

2<sup>nd</sup> February 2011



**Kahungunu**

Asset Holding Company

Trudie Macfarlane  
Ministry of Fisheries  
PO Box 1020  
Wellington 6140

Tena koe

**Review of Sustainability Measures and Other Management Controls for Spiny and Packhorse Rock Lobster Fisheries for 1 April 2011 – CRA4**

1. KAHC, a subsidiary of Ngati Kahungunu Iwi Incorporated, is a quota owner in CRA3 and CRA4, shares received on behalf of Ngati Kahungunu and Rongomaiwahine from the Treaty of Waitangi Fisheries Settlement.
2. KAHC is a member of Kahungunu ki Uta, Kahungunu ki Tai (KUKT), alongside Ngati Kahungunu Iwi Inc and Coastal Hapū, mai Paritu tae atu ki Turakirae. With the support of Te Ohu Kaimoana, KUKT developed a strategy aimed at integrating, protecting and developing the commercial and non-commercial fishing interests of the iwi and hapū between Paritu, north of Mahia and Turakirae, South Wairarapa.
3. In developing that strategy iwi and hapū identified key qualities they would like to achieve in the rock lobster fishery. Some of those qualities include:
  - A sustainable fishery
  - An abundant fishery
  - An abundance of large rock lobster
  - A sustainable and stable commercial fishery
  - A healthy environment

A separate submission will be made by Ngati Kahungunu Iwi Incorporated, Kahungunu ki Uta, Kahungunu ki Tai.

**CRA4**

4. KAHC supports and recommends Option 2 – The retention of the current TAC (610.625 tonnes), TACC (415.625 tonnes) and other allowances.

Nāku noa

Aramanu Ropiha  
General Manager



Trudie Macfarlane  
Ministry of Fisheries  
PO Box 1020  
Wellington 6140

**Ngāti Kahungunu Iwi**  
INCORPORATED

31/01/2011

**Submission:** Review of Sustainability Measures and Other Management Controls for Spiny and Packhorse Rock Lobster Fisheries for 1 April 2011

**From:** Ngāti Kahungunu Iwi Incorporated

Tēnā koe Trudie:

### Background

1. **Ngāti Kahungunu Iwi Incorporated (NKII)** is the mandated iwi organisation responsible for all aspects of Kahungunu development. Ngāti Kahungunu has the third largest iwi population (55,946<sup>1</sup>) and the second largest tribal rohe, from Paritu and extending inland across the Wharerata ranges in the north to Turakirae (Cape Palliser) in the south.
2. Ngāti Kahungunu Iwi Incorporated has established an Iwi Fisheries Management Unit which takes an active role in developing and presenting submissions on behalf of Ngāti Kahungunu. The Fish Unit's role is to complement and support the aspirations of hapū and this submission does not intend to exclude or undermine any other Kahungunu responses or submissions.
3. The Iwi Fisheries Management Unit is responsible for implementing the *Kahungunu ki Uta, Kahungunu ki Tai, Marine and Freshwater Fisheries Strategic Plan* (KKUKKT Strategy). The KKUKKT Strategy is the product of collaboration between NKII, the Kahungunu Asset Holding Company, the Coastal Hapū Collective and Te Kupenga a Whiturauroa.
  - 3.1. **Kahungunu Asset Holding Company Limited (KAHC):** Established by NKII in 2005 to receive and manage the Treaty of Waitangi fisheries settlement assets on behalf of Ngāti Kahungunu.
  - 3.2. **Coastal Hapū Collective (CHC):** Coastal Hapū who hold the customary fishing and management rights within their rohe moana and are primarily responsible for kaitiakitanga in their respective areas.
  - 3.3. **Te Kupenga a Whiturauroa a Māui (Te Kupenga):** Regional kaitiaki customary fisheries forum.
4. The Iwi Fisheries Management Unit is guided in its work by Te Rōpu Whakamana, consisting of the chairpersons of NKII, KAHC, CHC and Te Kupenga.
5. The KKUKKT Strategy sets out the aspirations, interests and rights of tāngata whenua regarding the management of their marine and freshwater fisheries, including environmental concerns. The KKUKKT Strategy seeks to reintegrate customary non-commercial, customary commercial and recreational fishery interests and management, to create a new and genuinely holistic and sustainable approach to fisheries management.
6. The KKUKKT Strategy prioritises local management in accordance with tikanga and supports the mana of hapū. Development of the KKUKKT Strategy includes ongoing consultation with Kahungunu hapū (and other relevant stakeholders) throughout the rohe to gather issues and to discuss and develop solutions.

<sup>1</sup> 2006 Census of Population and Dwellings, New Zealand Kahungunu population only.

7. The KKUKKT Strategy sets out our goals and aspirations for our fisheries. These aspirations include:
- A healthy fisheries environment
  - An abundant fishery and thriving people
  - A sustainable and stable commercial fishery

Our kaupapa or vision is:

*Kaitiakitanga o ngā rawa a Tangaroa mo ngā uri whakatupu*

*Guardianship of Tangaroa's multitudes on behalf of all the generations yet to come*

8. Prior to the quota management system hapū managed their resources (including fisheries) holistically. Today we are trying to recapture this management approach as best as possible, as it is a model for sustainable management that sustained hapū for hundreds of years.
9. As previously mentioned, and similar to other iwi authorities, Ngāti Kahungunu Iwi Incorporated has a stake and maintains its interests in all fisheries sectors, i.e. commercial, recreational, customary and environmental. This is a unique situation that places us in an excellent position to have an overview of the entire fishery and consider all perspectives openly.
- 9.1. Commercially our interests in Fisheries are strong through the Treaty of Waitangi (Fisheries Claim) Settlement Act 1992, the proceeds of which support the operations of the iwi authority.
- 9.2. Maori make up significant numbers in the 'recreational' sector, and despite the name Maori often use this 'right' in a customary context by sharing what they gather with their whānau. Maori are underrepresented participants in this sector, as their views are not considered in those submissions put forth by recreational fishing clubs.
- 9.3. Our hapū maintain strong customary interests and in accordance with our Kaitiaki responsibilities we maintain significant environmental ethics.
10. Ngāti Kahungunu Iwi Incorporated work closely with many stakeholders, maintaining communication channels listening to respective interests, and working towards common goals and aspirations. Our networks include Te Ohu Kaimoana, coastal hapū, tāngata kaitiaki, recreational fishermen, groups and representatives, local and central government agencies, commercial fishermen, industry investors and representatives, Ngāti Kahungunu whānau and individuals.
11. Maintaining these networks and appreciating all perspectives is vital in having a holistic over view and progressing durable outcomes and solutions.

## **Introduction**

12. Koura (lobster) is an iconic and taonga species to all tāngata whenua in Ngāti Kahungunu, as identified in the KKUKKT Strategic Plan. Implicit in our vision as outlined above, is that Koura is sufficiently abundant to satisfy all Ngāti Kahungunu fishers. Abundance in this context includes quantity, quality and accessibility.
13. Koura holds a place of great significance to Ngāti Kahungunu, particularly as Ngāti Kahungunu is well known for this resource and its significance extends beyond its use as kai (food).
14. The ability of whānau, hapū and marae to provide koura to their people and to manuhiri (guests) is very important because it is a great source of pride, fundamental in terms of enhancing mana and expressing manaakitanga (hospitality).



15. Coastal hapū maintain a significant interest in their local fisheries in accordance with their mana whenua, mana moana and kaitiaki responsibilities. For hundreds of years the significance of koura has not diminished but grown, despite the relatively recent increases in pressures on the stock from both domestic and international markets.

**Kahungunu aspirations**

16. Ngāti Kahungunu Iwi Incorporated desire greater input by tāngata whenua, particularly hapū, in management and decision making processes. As discussed above Ngāti Kahungunu has developed our own process for reintegrating our various fisheries interests and ensuring that our views inform management and decision making process.
17. As the **Mandated Iwi Organisation** and Treaty Partner we have informed the Ministry of our stance to the Ministry of Fisheries' Iwi Fish plan/Forum Fish Plan approach and remind the Ministry to liaise with our Iwi Fisheries Management Unit on all matters pertaining to our rohe.
18. We prefer to take a conservative approach to fisheries management particularly for rock lobster, to ensure the stocks are utilised sustainably and to further rebuild the fishery. This approach is a continuation of previous thinking that has served our interests well.

**He manako te koura i kore ai**  
*Crayfish are scarce when they are expected*

The origins of this whakatauki (proverb) are relatively old but its message is timeless. We believe a conservative approach is a tried and true approach to sustainability.

19. Ngāti Kahungunu Iwi Incorporated wish to maintain the status quo, that is retain the current TAC, TACC, and allowances.

**Recommendation:**

**We recommend** the total allowable catch remains at 610.625 tonnes, and the total allowable commercial catch remains at 415.625 tonnes.

For any additional information on this submission, please contact Dr Adele Whyte, Pouarataki – Ngā tini a Tangaroa (Director of Fisheries), [adele@kahungunu.iwi.nz](mailto:adele@kahungunu.iwi.nz).

Nāku noa, na,



Meka Whitiri  
Kaiwhakahaere Matua/Chief Executive  
Ngāti Kahungunu Iwi Incorporated

*Tangaroa a mua, tāngata ki muri*  
*If Tangaroa is abundant, the people will thrive*

# Te Kupenga Whitureauroa a Maui

31 January 2011

The Acting Chief Executive Officer  
Andrew Coleman  
Ministry of Fisheries  
Private Bag  
Wellington

Tēnā koe Andrew,

## **CRA3 and CRA 4 Submission for 1 April 2011**

Te Kupenga Whitureauroa a Maui Customary Fisheries Forum (TKWM) make the following submission in an effort to proactively support the sustainability of our taonga species *koura* in the CRA3 and CRA4 areas.

Te Kupenga therefore support and provide the following recommendations:

### **1. Support the retention of TAC for the CRA3 area.**

TKWM do not have scientists or the resources to independently assess the validity of the methodology/ formula being used and is therefore restricted to commenting on process rather than the technical aspects. Accordingly TKWM support the retention of the existing TAC subject to the following:

- MFish start formal work on the development of a robust recreational and customary data base/ information system. Such a system be established and piloted in the CRA 3/ 4 areas to complement the use of the commercial CPUE for assimilation in the respective stock assessments. The use of both recreational and customary data will lead to improved finer scale management that we are happy to see initiated on the wider east coast.
- A schedule of independent stock assessments continues at set intervals and that TKWM are involved in these assessments. The assessments should involve collation of both recreational ramp and/ or boat surveys and an analysis of customary permits.

### **2. Support option 2, the retention of current TAC/ TACC for CRA4:**

TKWM support option 2 eventhough TKWM supported the implementation of the new management procedure for the 2009-2010 fishing year, and the two to three year phasing of the proposed increase last year.

TKWM continue to recommend a cautious approach to increasing the TAC/ TACC and request no change until such time as TKWM has the ability to independently assess the

state of the stock themselves. We therefore reiterate the two points above regarding improved information gathering and stock assessments.

A local issue is the concern of the size of the legal female red rock lobster. TKWM submit a need to address this and recommend the legal size be increased from 60mm up to 62 mm to allow further reproduction and potentially increase stocks.

TKWM recognise the intended management procedure however are making this submission in the best interest of sustainable stocks, given we still do not have coordinated CPUE information for the customary and recreational sectors.

TKWM is concerned that any significant increase could have a negative impact on the sustainability level of the fishery.

Stock	Option	TAC	TACC	Customary Allowance	Recreational Allowance	Other mortality
CRA 4	Option 1: Increase the TAC based on the operation of the agreed CRA 4 management procedure	661.9 tonnes	466.9 tonnes	35 tonnes	85 tonnes	75 tonnes
	Option 2: Retain the current TAC, TACC and allowances	610.625 tonnes	415.625 tonnes	35 tonnes	85 tonnes	75 tonnes

### 3. National Rock Lobster Management Group (NRLMG) representation:

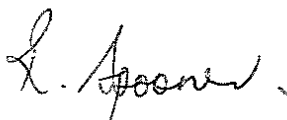
TKWM does not recognise that the NRLMG has customary fishing representation as the appointments have been made through Te Ohu Kaimoana who we believe do not represent customary non-commercial fishing interests.

TKWM therefore recommends that the consultation documents should reflect a wider stakeholder representation than just that of the NRLMG and that MFish should be undertaking the consultation. TKWM therefore recommend the following:

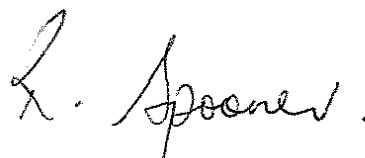
- MFish ensure documents of this nature are indeed reflective of the customary fishing sector and arrange to ensure there is proper engagement of the customary sector with the involvement of gazetted kaitiaki.
- Note that until such representation is agreed to by forums/ kaitiaki, TKWM do not consider the NRLMG to be fully national representative body and should not be recommending ministerial changes. They are a multi stakeholder group that should be treated as such and should not presume to be an alternative to the obligations MFish have to tangata whenua and other stakeholders.

Naku noa na

P.P.



Tom Paku  
Chairperson  
Te Kupenga Whiturauroa a Maui  
Customary Fisheries Forum



Rangi Spooner  
Deputy Chairperson

1 February 2011

Trudie Macfarlane  
Ministry Of Fisheries  
P O Box 1020  
Wellington

## **Submission on the New Zealand Red Rock Lobster Fisheries From the Ngawi Sports Fishing Club**

### **Proposal to Increases TAC for CRA4**

The Ngawi Sports Fishing Club wish to submit this submission on the proposed Increases of TAC for CRA4.

At the end of our financial year, [30 June 2010], the Ngawi Sports Fishing Club had 585 paid members.

The Club was formed in 1991 when the first Ngawi Big 3 Fishing Competition was held with approximately 25 anglers competing.

The Ngawi Big 3 Fishing Competition has been held every year since with competing anglers now around 500.

As a Club that fishes the Cape Palliser area, we are extremely interested in any positive Crayfish Management.

The Ngawi Sports Fishing Club supports the implementation of:

### **Option 2 Retain the current TAC, TACC and allowances.**

<b>TAC</b>	<b>TACC</b>	<b>Customary</b>	<b>Recreational</b>	<b>Other Mortality</b>
610.625 tonnes	415.625 tonnes	35 tonnes	85 tonnes	75 tonnes

**Reasons:**

There are some reasonable numbers of good sized crayfish in certain areas close to the rocky shores of CRA 4.

Generally, the Fishery is fished down to the MLS but catches are slowly improving compared to the past 3-4 years.

The current Commercial CPUE is slightly down on the 2009-10 fishing year to date.

This would indicate a slower than expected rebuild. Although the Management Rule does allow for an 8.4% [51.25 tonnes] increase, we would request that the Status Quo be adopted.

CRA4 is up for review next year and until a full stock assessment is carried out, the slow rebuild should be allowed to continue.

On behalf of the Ngawi Sports Fishing Club, I would like to thank you for the opportunity to submit and have our submission heard.

**George Zander****3 Daniel Place****Palmerston North****Phone: 0274504455****Email: [zanderengineering@inspire.net.nz](mailto:zanderengineering@inspire.net.nz)**

Member of the Ngawi Sports Fishing Club

Ngawi Sports Fishing Club Representative to the New Zealand Sports Fishing Council

Ngawi Sports Fishing Club Representative to the New Zealand Recreational Fishing Council

Member of the FMA2 Regional Forum



1 February 2011

Trudie Macfarlane  
Ministry Of Fisheries  
P O Box 1020  
Wellington

**Submission on the  
New Zealand Red Rock Lobster Fisheries  
From the FMA2 Regional Forum and  
The Zone 5 Clubs of the New Zealand Sports Fishing  
Council**

**Proposal to Increases TAC for CRA4**

**The FMA2 Regional Forum representation covers the entire CRA4 Area from Wairoa River around to the Manawatu River.**

This is an extremely important recreational crayfish area.

The FMA2 supports the implementation of:

**Option 2 Retain the current TAC, TACC and allowances.**

<b>TAC</b>	<b>TACC</b>	<b>Customary</b>	<b>Recreational</b>	<b>Other Mortality</b>
610.625	415.625	35	85	75
tonnes	tonnes	tonnes	tonnes	tonnes

In our opinion, the Area is far too large and should be split up into a minimum of two or three zones.

Conditions and stocks in Napier are no where the same as the Wellington Area therefore it is very difficult to draw sensible comparisons.

There are increasing numbers of Recreational fishers using this resource that should be allowed for.

Whilst the Decision Rule allows for an increase of 51.25 tonnes [8.4%], the Forum takes the

view that the rebuild from the past 3-4 years should be allowed to continue for at least one more year, therefore Option 2 is our preferred option.

There are reasonable numbers of good sized crayfish available close to shore in some areas, but generally the CRA4 stock is fished down to MLS.

The fact that CRA4 is up for review, which will incorporate a stock assessment, the Status Quo should remain to allow the slow rebuild to continue.

Commercial CPUE is slightly down on last year, therefore one more fishing season's restricted effort should be good for everyone.

On behalf of the FMA2 Regional Forum Group, I would like to thank you for the opportunity to submit and have our submission heard.

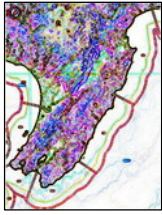
**George Zander**  
**3 Daniel Place**  
**Palmerston North**  
**Phone: 0274504455**  
**Email: zanderengineering@inspire.net.nz**

On Behalf of the Representatives of the FMA2 Regional Forum:

Colin Murray	Hawkes Bay Sports Fishing Club
Wayne Bicknell	Hawkes Bay Sports Fishing Club
Edward Beetham	Wairarapa Sports Fishing Club
George Zander	Ngawi Sports Fishing Club
Hilton Webb	Gisborne-Tatapouri Sports Fishing Club
Jim Mikoz	Wellington Angling and Casting Club
Bob Rosmergy	Spearfishing NZ
Linda Coulston	Gisborne-Tatapouri Sports Fishing Club

On Behalf of the Zone 5 Clubs of the New Zealand Sports Fishing Council

**NZSFC Zone 5 members**  
Akitio Fishing Club  
Hawkes Bay Sports Fishing Club  
Mahia Boating Club  
Ngawi Sports Fishing Club  
Porangahau Fishing Club  
Tangimoana Boating Club  
Wairarapa Sports Fishing Club  
Wanganui Manawatu Sea Fishing Club  
Wellington Angling and Casting Club



## **CRA 4 ROCK LOBSTER INDUSTRY ASSOCIATION INC.**

### **CRAMAC 4**

**Private Bag 24-901**

**WELLINGTON 6142**

February 2<sup>nd</sup> 2011

The Minister of Fisheries

**Hon Phil Heatley**

Parliament Buildings Wellington

### **STATUTORY CONSULTATION – ROCK LOBSTER TAC AND SUSTAINABILITY DECISIONS 2011/12**

*This submission is made on behalf of the CRA 4 Rock Lobster Industry Association Incorporated - CRAMAC 4. Association membership comprises greater than 75% by number of quota share and ACE owners in the fishery and annual CRA 4 industry stock specific levy ballots have captured in excess of 85% of quota shares owned for the stock.*

CRAMAC 4 has a commitment to sustainable and responsible utilisation of the CRA 4 fishery and has a credible track record of responsible stewardship.

CRA 4 commercial stakeholders first commissioned the CRA 4 Management Procedure and operated it in 2007 and 2008 to guide voluntary commercial catch reductions with the express purpose of halting declining abundance observed by fishermen and initiating a stock rebuild to ensure the ongoing economic viability of the fishery. The CRA 4 industry made two significant voluntary reductions to commercial catches and agreed a third by way of a formal TACC reduction. The CRA 4 Industry made those catch savings in anticipation of sharing the benefit that was to be derived from them.

The Minister formally adopted the management procedure in March 2009, to guide the setting of the CRA 4 TAC and TACC.

For 2010/11 the Minister increased the CRA 4 TAC. The increase was less than generated by the operation of the Management Procedure in response to submissions from CRAMAC 4 and other stakeholder interests.

The CRA 4 Management Procedure was operated again in November 2010 and again generated a result which enables the Minister to decide another CRA 4 TAC increase for 2011/12.

#### **EXECUTIVE SUMMARY**

- **CRAMAC 4 endorses the CRA 4 Management Procedure being used to guide TAC/TACC decisions to April 2012.**
- **CRAMAC 4 endorses the intended review and update of the CRA 4 Management Procedure during 2011.**
- **CRAMAC 4 does not have a clear mandate in regard to the recommendations to adjust the CRA 4 TAC.**

- However, should the decision be made to increase the TAC, CRAMAC 4 endorses the recommendation to increase the CRA 4 TAC only by way of an adjustment to the CRA 4 TACC.
- Irrespective of the CRA 4 TAC decision, CRAMAC 4 is insistent that the Minister must implement operational policies and procedures which ensure that non-commercial removals, including illegal, are constrained to the allowances set for them. In the case of illegal removals immediate steps must be taken to implement an effective enforcement strategy to significantly reduce fish thieving.

#### **ESTABLISHING THE FORMAL CRAMAC 4 POSITION ON TAC/TACC SETTING:**

The CRAMAC 4 membership has been directly consulted in regard to the extent of the TAC/TACC increase that should be implemented for 2011/12. As done in 2009, the Committee conducted a ballot of the QSO membership. There are 83 CRAMAC 4 members with quota shares greater than a 100kg ACE equivalent and 56 eligible ballot papers representing 67% of all CRA 4 quota shares were received by the deadline.

Two options were offered for consideration.

**OPTION 1** – take the full extent of the TACC increase that is triggered by the operation of the Management Procedure.

**OPTION 2** – ‘bank’ the proposed TACC increase as a buffer against future recruitment variability and to minimize the risk and/or extent of future TACC reductions.

The ballot result confirmed that the majority of respondents by number and by quota shares support the IPP Option 2 – *retain the current TAC, TACC and allowances.*

**OPTION 1** - 22 Class 1 members (quota share owners) with 25% of quota shares voted to take the full TACC increase.

**OPTION 2** - 34 Class 1 members (quota share owners) with 42% of quota shares voted to bank the proposed increase.

#### **The rationale for voting:**

The reasons for supporting *Option 1* are straightforward. The CRA 4 Management Procedure has been used to guide two industry decisions to voluntarily reduce the commercial catch limit and a third decision by the Minister to adjust the TAC/TACC by reducing the TACC to 266 tonnes as from April 2009. The decision to increase the TAC/TACC from April 2010 was also guided by the operation of the procedure.

The procedure enables catches to be adjusted in response to observed and agreed performance indicators from the fishery. Three successive commercial catch reductions enhanced by several improved recruitments to the fishery have obviously resulted in a significant improvement to stock abundance and the pre-determined and agreed response implicit in the procedure is a TAC/TACC increase.

Supporters of *Option 1* again noted that the proposed increase represents a reasonable reward to the CRA 4 industry for the sacrifices made to reduce commercial removals in three consecutive seasons, plus the ‘banking’ of 50 tonnes

of the possible TACC for the 2010/11 season. They also noted that an increase in abundance was an expected consequence of consecutive catch reductions – expected by them, and anticipated by the CRA 4 Management Procedure and was therefore “safe” to take when available.

Those supporting *Option 2* indicated a preference to further mitigate against any future recruitment variability. They again note that adherence to the Management Procedure will not produce a steadily increasing trajectory of stock abundance. Instead, it is designed to be self-correcting. It allows harvest of ‘excess’ fish when they become available; it reduces catch limits when they are not. Members supporting the catch ‘banking’ option seek to avoid (if possible) but at very least to buffer the extent of possible future TACC reductions.

However, again during 2010 and into 2011 there have been expressions of concern from quota share and ACE owners that the industry initiative to ‘bank’ 50 tonnes of available catch in 2010 may not have achieved the objective intended of it. Instead, there is anecdotal evidence and observations from Fisheries Officers that to some extent ‘banking’ has increased the availability of lobsters to non-commercial including illegal fishing.

The CRA 4 industry does not begrudge the legitimate non-commercial users having good catch rates and improved fishing success, but is aware that there is no process in place to ensure that non-commercial catches are not exceeding the allowances made for them.

The CRAMAC 4 Committee is confident that this is an accurate reflection of the concerns across the CRA 4 industry about non-commercial including illegal fishing being inadequately monitored and reported.

There is no support amongst the CRAMAC 4 Committee for the industry to make an unconditional commitment to ‘banking’ another 50 tonnes to the fishery from April 2011 without receiving a concurrent commitment from the Minister that action will be taken from 2011 onwards to –

- a) Ensure that customary removals do not exceed the current allowances made for them.
- b) Ensure that recreational removals do not exceed the current allowances made for them.
- c) Actively constrain illegal unreported removals, the allowance for which comes directly at the expense of the TACC under the current TAC-setting criteria.

The Committee believes that the intended objectives of the current CRA 4 Management Procedure (rebuild and maintenance of stock abundance above statutory reference levels) and a revised procedure from 2012 (maintenance of stock abundance above statutory reference levels is the industry aspiration) are and will be compromised unless all catches are effectively constrained to the allowances made for them. The consequences of not doing that include re-allocation of available catch away from commercial interests; uncertainty in stock assessments; and as previously noted, Management Procedure objectives are compromised.

If no Ministerial commitment is given to do so then on behalf of the CRA 4 industry the CRAMAC 4 Committee will be obliged to review their current policy position in relation to preferred stock status. It is not our intention to continue to directly subsidise increasing non-commercial removals and the expansion of fish thieving.

### **Recreational Removals:**

CRAMAC 4 notes that there is still no recent and reliable information about recreational fishing that enables fishery managers to determine the effects of recreational removals on CRA 4 stock abundance.



This is a serious deficiency in circumstances where a new CRA 4 stock assessment will need to be completed during 2011 to inform the development of a revised Management Procedure. The stock assessment requires reliable information about all catch and effort in order to develop plausible yield estimates.

The CRAMAC 4 Committee notes that there is no information to confirm that catches other than commercial are constrained to the allowances currently made for them and therefore asks the Minister and MFish how a credible stock assessment can be undertaken.

Further, the Committee again notes that any future management procedure will be rendered redundant in circumstances where catches exceed the allowances made in TAC setting.

**Fish thieving – “... allowance for other sources of fishing related mortalities”:**

CRAMAC 4 again highlights the absolute requirement to constrain fish thieving in rock lobster fisheries. In circumstances where commercial participants have made deliberate reductions to catches in order to arrest stock decline and enhance stock status, the benefits should not accrue to fish thieves.

It is indictment on the design and effectiveness of the existing compliance and enforcement strategies that an allowance of 75 tonnes is still recommended for illegal unreported removals in CRA 4. The CRAMAC 4 Committee regards this as evidence that MFish has made minimal inroads against fish thieving over the past six fishing years.

In a separate dialogue with MFish Compliance personnel, CRA 4 industry frustrations with recent enforcement activity and attitude are being worked through. In the context of the upcoming stock assessment and given that the allowance for illegal unreported removals has a direct impact on the amount of TACC available in any one season; the CRAMAC 4 Committee submits that the Minister and MFish must give urgency to a reconsideration of current estimates of illegal removals. Then, if the estimates are validated, must undertake a risk profile so as to direct available Compliance resources into effectively constraining them.

Yours sincerely

CRA 4 Rock lobster Industry Association – CRAMAC 4

**Graham Olsen**

Chairman



## **SUBMISSION**

Te Runanga O Ngati Kuia Charitable Trust

### **OVERVIEW OF PROPOSALS TO USE NEW MANAGEMENT PROCEDURES TO GUIDE TAC SETTING IN CRA5.**

#### 1. Background

Ko Tutumapou te Maunga

Ko Te Hoiere te Awa

Te Au o Kaikaiawaro te Moana

Ko Te Hora te Pa

Ko Ngati Kuia te iwi

Ko Matua Hautere te Tangata

Ngati Kuia are the oldest iwi in Te Tau Ihu, Ngati Kuia tupuna sourced kaimoana to maintain their whanau wellbeing, protect the access abundance and the state of all kaimoana. They managed the taking of kaimoana through kaitiakitanga and have passed down the responsibilities to those that protect and manage the customary rights of tangata whenua to this day.

This submission is filed on behalf of Te Runanga O Ngati Kuia Charitable Trust, which is mandated to represent both the customary and commercial fisheries interests of Ngati Kuia Iwi.

This comes from Maori customary rights as defined in the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The Treaty of Waitangi guaranteed to Māori full, exclusive and undisturbed possession of their fisheries, that Iwi and hapu held collective fishing rights in the waters adjacent to their rohe and that such rights included the right to use new technology to develop commercial fishing in New Zealand waters. The resources of the sea are of great importance to Māori. The loss of land since 1840 meant even greater dependence on kai moana (food from the sea)

## **A DESCRIPTION OF MANAGEMENT PROCEDURES**

The consultation document describes management procedures as a tool which is used to guide the setting of catch limits and to specify how management changes are made in response to changes in specified fishery data. The management procedure approach provides greater certainty of achieving management outcomes for a stock over the conventional approach of periodic stock assessments. The advantages of the management procedure over conventional assessments are stated in the consultation document.

- a) The process leads to explicit definition of management objectives
- b) All participants in the fishery can become involved in the choice of procedure
- c) Uncertainty in all facets of the assessment and management process can be addressed
- d) Greater certainty of achieving outcomes is provided
- e) Management procedures reduce the need for regular stock assessments, freeing resources for other research; and
- f) The process is more understandable to fishers than the conventional approach.

## **PROPOSED MANAGEMENT PROCEDURES**

### **CRA5**

There are two options contained in the proposals for CRA5. The first option is to use the CRA5 management procedure to guide TAC setting in CRA5. The second option is to continue using the periodic stock assessments to guide TAC setting in CRA5 (*status quo*).

1. Maintain the stock above Bmsy, Bref and Bmin with greater than 95% probability
2. Maintain the mean biomass at about 2.3 times Bref, which is greater than Bmsy for CRA 5; and

Maintain spawning stock biomass well above 20% of its unfished level, which is consistent with the Ministry of Fish Harvest Strategy Standard.

Simulation-testing of the proposed management procedure has also been done by the NRLMG. The results indicate that, as well as maintaining the stock well above reference levels (Bref and Bmsy), the management procedure would maintain the current utilisation benefits of the fishery for all sectors over the medium to long terms by maintaining the stock well above reference levels.

In terms of robustness the management procedure:

- a) was chosen from a set of management procedures that were evaluated for performance against sustainability criteria
- b) has been tested using a model of the CRA 5 fishery based on the 2010 CRA 5 stock assessment model, which was accepted by the MFish Plenary in 2010
- c) has been tested for robustness to uncertainties, including uncertainties in recruitment, in the level of non-commercial catches and in the stock assessment results. The procedure was robust to these uncertainties and desired performance against the sustainability indicators was maintained
- d) is responsive to changes in abundance in the stock.

Simulation-testing of the proposed management procedure has also been done by the NRLMG. The results indicate that, as well as maintaining the stock well above reference levels (Bref and Bmsy), the management procedure would maintain the current utilisation benefits of the fishery for all sectors over the medium to long terms by maintaining the stock well above reference levels.

## PAPER 1 PROPOSED OPTION'S CRA5

Stock	Option	Description
CRA5	Option 1	Agree to use the proposed new CRA5 Management Procedure to guide TAC setting in CRA5
	Option 2	Continue to use periodic stock assessments to guide TAC setting in CRA 5 (status quo)

## COMMENTS

### MANAGEMENT PROCEDURES

Ngati Kuia supports the use of management procedures for managing rock lobster for the reasons identified in the NRLMG consultation document. Management procedures however have their limitations. They do not necessarily deal with local depletion because management procedures are primarily interested in maintaining a CPUE which is calculated using data from across the whole QMA. Local depletion

can occur but still not affect the sustainability at a QMA scale. Despite this shortcoming, management procedures are still the best tool that we have available for managing rock lobster stocks.

## **CRA5**

In relation to CRA5, Ngati Kuia supports option 1, to use the proposed CRA5 management procedure. If approved by the Minister, this will be the first management procedure to be used in CRA5. There is however some matters we wish to raise in this submission and these are set out below.

### **REVIEW OF CRA5 MANAGEMENT PROCEDURE**

South Island Iwi is currently working with Ministry of Fish to establish an Iwi Fisheries Management Plan for Te Wai Pounamu. Rock Lobster is likely to be in the top 10 species because of its commercial and non commercial importance to Iwi. Iwi want to reserve the right to a review of the CRA5 management procedure should the fisheries plan suggest it is a good idea to do so.

### **STATISTICAL AREA 933 – COOK STRAIT**

We are concerned about the low stock levels in statistical area 933 (Cook Strait). Since 2006, CPUE within statistical area 933 has ranged between .72 and .76, the lowest of any of the four statistical areas that are commercially worked in CRA5. Industry has recognised the lower CPUE in statistical area 933 for some time now and has managed the situation by controlling TACC extractions from the area. Industry must be applauded for their actions.

Secondly, Mandated Iwi Organisations are planning to make a more concerted effort to ensure customary non commercial needs are able to be met. We are working with our fishing company to find ways to harvest rock lobster from Cook Strait and other areas of CRA5 to support customary non commercial activities. Therefore believe the current TAC of the 40 tonne customary allowance should remain.

### **UTILISATION**

Maintain a sustainable, abundant and readily available supply of mahinga kai in order to:

- Enable tangata whenua in Cray 5 FMA to exercise their customary fishing rights. This includes sustaining the functions of Iwi, hapu, marae, and the manaaki of manuhiri.
- Ensure good-quality recreational fishing (high likelihood of catching good-sized fish) when fishing for Cray stocks
- Mandated Input and participate in TAC and TACC settings that may impact on the ability of kaitiaki & tangata whenua to manage their rohe moana and mahinga kai.
- Enhance the long term access to mahinga kai and the profitability of commercial Cray stocks.



- Have a simple, accessible and integrated cust/com set of regulations and agreements governing fishing for the Cray 5 FMA.
- Establish spatial management areas, such as mataitai, rāhui and taiapure to recognise and provide for the use and management practices of tangata whenua in Cray 5 FMA.
- Ensure that ClFF stock TAC allocations maximise fairness across sectors.
- Resolve spatial conflict between sectors to ensure all fishers can access the Cray 5 FMA.
- Timely and informed TAC/TACC adjustments for all ClFF stocks to enhance sustainable utilisation of the fishery.

## **ENVIRONMENT**

Avoid, remedy or mitigate any adverse effects of finfish fishing on the environment of Tangaroa on an on-going basis.

Ensure protection of important benthic areas within the Cray 5 FMA.

Ensure any adverse effects of other (non-fishing) human activities, including land-based activities, on the natural environment, fisheries habitat and kai moana of the Cray 5 FMA are avoided, remedied or mitigated on an on-going basis.

## **SUSTAINABILITY**

Determine  $B_{MSY}$  or suitable, cost effective proxy estimates and harvest decision rules for all Cray 5 fish stocks to ensure catch levels are sustainable.

Increased survival and recruitment of ClFF juveniles through the protection of important juvenile stock and spawning.

Minimise catch of non-target species when fishing for ClFF stocks.

Understand the lifecycles of ClFF stocks and adjust fishing practises to enhance the sustainability of the fishery.

## **PAPER 2**

### **PROPOSALS TO SET TAC, TACC, AND ALLOWANCES FOR CRA5**

The NRLMG proposes to vary the Total Allowable Catch (TAC) CRA 5 (Marlborough/Canterbury), Rock lobster fisheries for the 2011-12 fishing year, beginning 1 April 2011.

### **CONSTRAINTS ON CUSTOMARY TAKE**

Ngati Kuia express a strong view that the allowances for customary should not be constrained in any shape or form, unless it is with the express consent of Iwi.

## **ASSUMPTIONS**

We note what is implied in the consultation document that customary and recreational fishers have continued to enjoy the full benefit of their respective allowances while the commercial industry has had to forgo significant opportunities. You can argue this in a variety of ways but it seems to us that if we didn't take too many fish out of the water to start with then we wouldn't need to keep correcting the TAC as frequently as what it has been. This is what the new management procedures are trying to do.

Ngati Kuia would like to maintain the 40 tonne customary allowance on the basis that it was wrong for the Ministry's compliance staff, and subsequently Ministry of Fish Managers, to have allowed incomplete permit information to be used in this way.

Furthermore, when the South Island customary regulations were developed during the 90s there was an understanding amongst Iwi and Crown negotiators that information would not be used in the way that it has been. All this has done is created unnecessary distrust with Ministry of Fish compliance which is entirely unhelpful.

Ngati Kuia does not wish the customary allowance to be constrained without their express consent

## **RECOMMENDATIONS**

- That recommendation for Iwi input be made by Mandated Iwi Organisation.
- Integrate tikanga into the management measures of the Cray 5 FMA.
- That the reduction of 30 tonnes of koura/crayfish from the customary sector and allocated to other sectors is not the direction that we support.
- Customary reduction are not undermine and the ability of Kaitiaki to ensure that Koura/ crayfish will be abundant for present and future generations.
- Any allocation to another sector of koura may have an adverse effect on the fishery by movement of pressure.
- Develop options that would suit a collaborative approach to customary fishers.
- Aim to encourage debate and understanding and not to start a reactive fishing sector upheaval.
- Ngati Kuia would support a small increase to TACC
- Ngati Kuia would support a status quo to Customary catch of 40 tonnes
- Ngati Kuia would support a status quo for Recreational catch of 40 tonnes
- The lack of recreational catch reporting needs to be reviewed
- That the Ministry with Iwi develop protocols around the use of customary permit information

**Sent:** Tuesday, 1 February 2011 9:56 p.m.

**To:** Macfarlane, Trudie

**Subject:**

Dear Sir/madam,

I am the Chairperson of Totaranui Ltd, a subsidiary of Te Atiawa Manawhenua Ki Te Tau Ihu Trust. Our company has commercial interests in CRA5. We have viewed a copy of the Te Ohu Kai Moana submission on CRA5 and would like to express our support.

We are also concerned about the fishery in Cook Strait and would like to discuss with CRAMAC5.

Furthermore that the current allowance for recreation should be reduced and the difference should be added to the TACC.

Jane du Feu  
Chairperson  
Director

**Ross Divett**

**4 Heaton Rhodes Place**

**Christchurch.**

29<sup>th</sup> January 2011.

Ms Trudie Macfarlane

Ministry Fisheries

Wellington.

I would like to make the following submission on the “New Zealand Rock Lobster Fisheries Proposals to review sustainability measures and other management controls for 1 April 2011”.

I am based in Christchurch and represent the Christchurch Police Dive Club.

My interest is primarily Cra3 but also in the soundness of the proposed approach for management.

**I do not support CPUE as a measure of crayfish abundance as it is being used by the NRLMG.**

It has a major flaw in being applied over a broad catch area which will result in areas targeted by Commercial, Customary and Recreational interests becoming depleted.

An example of this is the movement of a Commercial fisherman in 2009 from his usual patch in the north of Cra5 to Banks Peninsular because he hadn't been able to catch his quota in the northern coast. This resulted in police being brought in to resolve an argument on the wharf in Akaroa between the local commercial Fisherman and the Northern Fisherman. Needless to say the Northern Fisherman's CPUE was a lot higher than if he had stayed at home.

There are numerous other reasons related to specific population pressures and recreational take that reduce the effectiveness of CPUE.

**Having said that under the present proposals I support Option 1 because it is more sensitive to change than option 2. And it retains the status Quo which I believe the crayfish stocks in the Banks Peninsular area are capable of but I would not like to see any further increase in TAC.**

**A Poem**

**There have been terrible times before  
When the sheep bubble burst and the red cod fleet failed  
We always hang on .When I was a Boy  
If you went to the harbour to fish and you got wet  
You could not fish again because you only had one pair of trousers  
Today people have too many trousers.**

**Palme Vidar age 73 from Iceland**

**Quoted from the Guardian weekly 10/11/08**

Yours sincerely

Ross Divett



Hi Trudie

Firstly I wish to strongly commend the efforts of CRAMAC5, in raising the CPUE in the Kaikoura region over the last 15 years, and delivering a fishery that is providing abundance for both recreational and commercial fishers. Their efforts, methods and actions to date are a model for all cray fisheries throughout the country, and demonstrate what is possible with a little cooperation and thought for others.

I have read the proposals, and believe that the proposal to move to the management procedure outlined, as it stands, fails to meet the responsibilities expressed under the Act in two distinctly different ways.

There does seem to be a relatively simple way to substantially improve the situation.

Section 8 of the Act requires setting limits that "enable people to provide for their social, economic, and cultural wellbeing"

This applies to all people.

The first problem that is clear to me is that different people have different ability to access different parts of the ocean.

Most commercial fishers have the ability to access large parts of a QMA (Quota Management Area) and each will have commercial and social imperatives that encourage them to fish certain areas over other areas; with economics generally encouraging them to fish those areas closest to their base of operations the hardest.

Many recreational fishers have neither the skills nor the technology of commercial fishers, so tend to have a much smaller spatial area available to them in practice.

Using a simple average of CPUE as a management tool makes no allowance for this fact, and actually incentivises commercial fishers to fish the shared areas even harder which can lead to severe and prolonged localised depletion (as is demonstrated to the detriment of all in CRA3 around Gisborne city - though there are many other complicating factors in that equation, including the introduction of a large marine reserve without either agreement or buyout; and a temporary concession which has remained far beyond its agreed use by date).

One thing that could be done relatively simply is to include in the management procedure a measure of minimum CPUE, as well as the average CPUE. If there is something like a minimum decile CPUE included in the trigger (both up and down), then this incentivises commercial fishers to leave sufficient abundance in shared areas so that all fishers are able to experience the abundance that is present.

As such - I strongly oppose any move to the proposed management procedures based upon CPUE until there is a function within the management procedure that includes something

functionally equivalent to a minimum decile CPUE measure.

The other problem I have relates to CPUE and the potential for stock collapse in cases of total recruitment failure. If management measures rely simply on CPUE, and have no measure of recruitment, it is possible for serial recruitment failure to lead to stock collapse before the triggers cut in. This is a low probability scenario, but because it has such a high impact, it is one worth taking into consideration.

There is a continued need to monitor puerulus settlement.

As a separate and related issue:

Evidence from the modeling suggest that puerulus settlement translates directly through into recruitment in the fishery.

This makes sense when one considers that crayfish are very cannibalistic, and that a good settlement year for puerulus could translate to a strong growth year for sub-legal fish, resulting in an immediate pulse of recruitment into the fishery.

In this fashion, the extreme length of the planktonic stage of the life-cycle could be viewed as a effective mechanism for harvesting biomass from the plankton and bringing it to the near shore rocky bottom habitat preferred by lobsters. If there are far too many puerulus for the available hiding places, the cannibalistic habits of the lobster ensure that much of this biomass is retained by lobsters.

Best Wishes

Ted

Ted Howard  
President - Kaikoura Boating Club  
[www.fishnet.co.nz/kbc/index.htm](http://www.fishnet.co.nz/kbc/index.htm)  
Club: PO. BOX 98, KAIKOURA

1 February 2011

Trudie Macfarlane  
Ministry of Fisheries  
PO Box 1020  
Wellington

**Proposals to Review Rock Lobster Sustainability Measures and Other Management Controls,  
with Specific Reference to CRA5 Management Rule**

Kia ora Trudie,

**INTRODUCTION**

The Ministry of Fisheries (MFish) have invited submissions in respect to proposals to review sustainability measures and management control for the CRA5 fishery (Canterbury / Marlborough).

This submission is written on behalf of Ngāi Tahu Seafood, Ngāi Tahu Fisheries Settlement Ltd and Toitū Te Whenua. We wish to submit the following:

**BACKGROUND**

The Ngāi Tahu Māori Trust Board established Ngāi Tahu Seafood (NTS) in 1988 following the Māori Fisheries Settlement with the Crown. Over the past 22 years, NTS has continued to invest in quota, and build scale and capacity across selected sectors within the seafood industry.

Ngāi Tahu Fisheries Settlement Ltd. (NTFSL) is an asset holding company established to receive and manage fisheries settlement assets transferred to Ngāi Tahu in accordance with the Māori Fisheries Act 2004 (MFAAct). NTFSL is owned 100% by Te Rūnanga o Ngāi Tahu (Te Rūnanga).

Toitū Te Whenua (TTW) is the environment policy and planning unit within the Office of Te Rūnanga o Ngāi Tahu. Toitū Te Whenua is tasked with developing and implementing Ngāi Tahu's customary fisheries management framework.

Te Rūnanga are now a significant quota owner in the New Zealand seafood sector. This is a sector which aligns with an intergenerational investment horizon, which requires sustainable investment that supports our distribution strategy and continues to maintain a Ngāi Tahu tribal footprint on the land and the sea.

## NGĀI TAHU & CRA5

NTS and NTFSL are major quota owners within the CRA5 fisher. As of April 1 2010, NTFSL owned the quota weight equivalent of (QWE) 10,579kg of CRA5 quota shares (this excludes ACE derived from Te Ohu Kai Moana). NTS are key players within the industry, and own the QWE of 66,010kg of CRA5 quota shares. The Ngāi Tahu investment in CRA5, therefore, is worth approximately \$35-40m to Te Rūnanga o Ngāi Tahu. Moreover, our CRA5 investment supports 6 Ngāi Tahu fishers / whānau, and an additional 5 non-Ngāi Tahu fishers.

From a customary perspective, TTW play a critical role in restoring and maintaining a mahinga kai base for Ngāi Tahu whānui. Customary fishing is now managed under a regulatory framework, and in order to exercise their customary fishing rights Ngāi Tahu whānui must obtain an authorisation from one of their Tangata Tiaki/Kaitiaki. The Ngāi Tahu principle of customary catch taken within CRA5 ensures that all customary catch, under the authority of permits, can be established with some accuracy.

## MFISH CRA5 PROPOSAL

MFish are proposing to use a new management procedure to guide the Total Allowable Catch (TAC) for the CRA5 fishery. The following management options are proposed for CRA5:

- Option 1:** Agree to use the proposed new CRA5 Management Procedure to guide TAC setting in CRA5:
  
- Option 2:** Continue to use periodic stock assessments to guide TAC setting in CRA5 (*status quo*)

## NGĀI TAHU SUBMISSION

Ngāi Tahu is disappointed that MFish have failed to include appropriate management measures and controls for recreational sectors. Moreover, the MFish proposal has failed to recommend a complete sustainability package for the CRA5 fishery, and all its stakeholders. A recommendation to introduce a management procedure incorporating a management action that only requires the Minister to make future decisions which impact only against one sector (commercial) only is totally unacceptable.

Ngāi Tahu, alongside other CRA5 stakeholders, is concerned about the lack of reporting and accountability by recreational fishers. Commercial and customary fishers are required by regulation to report catches, yet there is no such responsibility placed on recreational. In a shared fishery all extractive user groups must take responsibility for managing a fish stock to a level that will continue to provide an acceptable level of fishing success. Commercial fishers provide excellent catch information, whilst Ngāi Tahu has put in place systems that enable the monitoring and management of customary catch.

In addition, Ngāi Tahu is offended that the IPP recommends an increase in the level of illegal unreported removals, whilst recommending a significant decrease in the customary allowance (from 40mt to 10mt). The commercial and customary sectors have made the single greatest contribution to the maintenance of high stock abundance in CRA5.

If MFish is unwilling to implement effective measures to audit, monitor, and (when necessary) to constrain non-commercial, including illegal removals from CRA5, then Ngāi Tahu (NTS, NTFSL and TTW) support Option 2.

Ngā mihi



**Brett Ellison**

Resource Manager

Ngāi Tahu Seafood



**Nigel Scott**

Senior Environmental Advisor

Te Rūnanga o Ngāi Tahu

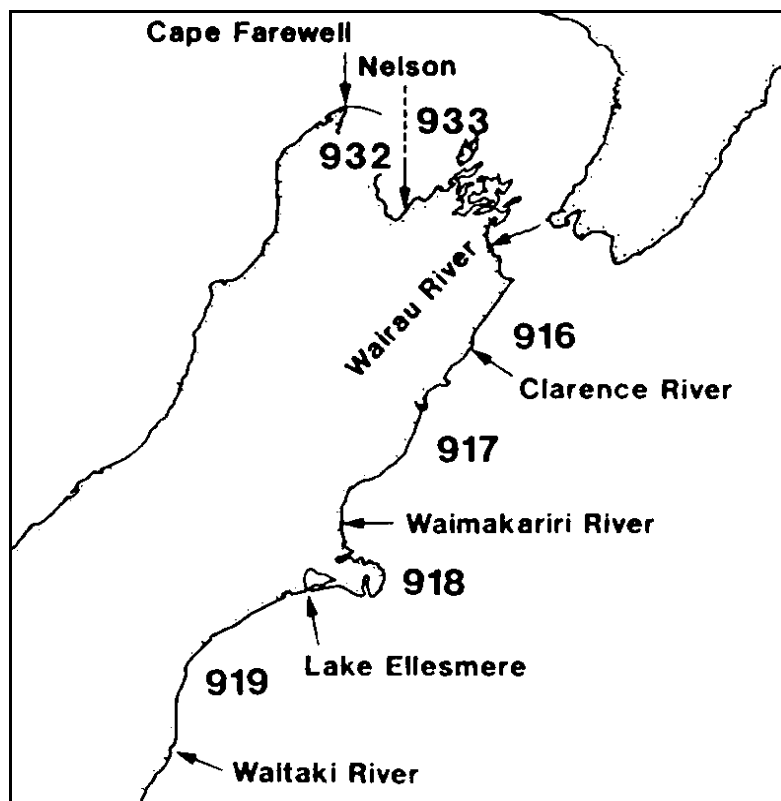
## **CRAMAC 5**

**Canterbury – Marlborough Rock Lobster Industry Association Inc.**

PO Box 40 Ward Marlborough

CRA 5 Industry Association Incorporated PH 03 5756877 FAX 03 5756803

### **PROPOSALS TO REVIEW CRA SUSTAINABILITY MEASURES AND OTHER MANAGEMENT CONTROLS FOR 1 APRIL 2011**



CRAMAC 5 is the CRA 5 Commercial Stakeholder Organisation. It is a fully incorporated society representative of CRA 5 quota and ACE owners. Our area of involvement in CRA 5 extends from Cape Farewell to the Waitaki River.

Our role is to ensure the sustainable utilisation of the CRA 5 fishery by all legitimate users; to represent the commercial interests in the CRA 5 fishery; and through our stewardship, to protect and grow the fishery and the overall value that the CRA 5 quota and ACE owners derive from their property rights in the fishery. This is consistent with wider rock lobster

industry position in respect of regional autonomy and self-determination in research, compliance and management planning and implementation.

This submission addresses the concerns that CRAMAC 5 has on the current CRA 5 TAC IPP.

### **Executive Summary**

CRAMAC 5 submits that the Minister must include management measures and effective controls for the non-commercial sectors, principally the amateur sector and fish thieves in CRA 5 to manage the rock lobster resource with confidence for the ongoing benefit of all legitimate user groups.

**If the Minister is unwilling to implement effective measures to audit, monitor and when necessary to constrain non-commercial, including illegal removals from CRA 5 then the CRA 5 rock lobster industry, represented by CRAMAC 5, supports Option 2 in the current IPP – no change to the current CRA 5 TAC or to any of the allowances.**

1. CRAMAC 5 is disappointed that the Ministers advisors have failed to recommend a complete sustainability package for the CRA 5 fishery. In our view a recommendation to introduce a management procedure incorporating a management action that only requires the Minister to make future decisions which impact only against one sector only is totally unacceptable.
2. In a shared fishery all extractive user groups must be able to be managed – and be managed - in a way that conserves the fish stock to a level that will ensure sustainability and continue to provide an acceptable level of fishing success.
3. CRAMAC 5 consider it is negligent of the Minister to not implement effective management controls on all user groups, or fail to include all user groups in a management plan for a fish stock (which would surely be seen as a basic requirement

of a Fishery Plan?). The opportunity to implement a fully integrated management plan for CRA 5 has been ignored in the IPP.

4. CRAMAC 5 has been very conservative in the manner in which we utilise/manage the rock lobster resource; we have foregone the opportunity to increase the TACC twice in the past decade. CRAMAC 5 has strived in the past 14 years to increase the abundance of rock lobsters to provide a better fishing success and to add value to the quota and catching rights that we own.
5. When taking our initiatives to increase stock abundance and improve the fishing success across CRA 5 we fully understood that all user groups are also rewarded by our initiatives but we did not expect that they would enjoy constantly increasing shares of available yield with no effective constraints as a consequence of our constraint.
6. The most recent CRA 5 Stock Assessment is being used to recommend that the Minister should increase the allowance for the amateur sector to bring it into line with the catches assumed to have been made by the sector – catches which significantly exceed the allowance made for them when the TAC was last confirmed. In effect the IPP recommendation is calling upon us, and the Minister, to endorse the failure to manage amateur removals from our fishery.
7. In our view it is totally inappropriate to consider increasing the recreational allowance just because the assessment confirms high stock abundance and equally inappropriate to ignore the amateur sector responsibility to “share the burden” if the resource falls below the recommended Management Procedure threshold that will invoke TACC cuts.
8. The failure of the IPP to include meaningful measures to accurately audit and monitor amateur catches and propose options as to how meaningful reductions to



the sector allowance might be applied if required in future is of significant concern to CRAMAC 5.

9. It is an absolute insult to CRAMAC 5 for the IPP to recommend an increase in the level of illegal unreported removals. This has the effect of rewarding fish thieves and does so at the direct expense of commercial rights holders who have made the single greatest contribution to the maintenance of high stock abundance.

## **DISCUSSION**

CRAMAC 5 firstly expresses our concern as to the lack of completeness in the IPP in which the CRA 5 TAC is considered, in particular the failure to address effective management controls on all user groups and the willingness to expropriate a share of stock abundance from legitimate users to subsidise the activities of fish thieves.

We cover our concerns in this submission based on the following six summary points.

### **1. Inequity to the management of a fish stock**

Before the Minister agrees and uses a Management Procedure he must surely consider implementing rules for all sectors consistent with the expectations that all legitimate rights holders must have shared responsibilities and accountabilities for their performance in relation to fisheries resources.

The CRA 5 TAC IPP fails miserably in this respect.

CRAMAC 5 considers that the Minister has the opportunity to make the non-commercial sectors properly accountable when confirming his decisions in regard to CRA 5 TAC Sustainability and other Management Controls for April 2011.

CRAMAC 5 does not accept that only one sector can continue to be brought to account to restore a failing resource whether due to over-exploitation and/or an environmental

consequence (e.g. poor recruitment); or to maintain high stock abundance to the benefit of all users. That burden must be shared more equitably than is proposed in the IPP.

In the absence of any proposal to audit and monitor amateur fishing, or to constrain illegal unreported removals (fish thieving), the proposed CRA 5 Management Procedure is ineffectual other than it relies solely on TACC reductions truly being “catch savings” – which by definition they cannot be if non-commercial catches are unmanaged and unknown.

## **2. Protecting fishing success**

There is no doubt that all sectors want to conserve a fish stock for future generations; this has been the voice of responsible customary, amateur and commercial representatives for decades. The CRA 5 TAC Management Procedure is the ideal time for the amateur sector to give proper effect to their principles and become fully accountable for their fishing and the effects of their fishing. Both options in the CRA 5 TAC IPP (status quo and proposed TAC adjustment) demand a commitment from the amateur sector to exercise a credible shared fishery management role.

## **3. A shared fishery**

Since 1990 we have observed the Ministry of Fisheries try to introduce a Fishery Plan for CRA 5 and other stocks. Over time their intentions have changed form and shape in a number of ways. In 2000 the Ministry again tried to introduce Fishery Plans based on a paper called Shared Fisheries; more recently the Ministry documents refer to stock specific national Fishery Plans.

We believe that CRA 5 is a fishery which requires a Plan that is consistent with the status of the stock and the reasonable needs and expectations of current and future rights holders – customary, amateur and commercial.

The CRA 5 TAC IPP is an opportune time to introduce proper management rules for all sectors, not perpetuate a reliance on the sacrifice by and cost to the commercial sector.

A Fishery Plan is not intended for only one sector - it must incorporate all user groups. The underlying incentives and drivers of the fisheries property rights regime operate as an incentive for the commercial sector to be responsible resource users and we are governed by enough regulations and rules to keep us in line whenever non-compliance is detected.

The amateur sector only have rules that manage daily bag limits and methods and have no obligation to be a responsible resource user based on any accountability for managing catches against their allowance in the way that commercial catches are constrained by the TACC.

The CRA 5 TAC IPP proposes that a Management Procedure and a set of allowances be installed for a five year period with no suggestion at all that supplementary action in relation to non-commercial fishing is required to ensure the outcomes intended by the Management Procedure. To try and address the issues we have with this IPP in another five years' time would be ridiculous. We cannot support the current IPP recommendation in the circumstances.

#### **4. CRAMAC 5 management initiatives**

From its inception the CRAMAC 5 Committee has functioned in a very conservative and responsible manner. We have been pro-active; we have not sat on our hands and we have had to change the mind set of some people within our own industry to move away from the boom and bust attitude of the past in favour of greater security and certainty in regard to our fishery.

At times we have been close to losing the support of our members due to the position we have taken in regard to conservative catch limits. We have weathered the storms of criticism by conducting an open dialogue with all members and now they see the reward in being patient. They recognise and understand the fishing success (catch rates) and operational cost saving they are experiencing in today's CRA 5 fishery.

The initiatives taken and the conservative manner that the CRAMAC 5 Committee has operated by over the last 14 years have contributed to current abundance. Amongst those are included - pot escapement; management of ACE distribution across the fleet; not putting a fishing effort in at the high amateur use period; educating the amateur fishing clubs; successfully promoting a responsible fishing practice; and not initiating two possible TACC increases between 1997 and 2009 despite obvious improvements in stock abundance above statutory reference levels.

Over the same period we have witnessed a huge (and uncontrolled) increase in the amateur effort in all ports across the CRA 5 fishery (example: Motunau Beach North Canterbury in 1995 between 20-50 vessels would launch each day over a weekend, today it is not uncommon to see 50-130 vessels launch on any day of the week. In 2010, 77 vessels were checked on one day in which 157 recreational vessels went to sea from Motunau - and just under 1,000 rock lobster and 1,500 Blue Cod were counted by an HFO).

We have seen the Canterbury-Marlborough recreational charter fishing industry fleet grow from several operators in the 1990's to now over 40 vessels; all of which expect to provide their clients with a successful fishing experience on every charter trip taken without any consideration to their responsibility to maintain and/or improve levels of stock abundance.

Any changes to amateur rules are always reactive, driven by sustainability issues but are rarely effective. For example, setting or adjusting an amateur allowance within a TAC without knowing what the catches are or have been, is pointless. For example, adjusting amateur bag limits without knowing what catches are or have been, or how many amateur fishing events are or have been occurring, or what level of fishing success is associated with those events is equally pointless.

This situation must change and the Minister and the Ministry must become proactive in managing fishing in CRA 5. The CRA 5 TAC review is the ideal time to implement a set

of rules and procedures for monitoring and managing amateur fishing to assist in maintaining stock abundance.

#### **5. TAC vs. TACC rules**

CRAMAC 5 does not accept that the recommended Management Procedure should reward mis-management of non-commercial fishing. Nor do we accept that the TACC should be the only meaningful adjustment if the operation of the recommended CRA 5 Management Procedure invokes a TAC reduction.

We note that the proposed adjustment to the customary allowance is based on information that better reflects the level of customary non-commercial removals by that sector. In principle at least the customary catch taken under the authority of permits can be established with some accuracy.

The amateur sector has no effective constraints placed on their fishing – we cannot manage what we do not know. The recent stock assessment report confirms that the Working Group had to basically guess what recreational catches might really be.

If CRA 5 sustainability issues do arise in future, the amateur sector will remain in an open access fishery without any responsibility to constrain individual or aggregate removals. It is our belief that the amateur sector must be pulled in to contribute to rebuilding and/or maintaining the resource by way of reducing catches and/or effort.

What is currently being proposed is totally inequitable and the rules must be implemented which ensure that a recommended Management Procedure really can operate as a TAC Rule not just a TACC rule.

#### **6. Mortality allowance**

CRAMAC 5 believes it is an absolute insult to increase the allowance for fish thieving in CRA 5.

We consider that a responsible commercial sector should have been offered the option of accepting a TACC increase before the Ministry would even contemplate increasing an allocation to fish thieves. The absence of any firm commitment to constrain illegal unreported removals as a primary goal of a CRA 5 Compliance Strategy is a massive disappointment to CRAMAC 5.

To dig the insult even deeper the Ministers advisors have obviously considered that installing a new permanent Compliance Office in Kaikoura will not be a deterrent to fish thieves and despite the increased MFish presence there is every possibility that thieving will increase.

Paragraph 153 in the IPP clearly recognises that the Kaikoura coast (917) is where the highest amateur effort takes place in CRA 5 and installing two new permanent officers hits right at the coalface as to where the non-commercial removals take place. Increasing the allowance for illegal fishing is effectively a vote of no confidence in the Compliance Unit being able to make any difference to levels of illegal unreported catch.

What message does that send to the new officers? CRAMAC 5 knows their presence will make a difference to the level of theft along the Kaikoura coast; what we do not know is why it is considered necessary to increase the allowance for illegal unreported removals by 40.5%. We will not support that proposal.

#### **CERTIFICATION:**

In the period in which CRAMAC 5 has been operating we have gone through a number of growing pains in relation to dealing with internal commercial matters and external matters including being caught up in a number of political debates with other sectors. All these experiences have assisted CRAMAC 5 to mature to who we are today and how we operate.

We have developed internal rules through a Committee Policy and Procedures manual, we have developed a Disputes Resolution Process and above all we have stepped outside of the politics and solely concentrated on what is best for the resource; this last point has perhaps

been our greatest success. CRAMAC 5 successfully operates a supervised stock monitoring programme, including supplementary puerulus collectors. The fishery is there for everyone to see. We have played our part and in our view it is not unreasonable for us to now insist that all user groups, the Minister and the Ministry now begin to play theirs.

CRAMAC 5 has recently been successful in obtaining an MFish Certification Fund grant to 'environmentally' certify the CRA 5 fishery. The process will confirm CRAMAC 5 as having the shared responsibility in managing the CRA 5 resource based on active commitments to sustainable utilisation, environmental performance and social outcomes.

An independent third party assessor will audit the fishery, will study what controls are in place to manage the fishery if there is a stock decline that threatens sustainability, and also to assess what remedial actions are in place to halt a declining resource.

In our view the Ministry will fail miserably in the evaluation of their responsibility to effectively manage the CRA 5 non-commercial sectors by having no controls in place to respond to a failing fish stock other than a reliance on cutting the TACC.

CRAMAC 5 believes we have been instrumental in creating a stable and abundant CRA 5 rock lobster resource, and we now believe it is the turn of the Minister and the Ministry of Fisheries to take a partnership role in maintaining this resource at a level of fishing success that we share today. There is an urgent need to implement measures that will protect the stock abundance and fishing success into the future by way of ensuring that all user groups must contribute to maintaining them.

**If the Minister is unwilling to do so then the CRA 5 rock lobster industry, represented by CRAMAC 5, supports Option 2 in the current IPP – no change to the current CRA 5 TAC or any of the allowances.**

*E L Collins*

Chairman

CRAMAC 5



# The Otago Rock Lobster Industry Assoc.Inc.

23 ERIN STREET DUNEDIN 9010

24<sup>th</sup> January 2011

## Submission to Rock Lobster Initial Position Paper.

### Executive Summary

1. The Otago Rock Lobster Industry Association supports Option 1 – adopt the revised CRA 7 Management Procedure and maintain the CRA 7 TAC based on its operation.
2. The Otago Rock Lobster Industry Association supports the current TAC of 104.5 tonnes – with a customary allowance of 10 tonnes; a recreational allowance of 5 tonnes; allowance for other sources of fishing related mortality set at 5 tonnes; and the TACC set at 84.5 tonnes.

### Discussion

During 2010 the Otago industry requested a review of the Management Procedure with a view to stabilising the TACC for the CRA7 fishery.

The current procedure is based on the assumption that lobster abundance in the Otago fishery would follow a pulse of recruitment and drop away as each new cohort emigrated to CRA 8. That was the rationale for supporting a decision rule which responded quickly to increases and decreases in CPUE by adjusting the TACC.

In the first year it was applied the Procedure guided the decision to increase the TACC, which was 100% caught, with CPUE also increasing in that season.

This invoked a further TACC increase in year two, of which only 72% was caught, with poor CPUE in that season. The rule invoked a 50% cut to the TACC for the following year (year three) of which only 70% was landed when the season ended on November 19th.

The number of fishers targeting rock lobster in CRA 7 increased significantly with the increase in ACE available from the two successive TACC increases.

This led to increased competition for available catch, competition to secure ACE in expectation of catches, and a large number of additional lobster pots being deployed into what is essentially a small fishery (geographically) with a limited commercial season.

For the last 2 seasons the ACE price initially increased and the catch rate progressively dropped. With only approximately 70% of the available ACE being landed in each of two successive seasons the economics of the CRA7 industry were being undermined.



The Otago rock lobster industry response was to request a review of the management procedure for CRA7 with a view to stabilizing the TACC. Significant seasonal fluctuations in TACCs have been demonstrated not to be useful to the fishery or to the industry. The initial assumption which guided the design of the current Management Procedure was clearly flawed.

We support Option 1 in the IPP- the revised CRA 7 Management Procedure and no change to the TAC or allowances within it.

We believe that instituting a decision rule which invokes no change in TAC over the range of CPUE of 1kg/potlift to 2kg/potlift will improve stock abundance and re-establish a more stable industry.

This new Management Procedure will respond quickly to any dramatic drop in CPUE to protect the sustainability of the fishery. With increasing CPUE it will ensure the available ACE is reflective of the status of the fishery.

**Otago Rock Lobster Industry Association Inc.**

*Simon Gilmour*

Executive Officer

20 January 2011

Trudie Macfarlane  
Ministry of Fisheries  
PO Box 1020  
Wellington

**SUBMISSION**  
**REVIEW OF SUSTAINABILITY MEASURES – CRA8 ROCK LOBSTER**  
**FISHERY FOR 1 APRIL 2011**

This submission is made by the CRA8 Management Committee Inc. (“the Committee”). This organisation is a fully constituted and incorporated society that is recognised as the commercial stakeholder organisation representing the interests of the commercial rock lobster industry in the southern South Island including South Westland, Fiordland, Stewart Island, Foveaux Strait and adjacent islands.

The Committee supports the CRA8 Management Procedure as the primary management mechanism for the CRA8 fishery. The Committee further submits that if for any reason the outcome from the operation of the CRA8 Management Procedure is not accepted the whole concept of retaining a management procedure as the primary management mechanism is violated, at which time its continued use becomes invalid.

**NRLMG Proposal**

As noted, the proposal under Option 1 to reduce the Total Allowable Catch (TAC) is not brought about by any risk to the sustainability of the CRA8 fishery. It is as a result of the desires of the CRA8 industry during the development of this management procedure to maintain abundance well above statutory stock reference points to provide for certainty in business planning and the opportunity to maximise financial returns.

The Committee submits that this point should be made clear to the Minister in any Final Advice Paper.

The Committee supports Option 1 of the NRLMG proposal to decrease the CRA8 TAC from 1110 tonnes to 1053 tonnes.

The Committee further supports that the reduction in the TAC be applied to the Total Allowable Commercial Catch (TACC). Accordingly the TACC will decrease from 1019 tonnes to 962 tonnes.

#### **Non-Commercial Allowances and Data Collection**

While overall removals by the commercial industry is constrained through the TACC, and monitored through reporting requirements, no such constraint occurs in relation to non-commercial allowances. The Committee has expressed its concern in the past regarding the lack of accurate data collection relating to catch and effort within the recreational fishing sector in particular. This ongoing lack of data from the non-commercial sector has a direct impact on the ability to accurately manage the rock lobster fisheries and also undermines the Minister's attempt to manage removals within allowances.

The Committee submits that this situation must be addressed in a meaningful way. It is not acceptable that sectors whose activities can have a major effect on the sustainability of fisheries can continue to remain and operate without controls.

#### **Summary**

The Committee:

Supports the NRLMG proposal to decrease the CRA8 TAC from 1110 t to 1053 t;

Submits that the TACC be decreased from 1019 t to 962 t; and

Submits that MFish must immediately address the issues relating to the lack of accurate non-commercial fishing catch and effort data.

Yours faithfully

Malcolm Lawson  
Chief Executive Officer



The New Zealand Seafood Industry Council Ltd

Submission on the

**Review of sustainability measures and other management controls  
for rock lobster fisheries for 1 April 2011**

1 February 2011

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1. The New Zealand Seafood Industry Council Ltd (SeaFIC) represents the generic interests of the seafood industry. We do not normally submit on the recommendations of the National Rock Lobster Management Group (NRLMG) because we recognise the NRLMG's important role as the primary source of advice to the Minister on rock lobster fisheries. This year, however, the public consultation document on rock lobster management measures raises an issue of such significant generic concern to the seafood industry that we are obliged to comment. Our submission is not intended to detract from or cut across the submissions of any commercial stakeholder organisations representing the rock lobster industry.
2. The specific issue that we are submitting on is the proposal to increase the CRA 5 TAC to 522.1 tonnes and to allocate that increase to non-commercial users through an increase in the recreational allowance while retaining the TACC at the current level of 350 tonnes. The advice paper fails to consider the option of controlling recreational catch so that it remains within the recreational allowance. The implications of this proposal are:
  - i. it significantly alters the proportionality of allocation in the fishery by reducing the TACC from 75% of the TAC to 67% of the TAC;
  - ii. it fails to acknowledge or reward the restraint shown by the commercial sector over many years in retaining low commercial catch levels so as to enable an increase in stock abundance; and
  - iii. perversely, the reallocation of the TAC instead recognises and validates the absence of any management measures capable of constraining recreational catch to the level of the recreational allowance.
3. For the commercial sector, there is little benefit in exercising restraint in managing the commercial share of a fishery when the resulting increase in stock abundance is allocated only to the (unconstrained) non-commercial sector. The message that this proposal sends to quota

owners and commercial fishers in shared fisheries is “use the fishery now or it will be allocated to and used by someone else”.

4. SeaFIC’s concern is that the government’s failure to manage recreational fishing is now so pervasive and significant that it is undermining the success of the QMS and potentially affecting the actions and behaviours of commercial participants. This is contrary the Ministerially-endorsed seafood industry economic development strategy *Managing our own Ship* which is aimed at enhancing the commercial sector’s ability to act collectively to contribute to economic growth. It would be unfortunate if the government’s failure to effectively manage recreational fishing resulted in commercial users declining to invest in and support the implementation of enhanced management approaches such as the use of management procedures.
5. We recommend that:
  - the NRLMG should consider management options that constrain recreational catch to within the recreational allowance; and
  - the Ministry of Fisheries should give urgent priority to the development of an effective policy and legal framework for the management of shared fisheries.

<b>Contact Person:</b>	Nici Gibbs Policy Manager New Zealand Seafood Industry Council Ltd Private Bag 24 901 Wellington d: (04) 802 1842 m: 027 492 1273 e: <a href="mailto:nici.gibbs@seafood.co.nz">nici.gibbs@seafood.co.nz</a>
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1 February 2011

Trudie Mcfarlane  
Ministry of Fisheries  
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WELLINGTON  
[Trudie.mcfarlane@fish.govt.nz](mailto:Trudie.mcfarlane@fish.govt.nz)

Tena koe Trudie,

#### NATIONAL ROCK LOBSTER MANAGEMENT GROUP CONSULTATION

##### PURPOSE

The purpose of this submission is to provide Te Ohu Kaimoana's comments on proposals put forward by the National Rock Lobster Management Group.

There are three parts to the submission. Part one deals with proposals concerning management procedures in CRA4, CRA5, and CRA7. Part two of the submission relates to TAC adjustments in CRA4, CRA5, CRA7, and CRA8. Part three of the submission concerns rock lobster deemed values.

##### TE OHU KAI MOANA

Te Ohu Kai Moana (Te Ohu) is a statutory body established under s.31 of the Maori Fisheries Act 2004 (the MFA). The purpose of Te Ohu is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing, and fisheries-related activities, in order to-

- (a) ultimately benefit the members of iwi and maori generally
- (b) further the agreements made in the Deed of Settlement
- (c) assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi
- (d) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.

Te Ohu must administer the settlement assets in accordance with its purpose set out in the Act, including but not limited to the following duties:

- (e) to manage on a transitional basis, collectively or separately as Te Ohu considers appropriate, the settlement assets to be allocated to an iwi, until they are transferred to the Mandated Iwi Organisation of the Iwi; and
- (f) in relation to fisheries, fishing and fishing-related activities, act to protect and enhance the interests of Iwi and maori in those activities

The Maori Fisheries Settlement in 1992 set out what was recognised through the Courts and agreed at a political level. The process established that maori customary rights to fishing included both commercial and non-commercial elements. The commercial element was not just historic but also included future development dimensions. The Settlement established Te Ohu and provided recognition of the commercial dimensions by providing for transfer through Te Ohu of quota, cash and shares in fishing companies to iwi. It provided recognition of the non-commercial dimensions by agreeing to develop regulations to help recognise use and management practices and provide protection for and scope for exercise of rangatiratanga in respect of traditional fisheries including tauranga ika and mahinga mataitai.

As noted above Parliament has established Te Ohu and given it responsibility to advance the agreements made in the Deed of Settlement and to assist the Crown to discharge its obligations and do so in a manner that contributes to an enduring settlement. Te Ohu considers that this can only be achieved if the Settlement is advanced in a manner that does not have either the commercial or non-commercial aspects of the Settlement unduly working against and potentially eroding one another. We want to see both dimensions expressed adequately but not at the expense of one another unless all management options have been assessed and some form of impact is unavoidable.

## SUMMARY OF RECOMMENDATIONS

### Recommendations:

Te Ohu –

#### *In relation to Part One of this submission – Management Procedures*

##### CRA 5

- (1) **recommends** that the NRLMG supports Option 1. to use the proposed CRA5 management procedure to guide TAC setting in CRA5

##### CRA7

- (2) **recommends** that the NRLMG supports Option 1. to use the proposed revised CRA7 management procedure to guide TAC setting in CRA7

##### CRA4

- (3) **notes** the research that CRA4 iwi are doing to ascertain iwi views concerning stock sustainability in CRA4

#### *In relation to Part Two of this submission – Changes to TAC, TACC, and Allowances*

##### General

- (4) **notes** their support in general for the use of management procedures  
 (5) **notes** the shortcomings of management procedures  
 (6) **notes** the work that iwi are doing to develop electronic data bases to support the management of customary catch information  
 (7) **notes** that iwi do not wish the customary allowance to be constrained without their express consent



- (8) **notes** their ongoing concern about the lack of recreational catch reporting

**CRA4**

- (9) **recommends** that the NRLMG supports Option 2, to retain the current CRA4 TAC, TACC, and allowances  
(10) **notes** that CRA4 iwi will review their stance on the performance of the CRA4 fishery and will feed relevant information into the review of the 2011 CRA4 management procedure

**CRA5**

- (11) **recommends** that the NRLMG supports Option 1, to accept the proposed CRA5 management procedure and increase the TAC based on its operation  
(12) **recommends** the customary allowance be retained at 40 tonnes  
(13) **recommends** the Ministry and iwi develop protocols around the use of customary permit information  
(14) **notes** the concerns expressed in relation to statistical area 933.

**CRA7**

- (15) **recommends** the NRLMG support Option 1, to accept the proposed new CRA7 management procedure and increase the TAC based on its operation

**CRA8**


- (16) **recommends** the NRLMG support Option 1, to reduce the TAC based on the operation of the agreed CRA8 management procedure

***In relation to Part Three of this submission – Review of Deemed Values***

- (17) **recommends** the NRLMG support Option 2, to change the current rock lobster deemed value

Please contact the writer if you would like to discuss any parts of this submission.

Na



Alan Riwaka  
Senior Fisheries Management Advisor

## PART ONE: PROPOSALS TO USE NEW MANAGEMENT PROCEDURES TO GUIDE TAC SETTING IN CRA5 AND CRA7

### BACKGROUND

#### A description of management procedures

The consultation document describes management procedures as a tool which is used to guide the setting of catch limits and to specify how management changes are made in response to changes in specified fishery data. The management procedure approach provides greater certainty of achieving management outcomes for a stock over the conventional approach of periodic stock assessments. The advantages of the management procedure over conventional assessments are stated in the consultation document:

- a) The process leads to explicit definition of management objectives
- b) All participants in the fishery can become involved in the choice of procedure
- c) Uncertainty in all facets of the assessment and management process can be addressed
- d) Greater certainty of achieving outcomes is provided
- e) Management procedures reduce the need for regular stock assessments, freeing resources for other research; and
- f) The process is more understandable to fishers than the conventional approach.

Management procedures are in place for several New Zealand rock lobster fisheries. Agreed management procedures are currently in place for CRA 3 (Gisborne), CRA 4 (Wellington/Hawkes Bay), CRA 7 (Otago) and CRA 8 (Southern) rock lobster fisheries and have been used by the Minister to guide statutory TAC setting in these fisheries for varying amounts of time. The oldest example of the use of management procedures is in CRA 7 and CRA 8, where they have been successfully used to guide TAC setting since 1996, first to rebuild the stocks and then to maintain them above reference levels with high probability.

#### Proposed Management Procedures

##### CRA5

There are two options contained in the proposals for CRA5. The first option is to use the new CRA5 management procedure to guide TAC setting in CRA5. The second option is to continue using the periodic stock assessments to guide TAC setting in CRA5 (*status quo*). The NRLMG has indicated their preference for Option 1.

The NRLMG believe that the proposed CRA5 management procedure is unlikely to pose any risk to stock sustainability. Application of the management procedure is likely to result in the following:

1. Maintenance of the stock above Bmsy, Bref and Bmin with greater than 95% probability
2. Maintenance of the the mean biomass at about 2.3 times Bref, which is greater than Bmsy for CRA 5; and
3. Maintenance of the spawning stock biomass well above 20% of its unfished level, which is consistent with the MFish Harvest Strategy Standard.

In terms of robustness the management procedure:

- a) was chosen from a set of management procedures that were evaluated for performance against sustainability criteria

- b) has been tested using a model of the CRA 5 fishery based on the 2010 CRA 5 stock assessment model, which was accepted by the MFish Plenary in 2010
- c) has been tested for robustness to uncertainties, including uncertainties in recruitment, in the level of non-commercial catches and in the stock assessment results. The procedure was robust to these uncertainties and desired performance against the sustainability indicators was maintained
- d) is responsive to changes in abundance in the stock.

Simulation-testing of the proposed management procedure has also been done by the NRLMG. The results indicate that, as well as maintaining the stock well above reference levels (Bref and Bmsy), the management procedure would maintain the current utilisation benefits of the fishery for all sectors over the medium to long terms by maintaining the stock well above reference levels.

### **CRA7**

The NRLMG is seeking comments on two management options for CRA 7. The main aim is to provide greater stability in the fishery, fewer changes and less dramatic changes in the TAC.

Under Option 1, the Minister would use the proposed revised CRA 7 Management Procedure to guide statutory TAC setting for CRA 7. The Minister would be guided by the operation of the revised management procedure when setting the TAC for CRA 7 until the 2012-13 fishing year.

Under Option 2, the Minister would continue to use the current CRA 7 Management Procedure to guide statutory TAC setting for CRA 7. The Minister agreed to use the current CRA 7 Management Procedure in March 2008 to guide TAC setting in the fishery until the 2012-13 fishing year.

The NRLMG preference is for Option 1, to use the proposed revised CRA 7 Management Procedure. However the NRLMG is confident that use of either CRA 7 management procedure will ensure that the Minister sets a TAC that has a high probability of achieving the statutory objective of managing the stock at or above Bmsy. Both management procedures are expected to maintain the stock well above Bmsy and the agreed proxy for Bmsy, Bref.

Evaluations of both CRA 7 management procedures are said by the NRLMG to suggest that the stock would be maintained well above Bref, and that the management procedures would likely increase the current utilisation benefits of the fishery for all sectors over the medium to long terms. The key differences between the two procedures are:

- a) The proposed revised CRA 7 management procedure (Option 1) is expected to provide more stability in the TAC, with fewer dramatic changes to the TAC than under the current management procedure (Option 2). This is because the proposed revised CRA 7 management procedure includes a harvesting "plateau" of 120 tonnes when commercial CPUE values are between 1.0 and 2.0 kg/potlift; the current procedure (Option 2) has no plateau.
- b) biomass is predicted to be less than Bref. Under Option 1, the stock would stay above Bref with 85% probability, whereas under Option 2 (the current procedure) the stock would stay above Bref with 80% probability.
- c) The proposed revised procedure is expected to have a higher average stock abundance and commercial CPUE than the current procedure (Option 2). Under Option 1, the median average commercial CPUE is predicted to be 1.99kg/potlift, whereas under Option 2 the average CPUE was predicted to be 1.63 kg/potlift.

The consultation document says that the harvest control rule in both CRA 7 management procedures generates a recommended TAC. Operation of the proposed revised CRA 7 management procedure

for the 2011-12 fishing year results in no change to TAC for CRA 7. However, operation of the current CRA 7 management procedure for the 2011-12 fishing year results in a TAC decrease for CRA 7. The impact of the TAC decrease on the fishing sector stakeholders will depend on allocation decisions. Historically, the TACC has been varied to give effect to variations to the TAC, meaning the commercial sector may be most affected by the proposed TAC decrease (this is discussed in Paper 2 – Proposal to set TACs and allowances for CRA 4, CRA 5, CRA 7 and CRA 8).

The revised procedure set out in option 1 is preferred by CRAMAC 7 (in comparison to the current rule, Option 2) because there is more stability in the procedure and there would be fewer dramatic changes in the TACC, which will enable them to stabilise (and potentially increase) their utilisation benefits. The proposed revised procedure is also supported by the NRLMG's recreational and customary members.

**Table 1 Proposed Option's CRA5 and CRA7**

Stock	Option	Description
CRA5	Option 1	Agree to use the proposed new CRA5 Management Procedure to guide TAC setting in CRA5
	Option 2	Continue to use periodic stock assessments to guide TAC setting in CRA 5 (status quo)
CRA7	Option 1:	Agree to use the proposed revised CRA7 Management Procedure to guide TAC setting in CRA7
	Option 2:	Continue to use the current CRA7 Management Procedure to guide TAC setting in CRA7 (status quo)

## COMMENTS

### Management Procedures

Te Ohu supports the use of management procedures for managing rock lobster for the reasons identified in the NRLMG consultation document and NRLMG Annual Report. Management procedures however have their limitations. They do not necessarily deal with local depletion because management procedures are primarily interested in maintaining a CPUE which is calculated using data from across the whole QMA. Local depletion can occur but still not affect the sustainability at a QMA scale. Despite this shortcoming, management procedures are still the best tool that we have available for managing rock lobster stocks.

A second point to be made is management procedures are only as good as the information that is used in the model.

### CRA5

In relation to CRA5, Te Ohu supports Option 1, to use the proposed CRA5 management procedure. If approved by the Minister, this will be the first management procedure to be used in CRA5. There are however some matters we wish to raise in this submission and these are set out below.

### Review of CRA5 Management Procedure

South Island Iwi are currently working with MFiSh to establish an Iwi Forum Fisheries Management Plan for Te Wai Pounamu. Rock Lobster is one of the top species. Iwi have stated they want to reserve the right to a review of the CRA5 management procedure should they identify it is a good idea to do so through their planning process.

### **Statistical Area 933 – Cook Strait**

We are concerned about the low stock levels in statistical area 933 (Cook Strait). Since 2006, CPUE within statistical area 933 has ranged between .72 and .76, the lowest of any of the four statistical areas that are commercially worked in CRA5.<sup>1</sup> Industry has recognised the lower CPUE in statistical area 933 for some time now and has managed the situation by controlling TACC extractions from the area.<sup>2</sup> Industry must be applauded for their actions.

In the future however non commercial extractions, especially recreational catches, are likely to increase. Firstly, the Marlborough Port Company has applied for resource consent to build 500 new berths in Waikawa Bay, Queen Charlotte Sounds (including area 933). If it is approved, it will more than likely result in bigger rock lobster extractions from the immediate area surrounding the Sounds.<sup>3</sup> Waikawa Marina is the second largest marina in New Zealand, behind Auckland.

Secondly, Mandated Iwi Organisations are planning to make a more concerted effort to ensure customary non commercial needs are able to be met. They are working with their fishing companies to find ways to harvest rock lobster from Cook Strait and other areas of CRA5 to support customary non commercial activities. The obvious question is how much of the 40 tonne customary allowance (or whatever the allowance may be) can be harvested from statistical area 933? Te Ohu will work with iwi to develop more thinking in this area but ultimately iwi and sectors should be talking about these issues with a view to finding solutions.

### **CRA7**

In relation to CRA7 proposals Te Ohu supports Option 1, to use the proposed revised CRA7 management procedure to guide TAC setting in CRA7. This option will lead to less volatility and a more stable TAC based on better information.

### **OTHER**

#### **CRA4**

In 2011 the NRLMG will review the management procedure for CRA4 so it's worth us making some brief comments.

In 2008 a number of hapu, whanau and marae throughout CRA4 complained about the state of the fishery and the inability to meet their customary non commercial needs. These complaints were received while Ngati Kahungunu was consulting on the Kahungunu Ki Uta, Kahungunu ki Tai strategy. Over the next few months iwi will talk to their people to see if their views have changed. The results should be known before the NRLMG commences its substantive discussions regarding the review of the CRA4 management procedure. This will enable any relevant information to be brought to the attention of NRLMG members before they make their final decisions concerning the review of the CRA4 management procedure.

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<sup>1</sup> The CPUE ranges in statistical areas 916, 917 and 918 are between 1.06 and 2.38, and Bref is .754.

<sup>2</sup> Personal communications with CRAMAC5

<sup>3</sup> Marlborough Express, December 2010

**Recommendations:**

Te Ohu –

***In relation to Part one of this submission – Management Procedures***

**CRA 5**

- (1) **recommends** that the NRLMG supports Option 1. to use the proposed CRA5 management procedure to guide TAC setting in CRA5

**CRA7**

- (2) **recommends** that the NRLMG supports Option 1. to use the proposed revised CRA7 management procedure to guide TAC setting in CRA7

**CRA4**

- (3) **notes** the research that CRA4 Iwi are doing to ascertain Iwi views concerning stock sustainability in CRA4

**PART TWO: PROPOSALS TO SET TACs, TACCs, AND ALLOWANCES FOR CRA4, CRA5, CRA7 AND CRA8**

**BACKGROUND**

The NRLMG proposes to vary the Total Allowable Catch (TAC) and allowances for CRA 4 (Wellington/Hawkes Bay), CRA 5 (Marlborough/Canterbury), CRA 7 (Otago) and CRA 8 (Southern) rock lobster fisheries for the 2011-12 fishing year, beginning 1 April 2011. We have reproduced these below in Table 2. The proposals are based on the operation of agreed management procedures for CRA 4 and CRA 8, two alternative management procedure options for CRA 7 (an agreed and proposed revised procedure), and a proposed new management procedure for CRA 5.

**Table 2: NRLMG Proposals**

Stock	Option	TAC	TACC	Customary allowance	Recreation allowance	Other Mortality
<b>CRA4</b>	Option 1: Increase the TAC based on the operation of the agreed CRA4 management procedure	661.9 tonnes	466.9 tonnes	35 tonnes	85 tonnes	75 tonnes
	Option 2: Retain the current TAC, TACC, and allowances	610.625 tonnes	415.625 tonnes	35 tonnes	85 tonnes	75 tonnes
<b>CRA5</b>	Option 1: Accept the proposed new CRA5 management procedure and increase the TAC based on its operation	522.1 tonnes	350 tonnes	10 tonnes	110.1 tonnes	52 tonnes
	Option 2: Retain the current TAC, TACC, and allowances	467 tonnes	350 tonnes	40 tonnes	40 tonnes	37 tonnes
<b>CRA7</b>	Option 1: Accept the proposed new CRA7 management procedure and increase the TAC based on its operation	104.1 tonnes	84.5 tonnes	10 tonnes	5 tonnes	5 tonnes
	Option 2: Reduce the TAC based on the operation of the agreed CRA7 management procedure	95.7 tonnes	75.7 tonnes	10 tonnes	5 tonnes	5 tonnes
	Option 3: Retain the current TAC, TACC, and allowances	104.5 tonnes	84.5 tonnes	10 tonnes	5 tonnes	5 tonnes
<b>CRA8</b>	Option 1: Reduce the TAC based on the operation of the agreed CRA8 management procedure	1053 tonnes	962 tonnes	30 tonnes	33 tonnes	28 tonnes
	Option 2: Retain the current TAC, TACC, and allowances	1110 tonnes	1019 tonnes	30 tonnes	33 tonnes	28 tonnes

## COMMENTS

### General

#### ***Electronic Data Bases to Support Iwi Managing their Customary Information***

Over the next few months Te Ohu will be working with CRA4 and CRA5 Iwi to establish a number of customary data bases that can be used by them to manage their customary non commercial catch information. Iwi will own the data bases and determine how the information is to be used in relation to relevant fisheries management processes.

#### ***Constraints on Customary Take***

We note that Iwi in each of the QMAs have expressed a strong view that the allowances for customary should not be constrained in any shape or form, unless it is with the express consent of Iwi.

#### ***Recreational catches***

Te Ohu continues to be concerned about the lack of reporting and accountability by recreational fishers. Commercial and customary fishers are required by regulation to report catches but recreational aren't. Commercial fishers do an excellent job of collecting catch information and Iwi are moving to improve their own systems by putting in place data bases that will enable them to monitor and better manage customary catch. We encourage the recreational sector to develop options for recreational catch reporting.

### **CRA4**

Iwi in CRA4 are supporting option 2, which is to retain the current TAC, TACC, and allowances at their present levels. Iwi are continuing their conservative approach to sustainability, the same as they have done in previous reviews concerning CRA4.

### **CRA5**

Iwi in CRA5 are supporting an increase in the TAC in 2011 based on the application of the proposed CRA5 management procedure. However Iwi would like to reinstate the 40 tonne customary allowance on the basis that it was wrong for the Ministry's compliance staff, and subsequently MFish Managers, to have allowed incomplete permit information to be used in this way. It takes the Ministry's guess work to a new high. Furthermore, when the South Island customary regulations were developed during the 90s there was an understanding amongst Iwi and Crown negotiators that information would not be used in the way that it was. All this has done is created unnecessary distrust between Iwi and MFish compliance which is entirely unhelpful. It would be useful for MFish and Iwi to formalise an agreement on the use of customary catch data so that information is not used in the wrong way again.

We have been asked by Iwi to support the customary allowance being maintained at 40 tonnes. Te Ohu is prepared to do this. Any future adjustments to the TAC allowances can take on board data generated from the data bases as they are developed.

### **CRA7**

With respect to CRA7 we support using the proposed new management procedure as it will result in less volatility in the fishery. We also accept the TAC and TACC resulting from the application of the management procedure. There are no proposals to change any of the allowances.

### **CRA8**

With respect to CRA8 we support a reduction in the TAC and TACC based on the application of the current management procedure. There are no proposals to alter any of the allowances.



Table 3 Summary of Te Ohu's Preferred Options (numbers rounded)

		TAC	TACC	Customary	Recreation	Other
CRA4	Option 2: Retain the current TAC, TACC, and allowances	611 tonnes	416 tonnes	35 tonnes	85 tonnes	75 tonnes
CRA5	Option 1: Accept the proposed new CRA5 management procedure and increase the TAC based on its operation	522 tonnes	350 tonnes	40 tonnes	80 tonnes	52 tonnes
CRA7	Option 1: Accept the proposed new CRA7 management procedure and increase the TAC based on its operation	104 tonnes	84 tonnes	10 tonnes	5 tonnes	5 tonnes
CRA8	Option 1: Reduce the TAC based on the operation of the agreed CRA8 management procedure	1053 tonnes	962 tonnes	30 tonnes	33 tonnes	28 tonnes

## RECOMMENDATIONS:

Te Ohu –

*In relation to Part two of this submission – changes to TAC, TACC, and Allowances*

### General

- (4) **notes** their support in general for the use of management procedures
- (5) **notes** the shortcomings of management procedures
- (6) **notes** the work that iwi are doing to develop electronic data bases to support the management of customary catch information
- (7) **notes** that iwi do not wish the customary allowance to be constrained without their express consent
- (8) **notes** their ongoing concern about the lack of recreational catch reporting

### CRA4

- (9) **recommends** that the NRLMG supports Option 2, to retain the current CRA4 TAC, TACC, and allowances
- (10) **notes** that CRA4 Iwi will be reviewing their stance on the performance of the CRA4 fishery and will feed relevant information into the review of CRA4

### CRA5

- (11) **recommends** that the NRLMG supports Option 1, to accept the proposed CRA5 management procedure and increase the TAC based on its operation
- (12) **recommends** the customary allowance be retained at 40 tonnes
- (13) **recommends** the Ministry and iwi developing protocols around the use of customary permit information
- (14) **notes** the concerns expressed in relation to statistical area 933.

**CRA7**

- (15) **recommends** the NRLMG support Option 1: Accept the proposed new CRA7 management procedure and increase the TAC based on its operation

**CRA8**

- (16) **recommends** the NRLMG support Option 1, to reduce the TAC based on the operation of the agreed CRA8 management procedure

### PART 3: REVIEW OF DEEMED VALUE RATES FOR SPINY AND PASCKHORSE ROCK LOBSTER

#### BACKGROUND

The NRLMG proposals for deemed rate changes for spiny and packhorse rock lobster are presented in Table 1. These proposals have been developed in accordance with the principles outlined in the Ministry of Fisheries 2007 Deemed Value Standard.

We understand that deemed values are intended to provide an incentive for fishers to acquire sufficient annual catch entitlement to balance against catch, for stocks managed under the QMS. If deemed values are not set at appropriate levels there is the prospect that TACC levels could be breached and this could result in sustainability issues.

We also understand that commercial fishers are charged monthly deemed values for every kilo of fish landed in excess of their ACE. If the fisher sources enough ACE to cover his or her catch by the end of the fishing year, the interim deemed value rates paid are reimbursed. If the fisher does not source enough ACE, the difference between the interim and deemed value rate is charged for all catch in excess of ACE. Differential deemed value rates are charged at the end of the fishing year if the fisher harvested well in excess of his or her ACE holdings.

**Table 1 Proposed deemed values**

Option	Annual deemed value	Interim deemed value	Differential
Option 1: Maintain current rock lobster deemed values (status quo)	\$100 per kg	\$75 per kg	Standard
Option 2: Change the current rock lobster deemed values (NRLMG preferred option)	Increase to \$110 per kg	Increase to \$99 per kg (increased to 90% of annual rate)	Standard

#### COMMENTS

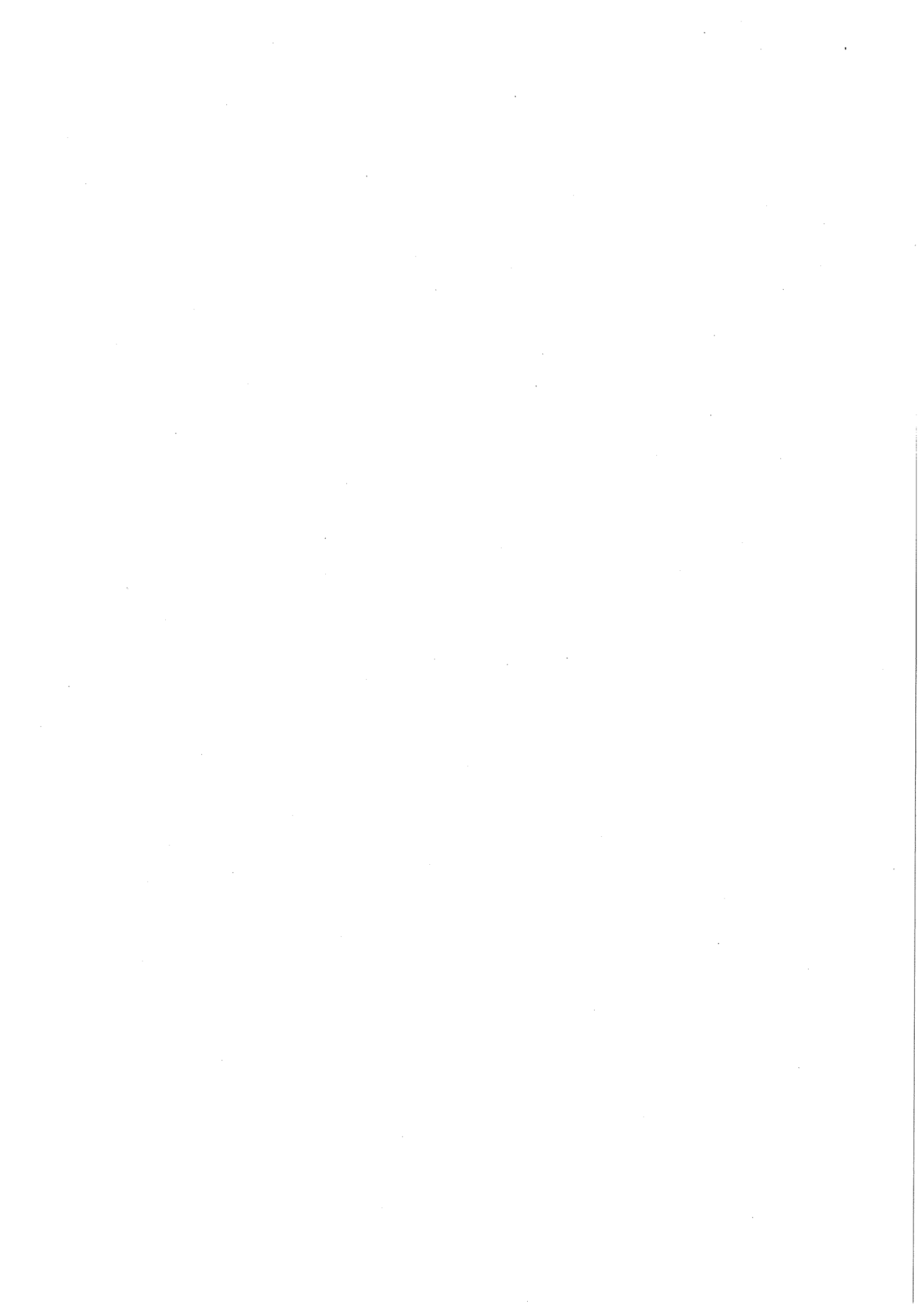
Te Ohu endorses the recommendations made by the NRLMG. We note that there does not appear to be any problems with rock lobster fishers' exceeding their ACE, although there was a small over catch reported in CRA3 during the 2009-2010 fishing season.

#### RECOMENDATIONS

Te Ohu

(17) recommends the NRLMG:

1. Support Option 2, to change the current rock lobster deemed values (status quo).





## **NZ ROCK LOBSTER INDUSTRY COUNCIL**

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February 2<sup>nd</sup> 2011

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### **REVIEW OF SUSTAINABILITY MEASURES FOR ROCK LOBSTER FISHERIES**

The NZ RLIC is an umbrella organisation for the nine commercial stakeholder organisations operating in each of the rock lobster (CRA) management areas of New Zealand. These organisations have been established as incorporated societies or limited liability companies and are known as CRAMACs.

CRAMAC membership comprises CRA quota owners, processors, exporters, and fishermen (quota share and/or ACE owner-operators) in each region. The rules of association provide a two-tiered voting procedure that gives priority to quota ownership on issues affecting TAC/TACC decisions, levy setting, and cost recovery submissions. All nine CRAMACs hold a significant majority mandate of CRA quota share and ACE ownership in the regions.

The submissions which follow have been compiled after internal consultation with industry representatives.

The NZ RLIC endorses the submissions made by the CRA 4 Rock Lobster Industry Association (CRAMAC 4); the CRA 5 Rock Lobster Industry Association (CRAMAC 5); the Otago Rock Lobster Industry Association (CRAMAC 7); the CRA 8 Management Committee Inc. (CRAMAC 8) and the NZ Seafood Industry Council.

### **BACKGROUND**

1. There is an increasing feeling across the nine CRAMAC constituencies that the Minister of Fisheries should freeze all non-commercial allowances till such time as he has some real information as to their magnitude and some real means to adjust and enforce allowances if required for sustainability and/or equity reasons.

2. Accordingly, the NZ RLIC submits that the Minister should defer to CRAMAC and NZ RLIC advice (informed by voluntary and “statutory” management procedures) about all TACC changes and commercial aspects of the rock lobster fisheries.
3. The NZ RLIC proposes that the Minister should devolve management of commercial fisheries to the CRAMAC/NZ RLIC consortium in recognition of the NZ RLIC record as a reliable Research Services Provider, and in line with principles of the *Vision 2030* operational design endorsed by Cabinet.
4. The NZ RLIC further proposes that the Minister should then direct his staff at MFish to concentrate their efforts on consistent and accurate data collection and management (restraint) of non-commercial fishing (where and when necessary). This matter is urgent as unrestrained expansion of non-commercial effort and catches is and will likely further impact adversely upon stock abundance and on commercial property rights.
5. The continued failure to effectively manage all rock lobster fishing is stifling the effort and investments that commercial rights holders might otherwise be willing to make to further enhance wild stock abundance, maintain or improve catch rates, increase economic efficiency and enable a high quality fishing experience for all legitimate extractive users.
6. It is now becoming increasingly evident to CRAMACs that industry constraint and sacrifices over time are principally providing a buffer of stock abundance that obviates the need for MFish to give any significant priority to managing recreational fishing in the heavily “shared” rock lobster fisheries.
7. This is evident in CRA 4 and CRA 5 considerations for 2011/12 where allowances are being confirmed and/or adjusted with no advice being offered as to how they will be monitored and if necessary constrained. Likewise the allowances for illegal removals are increased seemingly to provide some ‘headroom’ to reduce any real accountability for the efficacy of compliance and enforcement services.
8. The industry notion of recreational fishing being ‘background noise’ in most CRA stocks is quickly dissipating as commercial rights holders observe the lack of monitoring, audit and control of recreational removals including those enabled by a burgeoning recreational charter fishing industry. The recreational ‘noise’ is recently most often of the media variety and is relentless at the expense of commercial intentions and aspirations as a small but insistent cadre of self-styled representatives of “the public” insist on a priority and preference of access, allocation and use whilst eschewing any measure of accountability. Industry patience is wearing very thin.
9. It is clear to the NZ RLIC from reading and listening to some of the preliminary non-commercial responses to the statutory consultation document – particularly as it relates to CRA 4 and CRA 5 options – that sustainable management and use of rock lobster fisheries is not yet occurring in an environment where the New Zealand public are well informed and educated on matters dealing with fisheries in general and rock lobster fisheries in particular.

10. The absence of sector representation at set pieces such as the Fishery Assessment Working Groups is not useful in this regard. Likewise the lack of direct connection and accountability to and from regional non-commercial stakeholder committees/advisory groups convened by MFish and the national sector representatives at the NRLMG. The unsubstantiated claims made in the media and elsewhere by recreational group representatives, whether intentional or as a consequence of not understanding the stock assessment process and outcomes, are quickly eroding opportunities for those groups to work productively with the rock lobster industry regionally or at national level.
11. The cooperative user group management process that was once a hallmark of rock lobster fisheries and benchmark for cooperative management in other fisheries has almost fallen over and unless significant changes are quickly made to roles, responsibilities, accountabilities and attitudes the rock lobster industry will likely pursue alternate means of achieving timely, effective and pragmatic decision making.

## IPP DISCUSSION

12. The NZ RLIC notes that all of the issues being consulted on for the 2011/12 fishing year other than Deemed Values represent options which are generally consistent with the agreed NRLMG Strategic Vision in that they are derived from explicit and agreed decision rules which prescribe management actions that result from monitoring and assessment of fisheries.
13. The NZ RLIC shares a strong expectation that equally important aspects of the agreed vision will be manifested in the current and all future management considerations. Namely that management of rock lobster fisheries will take place within a clear policy environment, e.g. there will be clear, explicit, and agreed rules to describe property rights in the fisheries and allocation between user group sectors.
14. The NZ RLIC has considered each of the 2010/11 IPP options and submits the following in regard to the consultation topics –

## CRA 4

*Under Option 1, the CRA 4 TAC would be set at 661.9 tonnes. The proposed increase in TAC is specified by the CRA 4 Management Procedure that the Minister agreed to use in March 2009 to guide TAC setting in the fishery until the 2011-12 fishing year (this is the procedures last year of operation before a scheduled review next year).*

*Under Option 2, the current CRA 4 TAC of 610.625 tonnes would be retained for the 2011-12 fishing year. Retaining the current TAC for CRA 4 would likely result in a larger stock size than would occur under Option 1.*

15. CRA 4 commercial stakeholders operated the CRA 4 Management Procedure in 2007 and 2008 to guide voluntary commercial catch reductions with the express purpose of halting declining abundance to ensure the ongoing economic viability of the fishery. The Minister formally adopted the management procedure in March 2009, to guide the setting of the TAC and TACC in

CRA 4. He confirmed his first decision for April 2010 and is now considering his second. The CRA 4 Management Procedure is scheduled to be reviewed during 2011.

16. The NZ RLIC notes that CRAMAC 4 has again conducted a ballot of members to determine a formal CRA 4 industry position on the recommended TAC/TACC increase. The NZ RLIC also notes that responses to that ballot again indicated quota share owner support for measures that might further consolidate the observed rebuild of the fishery and buffer the vulnerable biomass against future recruitment variability.
17. The NZ RLIC notes that the ballot results indicate a CRA 4 industry preference for “banking” the available TACC increase but that support for that option is not unconditional.
  - CRAMAC 4 draws attention to the inadequacy of monitoring non-commercial removals to ensure they stay within allowances made for them.
  - CRAMAC 4 also draws attention to the apparent inability of MFish to make meaningful inroads to constrain illegal unreported removals.
18. The NZ RLIC agrees that information on customary Maori and recreational CRA 4 harvest is scarce and uncertain and is waiting for MFish and the recreational sector to do something to remedy that situation. The NZ RLIC agrees with CRAMAC 4 that there is some urgency in doing so given the need to conduct a new CRA 4 stock assessment in 2011 as the basis for developing new Management Procedure options for recommendation and use for the 2012/13 season.
19. In the meantime a CRA 4 TAC does need to be set – the options are the status quo, the full extent of the increase enabled by the operation of the Management Procedure, or a partial increase.
20. Whatever TAC is selected by the Minister the NZ RLIC supports the increase being made only by way of an adjustment to the TACC. The NZ RLIC proposes no change to the current allowances for customary Maori and recreational fishing because there is no new information available to recommend adjustments to the current allowances.
21. The NZ RLIC supports the CRAMAC 4 proposition that the Minister and MFish must give urgency to a reconsideration of current estimates and allowances for illegal removals and take action to implement an effective CRA 4 compliance strategy once estimates are validated.

## **CRA 5 Options**

*Under Option 1, the TAC for CRA 5 would increase from 467 tonnes to 522.1 tonnes from April 2011. Within this TAC it is proposed to set allowances for customary Maori, recreational interests and other fishing mortality as noted above. It is proposed that the TACC would be retained at 350 tonnes.*



Under Option 2, the current CRA 5 TAC and allowances would be retained for the 2011-12 fishing year, beginning 1 April 2011.

22. The NZ RLIC supports the CRAMAC 5 submission in respect of the operation of the recommended CRA 5 Management Procedure and subsequent TAC setting. The NZ RLIC agrees that Option 2 in the IPP is the industry-preferred option unless immediate and effective measures are implemented to audit, monitor and if necessary constrain non-commercial removals to the allowances set in a TAC decision.
23. The NZ RLIC does not endorse the 'blow-out' in recreational removals that is assumed to have occurred and which is now explicitly provided for in advice to the Minister.
24. The NZ RLIC does not endorse an increase for illegal unreported removals that comes at the direct expense of the TACC.
25. The NZ RLIC notes that the Option 1 recommended by the NRLMG is informed by one of a suite of CRA 5 Management Procedures developed in the Working Group process during 2010. An alternative option which provided a modest TACC increase from 2011 was turned down by CRAMAC 5 and industry representatives to the Working Group in favour of the more "conservative" procedure described in the IPP.
26. Industry did not make that decision in order to watch increased stock abundance be reallocated to non-commercial use, including illegal removals, in a manner which ensures those allowances are open-ended and have no effective controls on the actual catches.
27. The NZ RLIC notes both the significance and the importance of the CRA 5 fishery certification previewed in the CRAMAC 5 submission. MFish and CRAMAC 5 are making a substantial financial commitment to a third party assessment and evaluation of an assumed CRA 5 'management regime' and even before those processes commence, an awkward 'gap' in management is already apparent given the absence of reliable non-commercial catch data and any mechanism to effectively manage recreational fishing.
28. The NZ RLIC is not entirely comfortable with the IPP assertion that the NRLMG worked with the "*best available information*" given that recreational catches used in the most recent CRA 5 assessment were assumed and calculated as a function of selected CPUE, not measured. In previous industry submissions the NZ RLIC has highlighted the problem that too often the only available information (no matter what the construct or timeliness of it) becomes the "*best available information*".
29. In the case of the CRA 5 stock assessment the NZ RLIC members of the Working Group and the NRLMG had to concede the assumed catch as being useful to the modelling but that did not constitute an endorsement of the estimates being translated to explicit allowances.

## **CRA 7 Options**

*Under Option 1, the TAC for CRA 7 would be retained for the 2011-12 fishing year. This proposal results from the operation of the proposed revised CRA 7 Management Procedure. The operation of the proposed new CRA 7 Management Procedure represents the best available information to guide TAC setting for the CRA 7 fishery in the 2011-12 fishing year.*

*Under Option 2, the TAC for CRA 7 would reduce from 104.5 tonnes to 95.7 tonnes from 1 April 2011, as specified by the current CRA 7 Management Procedure. Within this TAC it is proposed to decrease the TACC from 84.5 tonnes to 75.7 tonnes. It is proposed that the allowances set for customary Maori, recreational interests and other fishing mortality are not changed.*

30. The CRA 7 industry has agreed in the past to receive both increases and decreases in commercial catch, while allowances to other sectors have remained constant. The NZ RLIC agrees it reasonable that the sector that bears the costs of catch reductions via adjustment to the allowance(s) receives the benefit from any increases to stock via adjustment to the allowance(s).
31. The NZ RLIC endorses the Otago Rock Lobster Industry Association submission in support of Option 1 – to adopt the revised CRA 7 Management Procedure and make no change to the current TAC or allowances.

## **CRA 8 Options**

*Under Option 1, the TAC for CRA 8 would reduce from 1110 tonnes to 1053 tonnes from 1 April 2011, as specified by the CRA 8 Management Procedure. Within this TAC it is proposed to decrease the TACC from 1019 tonnes to 962 tonnes. It is proposed that the allowances set for customary Maori, recreational interests and other fishing mortality are not changed.*

*Under Option 2, the current CRA 8 TAC and allowances would be retained for the 2011-12 fishing year, beginning 1 April 2011.*

32. The NZ RLIC endorses the CRA 8 Management Committee support for Option 1 proposal to decrease the CRA8 TAC from 1110 tonnes to 1053 tonnes.
33. The NZ RLIC also endorses the CRA 8 Management Committee support for the reduction in the TAC to be applied to the Total Allowable Commercial Catch (TACC). Accordingly the TACC should decrease from 1019 tonnes to 962 tonnes.
34. The NZ RLIC emphasises the desire and intention of the CRA8 industry during the development of the current Management Procedure to maintain abundance well above statutory stock reference points to provide for certainty in business planning and the opportunity to maximise financial returns.

35. The NZ RLIC agrees that this point should be made clear to the Minister in the Final Advice Paper. It is important that the Minister and other stakeholders understand that the current industry operational policy in regard to management procedures and management interventions is to rebuild where necessary and then maintain rock lobster stocks above statutory reference levels. Hence the importance that the industry attaches to ensuring that catches do not exceed the allowances made for them when setting TACs.

### **Deemed Value Options**

36. The NZ RLIC endorses the IPP recommendations to increase the annual deemed value rate; to increase the interim deemed value rate; and adjust the differential deemed value rates as outlined.
37. The NZ RLIC agrees that the proposed new rates must apply to all CRA stocks and to PHC 1.

Yours sincerely

*NZ Rock Lobster Industry Council*

***Daryl Sykes***

Executive Officer