

**Forest & Bird brief submission on Fisheries
New Zealand Consultation on whether to
enable Annual Catch Entitlement carry forward
for rock lobster**



24th February 2020

FNZ is consulting on allowing uncaught rock lobster Annual Catch Entitlement (ACE) to be carried forward into the next fishing year which begins 1st April 2020 across all stocks.

FNZ has put forward three options concerning the carry forward of rock lobster ACE and their preference is for Option B:

- A. Retaining the status quo – making no changes to the Fisheries Act 1996, and not enabling ACE carry forward
- B. Enabling carry forward of up to 10% of the total ACE held by individual fishers, if uncaught (by removing rock lobster from Schedule 5A of the Act via Order in Council);
- C. In addition to Option B, enabling the one-off carry forward of all uncaught rock lobster ACE, beyond 10% (which would require a legislative amendment to the Act).

Forest & Bird comments:

Rock lobster are taonga for Maori and play a vital role in rocky reef ecosystem functioning^{1,2}. The sustainability of rock lobsters is critical for coastal management and something we have engaged on over the years. The management structure of the National Rock Lobster Management Group makes this incredibly challenging and frustrating. We still hope the 2019 review will result in an improved stakeholder make up and terms of reference.

While we feel for those local fishermen affected by the coronavirus impact on the China export market and their need for an urgent decision on whether or not ACE can be carried forward the time period for the consultation was entirely inappropriate. The short consultation period has made it difficult to engage with subject matter experts, talk to fishers and our members and supporters who also care passionately about rock lobster in their local areas. As a result of the short timeframe this consultation will primary be one

¹ Babcock, R.C., Kelly, S., Shears, N.T., Walker, J.W., Willis, T.J. (1999) Changes in community structure in temperate marine reserves. *Marine Ecology Progress Series*, 189: pp.125-134

² MacDiarmid, A.B., 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: pp. 313-333

with the industry who were aware of the proposals in advance as they worked with FNZ to put them forward. In future, eNGOs should be invited to participate from the outset. We want to submit because this is an important decision as it has the potential to set a precedent for how rock lobster quota (ACE) is managed.

Forest & Bird does not support option C.

Forest & Bird's preference is Option A, because this option retains the integrity of the current fisheries management system.

Forest & Bird has concerns about the state of several rock lobster fisheries, specifically CRA 2, CRA 1 and CRA 3 which have been severely overfished. Due to insufficient time we are unable to review the state of all the other rock lobster fisheries most recent stock assessments but we do acknowledge that not all stocks are in a state of decline, some are increasing and have quotas increased as a result of this. Therefore, **Forest & Bird propose a modified Option B, as the least harmful departure from the current fisheries management system.**

FNZ propose in option B that 10% of unfished ACE could be carried over, but that this **would not apply** to any rock lobster stocks where the TACC was reduced the **previous fishing year**. This sounds good in theory but doesn't go far enough for Forest & Bird to support.

The issue is that stocks are not ALL reviewed annually and there are stocks that currently have such low biomass their ecological role has been compromised, for example CRA 2 are widely considered by subject matter experts as functionally extinct^{3,4}. Under the current proposed language 10% of ACE not caught within CRA 2 could be carried over to the 2020 fishing year starting on the 1st April. This is highly inappropriate given that fisheries independent monitoring of rock lobster populations in the Hauraki Gulf and Coromandel area (CRA 2) indicates that the **population has declined below 10% of the unfished levels**^{4,5}, which should under the Harvest Strategy Standard close the fishery. What is even more concerning is that when monitoring is compared to historic levels in three locations the biomass of fished populations is currently **less than 2%**^{4,5}.

Forest & Bird **would not support** ACE carry over for CRA 2, yet under the current wording this would occur.

Forest & Bird would argue strongly that any rock lobster stock that is **below the MSY** target (40% SBO) should not be allowed to carry unfished ACE forward. This means that we would

³ Haggitt, T. (2016). Interview by Delwyn Dickley for Stuff article Crayfish 'functionally extinct in the Hauraki Gulf'. Published August 31st, 2016. Dr T Haggitt is Director of eCoast, a marine ecology consultancy

⁴ LaScala-Gruenewald, D.E., Haggitt, T., Grace, K., Hanns, B., Shears, N.T. (2018). Small marine reserves do not provide a safeguard against overfishing. Paper submitted. Forest & Bird provided a draft by Dr Nick Shears

⁵ Department of Conservation. (2018). Cape Rodney to Okakari Point and Tawharanui marine reserve rock lobster potting survey – March 2018. Unpublished report

accept for rock lobster stocks that were **at or above the MSY** target, with a 70% probability, that 10% of uncaught ACE could be carried over to the following year.

Forest & Bird would accept FNZ adopting a modified version of Option B – that enables 10% of uncaught ACE to be carried forward for those rock lobster stocks that are being managed at sustainable levels, specifically stocks that have had a recent quantitative stock assessment and are at or above MSY target. For example stocks like CRA 2, CRA 1 and CRA 3, would not be eligible for uncaught ACE to be carried forward.

In regards to FNZ statement around “rock lobster stocks would continue to be closely monitored”, Forest & Bird strongly supports this and recommends that stocks that have unfished ACE carry over must be reviewed the following year to ensure there are no sustainability concerns.

Forest & Bird does not support FNZs proposal that Option B would allow the same flexibility of 10% of unfished ACE to be carried forward in future years. This is a once off occurrence for a particular circumstance. Future unfished ACE should not automatically be carried over.

Given the Government has an intention to transition New Zealand’s inshore fisheries towards Ecosystem Based Fisheries Management, it is imperative that rock lobster stocks are increasing. Increasing abundance will act as an ecological buffer and build resilience against increasing environmental variability and climate change impacts. In parallel with this proposal, and as part of the wider EBFM work, FNZ needs to develop a restoration program to reverse the spread of urchin barrens given the decline of rock lobsters is a driving factor.

Feel free to get into contact for any further explanation of our brief submission.

Kind regards,

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