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Submission: Review of management procedures for spiny rock lobster (CRA 7) for 2025/26

Recommendations

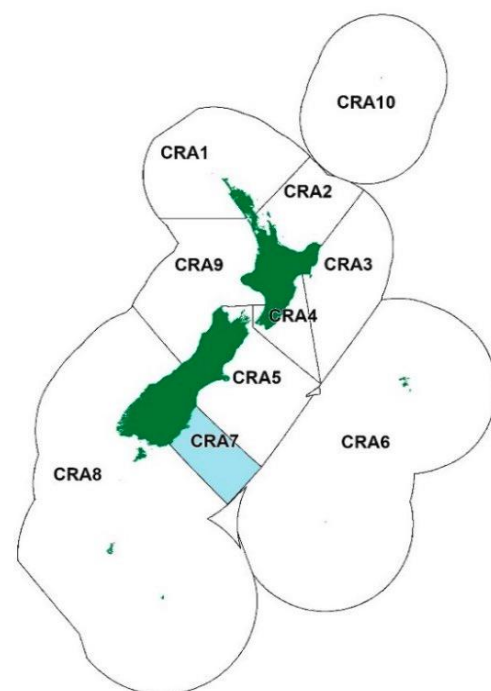
1. **The Minister approves FNZ Option 1, to increase the Total Allowable Catch for CRA 7 by 3 tonnes to 137.5 tonnes, including –**
 - a. Retaining the recreational allowance at 5 tonnes.
 - b. Retaining the customary Māori allowance at 10 tonnes.
 - c. Retaining the Total Allowable Commercial Catch at 111.5 tonnes.
 - d. Increasing the allowance set aside for all other mortality caused by fishing from 8 tonnes to 11 tonnes.
2. **We insist the Minister revokes the concession in CRA 7** which permits commercial fishers to take female and male rock lobsters at or above 127 mm tail length (equivalent to 47 mm tail width (**TW**) for males and 48 mm TW for females) and restores the minimum legal size of 54 mm TW for males and 60 mm TW for females year-round.
3. **The Minister acknowledges that** an agreed management target and agreed reliable index of abundance are required for CRA 7.

The submitters

4. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the review of sustainability measures for rock lobster (*Jasus edwardsii*), in Quota Management Area CRA 7 for 2025–26. Fisheries New Zealand’s (FNZ) Discussion paper was received on 13 December 2024, with submissions due by 29 January 2025.
5. The NZ Sport Fishing Council is a recognised national sports organisation of 55 affiliated clubs with over 37,000 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. legasea.co.nz.
6. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 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.
7. The New Zealand Underwater Association (**NZUA**) comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
8. Collectively we are ‘*the submitters*’. The joint 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].
9. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

10. Rock lobster are an important species and fishery for all sectors in New Zealand. Historically, rock lobster were abundant and played a significant role in coastal ecosystems. Large catches of rock lobster were taken out of some ports in the 1920s for canning and export to Europe. Widespread commercial rock lobster fishing has occurred since 1945. Updated estimates of recreational harvest are available from the [2022–23 National Panel Survey \(NPS\)](#).
11. CRA 7 supports relatively small commercial, customary and recreational fisheries. Most of the rock lobster available in the fishery are young fish that tend to migrate into areas in CRA 8 after a few years. Catch rates tend to fluctuate with strong and weak years of recruitment.
12. The CRA 7 commercial landings for the 2023–24 fishing year were 111.5 tonnes. The 2023–24 estimate for recreational harvest was 1.41 t (C.V 0.54), not including 0.03 t of reported catch by amateur charter vessels and 2.24 t of catch taken for personal use while commercial fishing (section 111 landings).
13. CRA 7 is a concession area. Commercial fishers are permitted to land male and female rock lobsters at or above 127 mm tail length (TL). Approximate TW measures are 47 mm TW for males and 48 mm TW for females.¹ This is significantly less than the estimated size of 50% female maturity in CRA 7 of 58.2 mm TW. The CRA 7 fishery is closed to commercial fishing from 20 November to 31 May of any year.
14. Recreational fishers have a maximum daily bag limit of 6 rock lobsters.
15. CRA 7 is assessed in conjunction with CRA 8 because they are thought to be one biological stock. The best available information for the status of CRA 7 is the last full assessment of CRA 7 and CRA 8 conducted in 2021, a rapid update of the assessment conducted in 2023 and current Catch Per Unit of Effort (CPUE) data. The 2023 rapid assessment update at the end of the 2022–23 fishing year (31 March 2023) estimated the current biomass of the combined stocks is estimated to be at 54% of the SSB_0 (unfished spawning stock biomass)² above the interim target of 40% SSB_0 .
16. The 2021 stock assessment model combined CRA 7 with four CRA 8 statistical areas to form region 1 and the Fiordland area into region 2. It was not possible to use this model to



¹ Fisheries Assessment Plenary - Introductory Section to Yellowfin Tuna. November 2024. Fisheries New Zealand.

² SSB_0 , the spawning stock biomass, is the biomass of sexually mature females only. This includes females that are sexually mature but smaller than the minimum legal size (i.e., not able to be caught). SSB_0 is the estimated original biomass.

evaluate a new management procedure for CRA 7 or to assess the suitability of the old management procedure developed in 2015. While CPUE is rising in CRA 7, there are currently declines in catch rates in CRA 8 and CRA 5 and an unknown level of recruitment from, and movement to, these areas.

17. The Plenary accepted a short-term management procedure based updated CPUE standardisation methods that included a vessel effect and a year × area interaction term until the next assessment in 2027 that will explicitly model CRA 7.
18. The status of CRA 7 in relation to the default management target of 40% SSB₀ cannot be reliably estimated. The best available information for CRA 7 individually is standardised CPUE based on past Catch Effort Landing Return (**CELR**) and Electronic Reporting System (**ERS**) data. FNZ state in their discussion document that CPUE has been increasing since the late 1990s. The most recent estimate in 2023–24 showed an increase to 3.1 kg/potlift from 2.5 kg/potlift in 2022–23.³ An increase of this magnitude in just one year is difficult to believe. Its inclusion in the proposal document could be misleading for the public who don't understand how CPUE can be manipulated to influence stock management and TACC increases, therefore it ought to be presented with a cautionary warning.

Management proposals

19. FNZ and the NRLMG have released a [Discussion Document](#) to review the Total Allowable Catch (**TAC**) for CRA 7.
20. FNZ are proposing two options for CRA 7, both options are to increase the TAC. Option 1 increases the TAC by 3 t to provide for an increase in the allowance set aside for all other mortality caused by fishing, from 8 t to 11 t. Option 2 increases the TAC by 15 t including an increase in TACC by 11.5 from 111.5 t to 123 t, and an increase in the allowance for all other mortality caused by fishing, from 8 t to 12 t (Table 1).
21. FNZ is not proposing an option to retain the status quo. In their discussion document FNZ have stated that the current 8 t allowance set aside for all other mortality does not align with new estimates of the combined illegal catch and handling mortality in CRA 7.

Table 1: Proposed management options (in tonnes) for CRA 7 from 1 April 2025.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<i>Current settings</i>	134.5	111.5	10	5	8
Option 1	137.5 (↑ 3)	111.5	10	5	11 (↑ 3)
Option 2	150 (↑ 15.5)	123 (↑ 11.5)	10	5	12 (↑ 4)

³ Review of sustainability measures for spiny rock lobster (CRA 7) for 2025/26. Fisheries New Zealand. At [113–114]

CPUE based management procedures (MPs)

22. The submitters do not support the use of management procedures (MPs) designed to maintain vulnerable biomass at low levels that are estimated to maximise yield. The Minister must acknowledge that current MPs do not adequately consider efficiency gains made by rock lobster fishers since 1980, nor the downward trend in productivity of all rock lobster stocks in New Zealand and are arguably ultra vires.
23. Retention rates and reporting behaviour have changed over time yet this is not reflected in the previous MPs or previous stock assessments. In 2018, efficiency gains were factored into the CRA 2 stock assessment and that proved to be a turning point, showing that previous estimates of current and future abundance were too optimistic.
24. We are concerned that there are no iwi and stakeholder agreed management targets that take account of the wider impacts of high exploitation rates of rock lobster.
25. The purpose of the proposed CRA 7 MPs is to relieve decision makers of considering any other information than catch per unit of effort (CPUE) when setting or varying the total allowable catch (TAC) or total allowable commercial catch (TACC). However, simply relying on CPUE as a reliable index of stock abundance is problematic, and something that cannot be true except for very small areas.
26. CPUE indices do not allow for changes in market demands, fishing operations, increased efficiency, shifts in areas fished, and changes in discard rates or reporting rates. This is particularly relevant given that commercial fishers are now harvesting larger rock lobster in the neighbouring area CRA 8, whereas historically those larger animals were returned to the water.
27. The TAC must be set having regard to Part 2, the Purpose and Principles of the Fisheries Act (the Act) 1996. To take a simple measure of commercial CPUE and craft a rule that adjusts the TAC in response to changes in CPUE is not contemplated in the Act.
28. This process of determining catch settings using a single species assessment as the best available information has been rejected by the High Court⁴. In the 2022 CRA 1 High Court decision, Churchman J confirmed that the Act **requires the Minister to act in a accordance with New Zealand's international obligation to favour a precautionary approach where information is uncertain, unreliable, or inadequate**⁵. As such, there is an obligation to enquire and report on environmental risks arising from the degree of depletion of the rock lobster stock, and the gaps and deficiencies in the information being used. Kina barrens are one obvious consequence of removing predators that provide necessary ecosystem services. While kina barrens are not as prolific in CRA 7 when compared to Northland waters, there are likely more consequences that are not so obvious or simply not reported.

⁴ Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 Nov 2022].

⁵ At [17 & 44]

29. To make a lawful decision, the Minister must now consider the matters raised by Churchman J, including the quality of information, and take into account any past, present and cumulative effects of fishing on rock lobster and other species within the marine ecosystem.

Independent review of rock lobster assessment processes

30. In July 2024, an international, fully independent panel of three scientists met to receive and evaluate information on the Rock Lobster Stock Assessment Model, the associated biological reference points, the Management Procedures, and the rapid assessment updates that have been used over recent years. Twenty-five recommendations for future development and improvement were provided to FNZ and the public in a [final report](#).

31. Currently, Management Procedures and rapid assessment updates are used in interim years between full stock assessment for rock lobster stocks. The panel commented on the use of these models in interim years in their recommendations and concluded –

“The objectives behind developing the Management Procedures should be made explicit, in particular, whether their intent is likely to increase risk to the stock.”

“The use of the Management Procedures appears inherently risky. Either find a way to demonstrate that increased risk is not occurring or only use the Management Procedures to keep the TACC stable or to decrease it.”⁶

32. FNZ have reported on the independent review in the discussion document and highlighted the risks of using Management Procedures to increase the TACC in interim years. In the discussion document FNZ have stated –

“FNZ is still working through the panel’s recommendations and their potential implications for the assessment processes moving forward.”⁷

33. FNZ also acknowledge that an increase in TACC *“would be contrary to the panel’s recommendations that procedures should only be used to keep the TACC stable or to decrease it.”⁸*

34. It is counterintuitive for officials to be going against the recommendations provided by a panel of independent scientists. And, it seems “inherently risky” for FNZ to be proposing an increase to the TACC whilst they are still working through recommendations.

⁶ de Lestang, S.; Haddon, M.; Hoyle, S. (2024). Review of Red Rock Lobster Stock Assessment Modelling and the Determination of Management Reference Points.

⁷ Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [125]

⁸ Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [128]

35. What is the rush? FNZ must take the time to fully consider the recommendations provided by the independent scientists and propose any increases when a full stock assessment has been completed and the uncertainties are reduced.
36. **The submitters do not support the use of CPUE-based MPs to increase the TACC on interim years between full stock assessments.**

FNZ Proposals

CRA 7 management

37. FNZ are proposing to increase the TAC based on an MP implemented prior to 2021, which was dropped after the Electronic Reporting System was introduced. The new electronic system changed the way catch was reported, which adversely affected CPUE in most Quota Management Areas (**QMAs**). CRA 7 is believed to be the exception and reporting of estimated catch improved, in that it seemed to match landed catch better.
38. The submitters do not support the use of CPUE-based management procedures and have actively and consistently opposed their use in previous submissions and Fisheries NZ-led stakeholder meetings. Our objections have been ignored.
39. FNZ state in their Discussion Document that the status of CRA 7 in relation to the default management target of 40% SSB_0 cannot be reliably estimated.⁹ If this is true the submitters recommend the Minister meets his statutory obligations to take a precautionary approach by supporting Option 1, increasing the TAC to 137.5 t which includes an increase in the allowance for all other mortality caused by fishing to 11 t, to align with best available information.
40. **The submitters insist the Minister acknowledges that an iwi and stakeholder agreed management target and agreed reliable index of abundance are required before selecting a management procedure for CRA 7.**

CRA 7 differential size limit

41. When setting a minimum legal size (**MLS**) for a fishery it must be made in the context of sustainability regarding sexual maturity. As outlined above, this is clearly not the case for CRA 7.
42. The concession that permits commercial fishers to harvest crayfish smaller than the minimum legal size is unacceptable and must be revoked. This differential size limit in CRA 7

⁹ Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [8]

was introduced in the mid-1900s to support a market for canned rock lobster tails. That market no longer exists. This is a classic example of what happens when you allow concessions to continue when the original purpose is no longer valid. At the time it was also suspected that CRA 7 rock lobsters did not grow any larger than the MLS applied in other QMAs, and large number of small-sized lobsters moved out of the CRA 7 fishery at certain times of the year.

43. FNZ has acknowledged that there is no biological justification for the CRA 7 concession and rock lobsters do grow larger than the 54/60 mm TW.¹⁰
44. In neighbouring CRA 8, the best available information suggests the concession was implemented on an assumption that mature female rock lobsters in CRA 8 had a narrower tail width than equivalently mature fish in northern QMAs.¹¹
45. The estimated size at which 50% of females mature in CRA 8 is 58.2 mm TW, larger than the current MLS concession.¹² FNZ have stated historically that a female MLS of 60 mm TW in CRA 8 could allow more rock lobster to breed before being vulnerable to the fishery.¹³
46. Permitting commercial fishers to land concession fish results in a larger number of crayfish being caught per tonne of Annual Catch Entitlement (**ACE**), fishing down new recruits before they have a chance to grow, so reducing yield per recruit. If CRA 8 is as abundant as FNZ suggest, then there is no need for a differential size limit.
47. Our ongoing concern is that there is no statutory requirement for the commercial sector to separately report the weight or number of landed concession rock lobster. There are indications that smaller grades that include concession fish make up a significant component of the commercial catch. However, we cannot verify this as the numbers and percentages of concession fish landed compared to crayfish above the MLS is not publicly reported and not available, despite several OIA attempts to retrieve this information.
48. **The Minister must insist** that there is comprehensive reporting on the numbers and weights of concession fish being landed into Licensed Fish Receivers, and that this information is made publicly available in a machine-readable format.
49. In 2023, the submitters adopted a [National Rock Lobster Policy](#) that aims to increase the size and abundance of rock lobster in New Zealand and ensure the needs of customary and amateur fishers are met. [At 5.9 b]

¹⁰ Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [96]

¹¹ Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [29]

¹² Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [20]

¹³ Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [107]

50. **We the submitters insist the Minister removes the concession in CRA 7** permitting commercial fishers to land male and female rock lobsters at or above 127 mm TL (47 mm TW for males and 48 mm TW for females) from 1 June to 19 November and reinstates the MLS of 54 mm TW for males and 60 mm TW for females.
51. **We the submitters insist the Minister removes the concession in CRA 8** permitting commercial fishers to land female rock lobsters at or above 57 mm TW at any time of year and reinstates the MLS of 60 mm TW for all fishers.
52. **We the submitters insist the Minister removes the concession in CRA 3 (Gisborne)** to align with the revocation in CRA 7 and 8.