

**Hon Stuart Nash** LL.M, MMgt, MForSc

MP for Napier

Minister for Economic Development

Minister of Forestry

Minister for Oceans and Fisheries



B23-0180

Tēnā koe

## **Changes to sustainability measures for the Northland spiny rock lobster fishery (CRA 1)**

I write to inform you of my decisions on sustainability measures for the Northland spiny rock lobster fishery (**CRA 1**).

CRA 1 is an important shared fishery utilised by customary Māori, recreational, and commercial fishers. In making my decision, I am aware of both the number and variety of stakeholders who have an interest in this fishery, and I recognise that my decisions will impact all sectors involved, as well as tangata whenua and the public.

I have considered the options in the Decision Document as well as feedback and submissions received from the public, tangata whenua, and stakeholders on the initial proposals. I also considered advice from Fisheries New Zealand, relevant legislative provisions, and my obligations under the *Fisheries Act 1996*.

I have given particular consideration to the role of rock lobster in the wider ecosystem (particularly regarding the formation of kina barrens) and the recent findings of the High Court in *The Environmental Law Initiative v Minister for Oceans and Fisheries* [2022] NZHC 2969.

My decision is intended to increase the abundance of rock lobster in the environment, to meaningfully contribute to the control of kina (sea urchin) populations over time, while recognising that addressing the proliferation of kina barrens will require a range of measures beyond a decrease to catch limits for rock lobster.

The Decision Document that informed my decisions is available on the Fisheries New Zealand website (<https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-for-fisheries-2023-april-round/>).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stuart Nash'.

Hon Stuart Nash  
**Minister for Oceans and Fisheries**

## Summary of my decisions for Northland spiny rock lobster (CRA 1)

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My decision for CRA 1 was guided by Fisheries New Zealand and responds to the findings in a recent High Court judgment. <sup>1</sup>

Spiny rock lobsters support important shared fisheries. They are a taonga (treasure) for tangata whenua, a popular species for recreational fishers to catch, and support valuable export markets, regionally important industries, and employment.

Spiny rock lobsters are also ecologically important predators in New Zealand's rocky reef ecosystems, feeding on a wide range of prey. In the Northland area, evidence indicates that spiny rock lobster abundance is below a level that enables them to meaningfully contribute to the control of kina populations (whether alone or in combination with other factors). This is important because there is evidence that suggests where kina populations are not sufficiently controlled, it can lead to the proliferation of 'kina barrens', which are less biologically diverse environments than the kelp forest habitats they replace.

In making my decision, I have considered the available science and information set out in the Decision Document, including the results of full quantitative stock assessments, rapid updates to the stock assessment, and information regarding the role of spiny rock lobster in the wider ecosystem (particularly within the CRA 1 area).

### **TAC, TACC and allowances:**

I have decided to decrease the Total Allowable Catch (**TAC**), Total Allowable Commercial Catch (**TACC**), and allowance for recreational fishing for the CRA 1 fishery as follows:

	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous settings	193	105	20	27	41
New settings	172 ↓	89 ↓	20	22 ↓	41

This is Option 3 presented in the Decision Document.

The 2022 rapid update<sup>2</sup> for CRA 1 indicates the vulnerable biomass<sup>3</sup> of the stock is just above the  $B_{MSY}$  reference level and is projected to increase over the next four years at 2022 catch levels. I consider it is important to act to ensure that the CRA 1 biomass increases to a level (which is as yet unknown) that will allow them to play their part in controlling kina populations and delivering other ecosystem functions in CRA 1.

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<sup>1</sup> The Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 November 2022]. See section 3.2 of the CRA 1 Decision Document where the case is discussed.

<sup>2</sup> Results from rapid assessments provide estimates of stock status and projections of stock biomass to guide management settings in between full stock assessment years.

<sup>3</sup> Vulnerable biomass refers to that portion of a stock's biomass that is available to fisheries, i.e., legally harvestable adult rock lobsters. Also called exploitable biomass or recruited biomass. For rock lobsters this is limited to male and female fish above the Minimum Legal Size at the beginning of the autumn-winter season, excluding berried females.

In making my decision, I carefully considered feedback from tangata whenua, the public, and stakeholders that they were concerned about the low abundance of rock lobster in CRA 1, and the effects this low abundance is having on the coastal marine environment (for example, the formation of kina barrens). I also carefully considered the likely social, cultural, and economic ramifications of a further reduction to the TAC.

I note that there is evidence to suggest that predators, including spiny rock lobsters, when at sufficient abundance can have a significant role in controlling kina populations. Where there are fewer rock lobsters, kina populations may increase to a level that leads to the proliferation of kina barrens. I understand studies in the Northland area have consistently demonstrated evidence of kina barrens, particularly in shallow reef habitats on the East coast.

In light of this evidence and my obligation under the Act to provide for utilisation while ensuring sustainability (of both the stock and the aquatic environment), I have decided on a precautionary approach to provide more certainty of increasing the vulnerable biomass and improve the rate at which that increase occurs while still allowing for a level of utilisation.

Under the option I have chosen, vulnerable biomass is expected to have increased to 41 percent above the current biomass by 2026. This increase will benefit users through an improvement in availability and catch rates, and is intended to move the stock to an as yet unknown level, that in combination with other measures, will allow rock lobster to play their part in controlling kina populations and delivering other ecosystem functions in CRA 1.

However, I note that reductions to the TAC, TACC, and the allowance for recreational fishing alone, are unlikely to be enough to address the issue of kina barrens. Therefore, I have directed Fisheries New Zealand to provide me with additional advice by July 2023 on addressing kina barrens within CRA 1, including consideration of further measures such as a maximum legal size for rock lobster, splitting the Quota Management Area, spatial restrictions and targeted culling of kina.

The changes to the TAC, TACC, and allowance for recreational fishing for CRA 1 will come into effect at the start of the new fishing year on 1 April 2023.

I note that a rapid update for CRA 1 is expected by November 2023, and a full stock assessment is scheduled for 2025. These assessments will provide an opportunity to monitor the effects of the 2023 decreases to catch settings, and additional as yet agreed management measures on the CRA 1 stock and the issue of kina barrens. A further review of the CRA 1 catch settings for April 2024 may be considered if required.

**Recreational daily limit:**

I have also decided to decrease the recreational daily bag limit for spiny rock lobster in CRA 1 as follows:

	Combined daily limit <sup>4</sup>	Max spiny rock lobster daily limit
Previous setting	6	6
New setting	6	3 ↓

<sup>4</sup> Combined daily limit of spiny and packhorse rock lobster.

In combination with the new CRA 1 TAC, specifically the new allowance for recreational fishing, I have decided to decrease the recreational daily limit from six to three spiny rock lobster per person per day. A daily limit of three is estimated to reduce recreational take by 15 to 19 percent, and aims to ensure that recreational catch is managed within the revised allowance.

My decision on recreational daily limits takes into account previous reductions to the allowance for recreational fishers, and gives effect to the previous Minister's 2022 decision to review recreational regulations. I note that all sectors need to contribute to increasing the abundance of this important shared fishery. I expect this change to the daily limit to be implemented in April 2023.