfish numbers, especially in the more populated areas. I stick my hand up and admit I have contributed to the stock's demise.

My family and I holidayed at Whangamata for many years, and it was nothing to catch 100 crayfish plus for the two weeks of annual leave, and that was without the use of GPS and a decent sounder. I have friends who would take a chest freezer away with them camping around the east coast, just to keep their crayfish in. A daily bag limit of six per diver accumulates fast.

It was an abundant fishery, and I took full advantage of it. We used landmarks to determine the general location of our offshore reefs, and then a paper chart sounder to narrow our spots down.

It wasn't the exact science that is modern marine electronics but got the job done (until the farmer



The point I am making is we have collectively put pressure on this fishery, bringing it to its knees, and now it is time to pay the price for an abundance exploited by a previous generation.

The consultation is seeking the public's reaction to halving the daily recreational bag limit from six down to three; reducing potting effort by a third—three pots per person down to two; and telson clipping all recreational catch to indicate the crayfish in your possession has been caught non-commercially. The latter is a move to help reduce the black marketing of crayfish where illegal commercial fishing activity harvests crayfish that are sold for cash in pubs and to the 'back doors' of restaurants.

I understand the effects of this reduction in bag limits and effort will have and think it would be great to double the abundance in four years — but what then?

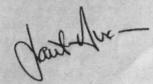
When 'abundance' is met, how is the TAC managed then? Will we see the commercial quota increased and the recreational daily bag limits stay the same? FNZ talks a lot about a 'shared' fishery and is asking us all to share the pain, but, long-term, how will we share the gain?

I urge you all, whether you are a crayfish gatherer or not, complete the online survey and have your say. The link and more information are in the news item on page 14 and 170.

And as this is the December issue, on behalf of the NZ Fishing Media team, business partner Grant Blair and myself, I would like to wish you a great festive season.

Tight lines,

Grant



From:

Tyler Sharratt

Sent:

Tuesday, 18 December 2018 3:14 PM

To:

**FMSubmissions** 

Subject:

Submission

Submission: I support a recreational daily bag limit reduction from 6 to 3 in CRA 2 at this time.

I 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



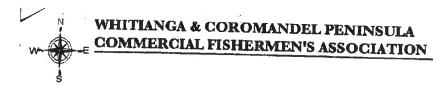
TYLER SHARRATT Resource Management Planner

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Phil Clow
Pire
Fax '''

20/11/18

Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington.

A submission in relation to "Proposed recreational measures for the CRA 2 rock lobster fishery."

This fisherman's association currently has 35 members, predominantly fishing out of Whitianga.

1---We agree with the proposed measure of reducing the spiny lobster recreational daily catch per person from six down to three.

2—We agree that if spiny rock lobsters and packhorse lobsters are in the catch then the combined bag limit should remain at three.

3—We agree with the telson clipping of both species of lobsters.

4—We disagree that customary fishers are exempt from the proposed telson clipping measures as it will make it difficult to trace black market lobsters in the market place.

5—We think that all charter vessels should be recording spiny rock lobster and packhorse lobster catch monthly as some of these vessels catch significant amounts of lobsters currently not captured in the reporting regulations.

Thanking you, Yours faithfully Phil Clow. President.