



**Fisheries New Zealand**

Tini a Tangaroa

# Public submissions received for the 2024 April sustainability round

Part 1: Submissions including rock lobster

March 2024

Proactive release



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

**Table of submissions and responses on 2024 April sustainability round proposals**

#	Name/Organisation	Stock(s) included in submission
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2	Rock Lobster Industry Council (RLIC)	CRA 3, CRA 7 & CRA 8
3	New Zealand Sport Fishing Council (NZSFC) and LegaSea, joint recreational submission with the New Zealand Angling & Casting Association (NZACA)	CRA 3, CRA 7 & CRA 8
4	Gisborne Fisheries Ltd.	CRA 3, CRA 7 & CRA 8
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7	Potikirua ki Whangaokena Takutai Kaitiaki Trust	CRA 3
8	Iwi Collective Partnership (ICP)	CRA 3, STN 1, SKI 3 & SKI 7, SWA 4
9	Tairāwhiti Rock Lobster Industry Association Inc (TRLIA)	CRA 3
10	Gisborne Tatapouri Sports Fishing Club	CRA 3
11	Te Pataka o Rauru Ltd	CRA 3, SWA 4, SKI 7, SBW 6B
12	Pūai Tangaroa Limited Partnership	CRA 3
13	Landmark Fishing Ltd.	CRA 3
14	NZ Red Ltd. – G. Creighton	CRA 3
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17	S. Ellison	CRA 3
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20	G. Haggerty	CRA 7 & CRA 8
21	CRA 8 Rock Lobster Industry Association (CRAMAC 8)	CRA 8
22	Fiordland Marine Guardians	CRA 8
23	Southern Seafoods Ltd.	CRA 8
24	NZ Red Ltd. – G. Creighton	CRA 8
25	NZ Red Ltd. – P. Creighton	CRA 8
26	J. Excell	CRA 8
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28	A. Butler	CRA 8
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34	D. Nyhon	CRA 8
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36	J. Davison	CRA 8
<b>General submissions</b>		
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38	B. Leonard	Not stock specific
39	N. Lani	Not stock specific
40	J. Williams	Not stock specific

FOR ONLINE RELEASE

Te Ohu Kaimoana's Response to the Review  
of Sustainability Measures for the 1 April  
2024/2025 fishing year



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## Our response to this year's sustainability review

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1. E te Minita, tēnei te mihi ki a koe i tēnei āhuatanga o te wā. This document provides Te Ohu Kaimoana's advice for your review of the sustainability measures for April 2023/24.
2. Our role in this review process arises from our responsibility to protect the rights and interests of iwi/Māori and to assist the Crown to discharge its obligations under both Te Tiriti and the Deed of Settlement<sup>1</sup>. We note in particular that Te Tiriti guaranteed that Māori would maintain tino rangatiratanga over our fisheries resources, the need for both parties to work toward furthering the fisheries settlement, and the requirement to interpret and use powers under the Fisheries Act in a manner consistent with the fisheries settlement<sup>2</sup>. Our response to the sustainability round and the fisheries management measures proposed by Fisheries New Zealand (FNZ) is shaped by the following:

### **Te Ao Maori-centred fisheries management**

3. Te Hā o Tangaroa kia ora ai tāua is the guiding principle of Te Ohu Kaimoana and endorsed by iwi. It translates to the 'breath of Tangaroa sustains us'. Māori rights in fisheries are not just a right to harvest but also to use the resource in a way that provides for social, cultural, and economic well-being now, and for future generations. Te Hā o Tangaroa kia ora ai tāua, the basis for our advice, does not mean that Māori have a right to use fisheries resources to the detriment of other children of Tangaroa: rights are an extension of responsibility and are enduring through generations to come. It is an expression of the unique and lasting connection Māori have with the environment and contains the principles we use to analyse and develop modern fisheries policy, including the positions we have provided in this response.

### **Protection of the settlement**

4. Any regulatory decision that may potentially undermine the settlement without very clear reasoning as to how it will remain consistent with Te Tiriti and the fisheries settlement is a cause for concern. An enduring fisheries settlement is not supported by low-level regulatory decision-making that diminishes the value of settlement assets<sup>3</sup>.

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<sup>1</sup> Māori Fisheries Deed of Settlement 1992. The Deed is, in part, given effect to by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 2004. The Ohu Kaimoana's statutory purpose is set out in s 32 of the Māori Fisheries Act 2004.

<sup>2</sup> See Article 2 of te Tiriti o Waitangi, s 32(b) of the Maori Fisheries Settlement Act 2004, and Fisheries Act 1996, s 5.

<sup>3</sup> Note s 32(d) of the Maori Fisheries Settlement Act 2004.

### **Ki uta ki tai – A mountains to sea approach**

5. There is growing awareness and concern over the impacts that human land-based activities have on our marine ecosystems. The connectivity between the land and sea means that onshore activities have flow-on effects to freshwater and marine environments—negative impacts such as sedimentation, nutrification and deforestation affect the ability for Māori to maintain aspects of their relationship with Tangaroa. The principles of Te Hā o Tangaroa require a reciprocal relationship with Tangaroa and the aquatic life within it. In essence, marine health degradation directly reduces people's ability to sustain their economic, cultural, and social wellbeing from the marine environment.
6. This issue is relevant to this year's sustainability review as it contains three stocks that have concerns about habitat degradation affecting their abundance. Kōura (crayfish), tipa (scallops) and pāua occupy inshore environments where their habitats are particularly vulnerable to land-based pollutants. The increasing plight of kina barrens are also contributing to habitat degradation of other inshore taonga and need to be better understood. Broader and more holistic conversations need to be had to address local depletion of these stocks, as well as kina barrens, and must include land-based activities that negatively impact the crucial environment of these taonga.

### **Whānau Māori accessing kaimoana under the recreational regulations**

7. We acknowledge the integral role of recreational fishing as the lifeblood for many of our coastal communities, particularly for Māori. In our view, our communities that fish for their whānau, hapū and iwi sit outside our conceptualisation of the recreational sector. We note that some iwi actively encourage this form of fishing to occur in accordance with customary fishing regulations, but in other situations individuals are able to make an open choice.

### **Improved recreational catch information**

8. Because recreational take is so poorly understood, management focuses on constraining commercial catch rather than understanding total harvest. A more accurate understanding of recreational catch across all stocks within this consultation process, including amateur charter vessels, will strengthen the current assessment process and provide a better insight into the health of these stocks to support improved management. We urge FNZ to address these reoccurring concerns and explore different methods and initiatives for understanding recreational catch. Potential avenues may include reporting catch and managing what fish can be returned to Tangaroa and under what circumstances.

## Māngai and tautoko for Māori interests

9. We work on behalf of 58 Mandated Iwi Organisations<sup>4</sup> (MIO) who represent iwi throughout Aotearoa. Further to this we support the Asset Holding Companies (AHCs) who hold Māori Fisheries Settlement Assets on behalf of their MIOs. Those assets include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited (trading as Moana New Zealand), which owns 50% of Sealord Group Limited.
10. We do not intend for our response to conflict with or override any response provided independently by iwi, through their MIOs or AHCs.

## Summary

11. Based on our analysis and engagement with representatives from iwi, relevant to the stocks below, Te Ohu Kaimoana's positions can be found below in the table below.

Fish stock	FNZ's Proposal	Our Position
Kōura (CRA3)	↓ reduce TAC & TACC	Status quo, no reductions until after the full stock assessment is complete. Supporting NZ Rock Lobster Industry Council*.
Kōura (CRA7)	Management procedure	Support the implementation of the management plan. Supporting the NZ Rock Lobster Industry Council*.
Kōura (CRA8)	↑ Two options to increase TAC	We support a third option of increasing only the TAC and TACC but not the recreational limit to support customary non commercial fishers.
Kaikoura Recreational Paua fishing	Two option for opening recreational fishing season	Supporting Paua Industry Council submission*

*Where we have supported another submission, we have not re-written that same explanation and instead have attached the submission to our email chain.*

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<sup>4</sup> MIO as defined in The Maori Fisheries Act 2004: in relation to an iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13 (1) as the representative organisation of that iwi under this Act, and a reference to a mandated iwi organisation includes a reference to a recognised iwi organisation to the extent provided for by section 27.

## Inshore Stock rationale

### Kōura – (CRA8)

#### Our view

- We propose an alternative option for CRA8.

	TAC	TACC	Customary	Recreational	OSFM
<b>Option 3</b>	1594(142)	1392(141)	30	33	140(1)

#### Proposed Options

### Proposed catch limit options for CRA 8

Proposed management procedure and Total Allowable Catch (TAC) options for CRA 8 from 1 April 2024 (figures are all in tonnes).

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	Other mortality caused by fishing
<b>Current settings</b>	1,453	1,251	30	33	139
<b>Option 1</b> ( <i>Reject the use of the new management procedure. Set the TAC, allowances, and TACC as follows</i> )	1,459 (↑ 6)	1,251	30	39 (↑ 6)	139
<b>Option 2</b> ( <i>Confirm the use the new management procedure. Set the TAC, allowances, and TACC as follows</i> )	1,601 (↑ 148)	1,392 (↑ 141)	30	39 (↑ 6)	140 (↑ 1)

#### Ngā whakaaro matua - rationale

#### The best available information does not require TACC adjustments

- The best available information supports an increase in the TACC and TAC accordingly.
- Following conversations with our Ngāi Tahu iwi reps, we do not support an increase in the recreational catch allowance. Abundance in stocks found in the inshore recreational levels is due to customary fishers/kaitiaki managing the fish stock for it to replenish. By increasing the recreational limits, you are formally reallocating customary take which would be in go against s5 of the fisheries Act and s10(b) of the Treaty of Waitangi (Fisheries Claims) Settlement act 1992.
- Kaitiaki/customary fishers should not be impacted or disadvantaged by advantageous management settings that will benefit a sector that is not being adequately monitored on the quantum of take.



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2 February, 2024

**REVIEW OF ROCK LOBSTER SUSTAINABILITY MEASURES FOR 1 APRIL 2024**  
A submission on behalf of the New Zealand rock lobster industry.

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## 1. INTRODUCTION

1. The New Zealand Rock Lobster Industry Council (NZ RLIC) welcomes the opportunity to participate in the statutory consultation process for the TAC/TACC and management procedure decisions that will come into effect on 1 April 2024.
2. The NZ RLIC is the umbrella organisation for the nine regional organisations known as CRAMACs, which operate in each of the rock lobster (CRA) management areas of New Zealand. CRAMAC membership comprises CRA quota owners, processors, exporters, and fishermen (quota share owner-operators and Annual Catch Entitlement (ACE) owners) in each region. All nine CRAMACs hold a significant majority mandate of rock lobster quota shares owned in the regions. CRAMACs are the shareholders in NZ RLIC, and appoint the Board of Directors.
3. NZ RLIC represents about 430 quota share owners in the nine CRA stocks nationally and the PHC stock. CRA rock lobster landings in the 2022/23 fishing year were 2,755 tonnes, almost all of which was exported live to Asian markets. PHC landings were 49 tonnes. Rock lobster generated export revenue (FOB) of around \$385 million in calendar year 2023. The industry deploys around 210 vessels<sup>1</sup>, employs 1,800 people directly and indirectly in the harvesting sector<sup>2</sup>, lands lobster at around 100 landing points with that product going to about 37 depots, processing and export facilities. The industry supports an extensive network of transport, engineering, electronics and provedoring businesses.

## 2. SUBMISSION

4. NZRLIC has considered the information contained in the Statutory Consultation Documents (Discussion Paper Numbers: 2023/25 and 2023/26), the most recent assessment documents compiled by the Rock Lobster Fishery Assessment Working Group and the Plenary, and the views and information from engagement with the CRAMACs and rock lobster quota share owners and ACE holders.
5. For the review leading up to 1 April 2024, in summary NZ RLIC recommends the following decisions. Detail and argument supporting these positions can be found in the body of the paper:

### CRA 3

6. Industry is concerned about the CRA 3 stock and the effects of the cyclones in early 2023. However, there are mixed signals about the stock status and considerable uncertainty in the rapid assessment. The assessment suggests the vulnerable biomass is at 150% of the MSY compatible reference level and had been increasing in recent years, and some stocks monitoring trends have been positive. Some operators have reported reasonable catch rates when they can access the fishery. However, catch has been below the TACC with extended periods of poor weather hampering catching

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<sup>1</sup> landing > 1 tonne annually in 2023/23

<sup>2</sup> BERL 2021

(and an extended biotoxin closure), fishing intensity had been increasing in Region2 and many operators have expressed concerns about the fishery performance after the cyclones.

7. Industry acknowledge that steps need to be taken to take pressure off the CRA 3 fishery but opposes a TAC and TACC reduction at this time. We do support the status quo option. There is poor information at this time to inform the level of reduction and shelving is a better short term mechanism to achieve a reduction in catch. Industry has implemented a shelving initiative to reduce commercial catch for the fishing year beginning April 2024 by shelving 30% of ACE (reducing commercial catch by 58.5 tonnes from 195 to 136.5 tonnes). The required amount of ACE is legally transferred to FishServe for the fishing year.
8. This is an interim “holding action” until further analysis can be undertaken of information from various sources including the NIWA surveys undertaken in April, June and October and the log book and catch sampling data from 2023. In addition, the full stock assessment is scheduled to be undertaken in 2024 with the growth project addressing some of the issues that led to two base cases in the 2019 assessment. Later in 2024 we will be in a much better position to inform future management steps.

#### CRA 7

9. The 2023 Plenary approved CPUE series for CRA 7 and CRA 8 to support the reinstatement or development of management procedures (MPs) for both fisheries. For CRA 7, the proposed management procedure is a re-instatement of the procedure which applied to CRA 7 prior to 2019. This procedure was successful for the stock resulting in marked overall increase for the stock. NZ RLIC support the use of this MP (Option 2 in the statutory consultation document) to guide management of the stock through to the 2027/28 fishing year when the next full stock assessment is scheduled. NZ RLIC acknowledges that the application of the MP means that no change will be made to the TAC, allowances, or TACC of CRA 7 for 1 April 2024.

#### CRA 8

10. NZ RLIC support the use of the new MP to guide management of the stock through to the 2027/28 fishing year when the next full stock assessment is scheduled. The new MP is conservative with a markedly high plateau, and a higher left hand margin to the plateau (reductions are implemented sooner) than the previous MP.
11. NZ RLIC supports the 141 tonne (11%) increase to the TACC from 1 April 2024. We do not recommend any change to the current allowance of 30 tonnes for customary fishing. The available information on current recreational harvest is highly uncertain but probably exceeds the recreational allowance. If consideration is given to increase the recreational allowance, it needs to be accompanied by decisions on a material adjustment to the approach taken to measure recreational catch in order to generate information to inform annual estimates of catch with acceptable levels of precision.

12. The Ministry proposes that the allowance for all other mortality caused by fishing is increased to 140 tonnes. NZ RLIC accepts that a proportional increase in handling mortality with increased catch is a reasonable approach. Assuming that illegal catch will increase in proportion to the TACC is not supported by any information, but there is no available information to better inform the change in allowance for this factor.

Other relevant matters

13. There are a number of generic issues that impede the sustainable and effective management of all of New Zealand's rock lobster fisheries.
- i) The Marine Amateur Fishery Working Group has initiated a process to evaluate new approaches that can be used to produce timely and cost effective estimates of recreational catch and information that can be used to calibrate adjustment of recreational controls to maintain catch within the allowances. This report needs to be completed and decisions made to implement or trial improved approaches.
  - ii) The NRLMG should develop a set of principles that can be used to ensure consistency with the Fisheries Act and a uniform approach to setting and adjusting the recreational allowance in relation to the TACC. Uncertainty related to this issue is impeding the identification of management targets and development and implementation of management procedures.
  - iii) Reporting obligations on recreational charter vessels need to be enforced and the NRLMG should develop advice on incorporating catch from these vessels into the overall recreational allowance.
  - iv) Improved methods to estimate illegal take, including information metrics to inform analysis, should be developed and implemented by MPI as a matter of priority.
  - v) Telson clipping, and accumulation limits and the associated 'bag and tag' conditions, should be regulated to apply nationally, for all rock lobster fishery management areas.
  - vi) The NZ RLIC supports the confirmation of stock management targets, including so they can be applied to inform the development of management procedures for TACs in all QMAs. The implementation of targets needs to outline how the extractive sectors will be managed to achieve those targets and maintain stocks at the target.
  - vii) The collaborative work recommended by the NZ RLIC needs to progress to agree on adjustments to address the ongoing ER reporting issues which are seriously compromising the information base used to manage rock lobster fisheries.

### 3. REVIEW OF THE CRA 3 (GISBORNE) ROCK LOBSTER FISHERY

#### 3.1 CRA 3 STOCK STATUS

14. full stock assessment conducted for CRA 3 in 2019 was used to undertake the rapid update assessment in 2023. This updated CRA 3 assessment has two base cases (models) because of uncertainties about how to treat the growth estimates for tag recapture data.
15. The 2023 rapid assessment suggests that at the end of the 2022/23 fishing year (31 March 2023);
- i) Vulnerable biomass has increased in recent years and was 18-19% of the unfished level for CRA 3. For Region 1 vulnerable biomass was estimated 22% of the unfished level. For Region 2 vulnerable biomass was estimated at 10-13% of the unfished level.
  - ii) For CRA 3, overall spawning biomass was 81-95% of the unfished level<sup>3</sup>, well above the soft limit of 20% where it is Fisheries New Zealand policy to implement a rebuilding plan. Females mature in CRA 3 at 50mm tail width.
16. The assessment suggests different harvest rates (total catch/adjusted vulnerable biomass) or fishing intensity in the two regions. In region 1 the rate is around 20-25% and has been decreasing. In region 2 the rate is around 50% and had been increasing, but has stabilised in the last 1-2 years. Fishing mortality in 2023 was estimated to be above  $F_{MSY}$  for Region 1 for both models. In region 2, fishing mortality in 2023 was estimated to be above  $F_{MSY}$  for one model and below for the other.
17. From November 2022 the Plenary did not accept stock projections beyond 2022 from the rapid update assessments because of inconsistent patterns in estimates of recent recruitment and concerns that these may be an artefact of the model rather than supported by data. The 2023 assessment suggests the stock went to a lower level than the 2019 assessment, but then increased to a higher level in 2023 than projected in 2019.
18. The Rock Lobster Fishery Assessment Working Group has calculated the maximum sustainable yield (MSY) based reference level for the vulnerable biomass (termed  $B_R$ ). This reference level is designed to meet the requirements of section 13 of the Fisheries Act to manage stocks at or above a level that will produce the MSY. This reference point is a relatively conservative assessment of the biomass that would produce MSY because the calculation averages fixed catch and fixed fishing mortality projections (e.g. the biomass is higher than one focussed only on yield maximisation) and the biomass can only fall below 20%  $SSB_0$  in 5% of simulations. In addition, the simulations were further constrained by the requirement that at least 99% of the expected catch had to be available to be taken for at least 95% of years and simulation replicates over the final 20 years.

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<sup>3</sup> Females mature at 50mm in CRA 3, substantially below the MLS of 60mm, and are not available to fishery while in berry. Operators report very low prevalence of females in the catch.

- i) The 2023 rapid update estimated vulnerable biomass in CRA 3 at 150% of the MSY compatible reference level  $B_R$ . For Region 1 vulnerable biomass was estimated to be 169-180% of the reference level. For Region 2 vulnerable biomass was estimated to be 87-108% of the reference level.

19. The CRA 3 2023 rapid assessment is uncertain for reasons including;

- i) the inability to incorporate CPUE data because of concerns about the quality of ER data and therefore a reliance on length frequencies and sex ratios from industry stock monitoring
- ii) it is now four years since the full stock assessment and this assessment had two base cases because of difficulty in interpreting growth data.

20. As the 2023 rapid updates only include data up to March 2023, they do not reflect impacts of Cyclone Hale and Cyclone Gabrielle (January and February 2023).

### 3.1.1 Cyclone Impacts

21. The cyclones in early 2023 produced strong winds and torrential rainfall causing significant flooding, and inflows of fresh water to the coastal marine environment, massive levels of sedimentation, and input of land-based debris.

22. Juvenile rock lobsters are dependent on rocky habitats as refuges from predators and so are vulnerable to smothering by sediment deposition. The amount of available spiny rock lobster habitat may have been reduced for a period in some locations. Cyclones may also impact on CRA 3 recruitment. There were reports of mortalities of spiny rock lobsters in some localities after Cyclone Hale. Similar mortalities have been reported in the past, especially adjacent to river mouths where there has been significant freshwater inflow from heavy rainfall events.

23. Adverse effects and poor fishery performance have been reported by some operators, particularly Tolaga Bay and north, but reduced catch rates have also been reported from Mahia. The impact of these weather events on the coastal marine environment are likely to have been more significant for statistical areas 909 and 910 (Region 1) than area 911 (Region 2), due to the high river output associated with these areas.

24. Since Cyclone Gabrielle, the National Institute of Water and Atmospheric Research (NIWA) has conducted three surveys within FMA 2 to understand the immediate impacts. The ability to draw conclusions from these surveys is limited by the lack of baseline data.

25. The first two surveys (in April and June 2023) showed that visibility above the seabed was poor at most locations due to the presence of a layer of suspended sediments, particularly at sites less than 50 metres deep. Limited visibility restricted assessment of impact, but not all observations were negative - "kelp

plants were often seen protruding out of the general turbid water when the cameras were close enough to the seafloor“.

26. In October 2023, NIWA conducted a further survey in FMA 2 on board the research vessel *Kaharoa*, continuing the investigation into the sedimentation impacts on the marine environment including reefs populated by rock lobster. Analysis of the October 2023 survey results is not available at this time. Land derived wood and logs were widespread both on the seabed and on the ocean surface. Some reported observations included impacts on reefs north and south of Waiapu River – “inshore reefs depauperate” (the Waiapu River is known to deliver extremely large amounts of sediment even outside of extreme weather events). However, kelp forests at shallower depths were observed west of Māhia Peninsula (indicating some resilience to the cyclone). Offshore reefs off Tokomaru and Tolaga Bays were re-visited. Good biodiversity was found, including fish and “some very healthy-looking” invertebrate assemblages. “Part of the Gables area reefs was characterised by extensive kelp forest”. The Gisborne north site had “extensive macroalgal coverage” with “no obvious impact from cyclones”. The Gisborne south site lacked large fauna and macroalgae (as did Whangara north & south, and Waipu south), but NIWA noted it was unclear whether this was cyclone impact.
27. Although the cyclones clearly caused damage and have adversely affected the fishery in the short term – the surveys did not present a uniformly negative picture. The impact of the 2023 cyclones on CRA 3 will not be evident until there has been time to analyse the results of the NIWA surveys, and from fishery performance information including that from the logbooks and catch sampling. In the short term there is considerable uncertainty about the extent of impact on spiny rock lobster habitat, and on the CRA 3 fishery.
28. The Ministry suggest that it is “highly likely that the amount of available spiny rock lobster habitat may have declined significantly, which has implications for the environment’s ability to support current and future biomass “. The Gisborne region has been affected by a number of cyclone and heavy rain events in the last five years and over the last 40 years. The CRA 3 stock has shown two marked peaks and declines followed by recovery in biomass over that period which may be due to a combination of factors including variation in recruitment. The fluctuations in biomass also demonstrate the resilience and variability of the fishery and the ability to recovery from adverse events.
29. The cumulative long-term impacts of these weather events on spiny rock lobster habitat in CRA 3 is not known at this time. The Ministry suggest that the CRA 3 stock has been substantially reduced from 150% of the MSY compatible reference level  $B_R$  to “below the target vulnerable biomass level” and that “cyclones will have had a substantive impact on the productivity and dynamics of the CRA 3 stock “. Although the cyclones undoubtedly had adverse effects, discounting the 2023 rapid assessment and asserting a biomass reduction of this extent would not appear to be supported by any available information and is speculative. This suggestion has not been considered by the Rock Lobster Stock Assessment Working which would be the correct forum for a discussion of this suggestion.



### 3.1.2 Stock Monitoring

30. There is logbook coverage across ~30% of the CRA 3 fleet (7 vessels out of 20). This provides a valuable source of information on stock performance. This data extends to autumn/winter (AW) 2023 and therefore includes the period after the cyclones until the voluntary closure on 1 September 2023<sup>4</sup>. The data has the significant advantage of being a time series of data and therefore an ability to compare to previous years. This data shows a decline in unstandardised CPUE (lobsters/pot and kg/pot) for 2019 and 2020, but then an increasing trend in CPUE for both 2022 and 2023<sup>5</sup> (although the increased levels of CPUE are still below the 10 year average). At a statistical area level, this data shows increasing trends for these two years for statistical areas 909 and 910, but for 911 the increase is only for AW 2023.
31. In support of the voluntary spring/summer closure, industry has contracted independent technicians on board a commercial vessel to deploy around 100 pots annually in statistical area 910 off Gisborne since 2014. Lobsters are returned to the water. This data shows a decline in CPUE for 2016 to 2020, but then an increase in unstandardised CPUE (lobsters/pot and kg/pot) for 2021 and 2022 (with the levels in 2022 just above the average levels of CPUE observed over the ~10 year period) and then a decline for 2023 to below the average levels.
32. Catch sampling is undertaken annually to supplement the stock monitoring information collected through the logbook programme, with 30 days scheduled annually in CRA 3 since 1993. In addition to the standard 16 days schedule for AW (2 for 909, 8 for 910 and 6 for 911), 14 additional days were undertaken during July, August and November 2023 to collect information to inform about the effects of Cyclone Hale and Gabrielle earlier in 2023. An analysis of this catch sampling data indicates that the catch rate of lobsters per pot (which includes those below the minimum legal size and berried) is slightly lower in 909 and 910 in 2023 relative to the previous 3 years, while catch rates in 911 remain similar to 2021 (but slightly down from 2020 and 2022). None of these changes are statistically significant. However, there doesn't appear to be a shift in the length frequency distributions for any of the statistical areas over the four years, which does not support the assumption that juvenile (or any size) rock lobsters were disproportionately impacted by the cyclones or the subsequent environmental conditions.

## 3.2 TAC

33. The CRA 3 TAC was reduced from 1 April 2019 by 15 tonnes and the TACC reduced by 15 tonnes based on the operation of the management procedure. No changes were made to the allowances for the recreational sector and other sources of mortality. Catch in the 2019/20 fishing year was substantially impacted by COVID related closure to the market in late January 2020. Commercial catch was more than 30 tonnes less than the TACC.
34. The CRA 3 TAC was further reduced from 1 April 2021 by 50 tonnes and the TACC reduced by 28 tonnes. The disruption to the time series of CPUE data because of issues with ER data meant that the previously used management procedure for CRA 3 could no longer be implemented. Industry supported the

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<sup>4</sup> Commercial operators in statistical areas 909 and 910 do not fish voluntarily between 1 September and 15 January.

<sup>5</sup> Legal size and legal state lobsters. Lobsters per pot and kg/pot.

reduction in removals to maintain the stock above the MSY based reference level. The allowance for the recreational sector was reduced from 20 to 12 tonnes to reflect the best estimate of recreational catch. The allowance for other sources of mortality was also reduced to reflect the best available estimate used in the stock assessment.

### 3.2.1 Fisheries Act environmental considerations

35. As outlined in paragraph 18 above, the  $B_R$  reference level is focussed on yield maximisation for rock lobster, and reducing any risk to the stock by precautionary risk constraints related to the soft limit and high certainty of the ability to take the level of catch in a range of circumstances. The  $B_R$  reference level is not calculated incorporating information that would take into account the effect of different levels of lobster biomass on associated or dependent species, the interdependence of stocks, or the maintenance of biodiversity. It is acknowledged that TACs and management targets need to take into account these considerations.
36. The interdependence of stocks also involves the consideration of the effects of fishing on associated stocks affected by fishing for the target stock. In terms of trophic relationships, rock lobsters feed on a wide range of small shellfish, crabs, sea stars and kina, depending on local availability. Urchins are however, a low preference prey item for lobsters (Flood 2021, MacDiarmid, Freeman & Kelly 2013, Andrew and MacDiarmid 1991). Predation on rock lobsters is known from octopus, blue cod, groper, southern dogfish, rig, and seals.
37. In some scientific literature for both New Zealand and overseas, a hypothesis is proposed that fishing of predators, especially snapper and rock lobsters in New Zealand, reduces their consumption of sea urchins. Sea urchins, released from predation pressure, become more abundant and can overgraze algae, creating barrens, which are much less diverse and less productive than algal beds. In New Zealand, sea urchin barrens are common in the north and less common in more southern areas. Very sheltered and highly exposed locations do not have barrens, and barrens are limited to a depth range that varies between locations. Barrens are patchy and often interspersed among algal beds, and the dynamic nature of barrens and algae and what causes their prevalence in some locations is uncertain.
38. Evidence for the hypothesis in New Zealand comes mainly from two marine reserves, where sea urchin barrens declined after the reserves were closed to fishing. Evidence for the hypothesis is otherwise scarce, and in no other New Zealand marine reserve has a decrease in barrens been documented. The roles of lobsters and snapper, if any, are poorly supported by direct evidence. The relative importance of predators is uncertain. Several authors who worked at Leigh - Andrew, Cole, Keuskamp, Jones, MacDiarmid - suggested that snapper were the most important predator. The literature suggests that the hypothesis, as stated above, is too simple. Other factors, including sediment, sea urchin and kelp disease, varying recruitments of all the relevant species, temperature, wave action and other environmental variables, are all complicating factors.
39. The consultation document acknowledges there is very little information on the occurrence of kina barrens in CRA 3. A technical report published by the Department of Conservation *Collation of data for ecosystem modelling of Te Tapuwae o Rongokako Marine Reserve*, authored by Lundquist and Pinkerton

(2008)<sup>6</sup> contains a comprehensive compilation of information on the distribution and abundance of algae and invertebrates in the reserve including a section on kina (pages 59-60). This section does not mention any high densities of kina and references another study which suggests “kina abundance in the region has been observed to be lower than at other New Zealand locations with similar habitat features (N. Shears, University of Auckland, pers. comm.). It also suggested that “in general, kina were very rare on subtidal reefs at Gisborne”. The Pinkerton et al paper (also 2008)<sup>7</sup> referenced in the statutory consultation document noted “observations by divers of very few mobile invertebrates on reefs near the study area”. The paper notes that lobster diet includes mobile herbivorous invertebrates and that increased abundance of lobsters in the reserve may exert predation pressure. It suggests low densities of kina in the reserve and does not link the macroalgae distribution and abundance to kina.

40. The statutory consultation document mentions a Sustainable Seas project ‘Huataukina o hapū e! Prosperous moana; prosperous people’. There is one mention in the proposal for this project of “increasingly problematic kina barrens in the two case study rohe moana”. The proposal notes one intent of the project is to “record and assess the presence of kina barrens”. There is no information or results available as yet.
41. The E3 review<sup>8</sup> suggest very little information is available for the CRA 3 region. As well as the Pinkerton reference discussed above, it references a comprehensive description of shallow subtidal reef communities by Shears and Babcock (2007)<sup>9</sup> including the Portland Region – Gisborne and Mahia (p 41-44). There is no mention of high densities of kina or kina barrens in this section and it suggests “ few mobile macroinvertebrates were recorded at both locations “. The paper suggests “all the sites sampled in this bioregion were highly exposed compared to most Northeastern locations“. This may explain the low abundance of kina (and reduced abundance of larger marophytes). The other reference for CRA 3 in the E3 review (Freeman et al 2012)<sup>10</sup> concerns factors influencing changes in abundance of lobsters in reserves – it does not mention kina distribution or abundance.
42. Overall the available information does not suggest that kina barrens are an issue in CRA 3. There is no information to suggest elevated kina abundance in CRA3, or any effect of excessive grazing of algae by urchins in this QMA. Acknowledging that associated and dependent species that may be affected by loss of macrophytes, the consultation paper does not provide any information that links rock lobster abundance to kelp abundance. There are many other factors that can affect macrophyte distribution including turbidity and exposure (note the comments made by Shears and Babcock referenced the paragraph above). There is no information provided that supports the assertion in paragraph 141 of the statutory consultation document - that “kelp (macroalgae) is .....indirectly impacted by spiny rock lobster fishing” for CRA 3.

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<sup>6</sup> <https://www.doc.govt.nz/about-us/science-publications/series/science-for-conservation/>

<sup>7</sup> Trophic modelling of a New Zealand rocky reef ecosystem using simultaneous adjustment of diet, biomass and energetic parameters, Pinkerton et al, 2008

<sup>8</sup>

Fishery-induced trophic cascades and sea urchin barrens in New Zealand: a review and discussion for management, Doheny et al 2023

<sup>9</sup> [www.doc.govt.nz/globalassets/documents/science-and-technical/sfc280entire.pdf](http://www.doc.govt.nz/globalassets/documents/science-and-technical/sfc280entire.pdf)

<sup>10</sup> Trajectories of spiny lobster *Jasus edwardsii* recovery in New Zealand marine reserves: Is settlement a driver?, Freeman et al 2012

### 3.2.2 TAC adjustment options

43. The amended consultation document released in January (FNZ discussion paper No. 2023/25) includes four options for CRA 3 from April 2024.

**Table 1: Proposed management options (in tonnes) for CRA 3 from 1 April 2024.**

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 ( <i>Status quo</i> )	302	195	20	12	75
Option 2	248 (↓ 54)	156 (↓ 39)	20	12	60 (↓ 15)
Option 3	220 (↓ 82)	136 (↓ 59)	20	12	52 (↓ 23)
Option 4	194 (↓ 108)	117 (↓ 78)	20	12	45 (↓ 30)

44. It is not clear that the two TAC reductions made in recent years have resulted in a rebuild trajectory for the CRA 3 stock. There is potential that as those lobsters not taken grow and further lobsters recruit to the fishable population, those reductions will support a rebuild of vulnerable biomass. The assessment suggests some overall increase in vulnerable biomass in the last two years from a low point around 2021. Spawning stock biomass is at high levels (81-95%  $SSB_0$ ) and is improving.
45. The CRA 3 TAC and TACC were reduced in 2019 and again in 2021. The amended consultation document released in January included three options for a further TAC reduction. For the reasons outlined above industry does not support a TAC reduction for 1 April 2024. There is poor information at this time to inform the level of reduction and shelving is a better short term mechanism to achieve a reduction in catch.
46. The 2024 full stock assessment should provide a baseline for work to consider a management target and management procedure for CRA 3. That assessment will enable consideration of the characteristics of the CRA 3 stock and the tradeoffs between yield, catch rate and other metrics. Although the short term focus on CRA 3 is assessing the stock situation, before TAC/TACC changes are made industry would support the development and implementation of a management procedure for CRA 3 to guide how assessment results are used to adjust the TAC and TACC. Management procedures can be used to support stock rebuild where necessary and to provide some certainty about how the TAC/TACC will be altered when stock status is assessed to have improved. Having a management procedure to guide those decisions would help address the serious reservations industry have about TACC reductions without any certainty about the circumstances for TACC increases. Issues include the lack of clarity about how the sectors will be managed in to achieving the biomass target. Industry confidence about re-instatement of TACCs has been severely undermined by the CRA 2 situation where despite a very substantial increase in the biomass, the Ministry has been unwilling to review the TAC/TACC.

## Action necessary

47. Industry acknowledges that steps need to be taken to reduce pressure on the CRA 3 fishery. There are mixed signals about the stock status and considerable uncertainty in the 2023 rapid assessment (two base cases, lack of CPUE since ER reporting commenced, last full assessment in 2019). The assessment suggests the stocks is at 150% of the MSY compatible reference level, and some stocks trends are positive. The harvest rate (fishing intensity) in Region 2 (average of 57% of catch in last five years) has increased markedly and is now estimated to be removing 50% of the adjusted vulnerable biomass. In contrast, fishing intensity is declining in Region 1.
48. Catch has been below the TACC since 2019/20 (although COVID related market closures contributed to lower catch in that year). Poor winter weather has severely impacted on fishing over the last 3 years (June, July and August have been important fishing months). Prevailing easterly weather and strong winds mean operators are prevented from fishing, or shift gear out to deeper water where catch rates are much lower (1/3 of shallower areas normally fished). The loss of a very experienced operator in Mahia and new fishers who are not so efficient has also contributed to lower catch. Clearly operators north of Tolaga, and particularly Tokomaru Bay, were impeded or prevented from fishing their ACE, or transferring it to LFRs, for the remainder of the 2022/23 fishing year following the cyclones with access to the sea issues due to woody debris and silt, and damage to roading infrastructure, bridges, loss of power and loss of access to bait and fuel. Some of these issues extended into the 2023/24 fishing year.
49. Catch this year will fall substantially short of the TACC. There are serious concerns expressed by many but not all operators about the state of the fishery and the effect of the cyclones in early 2023. Some operators have reported reasonable catch rates when they can access the fishery. Poor weather in winter, the key catch period, again affected ability of operators to fish. The first two Kaharoa surveys (April and June) reporting consistently adverse weather throughout the majority of the survey periods. Tolaga Bay and north have reported particularly poor fishing, but some Mahia operators have also reported that catch/day is substantially down in 2023.
50. Catch in CRA 3 in 2023/24 has been further impacted by an extended biotoxin closure with fishing stopped around Gisborne in October and in all areas from 10 November. Although this is within the voluntary closed season for 909 and 910<sup>11</sup> – November was the most important catching month of the year for 911 (Mahia) in 2022/23. As at 30 January 909 and 910 are still closed further impeding catch in what has been a reasonable catching period in the past.
51. Log book data up until September 2023 has also been examined. Coverage is good with about a third of the fleet participating in the programme. This data shows increasing trends in unstandardised CPUE for both 2022 and 2023<sup>12</sup>. At a statistical area level, this data shows increasing trends for these two years for statistical area 909 and 910, but for 911 the increase is only for AW 2023. The annual November sampling in statistical area 910 off Gisborne shows an increase in unstandardised CPUE (lobsters/pot and kg/pot) for 2021 and 2022 but a decline in 2023. These results provide both positive and negative

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<sup>11</sup> 1 September to 15 January annually

<sup>12</sup> Legal size and legal state lobsters. Lobsters per pot and kg/pot.

signals and are somewhat unexpected given the anecdotal information coming from many operators, but demonstrates that information on fishery performance is mixed.

52. The information summarised above provides an uneven and uncertain picture about the current state of the CRA 3 fishery. Potentially we have not yet seen the benefits of the two TAC reductions made in 2019 and 2021. There is reason to be concerned, but the overall picture is not uniformly negative with some more positive indications. Given these conflicting signals, we do not support a TAC reduction for 1 April 2024. This is particularly the case given the full stock assessment scheduled for 2024, the project commissioned on the growth issues in the assessment hopefully addressing some of the issues that led to two base cases in 2019, and the need for more time to assess the information available from 2023 including the stock monitoring (log book and catch sampling) and the NIWA surveys undertaken in June and October. The level of any TAC reduction cannot be informed and the shelving initiative discussed below is a rational interim step to take pressure off the fishery until this work can be undertaken to support a more informed decision.

#### Shelving ACE

53. The Tairāwhiti Rock Lobster Industry Association and NZ RLIC are concerned about the performance of the CRA 3 stock and have taken steps to reduce pressure on the fishery by implementing a shelving initiative to reduce commercial catch for the fishing year beginning April 2024. 30% shelving would mean that commercial catch is reduced by 58.5 tonnes and would take commercial catch below levels taken in recent fishing years.
54. The shelving mechanism has been used for a number of stocks in the QMS. Industry has taken steps to progress the shelving option by contracting FishServe to initiate the process to have all CRA 3 QSOs to legally transfer the require portion of their ACE to FishServe for the fishing year beginning 1 April 2024. As at the date of this submission good progress is being made with about 65% of the required ACE transferred to FishServe.
55. Industry is suggesting 30% shelving for 1 year as an interim “holding action” step until further analysis can be undertaken of information from a number of sources outlined in paragraph 52 above. After this work in 2024 we will be in a much better position to inform management steps.

#### Legal considerations - shelving

56. The Ministry reluctantly included shelving in the statutory consultation paper for CRA 3, associated with Option 1 for which there is no change to the TAC. The Ministry consider that irrespective of shelving, a TAC that meets the requirements of section 13 of the Act must be set. They suggest shelving can only be used to complement TAC setting.
57. This view on shelving disregards previous legal consideration of the issue. Industry lodged a judicial review in 2019 on these issues. Those proceedings were settled out of court through a joint



memorandum signed by the Crown Law office on behalf of the Crown. This memorandum clearly sets out that shelving is a permissible relevant consideration for the Minister in considering the biomass that meets the requirements of the Act. The Minister must have regard to the full range of matters in section 11 of the Act (which includes shelving) in making his decision on the TAC.

58. NZ RLIC and others met the Ministry on 25 January to ask them why they believed the 2019 Memorandum did not apply. In previous email correspondence the Ministry referenced the Tarakihi High Court and Court of Appeal decisions as supporting their position. We have pointed out that those decisions relate to setting a TAC under s13(2)(b)(ii) of the Fisheries Act whereas the Ministry states CRA 3 is being reviewed under section 13(2A) of the Act.
59. Relevant sections of the 2019 Memorandum are set out below;
- i) 7.1; the Minister may take into account as a permissible relevant consideration the effect that any ACE shelving is expected to have on, for example, the level of biomass, including whether the resulting reduction in the level of removals will contribute to the biomass being restored to a level that will produce MSY (pursuant to section 11(1)(a));
  - ii) 7.3; for any particular decision, the weight, if any, that the Minister places on considerations relevant to ACE shelving, and the effect ACE shelving is expected to have on the biomass, is a matter for the Minister in the exercise of his or her discretion, taking into account all of the circumstances of the decision and the fishery concerned; and
  - iii) 7.4; in deciding whether (and how) to vary a TAC, the Minister must have regard to the full range of matters set out in section 11 and 13 of the Act, including the requirement for the TAC to achieve the objectives set out in section 13(2) (or (2A) if applicable).
60. The Ministry did not provide any further explanation for their position at the meeting on 25 January. On 26 January NZ RLIC sent a follow up email, again seeking clarification that the Ministry accepted that legally it is open to the Minister to take that shelving into account and not to reduce the TAC to achieve a catch reduction, if the Minister believes that such a reduction is necessary. The response from the Ministry on 31 January maintained the position the Ministry position that shelving “cannot act as a substitute for a TAC reduction when required to ensure s13 obligations are met” but offered no explanation for that position. Our view is that the Ministry position is inconsistent with the joint memorandum from the 2019 proceedings, and no explanation has been provided as to why it is not applicable. Industry commenced legal proceedings in 2019 to resolve this matter and we do not wish to pursue that course of action again.

### **3.3 CUSTOMARY CATCH**

61. Information on CRA 3 customary catches is available under the Fisheries (Kaimoana) Regulations 1998, and regulation 50 of the Fisheries (Amateur Fishing) Regulations 2013. The information available from

reporting is considered incomplete, in part because customary take of rock lobster that occurs under the Amateur Regulations for the purposes of hui and tangi is not required to be reported. NZ RLIC supports initiatives by tangata whenua and Te Ohu Kaimoana to improve reporting of customary take so that the best estimate of catch is used to inform the assessment.

62. An estimate of 20 tonnes was used in the 2019 stock assessment model to represent customary catches. We do not recommend any change to the current allowance of 20 tonnes for customary fishing.

### **3.4 RECREATIONAL CATCH**

63. Recreational fishers are not required to report the quantities of rock lobsters they catch, other than the incomplete reporting that occurs from recreational charter vessels. NZ RLIC provides some commentary on the generally poor estimates of recreational take for CRA stocks and suggestions for improving the situation in the section on page 32.
64. The recent NPS surveys have very high CVs for most stocks, which are too uncertain and too infrequent to provide any confidence that they accurately assess the extent of recreational take. Surveys every 5 years of very low precision will be inadequate to inform accurate estimations of recreational effort.

#### Recreational allowance

65. When the reductions to the TAC and TACC were made in 2019 no adjustment was made to the recreational allowance of 20 tonnes. At the time of the further reduction to the TAC and TACC in 2021 the recreational allowance was reduced from 20 to 12. The allowance was not reduced as measure to provide for recreational fishers to contribute to preventing stock decline but to reflect the available information on the level of recreational catch. No steps were taken to constrain recreational catch and no adjustments were made to regulatory controls. Without a consequent change to controls, the change from 20 to 12 cannot be compared to the two TACC reductions effected on the commercial sector that actually reduced removals from the fishery by 18%. Because of the high level of uncertainty about the level of recreational catch, there is no reliable information to know if recreational catch will have been constrained to the allowance set in April 2021.
66. As for other recent assessments, the 2023 rapid update assessment used estimates from those recreational surveys thought to provide useable results to construct a recreational catch trajectory. The 2023 update modelled recreational catch at 11.8 tonnes.
67. The Ministry acknowledge current recreational catch is uncertain and may have been affected by the cyclones. However, they then suggest there is no need to change the allowance. They recommend three options for increasingly serious levels of reduction to the TACC as necessary, but that no change is needed to the recreational allowance.

## Recreational controls

68. NZ RLIC does not support TAC/TACC reductions for 1 April 2024 – shelving is a conservative interim step while analysis is undertaken to support further management action.
69. Although the Ministry suggests no change is needed to the recreational allowance, somewhat incongruously, they suggest an option to reduce the bag limit for spiny rock lobsters from six to three. No bag frequency analysis has been undertaken and they acknowledge the effect of this change cannot be assessed. However, “FNZ considers that a reduction in the CRA 3 recreational daily limit may complement the proposed TAC adjustments”. NZ RLIC is concerned at the lack of information on actual recreational catch or the effect of varying the bag limit to better inform such a decision, but supports this proposal given that no changes to recreational controls were made at the time of the previous two TACC reductions to constrain recreational catch.
70. Informing future management decisions to monitor catch against the allowance set will also require more regular assessment of recreational catch that provides estimates with adequate precision. Those issues are discussed on page 32 below.

### 3.5 OTHER SOURCES OF MORTALITY

71. As a result of the 1 April 2021 review of CRA 3, the allowance for other sources of fishing-related mortality (i.e. illegal catch and handling mortality) was reduced from 89 tonnes to 75 tonnes to reflect the estimates used in the 2020 rapid assessment.
72. If the TAC is changed for 1 April 2024, the allowance for other sources of fishing-related mortality should be adjusted to reflect the best available information. The NRLMG has agreed that where the TAC is changed, the provision for other sources of fishing-related mortality should be updated. The figures used in the 2023 rapid update stock assessment were 59.9 tonnes illegal catch<sup>13</sup> plus a handling mortality of 13.8 tonnes (average of the two base case calculations). This suggests that the ‘other sources of mortality caused by fishing’ in CRA 3 is 74 tonnes.
73. Unfortunately, there has been little focus on improving estimates of illegal catch and the estimates are highly unreliable. The Rock Lobster Fisheries Assessment Working Group has been forced to use a fixed percentage of 20% of the total commercial catch each year from 1981 to 2023, and export discrepancies (the difference between reported catch totals and total exported weight) prior to this.
74. NZ RLIC is very concerned that these estimates of illegal take are excessive, particularly in the last decade. There is considerable risk of overestimation of productivity of the stock by using an inflated figure. 20% of the current TACC is 40 tonnes. It is not credible to assume that the equivalent of

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<sup>13</sup> Calculated as 20% of the commercial catch between 1981 and 2023 divided by the number of years

approximately 3 additional full time commercial vessels are operating in CRA 3<sup>14</sup> or nearly 7,000 illegal dives per year (assuming each diver takes the maximum of 6 lobsters per dive and an average weight of 1 kg). Such a level of illegal vessel activity would be apparent to commercial vessels and would presumably be detected by MPI Compliance, or at least they would be aware that this scale of activity was occurring, much less this massive level of illegal product circulating.

### 3.6 TACC

75. The TACC reductions proposed in the consultation document pose high costs and impact and are ad-hoc adjustments without better information to inform decisions. The Ministry suggest that the CRA 3 stock has been substantially reduced from 150% of the MSY compatible reference level  $B_R$  to “below the target vulnerable biomass level” and that “cyclones will have had a substantive impact on the productivity and dynamics of the CRA 3 stock”, they have “concern for potential localised depletion” and that reductions are needed to “help to move the stock towards or above a level that can produce MSY, consistent with section 13(2A)”. Although the cyclones undoubtedly had adverse effects, putting aside the 2023 rapid assessment, making these suggestions and asserting a biomass reduction of this extent would not appear to be supported by any available information.
76. The Ministry suggests “FNZ is proposing a precautionary approach” and reductions are necessary to “ensure sustainability of the stock”. These views do not take into account the construct and obligations set out in section 10 of the Fisheries Act. The information principles require that decisions makers consider uncertainty, be cautious when information is uncertain, and not postpone steps that would achieve the purpose of the Act. The purpose of the Act is to both provide for utilisation while ensuring sustainability. It does not justify exclusively conservative actions based on uncertainty. The shelving proposal is entirely consistent with the section 10 requirements; there is very considerable uncertainty in the information available; more time is needed to assess the information collected; caution should be exercised and action not deferred. Shelving 30 % of ACE to reduce removals addresses these requirements – it takes a conservative step to reduce actual removals from the fishery.
77. A greater level of reduction in removals is not justified at this time. Some of the information on the fishery is concerning but there are also some more positive indications. 30% shelving is a reasonable interim step until information collected is analysed and a revised assessment can be undertaken.
78. Nothing is lost by achieving the reduction in removals by shelving until the work underway is completed to better inform a decision for April 2025. A TACC reduction has economic impact by removing assets from the holdings of commercial entities including Iwi. There is not the information to justify this level of impact when there is a viable mechanism to achieve the same level of conservative action through shelving as an interim step.
79. The impact of TACC reductions proposed by the Ministry are very serious. For example Option 4 in the statutory consultation document proposes a further reduction in the TACC of 78 tonnes. Assuming the

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<sup>14</sup> The most recent standardised CPUE (2018/19) is 1.47kg/pot lift. 40 tonnes of illegal catch represents over 27,000 pot lifts (over the last five years CRA 3 vessels have lifted an average of 8,500 pots per year each). This assumes poachers are as efficient as commercial vessels - this is very unlikely.

TACC is taken, the loss of annual revenue to the CRA 3 catching sector of that level of reduction based on port price alone is \$7.3 million (based on 2023/24 MPI levy model port price of \$93.47/kg). This revenue figures does not take into account the fixed and variable costs of harvesting. Much of the fixed cost to operate and crew a vessel is already incurred even if days of operation are substantially curtailed with a TACC reduction.

80. Where the ACE is sold by a quota owner there is an additional annual loss of revenue (\$41/kg over the last year<sup>15</sup>). Quota owners include companies, iwi entities, owner operators and retired fishermen dependent on ACE for income. The ACE price is linked to the port price paid to fishermen. That port price will not change with a reduced TACC; it is driven by the price obtained on export markets. A reduction in the TACC will create a scarcity of ACE but it is not envisaged ACE prices will escalate to compensate for the loss.
81. Almost all rock lobster is exported –the approximate loss of export returns to the companies and iwi entities that export rock lobster would be \$11.5 million <sup>16</sup> assuming the TACC is taken. It is complicated to assess the asset value loss of quota reductions but based on quota share trade prices over the last year <sup>17</sup> the loss would be in the order of \$86 million. A TACC reduction will essentially remove that value from the quota owner. It is not expected there will be any significant compensatory adjustment in quota price. NZ is a price taker on international markets and the value of quota is driven from the revenue generation. Some of the losses in revenue from port price and ACE sales will also occur through shelving, but to a lesser extent as the asset value of quota remains.

Table 1

Option	Loss to catching sector	Loss in export revenue	Loss off balance sheet
Option 4	\$7.3m	\$11.5m	\$86m

82. These economic costs are very substantial for a regional economy suffering heavily from the economic impact, damage to infrastructure and disruption caused by the cyclones in early 2023. These losses to the catching sector and export revenue would also compound the loss in revenue and capital asset associated with the reductions effected from 1 April 2019 and from 1 April 2021.

<sup>15</sup> FishServe; ACE transfer prices

<sup>16</sup> Export value is designated as FOB value - the value of export goods, taking into account processing, packaging, storage and transportation up to the point where the goods are about to leave the country. Figures are based on national average value of \$148/kg for all rock lobster exports for calendar year 2023 (to November).

<sup>17</sup> 2022/23 quota share price from quota trades

83. A further reduction of the TACC will significantly impact on the 20 vessels<sup>18</sup> remaining in the fishery (there were 24 in 2020 before the previous two reductions). Some of these effects will also be incurred through the shelving arrangement. A TACC reduction will impact particularly on those ACE purchase dependent vessels. The reduced revenue and availability of ACE may lead to ACE dependent vessels on the margin becoming uneconomic, or the remaining ACE being insufficient to support all vessels. The licensed fish receivers (LFRs), processors and distributors who receive, hold and transport lobsters will also lose revenue.
84. The socio-economic impacts of TACC reductions are likely to include unemployment, further vessels off the water, loss of income in the catching sector, for quota owners and processors and distributors, inability to service debt, reduced economic viability and forced exit and bankruptcy, stranded assets, social impacts on iwi beneficiaries, and impacts on regional communities. The economics of some operations will have been impacted as a result of the TACC reductions in 2020 and 2022, so further reductions may lead to a restructuring of the fleet with some loss of vessels, either because they will no longer be economically viable or will not be able to obtain the legally required minimum ACE holdings.
85. For some operators, the loss of income will negate their ability to service debt, and could lead to calling in of loans and inability to pay mortgages. The inability to service debt can lead to the need to close business or bankruptcy and restructuring. These economic impacts will impact on investor confidence in the industry and influence the cost of capital to remaining participants. Shelving will cause loss in revenue, but not the same loss in confidence from financial institutions because quota as an asset remains on balance sheets.
86. The reductions in fishing and receiving businesses will have flow on impacts in reduced economic activity for a number of associated servicing and support businesses such as transport, storage, provedoring, boatyards, marine electronics, and bait suppliers. These fishing and support businesses in CRA 3 are often in smaller regional towns and communities along the coastline.
87. Most rock lobster fishing operations are wholly reliant on rock lobster and don't fish other species or use other methods. They therefore don't have alternatives to maintain or substitute income. Rock lobster vessels are fairly specialist; even if an operator could afford to modify and re-equip the vessels, and develop the expertise in new fisheries, they couldn't fish without the very significant additional capital outlay needed to purchase ACE/quota for other species. There will be reduced or little return for sunk costs such as fishing equipment and holding tanks which in general will have limited utility for other purposes. It will be difficult to sell the vessels; there is a limited market for specialist (and predominantly aging) vessels.
88. The job losses for skippers, crew, and employees in sheds and processors (should that occur) will often be in regional area with limited prospects for other employment. This can lead to a forced shift out of regional communities to larger centres where there is better prospect of employment. Adverse effects

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<sup>18</sup> This submission uses data on vessels from the CPUE FAR. This data excludes vessels that take <1 tonne annually, including vessels using other methods that take minor incidental bycatch of lobster.



are likely on the social programs funded by iwi and runanga from the benefits of their settlement assets (the quota register lists approximately 25 Maori entities who own quota shares in CRA 3).

89. These economic reductions will have flow on impacts on infrastructure and services, often in regional communities including loss of revenue for retail, businesses, lower attendance at schools, lowered use of various services. These cumulative impacts could lead to loss of economies of scale. Reduced revenue and throughput may make some businesses unviable, particularly in relatively isolated regional communities, leading to closure and consolidation of businesses. Fishing is an integral part of maintaining the viability of these coastal communities.
90. A lower TACC and smaller pool of available ACE coupled with a geographically scattered fleet may require some restructuring and changed arrangements between the catching sector and the LFRs. It may no longer be economically viable to send trucks to isolated landings points with reduced vessel catch.
91. The CRA 3 rock lobster industry is characterised by many small family businesses. Other members of the family often work in support services for the operation, bookkeeping, boat launch and retrieval, processing and transport etc. The same families have operated in particular areas for decades.
92. Under section 74 of the Fisheries Act (minimum ACE holdings), for a quota owner to have the authority to undertake rock lobster fishing, the entity requires quota ownership that will generate at least 3 tonnes of ACE. Quota owning entities are entitled to remain fishing if there is a TACC reduction that reduces their holding below the 3 tonne minimum. They are “grandfathered” to remain operating in the fishery. ACE dependent fishers who do not own 3 tonnes are not entitled to fish for rock lobster. Operators who fall below the 3 tonne minimum as a result of shelving are not “grandfathered”.
93. There are 20 vessels operating across CRA 3 in the current fishing year. Even if operators maintain a right to fish as a result of the “grandfather” provision, they will need to obtain enough ACE to have a viable fishing operation. Some of these entities may be able to purchase additional ACE from the reduced pool of ACE held by non-fishing quota owning entities, but they will be competing against the other players who will also be seeking to obtain ACE to try and partially redress the impact on them of the TACC reduction. Some of those entities will have long established commercial relationships with the ACE owning entities. It is difficult to determine if any other operations, although still holding an entitlement that legally allows fishing, will no longer be economically viable for the area they fish and their own economic circumstances such as servicing debt. These problems are worse with the higher levels of TACC reduction.
94. The reductions in revenue and activity by fishing and receiving businesses may have flow on impacts in reduced economic activity for a number of associated servicing and support businesses such as transport, storage, provedoring, engineering, boatyards, marine electronics, and bait suppliers.

95. In CRA 3 these fishing and support businesses are in smaller regional towns and communities along the coastline. In some of these communities rock lobster fishing is an important proportion of economic activity. These additional economic impacts associated with the larger TACC reductions will affect a regional economy still dealing with the adverse impacts of the cyclones.
96. TRLIA remain fully committed to promoting the voluntary and industry funded data collection program that supports the stock assessment. The voluntary and industry funded logbook program collects data across the fishery all year round, and over recent years around 30% of the fleet has participated voluntarily. There were 7 logbook participants out of the 20 vessels in the fishery in this fishing year. The industry also funds around 30 days of fisheries independent catch sampling across the small fleet on an annual basis (35 days in 2022/23) and a tag recapture research program. In addition industry is funding a research programme investigating the epidemiology of tail fan necrosis.
97. This voluntary investment in research, in addition to their levy contributions to rock lobster assessments and stock monitoring, demonstrates their commitment to ensuring the best data possible is available to support management decisions for the fishery that is so important to them.
98. Imposing the economic costs associated with a TACC reduction needs to be contemplated very carefully when there is a viable alternative of shelving available for the upcoming year, with lower impact and the same conservative action for the stock.

Proactive release

#### **4. REVIEW OF MANAGEMENT PROCEDURES FOR THE CRA 7 AND CRA 8 ROCK LOBSTER FISHERIES**

99. NZ RLIC supports the approval and implementation of the management procedures (MPs) being considered for CRA 7 & 8. MPs provide for responsive (annual if appropriate) changes to catch limits based on stock abundance as assessed by commercial catch rates. Offset year data is used to reduce the time lag in response to information from the fishery. MPs provide greater certainty about how fishery information will be applied to address sustainability issues or provide for utilisation and achieve management goals. They can significantly reduce the transaction cost of the process between the Ministry and stakeholders to interpret and apply fishery information.
100. Simulations are used to assess and test management procedures, included testing to assess the robustness of proposed procedures to any known uncertainties, model assumptions (e.g., variable levels of recruitment and non-commercial catches).

##### **4.1 CRA 7 AND CRA 8 STOCK STATUS**

101. The CRA 7 and CRA 8 stocks are interrelated through movement of larvae and migration of adults so are assessed together. The status of both stocks is assessed by a fully quantitative stock assessment, and by rapid assessment updates which are conducted annually between the full assessments.
102. The Rock Lobster Fishery Assessment Working Group has calculated the maximum sustainable yield based reference level for the vulnerable biomass (termed  $B_R$ ). This reference level is designed to meet the requirements of section 13 of the Fisheries Act to manage stocks at or above a level that will produce the MSY.
103. The 2021 full stock assessment for modelled CRA 7 and CRA 8 as one biological stock across two regions and determined that the combined stocks vulnerable biomass was above the  $B_{MSY}$  reference level (146%). The assessment projected that biomass would increase further between 2021 and 2025 to 169% of the  $B_{MSY}$  reference level. This and more recent estimates of the  $B_{MSY}$  reference level for the combined CRA 7 and CRA 8 stocks are no longer considered to be reliable, following unsuccessful attempts to estimate  $B_{MSY}$  for each of the regions independently of each other.
104. The November 2023 Plenary recommended that a default  $B_{MSY}$  management target of 40%  $SSB_0$  could be used to provide guidance. Because of its characteristics (migration of females out of CRA 7), the same approach was not able to be used for the CRA 7 stock.
105. Management targets can be set at or above the  $B_{MSY}$  reference level, depending on social, cultural, ecological, and economic factors, as well as views provided by tāngata whenua and stakeholders to the Minister. In setting targets, the environmental principles in the Act, including the role of spiny rock lobster in maintaining biodiversity in the marine environment need to be considered. Management targets also take into account fishery implications such as predicted yields and catch rates.

106. Rapid assessment updates have subsequently been conducted for both CRA 7 and CRA 8, with the most recent update being completed in 2023. The 2023 rapid assessment update incorporated the most recent data into the 2021 base case stock assessment model. This rapid assessment update of the 2021 full assessment reflects the best available information on the abundance of spiny rock lobster in CRA 7 and CRA 8.
107. The 2023 rapid assessment update indicated that spiny rock lobster biomass in CRA 7 and CRA 8 has increased in recent years. The CRA 7 and CRA 8 combined vulnerable biomass is estimated at 25% of the unfished level. The combined spawning stock biomass of these stocks is now estimated to be at 54%  $SSB_0$  which is above the default management target of 40%  $SSB_0$ . The biomass of CRA 8 is also estimated to be above the default management target at a level of 62%  $SSB_0$ .<sup>19</sup>
108. The status of CRA 7 in relation to the default management target of 40%  $SSB_0$  cannot be reliably estimated. However, the best available information suggests that CRA 7 is likely to be at or above 40%  $SSB_0$  and is likely to increase in abundance in the near future. Abundance of spiny rock lobster in CRA 7 has increased in the last decade and remains high compared to historical levels.

## 4.2 TAC

109. Based on the 2021 full assessment, in 2022 the total and commercial catch limits (TACs and TACCs) of the CRA 7 & 8 stocks were increased. The CRA 7 TAC was increased from 126.2 tonnes to 134.5 tonnes (7% increase). Within this, the allowance for other sources of mortality caused by fishing was increased from 5 tonnes to 8 tonnes (60% increase), and the TACC was increased from 106.2 tonnes to 111.5 tonnes (5% increase). The TAC in CRA 8 was also increased from 1,282.7 tonnes to 1,453 tonnes (13% increase). Within this, the allowance for other sources of mortality caused by fishing was increased from 28 to 139 tonnes (396% increase), and the TACC was increased from 1,191.7 tonnes to 1,251 tonnes (5% increase).

### 4.2.1 Management procedures

110. There is no agreed management target for either of these stocks, but the default 40%  $SSB_0$  (unfished spawning stock biomass) target of the Harvest Strategy Standard (HSS) is being applied for the combined stocks and for CRA 8.
111. In 2023, the Working Group and Plenary approved CPUE series for CRA 7 and CRA 8 to support the reinstatement or development of MPs for both fisheries. For CRA 7 the Plenary accepted standardised CPUE based on past catch effort landing return (CELR until 2019 and ERS data from 2020) as the abundance metric to inform the MP. The improved CPUE standardisation is conservative because it takes into account vessel effects and efficiency gain over time (and therefore the MP will be more

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<sup>19</sup> The status of CRA 8 is estimated by assessing Region 2 (Fiordland) of the stock assessment model because the majority (>80%) of commercial harvest for CRA 8 occurs in Region 2.

conservative). The Plenary agreed that the ERS CPUE series in CRA 7 was reliable due to the quality of ERS data in this area, allowing an extension of the previously used CELR CPUE time series index.

112. For CRA 8, the statistically standardised offset year<sup>20</sup> industry logbook CPUE index has been accepted by the Plenary to be a reliable indicator of relative changes in the abundance of spiny rock lobster and has been used to inform the development of management procedures. The logbook CPUE is lobsters/pot re-scaled (rather than kg/pot lift) and is therefore more conservative because it won't be impacted by the large lobsters caught.

#### CRA 7

113. For CRA 7, the proposed management procedure is a re-instatement of the procedure which applied to CRA 7 prior to 2019. This procedure was successful for the stock resulting in marked overall increase for the stock over an eight year period. Although the MP could not be evaluated against 2021 assessment, the Plenary considered to be little risk given the degree of increase in CRA 7 biomass, the annual use of rapid update to assess the stock status, and four year the term of the MP – it would be revised/replaced following the 2027 full assessment. NZ RLIC support the use of this MP (Option 2 in the statutory consultation document) to guide management of the stock through to the 2027/28 fishing year when the next full stock assessment is scheduled.
114. CPUE declined slightly for 2022/23 offset year, but due to the 10% minimum change threshold for the MP, no TACC change is triggered. NZ RLIC acknowledges that the application of the MP means that no change will be made to the TAC, allowances, or TACC of CRA 7 for 1 April 2024.

#### CRA 8

115. The evaluation by simulation testing of the new proposed management procedure for CRA 8 through to the 2027/28 fishing year is very likely (>90% probability) to maintain the stock above the default management target (40% unfished spawning stock biomass) and very unlikely (<10% probability) to result in biomass dropping below the soft and hard limits.
116. The new MP is conservative with a markedly high plateau, and a higher left hand margin to the plateau (reductions are implemented sooner) than the previous MP. The industry in CRA 8 support this MP and its relatively high biomass because it supports an optimum economic return from the fishery by allowing targeting of fishing effort and retention of sizes of lobsters that meet favourable market prices. It also reflects their conservatism in managing the CRA 8 fishery after rebuilding it from a depleted situation in the 1990s. NZ RLIC support the use of this MP to guide management of the stock through to the 2027/28 fishing year when the next full stock assessment is scheduled.

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<sup>20</sup> Defined as the last six months of a fishing year combined with the first six months of the following year (1 October to 30 September)

117. The operation of the new management procedure for CRA 8 indicates that there is an opportunity for increased utilisation of the stock. The 2022/23 CPUE of 8.455 kg/potlift corresponds to a TACC of 1,392 tonnes for the 2024/25 fishing year. NZ RLIC supports the 141 tonne (11%) increase to the TACC from 1 April 2024.

#### 4.2.2 Fisheries Act environmental considerations

118. Environmental considerations are central to the Fisheries Act and the rock lobster industry understands the need for levels of fishing to be adjusted to provide for the healthy functioning of aquatic ecosystems which support rock lobster. There is a need to take into account the effect of different levels of lobster biomass on associated or dependent species, the interdependence of stocks, or the maintenance of biodiversity. It is acknowledged that TACs and management targets need to take into account these considerations.

119. The high biomass in CRA 7 & 8, and increase in CPUE means that fishing efforts measured through potlifts has decreased substantially over the last ten years (over 50% less in CRA 8, 24% less in CRA 7) despite increases in catch overall. Any nominal impact of potting on the benthic environment has reduced, and the minimal bycatch taken will also have reduced.

120. The interdependence of stocks involves the consideration of the effects of fishing on associated stocks affected by fishing for the target stock. In terms of trophic relationships, rock lobsters feed on a wide range of small shellfish, crabs, sea stars and kina, depending on local availability. Urchins are however, a low preference prey item for lobsters (Flood 2021, MacDiarmid, Freeman & Kelly 2013, Andrew and MacDiarmid 1991).

121. In some scientific literature for both New Zealand and overseas, a hypothesis is proposed that fishing of predators, especially snapper and rock lobsters in New Zealand, reduces their consumption of sea urchins. Sea urchins, released from predation pressure, become more abundant and can overgraze algae, creating barrens, which are much less diverse and less productive than algal beds. A shift from productive kelp forests to kina barrens will result in reduced primary production and biodiversity. In New Zealand, sea urchin barrens are common in the north and less common in more southern areas. Very sheltered and highly exposed locations do not have barrens, and barrens are limited to a depth range that varies between locations. Barrens are patchy and often interspersed among algal beds, and the dynamic nature of barrens and algae and what causes their prevalence in some locations is uncertain.

122. Evidence for the hypothesis in New Zealand comes mainly from two marine reserves in the north east of New Zealand, where sea urchin barrens declined after the reserves were closed to fishing. Evidence for the hypothesis is otherwise scarce, and in no other New Zealand marine reserve has a decrease in barrens been documented. The roles of lobsters and snapper are poorly supported by direct evidence. The relative importance of predators is uncertain. In southern areas blue cod, rock lobster and banded wrasse are thought to be important predators on kina (Udy et al 2019). The literature suggests that the hypothesis, as stated above, is too simple. Other factors, including sediment, sea urchin and kelp disease, varying recruitments of all the relevant species, temperature, wave action and other

environmental variables, are all complicating factors. The extent of the relationship, or the strength of it, depends on many factors that vary regionally. Biotic factors include (but are not limited to) fishing pressure, population dynamics of predators, prey and kelp and ecosystem resilience. Abiotic factors include temperature, turbidity and chemistry (among others) (Doheny et al., 2023).

123. Kina barrens have been reported to occur in some parts of southern New Zealand. Kina are rare in CRA 7. Within CRA 8, kina are more common on the southern coasts and less common in other locations, including in the fiords. Around Stewart Island, kina are abundant in the sheltered Paterson Inlet and form barrens. Kina are less abundant and have patchy distribution in more exposed sites (Shears and Babcock, 2007).<sup>21</sup>
124. A 2019 scientific study assessed fish diversity, kina abundance, and the occurrence of kina barrens between fished areas and marine reserves in Fiordland and the Marlborough Sounds (Udy et al., 2019). In Fiordland, where there were relatively high densities of potential sea urchin predators (blue cod, rock lobster and banded wrasse), there were lower densities of sea urchins (urchins were absent in 90% of the surveyed quadrats) and a smaller proportion of urchin barrens habitat.
125. While kina barrens occur in southern New Zealand, they do not appear to be extensive, and bottom-up forces like marine heatwaves and land-based inputs may play a stronger role in controlling kelp distribution than fishing effects on the food web (Udy et al., 2019, Wing et al., 2022). Other environmental stressors (such as sedimentation, nutrient pollution and SST warming) have been shown to be important in reducing kelp density (for example in Marlborough) and these factors are not as prevalent in Fiordland (Udy et al 2019).
126. The E3 review<sup>22</sup> suggest the Fiordland region is relatively remote and unaltered by anthropogenic impact with some scattered barrens. Although Stewart island has some barrens is highly productive overall. The high primary productivity of the region mitigates against the loss of kelp.
127. Overall, macrophyte loss / kina barrens do not seem to be the issue that they are in some locations (north east of North Island, Marlborough). While there is uncertainty in the threshold of abundance and size structure of spiny rock lobster required to reverse or prevent further spread of kina barrens (along with other predators and a range of other factors affecting urchin and kelp distribution and abundance), the relatively high biomass in CRA 8 is expected to be maintained under the operation of the MP and overall biomass of rock lobster in CRA 8 may not reduce compared to the current level. Therefore to the extent there is a relationship between lobsters, urchins and kelp in CRA 8, lobsters will maintain predation pressure on kina and mitigate against the formation of barrens.
128. All black corals (*Antipatharia spp.*) are protected under the Wildlife Act 2010. Most species appear to live at a depth of 200-1000 m. In Fiordland and parts of Port Pegasus, Stewart Island, black coral may occur as shallow as 10 m depth. Shallow water corals could be damaged by commercial fishing methods

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<sup>21</sup> [Quantitative description of mainland New Zealand's shallow subtidal reef communities \(Part 1 of 8\) \(doc.govt.nz\)](#).

<sup>22</sup> Fishery-induced trophic cascades and sea urchin barrens in New Zealand: a review and discussion for management, Doheny et al 2023



including potting and by anchors. There have been no reported interactions with black corals in the CRA 8 commercial fishery. There are some measures in place to mitigate interactions including marine reserves that prohibit all forms of fishing, areas that prohibit commercial fishing including the inner fiords, and sites that prohibit anchoring within the Fiordland Marine Area to protect. The Department of Conservation is currently conducting a three year project to ascertain whether there are fishing related effects on black coral colonies in Fiordland. As noted above, commercial fishing effort has reduced markedly over recent years. The MP will retain a high biomass and catch rates and there is unlikely to be any material increase in fishing effort.

#### 4.2.3 TAC adjustment options

129. Based on the operation of the MP, no change is proposed to the TAC, allowances, or TACC for CRA 7 for 1 April 2024.
130. The operation of the new management procedure for CRA 8 supports an increase to the TACC to 1,392 tonnes for the 2024/25 fishing year. The sections below considers the allowances for customary and recreational catch and provision for other sources of mortality for CRA 8.

### 4.3 CUSTOMARY CATCH

131. Information on CRA 8 customary catches is available under the Fisheries (South Island Customary Fishing) Regulations 1999. The current allowance for customary non-commercial harvesting of spiny rock lobsters in CRA 8 is 30 tonnes. This allowance has not changed since 1999. Based on information received from customary reports from the last five years, customary catch in CRA 8 has fluctuated annually, with an average annual authorised amount of approximately 8.0 tonnes with the maximum of 16.9 tonnes reported in 2020.
132. Ngai Tahu representatives have indicated that they have been conservative in their issuing of authorisations and have not approved many customary allowance requests every year. This has been done in order to increase lobster numbers in water depths fished by customary fishers and provide future opportunities for customary catch success.
133. An estimate of 15 tonnes has been used in each of the recent (since 2014) stock assessment models to represent customary catch in CRA 8. NZ RLIC does not recommend any change to the current allowance of 30 tonnes for customary fishing.

### 4.4 RECREATIONAL CATCH

134. Recreational fishers are not required to report the quantities of rock lobsters they catch, other than the incomplete reporting that occurs from recreational charter vessels. NZ RLIC provides some commentary on the generally poor estimates of recreational take for CRA stocks and suggestions for improving the situation in the section on page 32. The most recent NPS survey for CRA 8 (2017/18) has a very high CV

(0.36). This estimate is too uncertain and the NPS surveys every 5 years are too infrequent to provide any confidence that they accurately assess the extent of recreational take.

#### 4.4.1 Recreational allowance and controls

135. The current recreational allowance is 33 tonnes for CRA 8. The CRA 8 fishery has a number of areas closed to commercial fishing in Fiordland, which provide non-commercial fishers with exclusive access to spiny rock lobsters. The 2017/18 NPS<sup>23</sup> estimated 16.7 tonnes of recreational harvest in CRA 8. However, this estimate is very uncertain (95% confidence intervals are large +/- 11.8 tonnes). In 2022/23, 15.1 tonnes of spiny rock lobster were taken in CRA 8 by commercial fishers for non-commercial purposes (as part of their daily recreational bag limit) under section 111 of the Act. Amateur charter vessels operating in CRA 8 reported 9.1 tonnes of spiny rock lobster harvest in 2022/23. The maximum annual amount of amateur charter vessel harvest in the last five years was 12.3 tonnes reported in 2018/19. There are considerable concerns about the accuracy and completeness of this reporting. The best available information suggests current recreational harvest (around 40.9 tonnes) is higher than the recreational allowance.
136. During the 2022 review of CRA 7 and CRA 8, Ngāi Tahu expressed ongoing concern with the lack of information on recreational fishing levels and concern that recreational fishing is putting pressure on rock lobster stocks and inhibiting the customary needs of tāngata whenua, particularly in nearshore waters. Tangata Tiaki also expressed concern with recreational charter fishing in the Fiordland Marine Area in particular. In late 2023, Ngāi Tahu Tangata Tiaki, again expressed concerns that recreational fishing within CRA 7 and CRA 8 constrains tāngata whenua's customary needs. Ngai Tahu have advocated that recreational harvest should be constrained within the current recreational allowance.
137. We acknowledge Ngai Tahu's position about providing for abundance in accessible locations for customary take. The high current biomass and biomass trends in CRA 8 suggest that an increase in utilisation could be provided for. NZ RLIC has advocated for equity between commercial and recreational sectors in contributing to addressing sustainability issues and in benefitting from increased utilisation where abundance allows for this. However, it is evident that the Ministry had done nothing meaningful to constrain the recreational sector to the existing allowance or to put in place a mechanism to provide for improved measurement of recreational take. In addition, CRAMAC 8 notes that the number of amateur charter vessels operating within CRA8 continued to increase to the stage that Environment Southland has imposed a moratorium on consents for new vessels until the Southland Regional Coastal Plan is reviewed. This reflects the popularity of fishing, particularly in Fiordland but now also more prevalent around Stewart Island. The Fiordland Marine Guardians expressed concerns about increased recreational fishing effort in Fiordland, particularly from amateur charter-fishing vessels (ACVs).

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<sup>23</sup> [National Panel Survey of Marine Recreational Fishers 2017–2018. \(mpi.govt.nz\)](https://www.mpi.govt.nz/national-panel-survey-of-marine-recreational-fishers-2017-2018/)

138. In contrast commercial take is controlled with certainty because of the strict controls on catch including reporting at a trip level, a documentary product flow system to reconcile catch with volume in landed to receivers, and civil sanctions for catch in excess of ACE at the level of kilograms.
139. Based on the situation described the recreational catch will continue to increase and will continue to exceed the allowance - there is no meaningful management of the recreational sector. This outcome is inconsistent with undertakings given by Ministers and legal obligations concerning responsibilities to manage recreational catch to the allowance. If consideration is given to increase the recreational allowance, it needs to be accompanied by decisions on a material adjustment to the approach taken to measure recreational catch in order to generate information to inform annual estimates of catch with acceptable levels of precision. Steps also need to be taken to constrain recreational catch. Wider application of an accumulation limits (in place for other highly valued species like blue cod and pua and for lobster in the Fiordland (Te Moana o Atawhenua) Marine Area) would be a rational initial step along with a focus on the integrity of reporting from recreational ACVs. Additional measures, such as bag limits should be graduated based on the degree of constraint needed and analysis of the effect of adjustments such as changes to the bag limit.

#### **4.5 OTHER SOURCES OF MORTALITY**

140. The current allowance for other sources of mortality caused by fishing in CRA 8 was set in 2022 at 139 tonnes. The NRLMG has agreed that where the TAC is changed, the provision for other sources of fishing-related mortality should be updated. Unfortunately, there has been little focus on improving estimates of illegal catch and the estimates are highly unreliable. The Rock Lobster Fisheries Assessment Working Group has been forced to use a fixed percentage of the total commercial catch each year from 1981 to 2023.
141. CRAMAC 8 has serious concerns about the assumption that the illegal take in CRA8 is in excess of 30 tonnes. They suggest that if this was the case the evidence would be obvious through seizures and prosecutions by the Compliance staff. In some fisheries figures like these could result in overestimation of the productivity of the fishery. NZ RLIC supports the reservations held by CRAMAC 8 but in the absence of any better information, there is little alternative but to use the figures used in the most recent stock assessment for the fishery.
142. The 2023 rapid update estimated handling mortality and illegal catch for Region 1 (CRA 7 and the Southland region of CRA 8) and Region 2 (Fiordland region of CRA 8) for the model. The Ministry suggests that to provide for other mortality for CRA 8, the mortality estimates not attributed to CRA 7 for Region 1 were added to the Region 2 (Fiordland) estimates from the 2023 rapid assessment update. In the 2022/23 fishing year, CRA 8 accounted for 56% of commercial catch in Region 1. Taking 56% of the Region 1 estimates suggests an allowance of 4.9 tonnes for illegal catch and 8.9 tonnes for handling mortality. For Region 2 (which includes the Fiordland region of CRA 8) estimates of illegal catch (25.8 tonnes) and handling mortality (86.1 tonnes) were generated for the 2022/23 fishing year. This suggests that the total estimate of other mortality for CRA 8 (taken by adding the handling and illegal catch mortalities from each region together) is 125.7 tonnes for the 2022/23 fishing year.

143. The Ministry proposes that the allowance for all other mortality caused by fishing is increased to 140 tonnes - a one tonne or 0.7% increase from the current allowance. This is based on the 2022/23 estimates of 'all other sources of mortality caused by fishing' of 126 tonnes in 2022/23), and increasing it by 11% to reflect likely increases in other mortality (handling mortality) as a result of increased fishing. NZ RLIC accepts that, without change in fishing practises, a proportional increase in handling mortality with increased catch is a reasonable approach. Assuming that illegal catch will increase in proportion to the TACC is not supported by any information, but as noted above, there is no available information to better inform the change in allowance for this factor.

#### 4.6 TACC

144. CRA 7 & 8 have a long history of successful use of management procedures. They have been used successfully to rebuild these fisheries since the late 1990s. MPs provide certainty, and stability in catch where the stock is on the plateau, but are responsive to changes in stock status by recommending stronger changes when CPUE deviates more significantly. As outlined above NZ RLIC supports re-instating the previously approved management procedure in the CRA 7 fishery and operated successfully to markedly increase the biomass of the fishery over seven years. We also support implementation of the newly developed MP for CRA 8. The operation of this new MP suggests that there is an opportunity to provide for greater utilisation from 2023/24, and that a modest increase to the TAC of CRA 8 would maintain the stock at or above MSY are moderate relative to the total estimated biomass of spiny rock lobster in CRA 8, and unlikely to have a large impact on that abundance (or may not even reduce abundance given indications that the stock is still increasing).
145. This option would allow for increased commercial harvest, increasing the maximum landed catch by 141 tonnes (11% increase) which has the potential to result in an increase of annual revenue to the catching sector alone of approximately \$13.2 million (based on the 2022/23 MPI levy model port price of \$93.47 per kg). These revenue figures do not take into account the fixed and variable costs of harvesting. For operators that don't own their quota, 55% of that amount on average will be spent on purchasing ACE<sup>24</sup>. Based on the 2022 calendar year data<sup>25</sup>, 141 tonnes of rock lobster will earn \$19.3m in export revenue. These increased earnings will flow into the southern regional economies and for a number of associated servicing and support businesses such as transport, storage, provisioning, boatyards, marine electronics, and bait suppliers. Quota owners will also benefit from the balance sheet increase in their quota holdings.
146. CRA 8 QSOs and operators are committed to ongoing sustainable management of the stock, not only through their support for a conservative MP and high stock biomass, but through the voluntary and industry funded data collection program that supports the stock assessment and the operation of the MP. The logbook program collects data across the fishery all year round, and over recent years around a third of the fleet has participated voluntarily. The industry also funds puerulus collection, and periodically a tag recapture research program. In 2023, CRAMAC 8 also invested in research to help understand the heatwaves and their effect on lobster physiology.

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<sup>24</sup> The average price of CRA 8 ACE price for the 2022/23 fishing year was \$51,218.55 per tonne

<sup>25</sup> 2,738 tonnes of spiny rock lobster were exported in 2022 to earn of NZ \$376 million

## 5. OTHER RELEVANT MATTERS

147. There are a number of generic issues that impede the sustainable and effective management of all of New Zealand's rock lobster fisheries. Little or no progress has been made in resolving or improving these systemic issues for rock lobster management.

### 5.1 POOR ESTIMATES OF RECREATIONAL TAKE

148. The legislative and science based construct for managing fisheries in New Zealand is founded on controlling all sources of removals to sustainable levels. This requires good information on fishing related mortality and illegal catch. In 2019 the results of the 2017/18 NPS surveys were available providing new estimates of recreational take. Unfortunately, for rock lobster many of these surveys had high CVs and standard errors and therefore provide very uncertain results to inform stock assessments and for use in management. The next NPS survey results will not be available until mid 2024. Preliminary result indicate the same serious issues with poor precision of the estimates.
149. Clearly the ability to undertake stock assessments that provide an accurate and timely assessment of stock state on which to base management action is compromised by this poor and infrequent information. The outcome is that we take unnecessary risks with stock status and the utilisation interests of all sectors can be adversely affected. In CRA 2, the acknowledged historical overestimates of non-commercial take resulted in overestimating productivity of the stock, and was a contributing factor, in combination with poor recruitment, to management settings not being adequate to arrest the depletion of the stock earlier.
150. The stock assessment and management strategy evaluation for CRA 2, for example, also demonstrated the impact that unmanaged increases in recreational catch have on delaying the stock rebuild. Government has a responsibility, since it undertakes these surveys on behalf of recreational fishers, and to meet statutory obligations, to implement more frequent surveys designed to provide estimates with usable precision or to implement alternative approaches.
151. In many cases over recent years reductions to TACCs have occurred with no changes to recreational allowances. In some cases, TACC increases have occurred with no change to recreational allowances. However, the recreational sector has gained through increased catch rates and an ability to increase participation. This is in stark contrast to the commercial sector where catch is strictly controlled with reporting at the level of each fishing event, and balancing with catch entitlements to the kilogram necessary on a monthly, or the payment of an interim deemed value of \$99/kg is necessary. In many recent circumstances the commercial sector has contributed disproportionately to rebuilding depleted stocks as no changes have been made to recreational allowances, or if they have been, no subsequent changes have been made to recreational controls to actually constrain take. For CRA 2, recreational controls, of unknown effectiveness, came into effect more than 2 years after that TACC was cut by 60%. Despite the Minister's instruction in April 2022, the changes were only made to the bag limit in CRA 1 as part of the decision in 2023 to make additional reductions to the TACC. There has also been little attention paid to managing recreational take to allowances set by amending management controls. This

means that in some cases stock rebuild is compromised, and in effect re-allocation to the recreation sector occurs with uncontrolled recreational catch expansion.

152. An additional outcome of inadequate measurement and management of recreational take is that the industry faces uncertainty about receiving benefits from catch reductions and the impacts of the associated adverse economic impacts. Industry incentives to continue voluntary management initiatives and invest in stock monitoring (log books and catch sampling) are undermined if there is no clarity that stock rebuild will result in re-instatement of TACC reductions or that the industry share of a stock is eroded by the absence of management of the recreational sector.
153. Victoria, South Australia and Tasmania all take the same species as in the New Zealand fishery (*Jasus edwardsii*). All three jurisdictions have had quota management regimes in place to closely manage catch from their commercial fisheries for a considerable period, and as pressure from recreational fishing has increased, have progressively moved to introduce more effective measures to measure and manage recreational take (bag limit reductions and closed seasons). In New Zealand improved arrangements to manage recreational fishing are lagging and compromise the outcomes sought from fisheries management.
154. Industry is happy to share the benefits of good stock status, and in many stocks supports higher stock levels that bring benefits to the non-commercial sector, but it has for a very long period expressed dissatisfaction about the poor information and lack of management of the recreational sector. Meaningful steps to address this situation are long overdue. The one gain made in recent years is the ability to implement timely changes to recreational controls by gazette. This is important to align catch allowances and controls, so that the implementation of management measures for all sectors of a fishery can be co-ordinated and come into effect in similar timeframes and more responsive management is implemented.
155. The Marine Amateur Fishery Working Group (MAFWG) met three times during 2023 to examine a range of methods that could be used to produce timely estimates of recreational catch. Lobster fisheries pose particular issues because of the relatively low participation rate and the large proportion of removals by diving, including from boats and many shore based access points. These features create issues for the methods used to date in New Zealand which rely on trying to survey to obtain a representative sample of the population, and calibrate this with measurements, particularly of the average size of lobsters, from boat ramps.
156. The MAFWG exercise has not been finalised yet. The Chair has indicated the Ministry want to consider the results of the 2022/23 NPS (due to be finalised mid 2024). However, it is clear that there are two broad approaches that could be taken to materially improve the current situation and move towards annual estimates of reasonable precision for stocks where recreational catch is important. There are essentially two options. The first would be that the NPS and creel surveys need to be considerably more comprehensive, and more frequent, both of which will increase cost markedly. The second is to

consider different regulatory approaches such as registration<sup>26</sup> or mandatory reporting (potentially app based) which will face opposition and compliance challenges but could significantly improve efficiency, precision and reduce cost the cost of obtaining estimates. At this stage, the report has yet to be finalised and no progress has been made on this issue. The problems outlined above have been identified for over twenty years. There is a need to complete the evaluation of different or improved approaches, which may be different given the different circumstances in various rock lobster QMAs, and take steps to resource new initiatives and develop implementation plans. There may be a need for trials or pilot programmes to test new approaches.

157. Other information on recreational take is also needed. Poor information on the proportion of fishers that take the bag limit and changes in participation and effort, mean that subsequent management action is ill informed or simply does not occur.

## 5.2 ALLOCATION POLICY

158. As outlined in the section above, NZ RLIC has been advocating for substantial improvement in the measurement and management of recreational catches. We have been concerned that the Ministry and stakeholder focus has been on management measures directed at the commercial fishery only. In shared fisheries, where there are material levels of recreational catch, that catch should be better estimated and constrained so that the recreational sector plays its part in the outcomes sought for the stocks.

159. In advice reviewing rock lobster stocks it is important that a consistent position is taken on review of recreational allowances and management controls. The Ministers' decision letter for 1 April 2018 set out some relevant statements;

- "...all stakeholders should take measures to ensure rebuild in the same way I expect all stakeholders to benefit once the status of the fishery improves."
- "...the (recreational ) allowance must carry some relationship to removals over time.."
- (in the circumstances of a stressed stock) "it is reasonable to reduce the recreational allowance to reflect the best available information on recreational catch..."
- "I am aware of my obligations to manage the level of recreational catch (on average) to the level of the allowance I have set"

160. The following paragraphs outline a set of principles that can be used to try and ensure that consistency<sup>27</sup>;

- i) If, based on the science and management requirements, the TAC/TACC is being adjusted, the recreational allowance should also be reviewed.

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<sup>26</sup> A key issue with any survey methodology is identifying a properly representative sample of recreational fishers. This could be achieved much more effectively and with less expense if there were a register of recreational fisher

<sup>27</sup> NZ RLIC acknowledge the position that Te Ohu Kaimoana has set out on allocation and the need for Government to consider the implications of allocation decisions on Settlement rights.



- ii) Some recreational allowances set in the past are high because they have been set based on poor information (in some cases now recognised to be overestimates) and/or do not bear much relationship to current levels of removals. If the TAC is being reviewed, the recreational allowance should be adjusted to reflect the most recent credible estimate of removals as a baseline.
- iii) Depending on the nature of the TAC/TACC reduction, the recreational allowance should be reduced in the same proportion as the reduction to the TACC.

161. It is clear from jurisprudence that there is a responsibility for the Ministry to, on average, manage recreational catch to the allowance set. When reductions are made to the recreational allowance, there is a need to consider whether it is likely that recreational catch will exceed the allowance. This can occur, for example, if a TAC has been set to provide for a stock rebuild. As abundance and catch rate increases, unless steps are taken to constrain catch it is likely that recreational catch and participation will increase. Where it is likely that recreational catch will exceed the allowance, steps should be taken to adjust recreational controls (principally bag limits) to provide a level of certainty the recreational catch will be constrained to that allowance on average. Conversely recreational controls could be relaxed to allowed increased utilisation where the allowance has been increased.

162. Despite commencing discussion in the NRLMG and the MAFWG, there is no clear understanding as to what managing recreational catch, on average, means in practice. This leads to another layer of uncertainty for stakeholders in how the government intends to manage fisheries. If a TAC/TACC increase is implemented (after the above baseline adjustment has been made), the recreational allowance should be increased in the same proportion as the reduction to the TACC. Consideration should also be given to whether a change in recreational controls is appropriate. If the current controls are likely to allow the allowance to be taken, no changes would be necessary. If the current controls are likely to constrain recreational catch below the allowance, recreational controls should be relaxed to allow the allowance to be taken.

163. Applying these principles will involve further work to refine them in practise;

- iv) What does managing the recreational catch to the allowance “on average” mean? Recreational catch is variable because it is influenced by factors including prevailing weather that affects harvest more than the commercial sector, and catch rate. There is a need for some “rule of thumb” in this area.
- v) You can’t effectively manage “on average” with a catch estimate every 5 years (see above). Clearly we need to work toward having annual estimates, or at least some relative measure of annual change in recreational catch that is agreed to be adequate to provide a basis for management changes.
- vi) What is the threshold for change in recreational controls? There is a need for an agreed threshold to be applied to guide circumstances where change is material.

164. NZ RLIC continues to recommend that the NRLMG be tasked with developing a set of allocation principles that can be used to ensure consistency with the Fisheries Act and a uniform approach to setting and adjusting the recreational allowance. NZ RLIC provided a draft policy to the NRLMG to support these discussions in early 2021.
165. This issue is related to the development of management targets (see section below).

### **5.3 RECREATIONAL CHARTER VESSEL INDUSTRY**

166. The other component of recreational catch that needs serious attention is take by the recreational charter vessel industry. Since 2010 these charter vessels have had a statutory responsibility to report their catch of rock lobster. From the records MPI holds it is quite apparent that administration and enforcement of this obligation has been overlooked to an unacceptable extent. The same leeway is not tolerated for the commercial fleet.
167. A data extract was requested in 2022. For most areas the amateur charter vessel data showed a substantial reduction in numbers of lobsters caught in recent years and low numbers of vessels reporting. This data was not credible and suggests charter vessel operators were in breach of their statutory obligations. Despite these clear issues, it is not apparent MPI has attempted to consistently enforce these obligations, or issue fines or take prosecutions. Such a level of misreporting would have visited timely and serious consequences on commercial sector operators.
168. This issue needs attention and consideration of steps to better manage recreational charter fishing overall and its expansion and the consequent increase in take. Concern has recently been expressed about increased ACV activity in both Fiordland and Kaikoura. NZ RLIC recommends the NRLMG must have a focus on providing advice to the Minister during 2024 to better manage the recreational charter sector, including how recreational charter catch is considered as part of the recreational allowance. Reporting obligations were introduced in 2010, over a decade ago, but the information is clearly deficient, and no meaningful steps have been taken to manage the sector.

### **5.4 ILLEGAL TAKE**

169. Historical estimates of illegal take existed for some QMAs. In 2020, MPI Compliance acknowledged those estimates were dated and not credible. They are now being replaced by estimates made by the Rock Lobster Fishery Assessment Group, which is forced to make ad hoc provision for illegal take and its trends in the assessments, usually based on proportions of commercial catch. These estimates are ill informed and contentious and inadequate to support assessments and coherent management. The subsequent allowance made in TAC setting represents a potential loss of catch to the legitimate sectors.
170. These poor estimates of illegal unreported removals compromise assessments of stock status when TACs are set. It is now evident that overestimates of non-commercial and illegal removals led to overestimating productivity of the CRA 2 stock, and contributed to the decline in the stock despite the management procedure and shelving by the commercial sector.

171. In his 1 April 2018 decision, the Minister directed MPI to look closely at methods to estimate illegal take, so that better information is available to support his decisions. The NRLMG was been informed of some internal work in MPI, but we believe only limited progress has been made on the collection of new information collection, or a revised approach being undertaken, despite this direction from the Minister. Estimating illegal take is not straightforward but other jurisdictions have made some progress through the collection and analysis of the right metrics. Other than reducing impact on the legitimate sectors, and providing better information for assessments to mitigate risks to sustainability, such information is important to guide tasking and deployment of compliance resources.
172. The NRLMG needs to put effort into working with the Ministry to address this situation. The absence of work on estimating illegal catch for more than two decades in some cases is a real shortcoming of current management by MPI and Fisheries New Zealand.

## **5.5 RECREATIONAL ACCUMULATION LIMITS**

173. For most QMAs, at present there is no effective limit on the amount of rock lobster people can have in their possession at any one time (accumulation limits for lobster exist only in CRA 5 and parts of Fiordland). The availability of the defence provision in regulation 29(3) of the Amateur Regulations (where a person can be in possession of more than the daily bag limit if they can satisfy the court that the fish were taken over a number of fishing days) is currently exploited by illegal operators.
174. Since 2019, NZ RLIC has recommended that the work program for the NRLMG should include the provision of advice to the Minister on the application in all QMAs of an accumulation limit and the associated 'bag and tag' conditions that limit the ability to store and transport large quantities of rock lobster where people deliberately exceed the daily bag limit or where the bag limit is consistently taken for sale or barter. This measure would complement the other measures in place to address illegal take nationally.

## **5.6 TELSON CLIPPING**

175. The intent of telson clipping is to impede the illegal sales of rock lobsters, and therefore the landing of lobsters for such unlawful purposes. The measure is now in place in CRA 2 and CRA 5. Poaching and black-market activity (i.e., taking rock lobsters for sale or barter outside of commercial entitlements) is a significant issue in a number of lobster fisheries.
176. Illegal removals slow or prevent the rebuild of fisheries, can contribute to localised depletion, and deprive legitimate users of the catch they are entitled to, and depress the catch rate they could otherwise expect.
177. The assumed prevalence and scale of illegal activity in some rock lobster fisheries is significant and impacts on stock sustainability. The allowance made in TAC setting for illegal unreported removals can reduce the TACCs that might otherwise be set, and therefore represent a direct and quantifiable economic loss to New Zealand.

178. Telson clipping provides Fishery Officers with an additional ‘tool in the toolbox’ to address illegal take for sale in rock lobster fisheries by:
- a) Opportunistic non-commercial fishers who sell or barter their catch for financial gain; or
  - b) Dedicated fish thieves who conceal their activity under legitimate non-commercial fishing.
179. Compulsory telson clipping for recreational fishers, and voluntary specification of telson clipping on customary permits/authorisations, could complement enforcement activities carried out by the Ministry and can be relatively easily enforced in the course of normal inspections of amateur fishers. Based on the Kaikoura experience, the measure should help address the potential for illegally taken lobsters to end up being sold and displacing legally taken product in the restaurants, retail and hospitality trade. MPI Compliance personnel have confirmed that the implementation of telson clipping in the Kaikōura Marine Management Area in 2014 successfully reduced the supply of recreationally caught rock lobsters being illegally sold to commercial premises. In 2022 telson clipping was introduced in CRA 2.
180. NZ RLIC recommends that regulations be amended to implement telson clipping for all QMAs for recreationally caught lobsters.

## 5.7 STOCK MANAGEMENT TARGETS AND MANAGEMENT PROCEDURES

181. Work on the calculation of new MSY based reference points for rock lobster fisheries progressed in 2020 and were confirmed for most stocks in 2021. Since 2021 the NRLMG has undertaken work to identify management targets for each red rock lobster stock, but delays have occurred and little progress has been made. Stocks can be managed at MSY based reference levels to avoid sustainability risks but commercial and non-commercial stakeholders may prefer higher biomass levels with benefits including higher catch rates and lower catching costs.
182. The Minister has discretion under section 13(2) of the Act to manage above the level that will produce the maximum sustainable yield with jurisprudence suggesting he can do this in consultation with stakeholders taking into account relevant social and economic considerations. Stakeholders will want to consider a number of relevant matters including;
- if we manage at a higher biomass – what is the tradeoff between yield and catch rate
  - what is the catch restraint needed, and for how long, to build to that higher biomass (and how will that be applied across the commercial and recreational sectors)
  - at a higher biomass and catch rate – recreational participation and catch will increase. What steps will be taken to measure and manage recreational catch to the allowance ?
  - what biomass that will help achieve the environmental obligations in the Act
183. There is a need to formulate an approach that will be used to allocate access under section 21 of the Act (the recreational allowance and TACC) in this process (see above section on Allocation). Currently there

is no certainty around how recreational catch estimates and controls will be altered relative to TACC changes. Understandably, this makes the industry reticent to accept the cost and foregone catch needed to rebuild stocks when the outcome, if recreational catch is not managed, may be to transfer catch to the recreational sector. This is an important factor in industry supporting catch reductions. With the loss of management procedures, industry has no certainty about re-instatement of TACCs as stock rebuild.

184. There is an urgent need for a constructive discussion on these matters. The current situation where ad-hoc and unpredictable decisions are made about relative access by the commercial and recreational sectors leads to uncertainty and incentives to advocate for short term sectoral interests which are not in the interests of good management outcomes for the stocks or the sectors.
185. The Minister's decision letter in April 2018 set out "I reiterate the fact that in shared fisheries I am keen for all users to bear the cost of rebuild and share in the benefits of an increase". Very little progress has yet been made to put this intent into effect.
186. As discussed in the sections of this document dealing with the review of CRA 3 and the CRA 7&8 MPS, management targets also need to take into account stock biomass that will deliver on the environmental obligations in the Act. The most difficult issue is the potential role rock lobster has as a predator on urchins, and the loss of macrophytes. The literature suggests that this is not a simple relationship. Other factors, including sediment, sea urchin and kelp disease, varying recruitments of all the relevant species, temperature, wave action and other environmental variables, are all complicating factors. The extent of the relationship, or the strength of it, depends on many factors that vary regionally. More information is needed to inform the development of management targets in different areas.
187. Management targets are also linked to the development of management procedures. NZ RLIC supports the approval and implementation of the management procedures for CRA stocks. MPs provide for responsive (annual if appropriate) changes to catch limits based on stock abundance as assessed by commercial catch rates. Offset year data is used to reduce the time lag in response to information from the fishery. MPs provide greater certainty about how fishery information will be applied to address sustainability issues or provide for utilisation and achieve management goals. They can significantly reduce the transaction cost of the process between the Ministry and stakeholders to interpret and apply fishery information. MPs can help provide certainty that if constraint is exercised to rebuild stock, that there will be re-instatement of quota as the stock rebuilds. CRA 2 has resulted in a serious lack of confidence that stock rebuild will be recognised. However, as outlined above, industry has significant reservations about actively moving stocks to higher biomass, including at cost to current utilisation, while the issues of measuring and managing recreational catch are not progressed, and there is no certainty about how allocation is going to be addressed.
188. In order for sectors to be able to focus on collaboratively managing stocks, including determining new management targets, the matters above need to be addressed. We need to understand how the commercial and recreational sectors will share in the benefits of higher stock abundance and contribute to stock rebuild where that is necessary.

## 5.8 DIGITAL MONITORING

189. The transition to electronic reporting could have improved the quality and reduced the cost of data collected from the commercial fishery. However, there are issues still to be resolved with excessive detail of information being required and duplication with information collected already in the stock monitoring programme through the log books and observer catch sampling. These matters have not been resolved despite efforts since 2017 and remain issues with the new ER regime, contributing materially both to the commercial operators misunderstanding of the requirements and the complexity of the reporting conditions.
190. Current ER reporting rules compromise the collection of data from fishermen at sea on legal state retained animals and destination X animals (lobster of legal state returned to the sea). This data forms the core of the CPUE relative abundance index.
191. NZ RLIC commissioned work to identify the reporting issues with ER and cooperated with MPI Compliance is a series of workshops in each QMA during 2021 to address misunderstandings and improve reporting. Unfortunately the analysis undertaken suggests the workshops have not resolved the ER reporting issues.
192. The current settings in the regulations and circulars also create an illogical situation and very poor reporting incentives for predated fish and theft from commercial holding pots. Commercial fishers cannot legally land moribund or dead animals as is required in regard to predated lobsters. A requirement to report theft from holding pots and have that amount of fish covered by ACE is both inequitable and can be clearly seen to create poor incentives to report, and therefore have information and resources directed at addressing the theft.
193. The requirement, at least until the review of landings and returns policy, to retain all live QMS finfish species taken in pots creates a significant problem. Rock lobster fishers have generally never retained, and therefore reported the catch of QMS finfish. Those fish have been returned alive to the sea to the benefit of the stocks and for use by other sectors. A requirement to retain those fish will create a very difficult issue for commercial lobster fishermen who will not be able to obtain ACE as the TACCs have never taken into account this catch. The deployment of observers in the CRA 1 fishery surfaced this problem. This issue was discussed, and the practical solution was for operators to continue their reporting practises, that in many cases returned live QMS finfish taken, and observers recorded the numbers and species.
194. After more than four years of ER reporting we do not have usable data to inform the stock assessment from ER reporting for NZ's most valuable fishery. The situation will get more serious the longer it continues – rapid assessments without CPUE will become increasingly uncertain.
195. We need to urgently resolve the issues that are causing poor ER data so that we have usable data (including CPUE) to inform the stock assessment (and Management Procedures). There appear to be a number of contributing causes to ER reporting issues including operator error and misunderstanding due

to complexity and terminology issues, reporting platforms that take different approaches to meeting requirements (workflow) and contain ambiguity etc.

196. In November 2022 NZ RLIC sent a paper to the Minister (Science, Compliance and Management units) outlining the issues, a potential sequence of steps, and a number of potential solutions. The paper sought cooperation to develop a consensus on approach(s) to address the urgent issues. In September 2023 the Ministry agreed to review proposed simplifications to the workflow and validations to provide feedback to operators to encourage more accurate reporting. The estimates of legal catch retained on board need to be stored– this figure, along with good estimates of legal catch returned to the sea (Destination X) provide the estimate of total legal catch that was reported under CELR (this total legal state catch by event along with the pot lifts is the critical information required by the science team). To emphasise the importance of these two codes, and better match operational workflow, they should be recorded at the same time as effort and separately from any other codes relating to rock lobster catch.

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Supplementary inquiries on this submission can be directed to the signatory below. Note that CRA 8 Rock Lobster Industry Association (CRAMAC 8) and the Tairāwhiti Rock Lobster Industry Association (TRLIA) have also made submissions.

**NZ Rock Lobster Industry Council**

s 9(2)(a)

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2 February 2024

## Submission: Review of sustainability measures for spiny rock lobster (CRA 3) for 2024/25

### Recommendations

1. **The Minister acknowledges his statutory duty to make a precautionary decision given the uncertain, unreliable, and inadequate information available regarding the condition of the CRA 3 fishery.**
2. **We recommend the Minister supports Option 4 to reduce the Total Allowable Catch (TAC) to 194 tonnes, which includes a 40% reduction to the Total Allowable Commercial Catch, from 195 t to 117 t, and a reduction to the allowance for all other sources of mortality to 45 t.**
3. **We recommend the Minister supports Option A to retain the current settings of the recreational daily limit of 6 for the combined daily limit of spiny rock lobster and packhorse lobster and a maximum spiny rock lobster daily limit of 6.**
4. **We insist the Minister revokes the concession in CRA 3 which permits commercial fishers to take male rock lobsters with a tail width (TW) of 52 mm and 53 mm and restores the minimum legal size (MLS) of 54 mm TW year-round.**
5. **The Minister splits the CRA 3 management area at the boundary of stat areas 910 and 911 using section 25 of the Fisheries Act.**
6. **The Minister acknowledges the risks associated with the interim management target for CRA 3 because it does not support the rebuild of the fishery nor build resilience of the fishery against poor recruitment or future extreme weather conditions.**

## The submitters

7. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the review of sustainability measures for rock lobster (*Jasus edwardsii*), in Quota Management Area CRA 3 for 2024-25. Fisheries New Zealand's (FNZ) Discussion paper was received on 13 December 2023, with submissions due by 2 February 2024.
8. The NZ Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,500 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [legasea.co.nz](http://legasea.co.nz).
9. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
10. The New Zealand Underwater Association comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
11. Collectively we are 'the submitters'. The joint submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
12. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is s9(2)(a) , [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

## Background

13. Rock lobster are an important species and fishery for all sectors in New Zealand. Historically, rock lobster were abundant and played a significant role in coastal ecosystems. However, in recent years the adverse effects of poor management have been witnessed in rock lobster fisheries including Quota Management Areas (QMA) CRA 1, CRA 2 and now CRA 3.

14. Fisheries New Zealand (FNZ) with input from the National Rock Lobster Management Group (NRLMG) is reviewing the sustainability measures for crayfish in QMA 3 also referred to as CRA 3. CRA 3 is assessed as two regions to reflect varying rock lobster size distributions and historic catch per unit effort (CPUE) trends. Region 1 encompasses statistical areas 909 (East Cape) and 910 (Gisborne), while Region 2 is 911 (Māhia) (Figure 1).

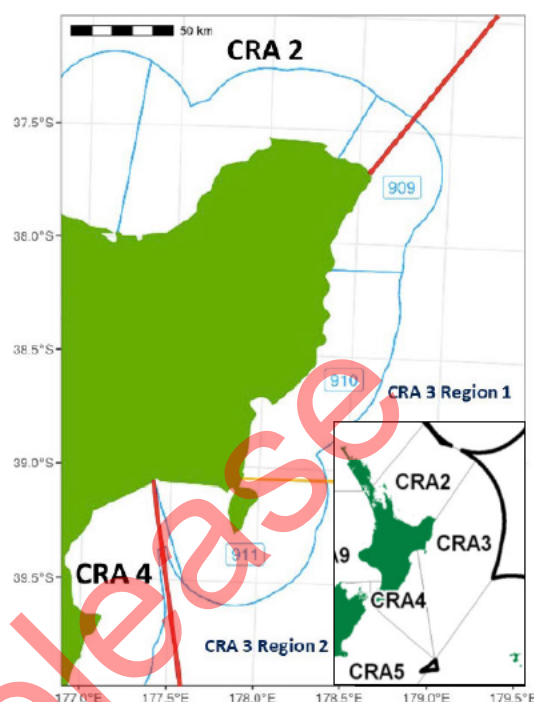


Figure 1. Map of CRA 3. Stat areas 909 and 910 make up region 1 and 911 is region 2

15. CRA 3 supports an unusual fishery, Region 1 is dominated by large numbers of small male rock lobster while rock lobsters in Region 2 are generally larger and there is a greater proportion of females caught.

16. CRA 3 is also a concession area which permits commercial fishers to land male rock lobsters that have a 52 mm or 53 mm tail width (TW), smaller than the 54 mm recreational TW minimum legal size (MLS). The concession or differential MLS is primarily fished in Region 1 where fishers land 52 mm and 53 mm males during June, July and August and have a voluntary seasonal closure between September and January. In Region 2, commercial fishers have agreed not to land smaller males and there is no seasonal closure.

17. This review follows concerns from commercial fishermen and NIWA benthic surveys which suggest significant impacts of Cyclones Hale and Gabrielle in January and February 2023 on near shore reefs, particularly in Region 1. FNZ state in their Discussion Document that the full extent of effects from the cyclones are still unknown and it is expected that recruitment may be impacted by increased land-derived sedimentation.<sup>1</sup>

<sup>1</sup> Review of sustainability measures for spiny rock lobster (CRA 3) for 2024/25. Fisheries New Zealand. At [44]

18. The most recent rapid assessment update at the end of the 2022/23 fishing year (31 March 2023) estimated the vulnerable biomass<sup>2</sup> of Region 1 to be higher than the reference level in 2023 but declining in Region 2. Current overall biomass of CRA 3 is estimated to be likely at or above the vulnerable biomass reference level of 347 tonnes (12.7% of the unfished level).
19. The rapid update was not able to include a reliable index of abundance (CPUE) since the introduction of the Electronic Reporting System (ERS) in 2019 and data following the cyclones, and anecdotal evidence from fishers in Region 1 suggests that there has been a decrease in catches despite increased effort and pots encountering debris.
20. FNZ have highlighted in the Discussion Document, due to shifting effort and effects of the cyclones, the vulnerable biomass in both regions could potentially decline further to a level below their respective management targets.<sup>3</sup> since the introduction of ERS there has been no reliable CPUE from CRA 3 commercial fishers and there is no consistent voluntary logbook data that could be used as an alternative index of abundance.

## Management proposals

21. FNZ has released a [Discussion Document](#) proposing changes to the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and allowance for All Other Mortality caused by fishing for rock lobster in CRA 3.
22. FNZ are proposing four options for CRA 3 as outlined in Table 1. Option 1 retains the current catch settings, whereas Options 2-4 provide for varying levels of reductions to the TAC.

**Table 1: Proposed management options (in tonnes) for CRA 3 from 1 April 2024.**

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (Status quo)</b>	302	195	20	12	75
<b>Option 2</b>	248 (↓ 54)	156 (↓ 39)	20	12	60 (↓ 15)
<b>Option 3</b>	220 (↓ 82)	136 (↓ 59)	20	12	52 (↓ 23)
<b>Option 4</b>	194 (↓ 108)	117 (↓ 78)	20	12	45 (↓ 30)

**Table 2: Proposed recreational daily limit options (in number of rock lobsters) for CRA 3 from 1 April 2024.**

	Combined daily limit <sup>4</sup>	Max spiny rock lobster daily limit
<b>Option A (current settings)</b>	6	6
<b>Option B</b>	6	3 (↓ 3)

<sup>2</sup> The autumn-winter biomass that is available to be caught legally. The combined weight of all individuals within a stock (usually males) that have reached maturity. Excludes berried females.

<sup>3</sup> Review of sustainability measures for spiny rock lobster (CRA 3) for 2024/25. Fisheries New Zealand. At [7]

23. FNZ are also proposing a change to the recreational daily limit as outlined in Table 2. Option A retains the current settings, a combined daily limit of 6 and combined maximum spiny rock lobster limit of 6. Option B retains a combined daily limit of 6, but reduces the maximum spiny rock lobster limit by 50% to 3.

## Discussion

24. There is no doubt that the 2023 cyclones have caused unknown impacts on the CRA 3 fishery, and we will continue to feel the effects over the next five years. However, it is highly probable that these weather events have just exacerbated underlying issues in this fish stock. The 2023 rapid update which used catch information prior to the cyclones was used to update the status of the stock table in the November 2023 Plenary Report stating -

*“Overfishing is Likely (>60%) to be occurring in region 1 while overfishing is As Likely As Not (40-60%) to be occurring in region 2.”<sup>4</sup>*

25. FNZ state in their Discussion Document that over the last five years fishing effort appears to be shifting from Region 1 to Region 2, with the 2023 rapid update showing a decline in vulnerable biomass in Region 2.<sup>5</sup> This increased fishing pressure in Region 2 has continued following the cyclones and reflects anecdotal reports from commercial fishers in Region 2 that commercial fishing effort from Region 1 has been moving south to Region 2.
26. We share FNZ’s concerns regarding the shift in fishing intensity to Region 2 where there is lower biomass and a declining trajectory.<sup>6</sup> There are also concerns shared with commercial fishers in Region 2 that Region 1 fishers will begin to land concession fish from Region 2, which Māhia fishers have agreed not take.
27. Māhia commercial and Māori customary fishers are committed to conserving and sustaining their local fishery at a higher level than in Region 1, so they have agreed not to harvest concession size crayfish. Consequently, all fishers benefit from having access to larger crayfish in Region 2.
28. The submitters note and support FNZ’s view throughout the Discussion Document that a precautionary approach is needed when considering the management of CRA 3. The CRA 1 High Court decision in 2022 confirmed that ***the Fisheries Act requires the Minister to act in accordance with New Zealand’s international obligation to favour a precautionary approach where information is uncertain, unreliable, or inadequate.***<sup>7</sup>
29. The submitters support Option 4, which includes a 40% reduction to the TACC. Made clear by FNZ’s Discussion Document, the current state of CRA 3 is uncertain and the information

<sup>4</sup> Fisheries Assessment Plenary - Introductory Section to Yellowfin Tuna. November 2023. Fisheries New Zealand. At [p.369]

<sup>5</sup> Review of sustainability measures for spiny rock lobster (CRA 3) for 2024/25. Fisheries New Zealand. At [65]

<sup>6</sup> At [69]

<sup>7</sup> Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 Nov 2022]. At [17 & 44]



that is available is inadequate. Until FNZ and the NRLMG have a better understanding of the fishery the Minister is statutorily obliged to take a precautionary approach.

30. When considering the factors that separate CRA 3 into two separate regions for assessments coupled with differing management strategies [at 14] and the growing concerns from Region 2 fishers, **we recommend the Minister exercises his powers under sections 25 of the Fisheries Act to split the QMA at the boundary of stat areas 910 and 911 to create two separate management units, potentially CRA 3A & CRA 3B.** This is not a novel approach; many other fish stocks have been sub-divided for management purposes and it's a legitimate approach for the Minister to take given the known variations in stock characteristics.
31. **We recommend the Minister supports Option 4 to reduce the Total Allowable Catch (TAC) by 40% to 194 tonnes, which includes a reduction to the Total Allowable Commercial Catch to 117 t and a reduction of all other sources of mortality to 45 t.**
32. **We also recommend the vulnerable biomass management targets for CRA 3 Region 1 and CRA 3 Region 2 are set before any increase in the TAC is considered.**

### Recreational daily limit

33. FNZ are proposing an option to review the current settings of the recreational daily limit.
34. Recreational CRA fishing in CRA 3 is primarily over the summer months by land-based fishers who are restrained by poor weather and water conditions, particularly visibility and debris. It is highly likely that fishing success for crayfish has already reduced drastically over the past 12 months and will continue to be affected by remaining debris and sedimentation for some time.
35. The rock lobster MLS for recreational fishers in CRA 3 is 54 mm TW. We have heard reports from recreational fishers that they are struggling to catch rock lobster with a 54 mm TW or larger. FNZ has previously acknowledged that non-commercial fishing sectors may be affected by differential MLS, stating, ***“the impacts of concessions may only be felt or exacerbated if overall abundance is low and the availability of legal sized lobsters for the recreational sector is limited.”***<sup>8</sup> We have consistently raised these concerns in our submissions and highlight again that this has been an ongoing issue since the concessions were introduced (for 3 years) in the 1990s and never revoked as promised by decision makers at that time.
36. Recreational catch of rock lobster is decreasing. The 2022/23 National Panel Survey of recreational catch estimates a 60% reduction in numbers of rock lobster caught in CRA 3 since the 2017/18 survey.
37. The submitters do not support a 50% reduction to the rock lobster daily limit in CRA 3. The current recreational allowance of 12 t was based on the 2017/18 National Panel Survey estimate and is just 4% of the current TAC. A reduction to the daily limit would not contribute

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<sup>8</sup> Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [9]

significantly to the rebuild of the fishery when fishers are already inhibited by environmental conditions and declining abundance.

38. FNZ express concerns that as the fishery rebuilds recreational fishers will take an increasing number of crayfish, which will inhibit the rebuild process. Similar concerns are expressed by commercial interests. There is no acknowledgement that this is a public fishery of which the Minister is statutorily obliged to manage at a level that provides for the wellbeing of the current generation and the foreseeable needs of future generations. If recreational harvest increases over time then the Minister must review the TAC and the tonnage set aside to 'allow for' recreational interests. Given the regular reviews of the rock lobster stocks, this is not an onerous prospect.
39. In previous reviews such as CRA 2 (2018), the submitters have accepted the need for a reduction in the maximum daily bag limit for spiny rock lobster. However, in the past few weeks we have learnt more about the status of Region 1 and 2, and must acknowledge the views of Māori customary interests in Region 2. Māhia customary interests in particular have agreed they will only issue permits to harvest crayfish for tangi, for all other occasions they are encouraging the applicants to use their recreational bag limit to harvest what they need. If the daily bag limit for spiny rock lobster was to be reduced from 6 to 3, this would have a disproportionate impact on the social and cultural wellbeing of the Māhia locals. With this understanding, we reject the FNZ Option B.
40. Moreover, FNZ propose the recreational daily bag limit stays at 6 including packhorse crayfish, with spiny rock lobster reduced to a maximum of 3 per person. Packhorse crayfish are rarely caught in CRA 3. Commercial fishers report the capture of packhorse crayfish is rare, with no legal size fish in Region 2. In the entire CRA 3 area, the estimated recreational harvest in the 2017-18 fishing year was only 330 packhorse crayfish. This compares to over 36,000 spiny rock lobster.<sup>9</sup> With this understanding, we reject the FNZ Option B.
- 41. We recommend the Minister rejects Option B to reduce to recreational daily limit by 50% to 3 maximum spiny rock lobster and insist that the Minister retains the current daily limit settings of 6.**

### **Revoke the differential minimum legal size**

42. The differential MLS in CRA 3 was introduced in 1993 as part of a suite of management measures to reduce commercial take to address stock depletion. The concession and voluntary seasonal closure are the final remaining measures. Also included in the suite of measures introduced:
- a. A 50% decrease in the TACC.
  - b. Closed season to all users during September, October and November.
  - c. Additional closures to commercial fishers from 1 December until 31 January and 1 May until 31 May.
  - d. Prohibition on removing female lobsters during June, July and August.

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<sup>9</sup> National Panel Survey 2017-18. Fisheries New Zealand. At [60]



43. The concession was included in this package so that the *effect of reduced commercial catches would be mitigated*.<sup>10</sup> By permitting commercial fishers access to a larger size range of rock lobsters, **concession areas provide economic benefits to the commercial sector**<sup>11</sup> while ignoring the effects on the ecosystem and other users.
44. There is widespread understanding by fishers in CRA 3 and by FNZ that there is an agreement in Region 2 that fishers will not land concession fish. They have made this commitment so the fishery can thrive and there are larger fish available for harvest. However, local commercial fishers have expressed concerns that commercial fishers from outside Region 2 are now fishing in Region 2 and landing concession fish. This flies in the face of local conservation efforts, and is a concern given there are lots of concession size crayfish around Māhia.
45. It is not good enough that a tool that was introduced to prevent economic disaster from commercial overexploitation is now being used as a weapon against conservation efforts.
46. The 2022 CRA 1 High Court decision confirmed the Minister must ensure sustainability regardless of economic consequences.<sup>12</sup>
47. Landing concession fish results in a larger number of crayfish being caught per tonne of Annual Catch Entitlement (ACE), fishing down new recruits before they have a chance to grow, so reducing yield per recruit.
48. The Minister must consider the importance of age structure within the population. As seen in CRA 1 and 2, the loss of larger fish has resulted in the significant loss of kina predation and spread of kina barrens. Region 2 fishers report an increase in the prevalence of kina barrens.
49. The differential MLS for rock lobster is a clear unfair advantage that commercial fishers have on top of fishing power and ability to shift fishing effort to maintain catch rates. Anecdotal information from recreational fishers and the fishing clubs in CRA 3 that are represented within this submission have stated that they are having difficulties catching legal sized rock lobster [see 34].
50. There is no statutory requirement for the commercial sector to separately report the weight or number of landed concession rock lobster. There are indications that concession fish make up a significant component of the commercial catch.
51. **The Minister must insist** that there is comprehensive reporting on the numbers and weights of concession fish being landed into LFRs, and that this information is made publicly available in a machine-readable format.
52. In 2023, the submitters adopted a [National Rock Lobster Policy](#) that aims to increase the size and abundance of rock lobster in New Zealand and ensure the needs of customary and amateur fishers are met. [At 5.9 b]

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<sup>10</sup> At [22]

<sup>11</sup> At [7]

<sup>12</sup> Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 Nov 2022]

- 53. The submitters insist the Minister removes the concession permitting commercial fishermen to land rock lobster with a 52 mm and 53 mm MLS TW and reinstates the MLS of 54 mm TW for all fishers. In doing so, the Minister must retain the closure to commercial fishing in Region 1, between 1 September and 15 January the following year.**

## **Input controls - commercial effort limit**

54. Recreational cray fishers are limited in the amount of fishing effort able to be lawfully deployed – the use of a maximum of 3 pots per person. Commercial fishers have no effort limit – they may lawfully deploy as many pots as they wish. The effect of not limiting commercial effort was clearly displayed as a primary cause in the collapse of CRA 2.
55. In our view, the lack of effort limits reduces the effectiveness of catch limits. We accept that commercial fishers will now be restrained by the current state of the fishery. However, effort limits must be addressed to ensure that when the fishery does rebuild to an abundant state, an effective management regime is already in place.
56. In a declining fishery there is no defence against further depletion if there are no limits constraining commercial effort. Each vessel must be limited in the number of pots available to be lawfully deployed. If there is insufficient catch from this level of effort the option of increasing pot numbers is unavailable. The signal of depletion will become very clear.

## **CRA 1 Court decision**

57. In November 2022 the High Court (Justice Churchman) released its decision regarding the challenge by the Environmental Law Initiative (ELI) in respect of Ministerial management decisions for Northland crayfish, CRA 1. ELI were successful. Four of the five grounds under review were established, the Court found that the Minister's decisions were unlawful. The Minister was directed to reconsider and remake decisions for CRA 1. A subsequent review of CRA 1 was completed in early 2023.
58. The ruling by Churchman J is significant as it highlights ongoing deficiencies in the way our fish stocks are managed. In particular, the High Court described key principles for decision-making under the Fisheries Act, including (in part) –
- a. The purpose of the Act is broadly to create an environmental 'bottom-line' of sustainability, with the key lever in ensuring sustainability the setting of the TAC<sup>13</sup> at [11];
  - b. The Minister is required to "take into account" the environmental principles (section 9) and the information principles (section 10);
  - c. Consistent with the application of the principles, there are two approaches to fisheries management identifiable at international law, an 'ecosystem approach' and 'precautionary approach'.

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<sup>13</sup> Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 Nov 2022]. At [11]

59. The Minister has a clear obligation to take a precautionary approach given the paucity of information related to the crayfish population and dynamics in CRA 3.
60. The Court also clarified that the Minister must use best available information when making his decisions. The paucity of information elevates the need to use the ‘anecdotal’ evidence from people with commercial and non-commercial interests in the fishery and take that information into account.
61. Also important is the clarity provided by the High Court in regards to the TAC setting, described (in part) as follows –
- a. “When setting or varying [the] TAC the Minister must take into account any effects of fishing on the any stock and the aquatic environment. ‘Effect means the direct or indirect effect of fishing, **including any positive, adverse, temporary, permanent, past, present, future, and/or cumulative effect.**” At [22] [emphasis added]
62. We submit that current management of CRA 3 does not meet this statutory level.
63. The pending Ministerial decision for CRA 3 must take into account the matters described in [22] including the effects on the stock of harvesting concession size fish. We do not have access to data on concession fish landings, but earlier estimates suggest between 60 to 70 percent of landed commercial catch is concession fish. Based on plots of CRA 3 length frequency collected by MPI observers in 2013-14 we estimated in 2018 that about 47 percent of commercial catch (by number) was concession fish. It is a grave concern that our repeated requests to make reporting of concession fish mandatory have been ignored.
64. Since 2013 we have received no response from officials when asked for the following information –
- a. What percentage of fish below the MLS are landed, per stock?
  - b. Where and when fish below the MLS are being harvested, per stock?
  - c. What proportion of legal rock lobster catch is returned to the sea?
  - d. What is the trend in high grading over time in each rock lobster fishery?
- Management without this supporting information means there is no ability to cross-check the changes observed in CPUE. Validation of such important information enable more credible management. Without validation, the value of CPUE is limited.
65. While the current and cumulative effects of concession fishing will be difficult to quantify, this adds weight to the need for the Minister to make a precautionary decision in the interests of the CRA 3 fishery and to fulfil the statutory requirement on the Minister to manage fish populations to meet the foreseeable needs of future generations.
66. Given the High Court decision all future decisions must take into account the impacts of fishing on the target species and the associated and dependent species, and the environment which sustains all marine life in the area.

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2 February 2024

## **Submission: Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25**

### **Recommendations**

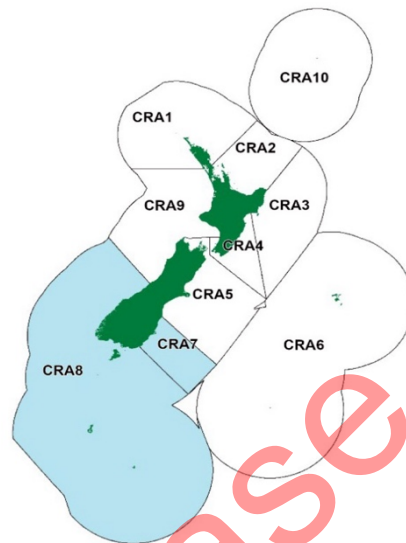
1. **The Minister supports Option 1 in relation to CRA 7, rejecting the use of the Catch Per Unit of Effort (CPUE) based proposed management procedure.**
2. **We insist the Minister revokes the concession in CRA 7 which permits commercial fishers to take female and male rock lobsters at or above 127 mm tail length (TL) (equivalent to 47 mm TW for males and 48 mm TW for females) and restores the minimum legal size (MLS) of 54 mm TW for males and 60 mm TW for females year-round.**
3. **The Minister supports Option 1 in relation to CRA 8, rejecting the use of the proposed CPUE based management procedure and sets the Total Allowable Catch at 1,459 tonnes which includes a 6 t increase to the recreational allowance.**
4. **We insist the Minister revokes the concession in CRA 8 which permits commercial fishers to take female rock lobsters at or above 57 mm TW year-round and restores the MLS of 60 mm TW year-round.**
5. **The Minister acknowledges that an agreed management target and agreed reliable index of abundance are required before selecting a management procedure for CRA 7 & 8.**

## The submitters

6. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the review of sustainability measures for rock lobster (*Jasus edwardsii*), in Quota Management Area CRA 7 & 8 for 2024-25. Fisheries New Zealand's (FNZ) Discussion paper was received on 18 December 2023, with submissions due by 2 February 2024.
7. The NZ Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,700 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [legasea.co.nz](http://legasea.co.nz).
8. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
9. The New Zealand Underwater Association comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
10. Collectively we are '*the submitters*'. The joint submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
11. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is s9(2)(a) , [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

## Background

12. Rock lobster are an important species and fishery for all sectors in New Zealand. Historically, rock lobster were abundant and played a significant role in coastal ecosystems. Large catches of rock lobster were taken out of some ports in the 1920s for canning and export to Europe. Widespread commercial rock lobster fishing has occurred since 1945. Updated estimates of recreational harvest are available from the 2017-18 National Panel Survey. Few of the 7000 New Zealand residents on the panel caught rock lobster, so the estimates are best in areas where most fishing occurred.



13. Fisheries New Zealand (FNZ) with input from the National Rock Lobster Management Group (NRLMG) is reviewing the use of management procedures for spiny rock lobster in Quota Management Areas (QMA) CRA 7 (Otago) and CRA 8 (Stewart Island, Southland and Fiordland). FNZ is also reviewing the Total Allowable Catch (TAC) in CRA 8 for the 1 April 2024 fishing year.

14. CRA 7 and 8 are assessed in conjunction because they are thought to be one biological stock. The most recent rapid assessment update at the end of the 2022/23 fishing year (31 March 2023) estimated the current biomass of the combined stocks is estimated to be at 54% of the  $SSB_0$  (unfished spawning stock biomass<sup>1</sup>) above the interim target of 40%  $SSB_0$ . Individually, CRA 8 is estimated to be above the interim management target (40%  $SSB_0$ ) at a level of 62%  $SSB_0$ . The status of CRA 7 in relation to the default management target of 40%  $SSB_0$  cannot be reliably estimated.

## Management proposals

15. FNZ and the NRLMG have released a [Discussion Document](#) to review the management procedures for rock lobster in CRA 7 and 8. The review also proposes changes to the TAC in CRA 8.

16. FNZ are proposing two options for CRA 7 (Table 1). Option 1 rejects the use of the proposed management procedure, whereas Option 2 reinstates the management procedure that was used prior to it being dropped in 2020. There are no proposed changes to the TAC in CRA 7.

17. For CRA 8 FNZ are proposing two options (Table 2). Option 1 rejects the use of the new management procedure and increases the TAC by 6 t to 1,459 t, which includes an increase

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<sup>1</sup>  $SSB_0$ , the spawning stock biomass, is the biomass of sexually mature females only. This includes females that are sexually mature but smaller than the minimum legal size (i.e., not able to be caught).  $SSB_0$  is the estimated original biomass.



to the recreational allowance. Option 2 confirms the use of the new management procedure. Increases the TAC to by 148 t to 1,601 t, including an increase to the Total Allowable Commercial Catch (TACC) and allowances for recreational and All Other Mortality caused by fishing for rock lobster.

**Table 1: Proposed management procedure options for CRA 7.**

CRA 7 management procedure options	
Option 1	<i>Reject the use of the proposed management procedure.</i>
Option 2	<i>Confirm the use of the proposed management procedure.</i>

**Table 2: Proposed management procedure and TAC options for CRA 8 from 1 April 2024 (figures are all in tonnes).**

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality caused by fishing
<b>Current settings</b>	1,453	1,251	30	33	139
<b>Option 1</b> ( <i>Reject the use of the new management procedure. Set the TAC, allowances, and TACC as follows</i> )	1,459 (↑ 6)	1,251	30	39 (↑ 6)	139
<b>Option 2</b> ( <i>Confirm the use the new management procedure. Set the TAC, allowances, and TACC as follows</i> )	1,601 (↑ 148)	1,392 (↑ 141)	30	39 (↑ 6)	140 (↑ 1)

## CPUE based management procedures

18. The purpose of the proposed CRA 7 and CRA 8 management procedures (MPs) is to relieve decision makers of considering any other information than catch per unit of effort (CPUE) when adjusting the TAC. However, simply relying on CPUE as a reliable index of stock abundance is problematic, and something that cannot be true except for very small areas.
19. CPUE indices do not allow for changes in market demands, fishing operations, increased efficiency, shifts in areas fished, and changes in discard rates or reporting rates. This is particularly relevant given that commercial fishers are now harvesting larger rock lobster, whereas historically those larger animals were returned to the water.
20. The TAC must be set having regard to Part 2, the Purpose and Principles of the Fisheries Act (the Act) 1996. To take a simple measure of commercial CPUE and craft a rule that adjusts the TAC in response to changes in CPUE is not contemplated in the Act.
21. This process of determining catch settings using a single species assessment as the best available information has been rejected by the High Court<sup>2</sup>. In the 2022 CRA 1 High Court decision, Churchman J confirmed that the Act **requires the Minister to act in a accordance with New Zealand's international obligation to favour a precautionary approach where**

<sup>2</sup> Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969 [11 Nov 2022].



*information is uncertain, unreliable, or inadequate*<sup>3</sup>. As such, there is an obligation to enquire and report on environmental risks arising from the degree of depletion of the rock lobster stock, and the gaps and deficiencies in the information being used. Kina barrens are one obvious consequence of removing predators that provide necessary ecosystem services. While kina barrens are not prolific when compared to Northland waters, there are likely more consequences that are not so obvious or simply not reported.

22. The submitters do not support the use of management procedures designed to maintain vulnerable biomass at low levels that are estimated to maximise yield. The Minister must acknowledge that current management procedures do not adequately consider efficiency gains made by rock lobster fishers since 1980 or the downward trend in productivity of all rock lobster stocks in New Zealand and are arguably ultra vires.
23. Retention rates and reporting behaviour have changed over time yet this is not reflected in the previous MPs or previous stock assessments. In 2018, efficiency gains were factored into the CRA 2 stock assessment and that proved to be a turning point, showing that previous estimates of current and future abundance were too optimistic. We are concerned that There are no iwi and stakeholder agreed management targets that take account of the wider impacts of high exploitation rates of rock lobster.
24. To make a lawful decision, the Minister must now consider the matters raised by Churchman J, including the quality of information, and take into account any past, present and cumulative effects of fishing on rock lobster and other species within the marine ecosystem.

## Rock lobster - Proposals

### Crayfish 7 (CRA 7) Otago

25. CRA 7 supports relatively small commercial, customary and recreational fisheries. Most of the rock lobster available in the fishery are young fish that tend to migrate into areas in CRA 8 after a few years. Catch rates tend to fluctuate with strong and weak years of recruitment.
26. CRA 7 is a concession area. Commercial fishers are permitted to land male and female rock lobsters at or above 127 mm tail length (TL). Approximate TW measures are 47 mm TW for males and 48 mm TW for females.<sup>4</sup> This is significantly less than the estimated size of 50% female maturity in CRA 7 of 58.2 mm TW.

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<sup>3</sup> At [17 & 44]

<sup>4</sup> Fisheries Assessment Plenary - Introductory Section to Yellowfin Tuna. November 2023. Fisheries New Zealand. At [p. 450]

## CRA 7 management

27. FNZ are proposing to reinstate the CRA 7 MP used prior to 2021, which was dropped after the Electronic Reporting System was introduced. The new system changed the way catch was reported which adversely affected CPUE in most QMAs. CRA 7 is believed to be the exception and reporting of estimated catch improved (matched land catch better).
28. FNZ have stated in their Discussion Document that the status of CRA 7 in relation to the default management target of 40% SSB<sub>0</sub> cannot be reliably estimated.<sup>5</sup>
29. **The submitters recommend the Minister supports Option 1 in relation to CRA 7, rejecting the use of the Catch Per Unit of Effort (CPUE) based proposed management procedure.**
30. **The submitters request the Minister acknowledges that an iwi and stakeholder agreed management target and agreed reliable index of abundance are required before selecting a management procedure for CRA 7.**

## Crayfish 8 (CRA 8) South Coast/Fiordland

31. The CPUE for CRA 8 was at its lowest point in the 1990s and early 2000s. Since then, it has increased steadily, despite increases in the TACC. CRA 8 now supports by far the largest commercial rock lobster fishery, with the highest catch rates per potlift. Recent recruitment has been high and if this remains above the long-term average the stock will continue to increase.
32. CRA 8 is also a concession area which permits commercial fishers to land female rock lobsters at or above 57 mm TW at any time of year. This is less than the estimated size of 50% female maturity in CRA 8 of 58.2 mm TW. The male MLS is 54 mm TW. The MLS for non-commercial fishers is 60 mm TW for females and 54 mm TW for males.
33. The concession or differential size limit is not being reviewed by FNZ; however, FNZ are welcoming feedback on the CRA 8 MLS.<sup>6</sup>

## CRA 8 management

34. FNZ are proposing to reinstate a CRA 8 MP which will use standardised annual CPUE from logbook data to set the TACC. There is also a proposal to review the current setting of the TACC and recreational allowance.

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<sup>5</sup> Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [8]

<sup>6</sup> Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [199d]

35. Currently, there is no agreed management target for CRA 8. Given the statutory requirement for precautionary management, we insist the Minister requests FNZ to work with the NRLMG to set ecosystem-based fisheries management targets before any increases to the TACC.
36. The current allowance for recreational fishers is 33 t with a proposal to increase by 6 t. The increase is based on the combined 2017/18 National Panel Survey results (14.7 t), 2022/23 section 111 landings by commercial fishers (15.1 t), and the 2022/23 amateur charter vessel reports (9.1 t). Given that this is currently the best available information, the submitters support an increase to the recreational allowance to allow for recreational catch.
37. **The submitters recommend the Minister supports Option 1 in relation to CRA 8, rejecting the use of the Catch Per Unit of Effort (CPUE) based management procedure. Set the TAC at 1,459 t including an increase to the recreational allowance by 6 t.**
38. **The submitters request the Minister acknowledges that an agreed management target and agreed reliable index of abundance are required before selecting a management procedure for CRA 8.**

#### **CRA 7 & 8 differential minimum legal size**

39. When setting an MLS for a fishery it must be made in the context of sustainability regarding sexual maturity. As outlined above, this is clearly not the case for CRA 7 & 8.
40. The differential MLS in CRA 7 was introduced in the mid-1900s to support a market for canned rock lobster tails. This is a classic example of what happens when you allow concessions to continue when the original purpose is no longer valid. At the time it was also suspected that CRA 7 rock lobsters did not grow any larger than the MLS applied in other QMAs, and large number of small-sized lobsters moved out of the CRA 7 fishery at certain times of the year.
41. FNZ have acknowledged that there is no biological justification for the CRA 7 concession and rock lobsters do grow larger than the 54/60 mm TW.<sup>7</sup>
42. The CRA 8 concession is the only rock lobster concession fishery with some biological logic offered for the introduction of the differential MLS. Best available information suggests the concession was implemented on an assumption that mature female rock lobsters in CRA 8 had a narrower tail width than equivalently mature fish in northern QMAs.<sup>8</sup>

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<sup>7</sup> Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [96]

<sup>8</sup> Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [29]

43. The estimates size at which 50% of females mature in CRA 8 is 58.2 mm TW, larger than the current MLS concession.<sup>9</sup> FNZ have stated historically that a female MLS of 60 mm TW in CRA 8 could allow more rock lobster to breed before being vulnerable to the fishery.<sup>10</sup>
44. Landing concession fish results in a larger number of crayfish being caught per tonne of Annual Catch Entitlement (**ACE**), fishing down new recruits before they have a chance to grow, so reducing yield per recruit. In a stock that has increased as much as CRA 8 has over recent years there is no need for a differential MLS.
45. There is no statutory requirement for the commercial sector to separately report the weight or number of landed concession rock lobster. **The Minister must insist** that there is comprehensive reporting on the numbers and weights of concession fish being landed into LFRs, and that this information is made publicly available in a machine-readable format.
46. In 2023, the submitters adopted a [National Rock Lobster Policy](#) that aims to increase the size and abundance of rock lobster in New Zealand and ensure the needs of customary and amateur fishers are met. [At 5.9 b]
47. **We the submitters insist the Minister removes the concession in CRA 7 permitting commercial fishers to land male and female rock lobsters at or above 127 mm TL (47 mm TW for males and 48 mm TW for females) and reinstates the MLS of 54 mm TW for males and 60 mm TW for females.**
48. **We the submitters insist the Minister removes the concession in CRA 8 permitting commercial fishers to land female rock lobsters at or above 57 mm TW at any time of year and reinstates the MLS of 60 mm TW for all fishers.**

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<sup>9</sup> Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25. Fisheries New Zealand. At [20]

<sup>10</sup> Review of Rock Lobster Commercial Area Regulations – Initial Position Paper. 2011. Ministry of Fisheries. At [107]



1<sup>st</sup> February 2024

Fisheries policy team  
Policy and trade branch  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140

## Submission in response to MPI Discussion Paper No. 2023/25 and Discussion Paper No. 2023/26

RE: Review of Rock Lobster Sustainability Measures for 1 April 2024

1. Thank you for the opportunity to comment on the MPI Discussion Paper No 2023/25 and No 2023/26 associated with the Review of sustainability measures for fisheries – April 2024 round.
2. This submission is provided by Gisborne Fisheries which is a family-owned seafood company based on the East Coast of New Zealand in Gisborne. The company has been operating on the East Coast for more than 70 years and is involved in quota ownership, harvesting, processing, and wholesaling of quality seafood around New Zealand and internationally.
3. Gisborne Fisheries is a member of the NZ Federation of Commercial Fishermen, the New Zealand Rock Lobster Industry Council (NZ RLIC) and CRAMACs 2, 3, 4 and 8. Gisborne Fisheries is supportive of their submissions and the concerns they raise.

### CRA3

#### Summary

4. **We support** a reduction in catch as a precautionary approach representing a “holding action” until a full stock assessment can be undertaken in June / July 2024.
5. **We propose** the CRA 3 rock lobster industry will shelve 30% of the CRA 3 annual catch entitlement (ACE) for the 2024-25 fishing year. This will reduce the 2024-25 commercial catch from 195 tonnes to 136.5 tonnes (a 58.5 tonne decrease).
6. **We do not support** the FNZ options proposed.

#### Why shelving is the appropriate management measure for CRA3

7. **We do not consider** a formal TAC / TACC change to be the most appropriate way to manage CRA 3.
8. **We support** a reduction in catch and consider this is best achieved through a shelving process, which means that all quota share owners (QSOS) agree to shelve (i.e. NOT make available to be caught) 30% of the ACE generated from their quota shares for the 2024-25 fishing season.
9. **We do not support** the inclusion of predetermined statements from officials. FNZ’s view that only a TAC reduction is possible has the potential to directly influence the outcome of the consultation and does not represent a true consultation process.

10. FNZ official's disregard for shelving as an option in the consultation paper is pre-emptively deciding for the Minister that shelving is not an option for CRA 3. It is not for the officials to make such a decision. Rather it is the Minister's discretion based on all the information provided to him, including a reflection of stakeholder views, to decide on the validity of using shelving accounting for all permissible relevant considerations.
11. Furthermore, FNZ's characterisation of the shelving option in the discussion document misrepresents the certainty of the shelving option and the history of shelving being successfully used. There is no clear rationale provided as to why FNZ has dismissed shelving as an option and not included it as a consultation option. The significance of such a decision warrants a clear and coherent explanation not just for stakeholders but also for the Minister to understand the rationale for predeterminations within a consultation process.
12. Shelving is a recognised management approach that has been utilised by FNZ in collaboration with industry to implement management measures that reflect the dynamic nature of the situation and provide for intermittent solutions whilst more information is being sought. There is precedent of this successfully occurring for a variety of stocks within the QMS.
13. Given a full stock assessment is due in June / July 2024 this should be used to provide an evidence-based management process. In the absence of this assessment the management changes required for the CRA 3 fishery cannot be known. Any changes made prior to the 2024 assessment, whilst precautionary, are arbitrary changes based on perceptions and assumptions. To make statutory changes to TAC/TACCs based on arbitrary choices sets a dangerous precedent for reactionary uninformed TAC/TACC.
14. It is acknowledged the impacts of the cyclones are still being assessed and until we have the results from this assessment, we do not know what level of impact the cyclones have had on the CRA 3 fishery and in what locations so we cannot know the most appropriate management action(s).
15. In contrast the shelving process enables a precautionary approach but in a manner that is an adaptive management approach through shelving is appropriate and commensurate with the precautionary approach. This reflects an interim approach as intended by FNZ.
16. Following the 2024 stock assessment update a subsequent consultation should be undertaken based on the best available information.

### **Inconsistent approach to the precautionary principle**

17. We acknowledge that the impacts of the cyclones are unknown at present, and this uncertainty needs to be accounted for. By FNZ's own admission and based on scientific advice from the National Institute of Water and Atmospheric Research (NIWA), the Crown Research Institute that provides independent science, there is uncertainty about the impact of Cyclone Gabrielle on the CRA3 stock.
18. For the commercial sector FNZ asserts the need to make precautionary decisions in the absence of an updated full stock assessment which is due in 2024. Yet, directly opposite rationale is used for the recreational sector where the absence of data is used to justify maintaining their allocation. Furthermore, it is also notable that the 2023 CRA 3 rapid assessment which is dismissed by FNZ is still used to state what the current recreational allowance should be

19. How can directly opposite rationales be justified? How does this approach align with consistent evidence-based decision making?
20. This is of significant concern noting that the sector where a precautionary approach to their catch limit is not being applied is the sector where there is no reporting or regular monitoring. Recreational catch estimates are uncertain and yet the precautionary principle has not been consistently applied between sectors.
21. We would support a reduction in the recreational fishing pressure as an equitable approach to compliment a shelving of commercial ACE for 2024/25.

### **Unfounded assertions undermine the consultation process**

22. Paragraph 68 of consultation paper 2023/25 is conjecture and one not supported by any scientific data at present. We have consistently supported evidence-based management and believe that FNZ's use of unfounded assertions result in leading statements that unduly influence submitters and impact the validity of a fair and reasonable consultation.

## **CRA7**

### **Summary**

23. **We support** Option 2.

### **Demonstrated rationale for re-instigating the management procedure**

24. FNZ's analysis of the risks of reinstating the management procedure states there is limited risk. This limited risk is far outweighed by the positives of providing confidence, certainty, and stability in the management regime.
25. Safeguards associated with catch limits are incorporated into the development and implementation of management procedures. The success of these precautionary parameters in the proposed management procedure have been demonstrated and shown to be effective when the management procedure was previously implemented.

### **Addressing misinformed concerns about management procedures**

26. During the consultation on amendments to the Fisheries Act these groups were vocal about their opposition to management procedures. This position was based on the misinformed position that the use of management procedures removed consultation processes.
27. Their position is clearly based on a misunderstanding of what management procedures are and as noted in paragraph 265 FNZ have clearly dismissed this previous misinformation.
28. The view of recreational representatives associated with the CRA 7 management procedure needs to be assessed in the context of their overarching views of management procedures outlined previously.
29. We address concerns, opposition to reinstating the management procedure separately below.

### ***Changing population dynamics***



30. We recognise that there may have been changing dynamics however would note that fisheries management is about using the best available information to inform adaptive management of a dynamic environment.

### ***Reliability of the CPUE***

31. The previous concerns that resulted in the management procedure being stopped have been addressed.

32. The move to electronic reporting has now been shown to be consistent with the previous reporting regime. Significantly this means the CPUE time series has been maintained for CRA7 and CRA8.

33. Recreational representative groups suggest that CPUE should not be used for the management procedure but there is no scientific, evidence-based explanation for this position considering that the CRA 7 CPUE time series has been accepted by FNZ's peer review process.

### ***Wanting an agreed management target for the fishery set first***

34. Section 13 of the Fisheries Act identifies the legal management target is to be at or above a level of stock that can produce MSY. MSY as defined in the Act as 'the greatest yield that can be achieved over time while maintaining the stock's productive capacity'.

35. A management target can be set at or above MSY. This is an important distinction as management targets are based on a Minister's discretion and his consideration of the purpose of the Act.

36. There is no rationale for not managing the fishery in the absence of management targets. The latest stock assessment incorporating CRA 8 and CRA 7 shows that the stock is above MSY as required. The setting of a management target reflects a process that accounts for societal and economic considerations. This process should not be used to paralyse ongoing management and implementation of recognised and previously used management procedures.

## **CRA8**

### **Summary**

37. **We support** Option 2.

### **Use of management procedures has a demonstrable successful history**

38. Management procedures have a recognised successful history in CRA8 and have been the main management tool for more than 20 years.

39. Within the newly accepted management procedure industry has advocated for a conservative approach, consistent with the position the CRA 8 industry has historically taken whereby the fishery continues to be put first and looked after.


40. The current health of the CRA 8 fishery is evidence of this. It is notable that the stock is predicted to increase. This is benefiting all sectors.

### **The newly accepted management procedure meets the dual purpose of the Fisheries Act**

41. The Fisheries Act aims for sustainable utilisation and the CRA8 approach is entirely consistent with this aim and not increasing the TAC/TACC will result in a utilisation opportunity being missed.
42. As the proposed increase is conservative there is no risk of an imbalance of species in the CRA8 area occurring, or any negative impact on the marine environment. Furthermore, the management procedure is designed to provide for sustainability, stability and security of the fishery and commercial assets.
43. It is commonly espoused that official advice and subsequent decisions are evidence-based decisions. CRA 8 supports this position and the subsequent logic that a scientifically accepted management procedure which incorporates a precautionary principle should be implemented.

Yours sincerely

s 9(2)(a)



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s9(2)(a)

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Proactive release



2<sup>nd</sup> February 2024

Fisheries New Zealand  
fmsubmissions@mpi.govt.nz

Tēnā koe e te Rangatira,

**RE: Submission for the review of sustainability measures for spiny rock lobster (CRA 3) for 2024/25**

**Recommendations:**

1. **The Minister acknowledges his statutory duty** to make a precautionary decision given the uncertain, unreliable, and inadequate information available regarding the condition of the CRA 3 fishery.
2. **The Minister acknowledges the rights of the Whānau and Hapū** of Mahia-mai-tawhiti to sustainably manage the resources within Te Rohe-moana o Rongomaiwahine as guaranteed in Te Tiriti-o-Waitangi as well as subsequent New Zealand legislation and regulations including, but not limited to:
  - a. Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018
  - b. Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
  - c. Fisheries (Kaimoana Customary Fishing) Regulations 1998
  - d. Marine and Coastal Area (Takutai Moana) Act 2011
3. **We recommend the Minister supports Option 1, “Status quo”**, to maintain the TAC at 302 tonnes, the customary allowance at 20 tonnes, the recreational allowance at 12 tonnes, the other sources of fishing mortality allowance at 75 tonnes, and the TACC at 195 tonnes.
4. **We recommend the Minister supports “Shelving”**, through Fisheries New Zealand overseeing a formal agreement among quota owners in CRA 3 ACE for the period from April 2024 until March 2029(5 Years). This 5-year formal agreement must include, but is not limited to:
  - a. Forgo 30% of CRA 3 Region 2, Statistical area 911.
  - b. Forgo the commercial “Minimum Legal Size” (MLS) of 52mm “Tail Width” (TW) in CRA 3 Region 2, Statistical area 911.
  - c. Engage with CRA 3 Region 2 (Statistical area 911) Customary and Recreational Fisheries stakeholders to develop and implement a Fisheries Management Plan for CRA 3 Region 2, Statistical area 911.
5. **We recommend the Minister supports Option A** to retain the current settings of the recreational daily limit of 6 for the combined daily limit of spiny rock lobster and packhorse lobster and a maximum spiny rock lobster daily limit of 6.
6. **We insist the Minister formally revokes the concession** for CRA 3 Region 2, Statistical area 911, which permits commercial fishers to take male rock lobsters with a “tail width” (TW) of 52 mm and 53 mm and restores the “minimum legal size” (MLS) of 54 mm TW year-round.
7. **We insist the Minister splits the CRA 3 management area** at the boundary of stat areas 910 and 911 using section 25 of the Fisheries Act.

**Submitter:**

8. The Mahia Māori Committee is constituted under Māori Community Development Act 1962 and the membership is comprised of:
  - a. 1 Representative from each of 6 marae at Mahia-mai-tawhiti (total of 6)
  - b. Community Representative
  - c. Chairperson
  - d. Secretary
  - e. Treasurer



9. The Mahia Māori Committee is gazetted under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 as the gazetted customary notifying authority for the Rohe moana of Rongomaiwahine which is based on the Mahia Peninsula, Hawkes Bay.
10. Through the Fisheries (Kaimoana Customary Fishing) regulations for the Rohe-moana o Rongomaiwahine the Mahia Māori Committee has gazetted:
  - a. 39 Tāngata Kaitiaki
  - b. 3 Mahinga Mātaitai, including by laws for all 3.
11. Te Rohe-moana o Rongomaiwahine also includes a 2 nautical mile commercial fishing exclusion zone for all fishing and shellfish species except for Rock Lobsters.
12. CRA 3 Region 2, Statistical Area 911, falls within the Te Rohe-moana o Rongomaiwahine.
13. The Mahia Māori Committee is a member of the Mai-Paritū-tae-atu-ki-Turakirae Customary Fisheries Forum.

### Background

14. The Whānau and Hapū of Mahia-mai-tawhiti are the descendants of the renowned chieftainess, Rongomaiwahine, and her 2 husbands, Tama-taku-tai and Kahungunu. Rongomaiwahine's mana is derived from her lineage back to Popoto of the Kurahaupō waka, and Ruawharo of the Takitimu waka. Both Popoto and Ruawharo descend from the renowned Polynesian Voyager, Kupe. Voyaging from the ancestral home of Hawaiki to eventually settle at Mahia, Popoto was the first to settle at Mahia aboard the Kurahaupō waka with Whātonga, much later Ruawharo would arrive at Mahia on the Takitimu after Tamatea-arikinui having already settled at Tauranga-moana.
15. Fishing serves a myriad of purposes for Whānau and Hapū of Rongomaiwahine in the Mahia Peninsula (Mahia-mai-tawhiti). Tāngata Whenua rely on fisheries to supplement expensive store-bought food, forge and strengthen social relations, and reinforce cultural traditions involving species that have been dietary focal points for hundreds of years. Without access to marine resources, our Whānau and Hapū would face food shortages, disintegrating social networks, and the end of traditions tied to the moana.
16. The Cray fishing industry is a significant contributor to the Mahia-mai-tawhiti economy. Indeed, the whānau and hapū for many generations have been a part of the broader fishing industry at Mahia from Whaling in the 1800s to Wet fish and Crayfish in 1900s and 2000s.
17. For almost a century the Whānau and Hapū of Mahia have successfully worked with the Crown as Treaty Partners to ensure the sustainability of the Rohe-moana:
  - a. What began in the 1930s with the Whānau concerns on commercial fishing sustainability eventually manifested in 1954 to the establishing of the 2 nautical mile commercial fishing exclusion zone (excluding Rock Lobster).
  - b. Through the Crowns Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Mahia Māori Committee has worked with the Whānau and Hapū to gazette 3 Mahinga Mātaitai (Tokatamure, Horokaka and Te Hoe) and establish Fisheries Management Plans which underpin the gazetted By-laws that all 3 Mahinga Mātaitai currently enjoy.
  - c. The Mahia Māori Committee is the only gazetted notifying authority along the East Coast of the North Island that reports on its Customary Catch to Fisheries New Zealand each quarter.
18. Fisheries Management Planning is an intrinsic part of the tikanga and mātauranga which has been handed down amongst the Whānau and Hapū at Mahia for many generations back to the pre-european times. Indeed Ruawharo brought to Aotearoa the mātauranga from Hawaiki and established the Wānanga tapu on Waikawa Island called Ngā-Heru-mai-Tawhiti to ensure that this mātauranga would be sustained for many generations. Through Ruawharo and his many tohunga descendents, such as Tama-takutai, Karakiarau, Hikairo, Toiroa Ikariki, Huitau Te Hau, this passing



down of mātauranga has continued. Today the mātauranga relating to the environmental management of the moana and whenua is the most significant remnant of that knowledge that originated from Hawaiki.

19. Fisheries Management Planning has been a fundamental Kaupapa with the Mahia Māori Committee. The Mahia Māori Committee is part of the Mai-Paritu-tae-atu-ki-Turakirae Customary Fisheries Forum (MPtakT). From 2020-2022 MPtakT worked with Fisheries New Zealand and the MPI Sustainable Food and Fibre Future's fund to enable Tāngata Kaitiaki to establish a framework for wānanga which combines mātauranga māori with western science and practises into a Sustainable Fisheries Management Plan. The Tangata kaitiaki's efforts with these Fisheries Management Planning Wānanga was recognised when MPtakT received the Tangata Kaitiaki award at the New Zealand Seafood Sustainability Awards 2023.
20. Rock lobster are an important species and fishery for customary, commercial and recreational sectors at Mahia. Historically, Rock lobster were abundant and played a significant role in coastal ecosystems. However, in recent years the adverse effects of poor management have been witnessed in the rock lobster fisheries including Quota Management Areas (QMA) CRA 1, CRA 2 and now CRA 3.
21. Fisheries New Zealand (FNZ) with input from the National Rock Lobster Management Group (NRLMG) is reviewing the sustainability measures for crayfish in QMA 3 also referred to as CRA 3. CRA 3 is assessed as two regions to reflect varying rock lobster size distributions and historic catch per unit effort (CPUE) trends:
  - a. Region 1 encompasses statistical areas 909 (East Cape) and 910 (Gisborne) is dominated by large numbers of small male rock lobster.
  - b. Region 2 is 911 (Māhia) where rock lobsters in Region 2 are generally larger and there is a greater proportion of females caught.
22. CRA 3 is also a concession area which permits commercial fishers to land male rock lobsters that have a 52 mm or 53 mm tail width (TW), smaller than the 54 mm recreational TW minimum legal size (MLS). The concession or differential MLS is primarily fished in Region 1 where fishers land 52 mm and 53 mm males during June, July and August and have a voluntary seasonal closure between September and January. In Region 2, commercial fishers have agreed not to land smaller males and there is no seasonal closure.
23. This review follows concerns from commercial fishermen and NIWA benthic surveys which suggest significant impacts of Cyclones Hale and Gabrielle in January and February 2023 on near shore reefs, particularly in Region 1. FNZ state in their Discussion Document that the full extent of effects from the cyclones are still unknown and it is expected that recruitment may be impacted by increased land-derived sedimentation.
24. The most recent rapid assessment update at the end of the 2022/23 fishing year (31 March 2023) estimated the vulnerable biomass<sup>2</sup> of Region 1 to be higher than the reference level in 2023 but declining in Region 2. Current overall biomass of CRA 3 is estimated to be likely at or above the vulnerable biomass reference level of 347 tonnes (12.7% of the unfished level).
25. The rapid update was not able to include a reliable index of abundance (CPUE) since the introduction of the Electronic Reporting System (ERS) in 2019 and data following the cyclones, and anecdotal evidence from fishers in Region 1 suggests that there has been a decrease in catches despite increased effort and pots encountering debris.
26. FNZ have highlighted in the Discussion Document, due to shifting effort and effects of the cyclones, the vulnerable biomass in both regions could potentially decline further to a level below their respective management targets. Since the introduction of ERS there has been no reliable CPUE from CRA 3 commercial fishers and there is no consistent voluntary logbook data that could be used as an alternative index of abundance.



## Kaupapa

27. Mahia is a small community of little over 1000 full time inhabitants. The Rock Lobster fishery is critically important to the local economy as well as the health and well-being of the tāngata whenua where kaimoana is a staple of their daily diet and cultural activities.
28. During the 2000s year period, there was a drop in the Rock lobster stocks at Mahia which the local commercial fisherman solved by shelving the quota for several years. Because of this period these local Mahia Rock lobster fishermen have implemented an informal agreement amongst themselves to manage the sustainable harvest of commercial rock lobster at Mahia. These include:
  - a. Set fishing area's for each fisherman at Mahia where each fisherman is responsible for managing that area.
  - b. Maximum number Pot limits on each vessel.
  - c. Not fish the MLS 52mm TWS.
29. There has been a significant decline in CRA3 Area 1 stocks since well before the recent weather events. As evidenced by the CRA3 Area 1 decline in Fishing effort and Catch since 2016 and the increase in CRA3 Area 2 fishing effort and Catch over the same period. The ongoing weather events of the last 2-3 years have only exacerbated the declining stock levels of CRA3 Area 1.
30. The decline in stocks in CRA3 Area 1 has resulted in more commercial fisherman and ACE Holders from outside of Mahia moving their fishing efforts to CRA3 Area 2. These Fishermen and ACE holders do not support or uphold the informal agreements of the local Mahia Fisherman. Indeed, there are reports of CRA3 ACE holders threatening to take away ACE from Mahia based Fishermen if they do not fish the MLS 52mm TWS.
31. The decline in CRA3 Area 1 stocks has also led to an increase at Mahia in Illegal fishing of Rock Lobster for sale by non-commercial fisherman. This has resulted in MPI Compliance conducting several successful investigations at Mahia. The Mahia Māori Committee and gazetted Tāngata kaitiaki have worked closely with the MPI Compliance team to ensure that illegal activities are dealt with, as well as update processes and polices to prevent illegal activities from happening in the future. This includes the degazetting of Tangata Kaitiaki and the short-term restriction of Customary Harvest permits to Tangihanga.
32. As part of the Rohe-moana Fisheries Management plan, the Mahia Māori Committee currently has restricted the use of Customary Harvest Permits within the Rohe-moana of Rongomaiwahine to tangihanga only. The Whānau and Hapū use their recreational bag limit of 6 Rock lobsters per gatherer for all other customary activities, for example: Unveilings, Birthdays, Whānau reunions. For this purpose, the Mahia Māori Committee does not support the reduction of the current Recreational Bag limit of 6 rock lobsters.
33. Fisheries Management planning has been successful in reducing the negative impact of overfishing and environmental events in the Mahinga mātaimai. Fundamental to the successful Fisheries Management Planning is a marine monitoring program which measures the negative impacts as well as the efficacy of intervention efforts, for example translocation, riparian planting.
34. Present data for CRA3 Region 2 is not detailed enough to proactively manage the Rock Lobster stocks. There is a heavy reliance on reactive catch data supplied by the commercial fisherman as well as small and infrequent scientific field research data.
35. As found in the Mahinga Mātaimai, successful sustainability management is reliant on ongoing marine monitoring with respect to both stock amounts and environmental influences, for example seawater and freshwater monitoring.
36. Currently there is no Fisheries Management plan for CRA3 Area 2 so consequently sustainability is of a reactive haphazard nature. To proactively manage CRA3 Area 2 there needs to be a fisheries Management plan established which involves all 4 key stakeholders:





- a. Customary Fisheries
  - b. Commercial Fisheries
  - c. Recreational Fisheries
  - d. Kawanatanga (Fisheries NZ and MPI Compliance)
37. Based on recent MPTakT fisheries management planning practices, it will take 4-5 years to establish an effective Fisheries Management plan for CRA3 Region 2:
- a. Develop Fisheries Management Plan (1 Year)
  - b. Implement Fisheries Management Plan (2 years)
  - c. Fisheries Management Plan review and update (1 Year)
  - d. Implement Updated Fisheries Management Plan (1 Year)
38. The Mahia Māori Committee proposes that:
- a. Voluntary Shelving has been successful at Mahia in the past and could be so again.
  - b. CRA 3 Area 2 is a significantly different fishery to CRA 3 Area 1 and should be managed separately by creating a separate CRA 3 management area using section 25 of the fisheries act.
  - c. Fisheries New Zealand should support the development of a 5-year Fisheries Management Plan for CRA3 Area 2 (Stat 911) involving Commercial, Customary and Recreational interests.
  - d. The CRA3 Area 2 fisheries management plan should include:
    - i. Remove the MLS of 52mm TWS
    - ii. Shelving 30% of ACE being shelved.
    - iii. Establish a robust marine monitoring programme for CRA3 Area 2 which would input into future sustainability round.
  - e. The Fisheries Management Plan is embedded into the Formal Shelving agreement amongst CRA3 ACE holders and enforced by MPI.
  - f. The recreational daily bag limit remains at 6 per person.

Ngā manaakitanganui

Ngā mihi

s 9(2)(a)

Mahia Māori Committee Chairman

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**From:** [Agnes Walker](#)  
**To:** [FMSubmissions](#)  
**Cc:** s9(2)(a)  
**Subject:** MF Sustainability Round Spiny Rock Lobster (CRA3) April 2024/2025  
**Date:** Thursday, 1 February 2024 11:09:57 am

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Tena Koe

This submission is on behalf of Whanau Hapu of Te Aitanga A Mate Te Aowera & Te Whanau a Hinekehu Takutai Kaitiaki Trust and we are a member of the Nga Hapu O Ngati Porou Customary Fisheries Forum.

We support the request by the CRA3 commercial Fishers to take a voluntary cut back With a full stock assessment due, which should provide a clearer picture of the fishery's state, it seems prudent in CRA3's view to wait for these results before making any significant, semi-permanent Ministry enforced changes to the TAC. Decisions based on robust, current data, taking into account the environmental factors that have impacted the fishery, will always lead the commercial fishers approach to ensuring the enduring sustainability of the resource."

Local commercial fishers have always provided support to whanau and hapu and we understand the impacts that COVID and the extreme weather events have had on livelihoods, therefore waiting for further data and using voluntary measurers seems reasonable.

We agree with the proposed recreational drop of the daily bag limit from 6 to 3 as this should result in whanau using the customary fisheries management processes and improve the capture of customary data.

Na

Agnes Walker  
Trustee

Proactive release

**From:** [Rei Kohere](#)  
**To:** [FMSubmissions](#)  
**Cc:** s9(2)(a)  
**Subject:** Submission MF Sustainability Round Spiny Rock Lobster (CRA3) April 2024/2025 Closes 2/2/24  
**Date:** Friday, 2 February 2024 3:38:43 pm

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Tena koe

This submission is on behalf of Potikirua ki Whangaokena Takutai Kaitiaki Trust and we are a member of the Nga Hapu O Ngati Porou Customary Fisheries Forum.

We support the request by the CRA3 commercial Fishers to take a voluntary cut back with a full stock assessment due, which should provide a clearer picture of the fishery's state. It seems prudent to wait for these results before making any significant, semi-permanent Ministry-enforced changes to the TAC. We agree that decisions based on robust, current data, taking into account the environmental factors that have impacted the fishery, will ensure the enduring sustainability of the resource.

Local commercial fishers have always provided support to whanau and hapu, and we understand the impacts that COVID and the extreme weather events have had on livelihoods, therefore waiting for further data and using voluntary measures seems reasonable.

We agree with the proposed recreational drop of the daily bag limit from 6 to 3 as this should result in whanau using the customary fisheries management processes and improve the capture of customary data

Nga mihi,

Rei Kohere, Chair

07 February 2024

Review of Sustainability Measures 2024  
Fisheries Management  
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IWI COLLECTIVE  
PARTNERSHIP

By email only: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

## REVIEW OF SUSTAINABILITY MEASURES FOR FISHERIES – APRIL 2024 ROUND

Tena koe,

### 1. The Iwi Collective Partnership

This submission is presented on behalf of the Iwi Collective Partnership (ICP), a collaboration of 19 iwi (see table one) who believe that working together toward a common vision, based on shared Māori values, achieves superior outcomes over working alone. As a business ICP creates value by collectivising the annual fishing rights that derive from iwi quota and taking a more strategic approach to management of the portfolio.

Table one: Iwi Collective Partnership shareholders

Iwi Member	Iwi Entity
Ngāti Porou	Ngati Porou Seafoods Limited
Te Arawa	Te Arawa Fisheries Holding Company Limited
Ngāti Tūwharetoa	Ngāti Tūwharetoa Fisheries Holdings Limited
Ngāi Te Rangi	Ngāi Te Rangi Fisheries AHC Limited
Ngāti Awa	Ngāti Awa Asset Holdings Limited
Whakatōhea	Whakatōhea Fisheries Asset Holding Company Limited
Te Rarawa	Te Waka Pupuri Putea Limited
Taranaki Iwi	Taranaki Iwi Fisheries Limited
Ngāti Ruanui	Ngāti Ruanui Fishing Limited
Nгаа Rauru Kiitahi	Te Pataka o Tangaroa Limited
Te Aitanga ā Māhaki	Te Aitanga ā Māhaki Trust Asset Holding Company Limited
Rongowhakaata	Rongowhakaata Iwi Asset Holding Company Limited
Ngaitai	Te Kumukumu Limited
Ngāti Manawa	Ngāti Manawa Tokowaru Asset Holding Company Limited
Ngāti Whare	Ngāti Whare Holdings Limited
Tapuika	Tapuika Holdings Limited
Ngati Maru (Taranaki)	Ngati Maru (Taranaki) Fishing Company Limited
Rangitane	Rangitane o te Ika a Maui Limited
Ngai Tāmanuhiri	Ngai Tāmanuhiri Asset Holding Company Limited

## 2. Background

Fisheries New Zealand seeks feedback on proposed changes to the sustainability measures for various selected fish stocks from 1 October 2023.

The ICP has interests in, and submit on, the following stocks under review:

1. CRA3
2. STN1
3. SWA4
4. SKI3 and SKI7
5. SBW6 B

## 3. Submission Views

We provide our views in this section. We also support the individual submissions of our iwi members and Te Ohu Kaimoana who we have had dialogue with.

### 3.1. CRA3

#### Proposed management options (in tonnes) for CRA 3 from 1 April 2024.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	302	195	20	12	75
Option 2	248 (↓ 54)	156 (↓ 39)	20	12	60 (↓ 15)
Option 3	220 (↓ 82)	136 (↓ 59)	20	12	52 (↓ 23)
Option 4	194 (↓ 108)	117 (↓ 78)	20	12	45 (↓ 30)

The CRA 3 lobster fishery has faced significant challenges in recent years, further exacerbated by major cyclones in 2023 and subsequent bio-toxin closures that negatively impacted the fishing season. These events have resulted in below-average fishable days and catch rates falling below the Total Allowable Commercial Catch (TACC). Despite these challenges, scientific assessments of the fishery have shown positive trends, thus adding uncertainty to the fishery's status.

In response to these issues, the Iwi Collective Partnership has collaborated with industry organisations, primarily the Tairāwhiti Rock Lobster Industry Council and The NZ Rock Lobster Industry Council, to explore the best approach to managing the CRA 3 fishery.

After extensive discussions, these groups have proposed a shelving initiative as an interim measure. This initiative aims to voluntarily reduce the commercial catch by 30% for the 2024 fishing year, intending to alleviate pressure on the fishery. This approach is viewed as a pragmatic step while awaiting further, more thorough analysis from upcoming NIWA surveys and a comprehensive stock assessment scheduled for 2024. These future analyses are expected to better inform future management decisions.

This position has been communicated and discussed with our shareholders, Te Ohu Kaimoana, and other stakeholders, including some hapū groups within Ngāti Porou who occupy much of the CRA 3 coastline, and we agree to the shelving approach.

After these discussions and based on these considerations, the ICP does not support the four options outlined above and instead supports the proposed alternative of a 30% catch reduction through a voluntary shelving program.

We believe that once the full NIWA survey and stock assessments are completed, we will then be able to make an informed decision on the best management steps to ensure the best outcomes for the fishery and all its various stakeholders.

### 3.2. STN1

Proposed management option (in tonnes) for STN 1 from 1 April 2024 to 30 September 2024.

Option	TAC	TACC	Additional ACE	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,102	1,046	-	2	34	20
Option 1	1,288 (↑186 t)	1,046	151↑	2	69 (↑35 t)	20

Proposed management option (in tonnes) for STN 1 from 1 October 2024.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,102	1,046	2	34	20
Option 1	1,288 (↑186)	1,197 (↑151)	2	69 (↑35)	20

The Iwi Collective Partnership supports Fisheries New Zealand's Option 1, which proposes an in-season increase to the Total Allowable Catch (TAC), along with the distribution of the additional catch between the Total Allowable Commercial Catch (TACC) and the recreational allowance for southern bluefin tuna. We also back this option as a foundation for establishing the STN1 TAC for the 2024/25 season.

The Iwi collective partnership also supports calls from the Seafood NZ Inshore council for the increased allocation for recreational fishing is dependent on the prompt introduction of effective measures to manage and accurately track the recreational catch of southern bluefin tuna.

### 3.3. SWA4

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1</b> ( <i>status quo</i> )	4,545	4,500	0	0	45
<b>Option 2</b>	5,050 (↑ 505)	5,000 (↑ 500)	0	0	50 (↑ 5)

The Iwi Collective Partnership **supports Fisheries New Zealand's Option 2**, which proposes an increase to the Total Allowable Catch (TAC) of 505 tonnes.

### 3.4. SKI3 and SKI7

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
	<b>Option 1</b> ( <i>Status quo</i> )	1,103	1,091	1	0	11
<b>SKI 3</b>	<b>Option 2</b>	1,323 (↑ 220)	1,309 (↑ 218)	1	0	13 (↑ 2)
	<b>Option 3</b>	1,433 (↑ 330)	1,418 (↑ 327)	1	0	14 (↑ 3)
	<b>Option 1</b> ( <i>Status quo</i> )	1,103	1,091	1	0	11
<b>SKI 7</b>	<b>Option 2</b>	1,323 (↑ 220)	1,309 (↑ 218)	1	0	13 (↑ 2)
	<b>Option 3</b>	1,433 (↑ 330)	1,418 (↑ 327)	1	0	14 (↑ 3)

The Iwi Collective Partnership for both SKI3 and SKI7 **supports Fisheries New Zealand's Option 2**, that is to increase both fisheries Total Allowable Catch (TAC) by 220 tonnes.



### 3.5. SBW6B

#### Proposed management options (in tonnes) for SBW 6B from 1 April 2024.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1</b> ( <i>Status quo</i> )	2,309	2,264	0	0	45
<b>Option 2</b>	4,988 (↑ 2,679)	4,888 (↑ 2,624)	0	0	100 (↑ 55)

Based on the best available information, it is evident that the biomass of SBW6B is abundant and recruitment is strong and thus the ICP support supports Fisheries New Zealand's Option 2, that is to increase both fisheries Total Allowable Catch (TAC) by 2679 tonnes.

#### 4. ICP Position Summary

Stock	Position
CRA3	Do not support options outlined. Support industry 30% shelving initiative.
STN1	Support option one
SWA4	Support option two
SKI3	Support option two
SKI7	Support option two
SBW6B	Support option two

The ICP takes the time to thank you for the opportunity to share our views and please do not hesitate to contact us if you have any further questions.

s 9(2)(a) Naku noa na

Ken Houkamau

Chief Executive Officer  
Iwi Collective Partnership  
Mob: s 9(2)(a)  
Em: [ken@iwicollective.co.nz](mailto:ken@iwicollective.co.nz)





## TAIRAWHITI ROCK LOBSTER INDUSTRY ASSOCIATION INC. (TRLIA)

Private Bag 24-901  
Wellington, 6142

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### REVIEW OF ROCK LOBSTER SUSTAINABILITY MEASURES FOR 01 APRIL 2024

#### SUBMISSION ON BEHALF OF TRLIA CRA 3

This submission is made by the Tairawhiti Rock Lobster Industry Association Inc (TRLIA). The 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 Poverty Bay region, extending from East Cape in the north down to the Wairoa River, south of Mahia Peninsula.

This submission is in regard to the Fisheries New Zealand Consultation document - Review of Sustainability Measures for spiny rock lobster (CRA 3) 2024/25

#### TRLIA POSITION

TRLIA do not support any of the options 1 to 4, rather we propose a new option as outlined below:

The CRA 3 rock lobster industry will shelve 30% of the CRA 3 annual catch entitlement (ACE) for the 2024-25 fishing year. This will reduce the 2024-25 commercial catch from 195 tonnes to 136.5 tonnes (a 58.5 tonne decrease) giving the following management structure:

TAC	302 t
TACC	195 t <b>but with available ACE limited to 136.5 t</b>
Customary	20 t
Recreational	12 t
Other Mortality	75 t

#### RATIONALE

TRLIA are concerned about the status of the stocks in the CRA 3 fishery and as such believe a reduction in catch is required for the 2024-25 fishing year, starting 1 April 2024. Concerns about the stock status arise from:

1. Declining catch rates experienced in the CRA 3 commercial fishery over the last 3 years.
  - i. 87% of the TACC caught in 2021-22 fishing year
  - ii. 81% of the TACC caught in the 2022-23 fishing year
  - iii. Only 41% of the TACC caught at the end of December 2023 compared to an average of 65 % caught at the end of December in the previous four years.
2. Mixed Signals about the status of the stocks in CRA 3.

- i. Anecdotal information from a number of the CRA 3 commercial fishers notes reduced abundance in various areas of the fishery.
  - ii. The 2023 rapid stock assessment update estimated an increasing vulnerable biomass sitting at 150% above the reference level (a biomass level that allows sustainable utilisation).
  - iii. The Rock Lobster Working Group advising that the results from the 2023 rapid stock assessment update were not reliable enough to use to inform current management decisions for the CRA 3 fishery.
  - iv. Consistent bad weather over the past 3 years compounded by a recent biotoxin event meaning catch could not be taken because fishers could not get in the water to work.
3. Potential impacts that Cyclones Hale and Gabrielle may have had on the status of the stocks in CRA 3.

TRLIA believe the reduction in catch is best achieved by CRA 3 quota share owners (QSOs) shelving 30% (58.5 t) of the CRA 3 annual catch entitlement (ACE) as of 1 April 2024. That is, CRA 3 QSOs will agree to limit the available 2024-25 fishing year ACE to 136.5 t only.

TRLIA support shelving as the most appropriate and responsible option for currently managing the CRA 3 commercial catch due to the current lack of reliable science based information that can be used to adequately inform a review of the total allowable catch (TAC)

The reasons for the 2023 rapid stock assessment model results being deemed unreliable to inform management decisions are; the lack of reliable CPUE data since 2019 (anomalies in the mandatory electronic reporting (ER) CPUE has meant this data cannot be used to inform the assessment model), problems encountered with the CRA 3 growth data (possibly overestimating growth and increasing model uncertainty) and the timing of the assessment not being able to account for any potential impacts cyclones Hale and Gabrielle may have had on the CRA 3 fishery.

However, a full CRA 3 stock assessment will be undertaken in June/July this year. The assessment will address the problems encountered with the CRA 3 growth data and will examine the reliability of the CRA 3 voluntary logbook (VLBP) CPUE data to be used in the assessment model. If suitable the VLBP data will fill the gap left by the lack of reliable ER CPUE data. The timing of the full stock assessment will also allow any potential impacts on the status of the CRA 3 stock from the cyclones, to become visible.

Results from the full stock assessment will inform fisheries managers of the ACTUAL status of the CRA 3 stock and subsequently will allow the most appropriate management tools, to be used in the most effective way to achieve the management goals that arise from the stock assessment results. That is, if once we have the results from the full stock assessment, a reduction to catch is believed to be an appropriate management option, then we will be far better informed as to the most effective level of reduction that will be required.

Fisheries New Zealand (FNZ) agree that catch in CRA 3 may need to be reduced and have proposed four options in the CRA 3 Sustainability Measures consultation document.

In regard to the four options proposed:

1. TRLIA do not support Option 1 (status quo) where it is not formally stated that this option will be in conjunction with a shelving process.
2. TRLIA do not support Options 2, 3 or 4 which propose TACC reductions of 39 t, 59 t or 78 t respectively. We believe that without the results from the upcoming stock

assessment to inform any management decisions, it is premature and irresponsible to propose a TAC/TACC reduction at this stage.

TRLIA appreciate that the recent cyclones have likely impacted on the productivity of the CRA 3 stocks in certain areas of the CRA 3 region, but we believe the initial results from the survey's conducted by NIWA in June and October 2023 have not been correctly documented in the Fisheries New Zealand consultation paper. The paper has biased towards negative impacts from the cyclones throughout the entire CRA 3 fishery. NIWA's observations of the CRA 3 region showed areas of seafloor and reef habitat that were unimpacted and productive, as well as areas that appear to have been negatively impacted. Base line data from previous surveys is available to allow pre and post cyclone impact assessments to be made in some areas, while in other areas baseline data is not available. In areas with no baseline data, observations of suspected impacts from the cyclones must be interpreted with caution as it is difficult to determine if any change has occurred and if so to what extent.

Detailed analysis of data from the NIWA surveys is still being completed, and as with the upcoming stock assessment, TRLIA believe that without these results to inform any management decisions, it is premature and irresponsible to propose a TAC/TACC reduction at this stage.

### **PROPOSED RECREATIONAL BAG LIMITS**

The CRA 3 rock lobster industry will reduce commercial catch in CRA 3 by 30% as of 1 April 2024 and because this is a shared fishery TRLIA support both the recreational and commercial sectors reducing their catch as of 1 April 2024.

TRLIA therefore support Option B that proposes a combined recreational daily bag limit of 6 with a maximum spiny rock lobster limit of 3

There is currently a high degree of uncertainty in the level of recreational catch in CRA 3 and this not only creates uncertainty in the stock assessment model outputs but, until this uncertainty is adequately reduced it is impossible to effectively manage recreational catch.

The Marine Amateur Fishery Working Group has initiated a process to evaluate new approaches that can be used to produce timely and cost effective estimates of recreational catch and information that can be used to calibrate adjustment of recreational controls to maintain catch within the allowances set under the TAC. FNZ must improve how recreational catch is monitored and managed and therefore TRLIA strongly emphasise the need for FNZ to urgently complete and implement this work.

### **FINANCIAL IMPACTS OF THE PROPOSED TACC REDUCTION**

The financial impact that shelving 30% of the ACE as of 1 April 2024 will have on the CRA 3 industry will be significant. The 58.5 tonne reduction in catch will be a loss of approximately \$5.4 million below the last 5 year average, based on the port price of \$93/kg. This is a harsh loss for those business's and families in the CRA 3 region who rely directly or indirectly on the commercial fishery for their main source of income. Many of those financially effected live in the small coastal communities of CRA 3 where there is limited opportunity to recover this loss in annual income.

TRLIA fully support the need for an abundant and sustainable fishery to ensure the long-term livelihoods of the CRA 3 industry and therefore accept that a catch reduction is required. However, TRLIA also recognise the importance of minimising the financial stress on the CRA 3 industry people and believe it is extremely important we ensure that any reduction in catch is not in excess of what is required to achieve the goals of a healthy sustainable fishery and that a management plan is in place to ensure catch can increase once the fishery has rebuilt.

TRLIA believe the most appropriate way to achieve this is by shelving ACE for this upcoming year. This will allow the flexibility to manage catch effectively and in a timely manner and will allow for both utilisation and sustainability in the CRA 3 fishery.

The TAC/TACC reductions proposed by the ministry would have harsh impacts on the financial livelihoods of the CRA 3 industry people and this level of impact should not be considered until the results from the full stock assessment are available later this year and a well-designed management procedure is back in place.

### **TRLIA FUNDED RESEARCH**

TRLIA are fully committed to maintaining a healthy, sustainable fishery, and indeed at our own expense, the commercial fishery take responsibility for collecting a large percentage of the data that supports the stock assessment science.

This research includes:

- A voluntary log book programme, which throughout each year consistently collects data across the fishery.
- Two separate catch sampling research programmes.
- A tag recapture research programme which collects invaluable growth data.
- A research programme investigating the epidemiology of tail fan necrosis.

Without this data, the ability of fisheries managers to make reliable decisions for the purpose of sustainably managing this fishery, would be severely compromised. Even with the increasing financial, social and political challenges that the CRA 3 commercial fishery are facing, our commitment to financing and undertaking this work remains strong.

### **MANAGEMENT OF ILLEGAL CATCH**

The current estimate of illegal take in CRA 3 is highly uncertain. The lack of supporting evidence for the actual amount of illegal take from the fishery are of serious concern to industry and should be to all legitimate extractive users. CRAMAC 3 support MPI/FNZ taking steps to address the uncertainty in this figure and to reduce any level of illegal take.

Yours sincerely

s 9(2)(a)

Ken Houkamau (Chairman)

s 9(2)(a)

Salvatore Zame (Director)

*TRLIA Rock Lobster Industry Association Inc*

**From:** [Tile & heating Centre Gisborne](#)  
**To:** [FMSubmissions](#)  
**Cc:** [Trish Rea](#)  
**Subject:** CRA3 submission  
**Date:** Thursday, 8 February 2024 2:23:37 pm  
**Attachments:** [CRA3-submission-Recreational-Feb-2024\[96\].pdf](#)

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Good afternoon,

To whom it may concern,

Gisborne Tatapouri Sports Fishing Club (5,000 members) fully endorses NZ Sports Fishing Council and Legasea's submission for CRA3 and hope that after 20+ years of fighting to have this concession removed, we can be successful for all recreational and maori amateur fishermen in the Mahia, Gisborne and East Coast area.

Please find attached, Legasea submission

Regards

Roger Faber - President, Tatapouri Sports Fishing Club, Gisborne,  
[admin@gistatapouri.co.nz](mailto:admin@gistatapouri.co.nz)

Hilton Webb - Life Member, Tatapouri Sports Fishing Club, Gisborne,  
s 9(2)(a) and 20+ years CRA3 management committee

s9(2)(a)

Proactive release



2 February 2024

Fisheries New Zealand  
Fisheries Management Team  
By email: [fmsubmissions@mpi.govt.nz](mailto:fmsubmissions@mpi.govt.nz)

**Review of Sustainability Measures for April 2024 Fishing Year**

Tēnā koe,

Te Pataka o Tangaroa (TPoT) is a fully owned subsidiary of Te Kaahui o Rauru (TKoR) and holds and manages Ngaa Rauru’s settlement and non-settlement quota. Ngaa Rauru is fully committed to the sustainable management of its fisheries and marine ecosystem and ensuring their protection and continued productivity for future Ngaa Rauru generations to come.

Of the fish stocks being reviewed by Fisheries NZ (FNZ) for the April 2024 Sustainability Measure, four are directly relevant to TPoT, being SWA4, SBW6B, BYX7 and CRA3.

In terms of SWA4, SBW6B and BYX7, TPoT supports the same positions adopted by Seafood New Zealand Deep Water Council (DWC) in their submission. In summary, these are set out below.

SWA4

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	4,545	4,500	0	0	45
Option 2	5,050 (↑ 505)	5,000 (↑ 500)	0	0	50 (↑ 5)

- TPoT supports **Option 2.**

SBW6B

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	2,309	2,264	0	0	45
Option 2	4,988 (↑ 2,679)	4,888 (↑ 2,624)	0	0	100 (↑ 55)

- TPoT supports **Option 2**.

### SKI7

- FNZ options:

Stock	Option	TAC	Total allowable commercial catch (TACC)	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
	Option 1 ( <i>Status quo</i> )	1,103	1,091	1	0	11
SKI 7	Option 2	1,323 (↑ 220)	1,309 (↑ 218)	1	0	13 (↑ 2)
	Option 3	1,433 (↑ 330)	1,418 (↑ 327)	1	0	14 (↑ 3)

- TPoT supports **Option 3**.

For CRA3, TPoT's position is as follows:

### CRA3

- The fishery has been under significant pressure for a number of years now with impacts of Cyclone Gabrielle last year creating more uncertainty as to the short-medium term productivity of the fishery. The TACC has not been fully harvested since 2018-19. As a result, FNZ propose 4 options for stakeholders to consider:

- Option 1 = Status Quo
- Option 2 = 20% TACC Decrease
- Option 3 = 30% TACC Decrease
- Option 4 = 40% TACC Decrease

FNZ is also proposing a reduction in the daily recreational take from 6 crayfish per person per day to 3 crayfish per person per day.

- There is a comprehensive CRA3 stock assessment to be completed prior to the commencement of the 2025-26 fishing year which will provide more accurate status of the fishery. It will only be once this stock assessment has been completed that CRA3 stakeholders will be in a position to make an informed decision as to TAC and TACC settings.
- In the interim, and noting the need to immediately decrease harvest volumes, the commercial industry / quota owners are pursuing a voluntary 30% ACE shelve for the 2024-25 fishing year. However, given the voluntary nature, it may be that some quota owners refuse to shelve.
- Based on the above:
  - TPoT supports the 30% shelve as the preferred approach until the full stock assessment has been completed.



- (ii) If the ACE shelve does not reach 100% quota owner agreement, TPoT reverts to support a 30% TACC reduction.
- (iii) TPoT supports recreational take reduction from 6 crayfish per person per day to 3 crayfish per person per day.
- (iv) Regardless of whether a shelve or TACC reduction is delivered for 2024-25, the outputs from the full stock assessment must dictate the longer term TAC and TACC settings from 2025-26.

Nāku noa, nā,

s 9(2)(a)

For, Te Pataka o Tangaroa Ltd

Proactive release



2 February 2024

Fisheries New Zealand  
Fisheries Management Team  
By email: [fmsubmissions@mpi.govt.nz](mailto:fmsubmissions@mpi.govt.nz)

### **Review of the CRA3 Sustainability Measures for April 2024 Fishing Year**

Tēnā koe,

Pūai Tangaroa Limited Partnership (*PTLP*) is a specialist, Māori owned kōura quota investment vehicle with 17 limited partners, being:

- Raukawa Iwi Development Ltd
- Tama Asset Holding Company Ltd
- Te Ātiawa Iwi Holdings LP
- Taranaki Iwi Holdings LP
- Ngāti Mutunga o Wharekauri AHC Ltd
- Ngati Rarua Asset Holding Company Ltd
- Pare Hauraki Asset Holdings Ltd
- Rangitāne Investments Ltd
- Te Kāhui Maru LP
- Te Kūmete o Paerangi LP
- Heretaunga Tamatea Pou Tahua LP
- Te Kawai Mauī o Ngāruahine Ltd
- Rotoiti 15 Investments LP
- Te Pou Herenga Pākihi LP
- Waitaha Group Holdings LP
- Te Pataka o Rauru Ltd
- Te Manawaroa o Ngāti Tama Charitable Trust

PTLP currently owns 674,366 CRA3 quota shares equating to 1,315kgs of ACE.

PTLP is a long-term investor and fully committed to the sustainable management of its fisheries and marine ecosystem and ensuring their protection and continued productivity.

This submission is made in respect of the CRA3 fishery only. PTLP's position is as follows:

- The CRA3 fishery has been under significant pressure for a number of years now with impacts of Cyclone Gabrielle last year creating more uncertainty as to the short-medium term productivity of the fishery. The TACC has not been fully harvested since 2018-19. As a result, FNZ propose 4 options for stakeholders to consider:
  - Option 1 = Status Quo
  - Option 2 = 20% TACC Decrease
  - Option 3 = 30% TACC Decrease
  - Option 4 = 40% TACC Decrease

FNZ is also proposing a reduction in the daily recreational take from 6 crayfish per person per day to 3 crayfish per person per day.

- There is a comprehensive CRA3 stock assessment to be completed prior to the commencement of the 2025-26 fishing year which will provide more accurate status of the fishery. It will only be once this stock assessment has been completed that CRA3 stakeholders will be in a position to make an informed decision as to TAC and TACC settings.
- In the interim, and noting the need to immediately decrease harvest volumes, the commercial industry / quota owners are pursuing a voluntary 30% ACE shelve for the 2024-25 fishing year. However, given the voluntary nature, it may be that some quota owners refuse to shelve.
- Based on the above:
  - (i) PTLP supports the 30% shelve as the preferred approach until the full stock assessment has been completed.
  - (ii) If the ACE shelve does not reach 100% quota owner agreement, PTLP reverts to support a 30% TACC reduction.
  - (iii) PTLP supports recreational take reduction from 6 kōura per person per day to 3 kōura per person per day.
  - (iv) Regardless of whether a shelve or TACC reduction is delivered for 2024-25, the outputs from the full stock assessment must dictate the longer term TAC and TACC settings from 2025-26.

Nāku noa, nā,

s 9(2)(a)

For Pūai Tangaroa Limited Partnersip

**From:** [Mark Keogh](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review of sustainability measures for April 2024 CRA 3  
**Date:** Thursday, 1 February 2024 1:09:57 pm

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To Whom it may concern

This submission is on behalf of Landmark Fishing Ltd. An operator based in Gisborne running 2 cray vessels. Between our 3 skippers we have 60 Years of crayfishing experience in this area (CRA3).

Regarding this coming review of sustainability measures in the CRA3 management area. Landmark Fishing Ltd believes that Option 1 "status quo" is the best way forward in conjunction with a 30% shelving of current TACC.

We believe after the coming full stock assessment we will have a better understanding of the current and future performance of the fishery..

Due to adverse weather events over the past 3-4 years, Cyclone Hale/Gabriel are 2 major events but not limited to those events...

We have had very limited access to the fishery, even when we could access the grounds the conditions generally have been poor. Large swells and easterly weather pattern which is not ideal for this area.

Landmark Fishing Ltd agrees with the submission put forward by NZ RLIC.

Regards

Landmark Fishing Ltd

Sent from [Mail](#) for Windows

Proactive release



## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to:

2024 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions on the proposals must be received no later than 5pm on Friday 2 February 2024.**

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

#### Submitter details

Name of submitter or contact person	Geoff Creighton
Organisation (if applicable)	NZ Red Ltd
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA3
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 1 and Option B

#### Submissions are public information

Note that all, part, or a summary of your submission may be published on this website. Most often this happens when we issue a document that reviews the submissions received. People can also ask for copies of submissions under the Official Information Act 1982 (OIA). The OIA says we must make the content of submissions available unless we have good reason for withholding it. Those reasons are detailed in sections 6 and 9 of the OIA. If you think there are grounds to withhold specific information from publication, make this clear in your submission or contact us. Reasons may include that it discloses commercially sensitive or personal information. However, any decision MPI makes to withhold details can be reviewed by the Ombudsman, who may direct us to release it.

[Official Information Act 1982 – NZ Legislation](#)



## Submission:<sup>1</sup>

### Details supporting your views:

We support the proposal by the Tairāwhiti Rock Lobster Industry Association and NZ Rock Lobster Industry Council to leave the TAC/TACC at current levels, so long as the industry proposed ACE shelving goes ahead.

Additionally we support the reduction of the daily limit for recreational participants from 6 to 3. This is a sensible proposal in fact for the whole of the North Island – the daily bag limit has remained unchanged since the advent of the QMS, yet the population of the North island has increased by 60% from 2.5m to 4m. Simple maths suggests that total extraction of recreational take must also have increased by at least this amount, most likely substantially more with increased access and technology available to participants. Reducing the daily limit to 3 will at least take total recreational extraction back to previous levels rather than allowing for massive creep through population growth.

Proactive release

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



## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to:

2024 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions on the proposals must be received no later than 5pm on Friday 2 February 2024.**

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

#### Submitter details

Name of submitter or contact person	Peter Creighton
Organisation (if applicable)	NZ Red Holdings Ltd
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA3
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 1 and Option B

#### Submissions are public information

Note that all, part, or a summary of your submission may be published on this website. Most often this happens when we issue a document that reviews the submissions received. People can also ask for copies of submissions under the Official Information Act 1982 (OIA). The OIA says we must make the content of submissions available unless we have good reason for withholding it. Those reasons are detailed in sections 6 and 9 of the OIA. If you think there are grounds to withhold specific information from publication, make this clear in your submission or contact us. Reasons may include that it discloses commercially sensitive or personal information. However, any decision MPI makes to withhold details can be reviewed by the Ombudsman, who may direct us to release it.

[Official Information Act 1982 – NZ Legislation](#)





## Submission:<sup>1</sup>

### Details supporting your views:

We support the proposal by the Tairāwhiti Rock Lobster Industry Association and NZ Rock Lobster Industry Council to leave the TAC/TACC at current levels, so long as the industry proposed ACE shelving goes ahead.

Additionally we support the reduction of the daily limit for recreational participants from 6 to 3. This is a sensible proposal in fact for the whole of the North Island – the daily bag limit has remained unchanged since the advent of the QMS, yet the population of the North island has increased by 60% from 2.5m to 4m. Simple maths suggests that total extraction of recreational take must also have increased by at least this amount, most likely substantially more with increased access and technology available to participants. Reducing the daily limit to 3 will at least take total recreational extraction back to previous levels rather than allowing for massive creep through population growth.

Proactive release

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

**From:** [Colin Jane](#)  
**To:** [FMSubmissions](#)  
**Subject:** cra3 submission  
**Date:** Thursday, 4 January 2024 10:47:31 am

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Colin Russell Jane quota owner has fished in cra3 for 44 years in statistical area 911 seen very good fishing and very bad the 2 other stat areas must go back to minimum legal size (54mm) male crayfish it is wrong that they can take undersize fish i am not aware of this in 911 area they are taking to many stock units to get the weight making unsustainable fishing pressure on this fishery also if there is to be a quota cut customary and recreational fishers need to also be cut so there is no racism they have never had a reduction that i know of mpi need to make a level playing feild and the fishery will revive

Proactive release

**From:** [Adele Ellison](#)  
**To:** [FMSubmissions](#)  
**Subject:** Cra3 daily limit .  
**Date:** Thursday, 14 December 2023 12:57:20 pm

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As a commercial operating in cra3 and being on the management team as well as being heavily involved in gathering information on the stock abundance in cra3. I whole heartly support a drop in the recreational take from 6 to 3 crayfish aday per person. I have been pushing for a reduction in the the commercial catch for the past 5 years as I've watched the abundance crash here in 911, mahia southern cra3. Over the passed 5 years qouta has poured in to 911 from 910 and 909 ( sat areas) until 911 has be producing 70 to 80 of total tacc. I am very happy to here that the government has finally heard us and are now moving to cut tacc by a undetermined %.

Regards

Selwyn Ellison

F.V

Tennessee whiskey

Member of cra3 executive.

Proactive release

1 February 2024

Sustainability Review February 2024  
Fisheries Management  
Fisheries New Zealand

By Email: FMSubmissions@mpi.govt.nz

## **SUBMISSION ON BEHALF OF OTAGO ROCK LOBSTER INDUSTRY ASSOCIATION INC**

1. This submission is made by Otago Rock Lobster Industry Association Incorporated ("ORLIA"). ORLIA is a fully constituted and incorporated society which is recognised as the commercial stakeholder organisation representing the interests of commercial rock lobster industry on the Otago Coast, the CRA7 fishery.
2. ORLIA endorses the submissions of our national body, RLIC, and specifically requests acknowledgement or comment from the Minister on RLIC concerns regarding recreational catch reporting. While it is not a key concern in CRA7 for rock lobster it is of national importance for other rock lobster fisheries and all inshore species. ORLIA are working closely with our regional recreational fishing bodies to explore the utilisation of the Mainland Catch App in Otago and are open to trial proposals or further strategies in that space. ORLIA believes that we are in a unique position in Otago to be leaders in the general development and trial of fisheries management programmes to be then rolled out nationally.

### **ORLIA Position**

3. ORLIA endorse the use of ER and log book data to inform management procedures ("MP") within rock lobster fisheries to guide TAC/TACC setting. MPs have served the fishery well in the past and the fishers look forward to returning to that system.

**ORLIA supports Option 2 that the previously accepted management procedure should be used to guide TAC setting in the CRA7 fishery through to the 2027/28 fishing year, or until reviewed earlier.**

4. ORLIA, however, has reservations about the latest CPUE data used by the stock assessment team to inform the decision to not review the TACC for CRA7 for 2023/24.
5. It is not easy for non-working group/NRLMG/scientists to understand the stock assessment process and how the CPUE from the ER data has been standardised with the CELR data series to arrive at a TAC setting. Quota Share Owners and ACE fishers substantial investment value relies on the science team and other stakeholders involved in the conversation.

These concerns have been held for some time; as stated in the ORLIA submissions in 2020;

“The data used to determine CPUE is submitted by fishers regarding their catch, effort and landings. It is processed to remove errors, then “standardised” to remove the effects of variances in vessels, seasons and areas. Vessels with a discrepancy of greater than +/- 20% between estimated landed catch and confirmed LFR catch for the year are not used. In a small fishery like CRA7 this can have material effects on calculations, with the result not necessarily being an accurate reflection of abundance fishers are experiencing on the water. In recent years (pre-2020) observations from CRA7 industry participants have been that the standardised CPUE has declined leading the MP to produce TAC/TACC settings which are inconsistent with the stock abundance they see at sea.”

Explanations for the perceived mismatch between the TACC and actual abundance have been discussed, including too many human errors in reporting or too much standardisation. For example, CPUE estimates are biased if not all fish stock are reported. Recently, whether all legal discard fish (“Code X”) were being correctly reported by CRA7 fishers was queried. ORLIA is not certain how this may have affected the results of the MP but under EDW, operators are now totally committed to reporting Code X. Due to such uncertainty, plus the highly migratory nature of CRA7 fishery, CRA7 fishers are very positive about EDW because it is enabling a clearer, more certain picture of what is actually happening at sea in real time.”

6. Electronic reporting has proven to be reliable, however, the issue still remains that the standardised CPUE does not reflect stock abundance seen at sea. This raises questions about the efficacy of the current stock assessment model to adapt to changes in the fishery at a fine scale.
7. CRA7 stakeholders have to wait until 2027/28 for the next full stock assessment to address the issue with CRA7 and 8 overlapping in statistical area as well as adjusting the model to hopefully **incorporate fundamental operational efficiencies in CRA7 that have unfortunately resulted in a decreasing CPUE;**
  - a. In the six months prior to the rapid assessment results, the largest operator in CRA7 adjusted all his pots to enlarge the escapement gap. The rationale for this gear change centres around the high grading that occurs in CRA7; returning legal sized crayfish that are not the desired grade takes multiple, repetitive motions which take a physical toll on crew due to the abundance of rock lobster and it is also a better outcome for the animals if they are not being returned to the water from above the surface. The escape gaps were enlarged to enable smaller legal sized fish to escape the pots but this obviously affects destination X and potentially in the space of 6 months of fishing can reduce CPUE because of efficiencies made by just one operator.
  - b. Other operators have also made similar adjustments of some of their gear.

8. The report presented to the working group in November 2023 set the CPUE as increasing and at an exceptionally healthy level compared to every other fishery in the country bar CRA8. However, the rapid update after this presented a CPUE that does not align with the stock abundance observed that is available for exploitation commercially. ORLIA is uncomfortable with the CPUE as it was most recently modelled as it lacks the sophistication that is required to accurately gauge abundance in the fishery with variables as mentioned above.
9. Anecdotal evidence is that the fishery in CRA7 has never been in such good health but that is in no way demonstrated by the latest CPUE calculation by the stock assessment team that lead to no proposed increase in TAC. Where our friends in CRA8 are able to utilise a commercial opportunity, the ten fisherman in Otago and the businesses they support are not; despite record observed stock levels. The FNZ data in 2023 indicated that the entire TACC in CRA7 could be caught in the proposed D1 marine reserve alone. This speaks to a disjoint between the rapid assessment data inputs and the vulnerable biomass.

**The lack of an option to increase the TAC has not adequately provided for the social, economic or cultural wellbeing of our commercial, recreational or customary communities in Otago.**

10. As stated previously, ORLIA wants a MP and will take the one on offer as we believe it is best practice for fisheries management. We are raising our concerns, however, because the next full assessment is not until 2027/28 and ORLIA stakeholders view this as a lost economic potential when the stocks are performing so well and even a conservative increase would lack risk given the abundance of the stock.

**ORLIA formally requests that the CRA7 stock assessment is brought forward in the work plan prior to 2027/28 as a priority matter. We also request that the merging of the CRA7 and 8 QMAs be tabled for discussion.**

11. CRA7 does not act like a stock (ie. it is not a closed population and lacks mature females) which complicates the stock assessment even further. CRA7 could be seen as just an extension of the CRA8 stock with boundary lines drawn historically by fisheries managers with no bearing on the lobsters that live in those boundaries. Floating this proposal in 2024 is not prejudicial to either QMA as both fisheries are abundant.
12. While the consultation document seeks support or otherwise on only the re-introduction of the MP in CRA7, it is important that ORLIA views on the broader issues are taken into account as the caretakers of our not-insignificant commercial fisheries in Otago.

Yours faithfully,

**Chanel Gardner**

**Executive Officer**  
**Otago Rock Lobster Industry Association Inc**  
**Dunedin**  
**Email: [cra7otago@gmail.com](mailto:cra7otago@gmail.com)**  
**Tel: s 9(2)(a)**

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## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

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**Submissions on the proposals must be received no later than 5pm on Friday 2 February 2024.**

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

#### Submitter details

Name of submitter or contact person	Jeremy White
Organisation (if applicable)	Jasus Fishing Limited
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA7/CRA8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2.

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**Submission:**<sup>1</sup>

**Details supporting your views:**

The same management procedures worked very well in the past, so I do not see why they won't work well in the future.

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

**From:** [Robyn Haggerty](#)  
**To:** [FMSubmissions](#)  
**Subject:** Cray 8 decision rule  
**Date:** Tuesday, 16 January 2024 10:49:31 pm

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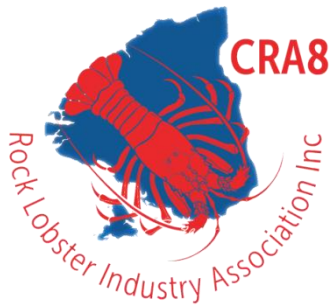
You don't often get email from **s 9(2)(a)** [Learn why this is important](#)

To Whom it may concern,

I would like to express my approval for option 2 in the cra 7 car 8 decision rule.  
I have been crayfishing in the southern area [ CRA 8 ] for 40 years.  
I have never seen the abundance of crayfish we have been catching over the last few years.  
With our previous decision rule , it performed very successfully in safe guarding our fish stock.  
Not only did it give us catch increase, it also lowered our ACE when there was a slight drop in CPUE.

Yours Faithfully  
Garth Haggerty

Proactive release



25 January 2024

2024 Sustainability Review  
Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140

BY EMAIL

### **SUBMISSION**

Review of Sustainability Measures for Rock Lobster (CRA8) April 2024

This submission is made by the CRA8 Rock Lobster Industry Association Inc. (“the Association”). 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 consultation document presents two options:

- Option 1 proposes the rejection of a new management procedure and that the TAC increases to 1,459 tonnes as a result of an increase of 6 tonnes to the recreational allowance. Other allowances and the TACC remain at current settings.
- Option 2 proposes the acceptance of a new management procedure and the use of it to set the TACC. The TAC increases to 1,601 tonnes due to an increase to the TACC of 141 tonnes, an increase of 6 tonnes to the recreational allowance and an increase of one tonne to the other sources of mortality allowance.

The Association supports Option 2.

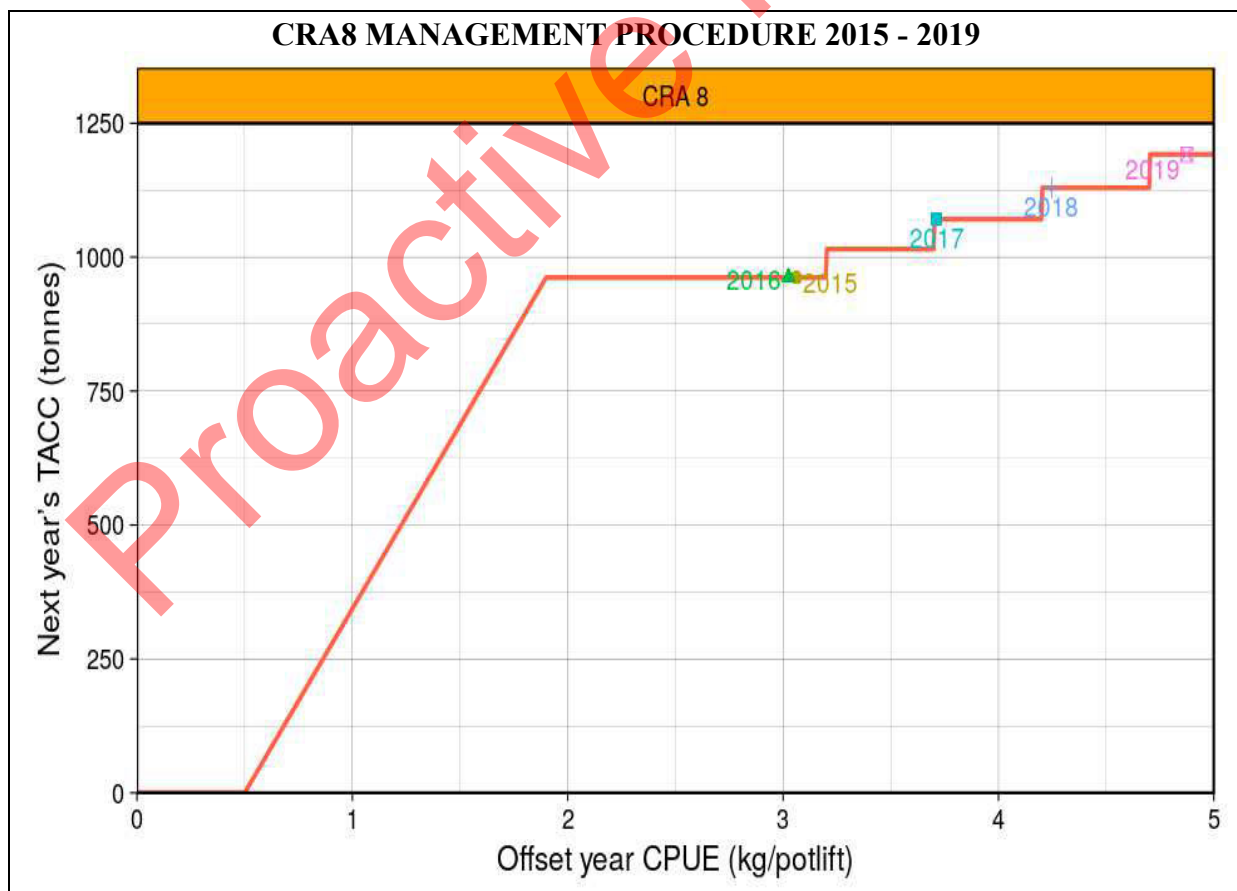
The CRA7 and CRA8 fisheries have the longest history of management procedures (formerly called decision rules) in the country with the first rule introduced in 1996. Since that time management procedures have been the cornerstone of decisions regarding the setting of the TAC/TACC for these fisheries. In the case of CRA8 this extends to the rebuild of the fishery from 1999 to 2006 - when it was deemed to have reached a point of sustainability - and to the

current state where abundance is at a very high level. The success of management procedures in CRA8 is unquestionable.

Since 2006 the CRA8 industry has supported management procedures based on CPUE that have set conservative TACCs and the proposed iteration is the most conservative of 24 rules that were examined during the management procedure evaluation process.

CPUE has been considered as a relative index of abundance for more than 20 years and as the input into management procedures. In the CRA8 fishery CPUE is now 8.4kgs per potlift. The range of the plateau parameters of 3.4 to 7 shows the state of this fishery. Recent assessment shows that the spawning stock biomass ( $SSB_0$ ) is 62% of the unfished stock. This far exceeds the proxy management target level of 40%  $SSB_0$ . Both of these indicators show the abundance of the stock that an increase of 11% to the TACC will not produce any risk to the sustainability of the fishery.

Earlier iterations of the CRA8 management procedure set the parameter at the left end of the plateau at 1.9kgs. Under the proposed management procedure the CPUE would need to fall to 3.4kgs or below for the stock to be considered unsustainable. Given that the next full stock assessment is due in 2027 and the management procedure will also be reviewed at this time, any substantial impacts on the stock are highly unlikely.



There is no doubt that the abundance of the CRA8 fishery provides a utilisation opportunity. Since 2015 the Association has supported a Maximum Economic Yield (MEY) strategy. It is recognised within the CRA8 industry that the best economic result is not necessarily achieved through maximum exploitation of the vulnerable biomass. The ability to target fishing effort to certain times of the year and certain grades, when market prices are at their most favourable, is a much more desirable outcome and is achieved by maintaining a consistently high biomass. By its nature an MEY strategy requires a higher biomass than the biomass required to achieve MSY. That being said there is also a risk of under-utilisation caused by being too conservative: where CPUE is increasing but there is no corresponding TAC/TACC increase. Option 2 addresses this situation and provides a good solution where the proposed increase is moderate but limits any risk to the stock given its current status and trajectory.

Rock lobsters play an important part in the marine ecological system as both predator and prey. The continuing high abundance means that there is no risk to this balance in the CRA8 area. Recent focus on the emergence of kina barrens in some parts of the country - which are being attributed in part to an imbalance of the abundance of predators on kina - cannot be applied to CRA8. There is no evidence of new kina barrens in CRA8. Any that may still exist occurred many years ago and for which there is no evidence linking these to lobster abundance. The proposed increase to the TAC/TACC maintains abundance and therefore any risk of an imbalance is unlikely.

Similarly, the increase in CPUE means the number of pots and potlifts has decreased substantially. Over the last seven years the TACC has increased from 962 tonnes to 1,251 tonnes while annual potlifts have reduced from 343,000 to 186,000<sup>1</sup>. Therefore, any potential impact of potting on the benthic environment has declined.

The increase in the TACC will result in an estimated economic return to the CRA8 fishermen of approximately \$16.2 million. Export earnings will be higher again. A large portion of these increased earnings will be spent within the southern regional economies. This aligns with the government aim of encouraging regional economic development and increasing export returns. It is unlikely that this increase will result in the addition of further vessels to the catching fleet. Instead, the existing vessels become more financially efficient and profitable.

With respect to the increase in the Other Sources of Mortality Allowance, it is logical to use the figures from the stock assessment to inform the allowance. However, the Association has concerns that the totals used are simply arbitrary percentages with no data or empirical evidence to support them. It is highly unlikely that the illegal estimate is close to reality. As the TACC increases the totals that comprise the allowance become even less credible. For example, it is simply not possible that the illegal take in CRA8 is in excess of 30 tonnes. If this was the case the evidence would be obvious through seizures and prosecutions by the Compliance staff. In some fisheries figures like these could result in overestimation of the productivity of the fishery. The Association supports research to establish totals that have some credibility.

The Association supports the increase to the recreational allowance as proposed in both Options as it is likely that as abundance has increased the number and success of recreational fishers will have also increased. However, it is incumbent on the Minister to ensure that the recreational fishery is managed to the allowance.

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<sup>1</sup> Annual Logbook Programme Summary For CRA8


The Association submits that the current situation regarding the lack of effective management of the recreational sector cannot continue. Management requires accurate and timely data from all sectors to allow the Minister to discharge his responsibilities. It is an indictment on MPI/Fisheries NZ that nothing meaningful is done to constrain the recreational sector to the allowance or to put in place a reporting mechanism. In addition, the number of amateur charter vessels operating within CRA8 continues to increase to the stage that Environment Southland has imposed a moratorium on consents for new vessels until the Southland Regional Coastal Plan is reviewed. This reflects the popularity of fishing, particularly in Fiordland but now also more prevalent around Stewart Island. Based on this and the state of the fishery the recreational catch will continue to increase and will continue to exceed the allowance if steps are not taken to constrain catch.

The Association expects the Minister to make comments in his decision regarding directing his Ministry to address this situation immediately for all rock lobster stocks.

With respect to deemed values, the Association agrees with the current settings for CRA8.

The opportunity to submit is appreciated.

s 9(2)(a)



Malcolm Lawson  
Chief Executive Officer

Proactive release





**Fiordland  
Marine Guardians**  
Beneath the Reflections

CRA7 & CRA8 Sustainability Review 2024  
Fisheries Management  
Fisheries New Zealand  
P O Box 2526  
Wellington 6140  
FMsubmissions@mpi.govt.nz

2<sup>nd</sup> February, 2024

To whom it may concern,

**Review of management procedures for spiny rock lobster (CRA 7 & 8), and review of CRA 8 sustainability measures for 2024/25**

The Fiordland Marine Guardian's ("the Guardians") would like to submit for your consideration comments and feedback on Fisheries New Zealand Discussion Paper No: 2023/26.

Scope of comments and advice

The Guardians are formally recognised as an advisory group for the Fiordland Marine Area (FMA) in Part 3 of the Fiordland Marine Management Act ("the Act") 2005. Our vision is that the quality of Fiordland's marine environment and fisheries be maintained or improved for future generations to use and enjoy. The Fiordland Marine Area is nested within the broader CRA 8 management area. Given the scope of our interest, this submission will focus solely on the proposed management procedures and sustainability measures for the Southern Management Area, CRA 8 with a specific focus on Fiordland.

Comments

The Guardians own observations and feedback from the community supports the stock assessment, that abundance of rock lobster in the FMA is high, and at a level not experienced since prior to the 1970's. We credit the CRA8 management group with rebuilding this stock to healthy levels through cautious management, informed by a long history of industry-led monitoring across the fishery. The recreational sector is now benefitting from the sound management of the fishery with abundant stocks to access.

In terms of the ecological importance of rock lobster, the Guardians acknowledge the key role that the species play in Fiordland's marine ecosystems, as a key predator of and prey for multiple species. The phenomenon of kina barrens are not observed to be widespread in Fiordland at present, as expected with the high abundance of rock lobster presently. We urge Fisheries NZ to monitor for ecological effects of changing rock lobster abundance, such as kina barrens, as part of the management of this fishery. The proposed increases to the TAC are occurring at a time when the size of the stock is believed to be increasing, so we do not hold any major concerns that proposed increases will have any apparent ecological consequences. This should not delay such an ecological monitoring framework from being implemented however, as time series are the foundations of robust monitoring programmes.

1. Management Procedure

The Guardians are supportive of the management procedure being reinstated for CRA8. The voluntary logbook scheme has been independently assessed by the Rock Lobster Working Group, who have

concluded it provides a robust measure of CPUE. We understand that the logbook scheme, coupled with catch data, also provides CRA8 with CPUE data at the sub-Fisheries Management Area scale, which is relevant for the sustainable management of this fishery. We consider that the proposed management procedure would increase the ability for the fishery to be managed in an adaptive manner that is more responsive to indications of fluctuations in the size of the stock.

## 2. Recreational Allowance

The Guardians have recently concluded an assessment of the sustainability of amateur fisheries in the FMA, resulting in widespread changes to amateur daily species limits and bag limits. Although reductions in the daily limits for rock lobster were originally proposed, these were not pursued due to strong sentiment from the community and the lack of sustainability concerns for the species in the FMA.

Our review of the sustainability of amateur fisheries was hampered by a lack of data on species abundance (at scales relevant to amateur fishing practises in the fiords), inaccuracies in the reporting of catch by amateur charter vessels, and a complete lack of catch data by amateur fishers on private vessels. It is widely agreed that the National Panel Surveys do a poor job of estimating catch by amateur fishers in areas with low population numbers such as Fiordland. The proposed options for the amateur allowance are in part based on results from the 2017/18 National Panel Survey. We have observed a dramatic increase in the number of private fishing vessels in the FMA in the five years since the survey. We think it is fair to regard the data from the National Panel Survey for the FMA to therefore be both inaccurate and outdated.

In response to these problems with amateur catch data, we made the following recommendations to the Minister of Oceans and Fisheries in 2023: 1) that catch reporting for amateur charter vessels be upgraded into an electronic system similar to that used by the commercial fleet (ER-GPR); and 2) that reporting of catch be mandatory for all amateur fishers in the FMA, using an app such as Mainland Catch (developed by Fish Mainland with support from Fisheries NZ). Until these changes are made, the Guardians and Fisheries New Zealand are flying blind when it comes to accurately estimating amateur take in the FMA, and setting appropriate allowances for amateur take.

Our analysis of amateur take of rock lobster from Amateur Charter Vessel's (ACV) reporting, and observed increase in the number of amateur fishers in the FMA over the past decade, leads us to conclude that whilst the current amateur allowance of 30T is no longer an accurate estimate of amateur take, neither is the proposed increase to 39T. The proposed 39T only factors in the steady increase in rock lobster take by fishers under Section 111 take and aboard ACVs. It does not account for the large (yet unmeasured) increase in amateur fishers visiting the area in private vessels that we have observed over the past decade.

We note that increases in the amateur allowance are not supported by Mana Whenua. However, we take a contrary view: given that the amateur allowance does not effectively cap amateur effort, but rather used to account for amateur take as part of the TAC, we think it would be prudent to ensure that the amateur allowance provides the most accurate reflection possible of total amateur take. We urge the government to progress improvements in the reporting of amateur catch in order to improve fisheries management in coastal areas such as Fiordland. These data could then be used to inform the setting of the amateur allowance in future.

## 3. Observer coverage



We note that the review document states that over the past five years there has been no observer coverage nor camera coverage in CRA 8 and given this, there is uncertainty about other sources of mortality caused by fishing, and estimates of environmental interactions in the fishery (e.g. protected species interactions). We understand there are challenges with getting observers aboard small inshore vessels, and will follow with interest how these challenges are addressed.

#### 4. Proposed increase in TACC

The Guardians have reviewed the document and are satisfied that a systematic and standardised process has been followed to assess the performance of CRA 8. We are in agreement that the two options proposed (1. no change to the TACC; 2. Increase the TACC from 1197T to 1251T) are appropriate given the performance of this fishery.

We remain neutral with respect to the setting of the TACC.

#### Advice

- Taking into account the above points, for the CRA8 fishery the Fiordland Marine Guardians support Option 2, as it is the only option that confirms the use of the management procedure.
- We advise Fisheries New Zealand to act with urgency to transition Amateur Charter Vessels to electronic reporting, and to introduce a requirement of amateur reporting via the Mainland Catch app so that in future the setting of the amateur allowance is well-informed and robust.
- We advise Fisheries New Zealand to consider monitoring the CRA8 area for indications of ecological impacts of the fishery – e.g. monitoring for kina barrens.

Please feel free to contact me if you would like further information.

Yours sincerely,

s 9(2)(a)

Dr. Rebecca McLeod

Chair, Fiordland Marine Guardians  
PO Box 213, Te Anau 9640  
info@fmg.org.nz

**From:** s 9(2)(a)  
**To:** [FMSubmissions](#)  
**Subject:** Submission of support for the use of proposed management procedures in CRA8  
**Date:** Friday, 19 January 2024 1:03:15 pm  
**Attachments:** [image001.png](#)

You don't often get email from s9(2)(a) . [Learn why this is important](#)

### **Submission of support for the use of proposed management procedures in CRA8**

I am a Stewart Island resident and business owner.

Thank you for the opportunity to submit on this.

We have been involved as lobster fishers since 1968 in CRA8.

Then as processors (Southern Seafoods Ltd). 8490399

We began exporting Live Lobster from 1986 – the first operator in CRA8 to do so.

Currently exporting around 82 tonnes per year.

Also as a trustee in Helen Cave Family Trust 9790547  
(ACE caught by my son and another Stewart Island fisher)

During this time we have seen the fall and rise again of the abundance in the fishery

The controls of the quota management system have served the fishery well, (although originally devastating to small fishing communities such as ours.)

With the strong leadership role that is taken by CRA8 with support of the fishers, the fishery is currently in a very healthy state, and I am convinced it can handle a sizeable increase (actually in excess of the proposed 11%).

The fishermen will be rewarded for the stewardship of their asset.

It is noticeable as a processor, that the fishers appear to be catching much faster and more easily in recent seasons. Planning now relates strongly to market strengths.

As a processor I would be happy to double what I export – the market is keen for it, and we have the tank capacity to easily cope. 11% increase will be welcomed.

Airspace is increasing out of Christchurch, and I can see no infrastructure constraints.

The Stewart Island economy, having been decimated with the fall of the fishery prior to the quota management system introduction, will benefit from any increase.

Recreational fishers seem happy with their catches.

There is some concern that the overabundance of lobster may be having a detrimental affect on other species, but of course there are other factors involved.

I have no hesitation in supporting this move

Thank you

Helen

*Helen Cave*



New Zealand Suppliers of Live Lobster,  
Lobster Tails, Greenshell Mussels, Abalone,  
Fresh and Frozen Seafood.

*Managing Director, Southern Seafoods Ltd*

*Trustee, Helen Cave Family Trust*

s9(2)(a) [REDACTED] s 9(2)(a) [REDACTED]

s 9(2)(a) [REDACTED]

*Horseshoe Bay, Stewart Island*

Proactive release



## Submission form

### Review of sustainability measures for 1 April 2024

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#### Submitter details

Name of submitter or contact person	Geoff Creighton
Organisation (if applicable)	NZ Red Ltd
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2

#### Submissions are public information

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[Official Information Act 1982 – NZ Legislation](#)



## Submission:<sup>1</sup>

### Details supporting your views:

We support the use of management procedures in CRA8 (& CRA7) as these have been successfully used for many years to rebuild this fishery to the abundant state it is now in. The management plan proposed is conservative and will allow for continued growth in the fishery even with increased extraction. The customary allowance and increased allowance for recreational seem appropriate and collectively provided social, economic and cultural wellbeing benefits for the respective sectors. We have no concerns on potential impacts on the aquatic environment.

Proactive release

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





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#### Submitter details

Name of submitter or contact person	Peter Creighton
Organisation (if applicable)	NZ Red Holdings Ltd
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2

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[Official Information Act 1982 – NZ Legislation](#)



## Submission:<sup>1</sup>

### Details supporting your views:

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Proactive release

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#### Submitter details

Name of submitter or contact person	JEREMY EXCELL
Organisation (if applicable)	J E L Investments Limited
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2

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I am a commercial fisherman and have been working in the CRA8 fishery in Fiordland for the last 32 years.

I support the use of the management procedure for CRA8 because management procedures are more responsive to the latest fisheries data.

The use of the logbook data as the main input to the management procedure gives me confidence that the data is the most up to date and accurate we have available to us. The time series is sufficiently long to be very robust and includes everything that comes up in commercial lobster pots, so is not distorted by high grading (code X) and other estimated weights of unlanded lobsters.

Without a management procedure these fisheries, especially CRA8 have most likely been under utilised over recent years. In all my years of fishing I have never known the fishery to perform at this high level and I have confidence it can easily sustain the new quota level.

The ability to adjust TACCs on an annual basis whether it be up or down, gives all participants in the fishery the confidence fishery will be managed well.

The allowance for recreational is way too low and more needs to be done to collect information on the recreational take.

Other sources of mortality is too high but it does help to offset the recreational shortfall.

I do think option 2 provides for social, economic and cultural wellbeing.

I have no concerns about potential impact on the aquatic environment.

The size distribution of lobsters in the fishery is very widespread and there are plenty of large lobsters to stop Kina barrens from becoming an issue. In fact I've heard from commercial divers that they have witnessed large lobsters eating Paua in recent times.

Proactive release

**From:** [Hansen](#)  
**To:** [FMSubmissions](#)  
**Subject:** PROPOSED CRA 8 LOBSTER INCREASE  
**Date:** Thursday, 18 January 2024 4:34:10 pm

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As an active fisherman for 50 years we have had the highs and lows of the quota system. The fishery is at present in the best health I have seen since I started fishing in 1974. The proposed increase is a testament to how the fishery has been managed by MPI and most fishers. I fully support the quota increase as at the moment there seems to be an abundant of crays. It would also be great to have recreational fishermen with some sort of recording system.

Proactive release



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#### Submitter details

Name of submitter or contact person	Andrew Butler
Organisation (if applicable)	Oldage Trading
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Cra8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2 support

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[Official Information Act 1982 – NZ Legislation](#)



**Submission:<sup>1</sup>**

**Details supporting your views:**

This system has been working for at least 20 years, ive been involved since 1999, the system is working.  
The fishery appears to be sustainable.

Proactive release

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





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#### Submitter details

Name of submitter or contact person	Michael Ian Boyce, Kathryn Jane Boyd, CLM Trustees 2017 Limited, Elizabeth Monrath Orr – s 9(2)(a)
Organisation (if applicable)	
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRA 8
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2 Confirm the use the new management procedure.

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[Official Information Act 1982 – NZ Legislation](#)



**Submission:<sup>1</sup>**

Details supporting your views:

Based on the information provided by the fisherman in CRA 8 and then tabulated by Fisheries New Zealand which clearly shows that the rock lobster abundance is high and steadily increasing I support Option 2.

The proportions for the Commercial, Customary Maori and Recreational fishers has worked in the past and has enabled the stocks to grow so why change it.

I feel the concession given to the commercial fisherman to take sub legal minimum size crayfish should be reconsidered and be brought back in line as per most of the fishery's areas in New Zealand. This would enable an extra 1 or 2 breeding cycles before becoming legal size and save confusion or arguments as where it was caught and eliminating the chance of under size crayfish to be taken from neighbouring areas.

Proactive release

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

**Submitter Mark Peychers**

**Email** s 9(2)(a)

### **CRA8 Management Procedure and TAC setting**

**• Do you support the use of management procedures in CRA 7 or CRA 8? Why?**

Yes, I support the use of management procedures (M.P's). MP's have been integral to the management and success of the CRA8 fishery. They have been used through different iterations, to rebuild this fishery and lift it to levels that other lobster fisheries in New Zealand and around the world, have not been able to replicate. The results speak for themselves.

**• Which option do you support for the TAC and allowances of CRA 8? Why?**

**Support option 2.**

Through the careful management approach that the commercial industry has adopted over the last 20 years, this has taken the current fishery to levels not seen for more than 50+ years. This has come about through conservative management that has been based upon robust and sustained data collection from the commercial fleet. The voluntary logbook programme managed by the CRA8 Rock Lobster Industry Association, has been the vehicle that has underpinned the effective management of the fishery. This data has shown that during the recent TAC and TACC increases that the fishery has experienced, the catch rates (CPUE) has continued to increase despite these quota increases. This is further evidence that the fishery is conservatively managed and is likely to absorb the proposed increase with ease, without diminishing the size of the current stock, as found in the recent stock assessment results.

With the commercial fisheries currently harvest rate assessed at 8.4 kgs per pot, this is more than double what the next best lobster fishery in Australasia (W.A) is operating at. There can be no debate about the high abundance of stock levels seen throughout CRA8, by all sectors that participate in the fishery.

Commercial fishers are catching large numbers of lobster on areas of soft substrate, an area of the sea floor that is not their preferred residence for lobsters of this species. This indicates that the population is clearly in very high abundance, as the last time lobsters were caught in CRA8 on soft substrate in any quantities, was in the 1950's where trawlers were used to take the catch at that time, prior to potting methods being introduced.

**• Are the allowances for customary Māori, recreational, and other sources of mortality appropriate? Why?**

With the lack of accurate data on current recreational catch, it is difficult to make an accurate assessment on the current allowance. Until such time as this can be more accurately assessed, it is difficult to make an informed decision.

The allocation for Māori appears to be currently adequate according to the information on customary catch, as supplied through their authorisations and reporting system.

- **Do you think these options adequately provide for social, economic, and cultural wellbeing?**

With a fishery in the health that CRA8 currently is, clearly all 'sectors' needs are being met. How any person or group could be disadvantaged is difficult to comprehend. The success rate of recreational fishers is almost certainly guaranteed each time they participate in harvesting. It could only be extreme weather conditions that could prevent fishers from not taking their daily allowance.

- **Do you have any concerns about potential impacts of the proposed options on the aquatic environment?**

With the current extremely high levels of abundance, there is little chance that an increase in catch at the proposed level could impact the aquatic environment.

- **What are your thoughts on the ecological importance of rock lobster in CRA 7 and CRA 8?**

Lobsters have their role to play in the ecosystem and with the high numbers now on the grounds, their presence within the ecosystem would have to be as close to what can be possibly achievable and still allows extraction to meet the needs of commercial (export revenue), customary and recreational.

The fishery has in the last 8-10 years, had a high abundance of very large lobster spread throughout the fishery that should negate any concerns around tropic cascade effects on other species within the marine environment of CRA8.

Proactive release

**From:** [luke](#)  
**To:** [FMSubmissions](#)  
**Subject:** Support of cra8 increase .  
**Date:** Monday, 15 January 2024 3:37:13 pm

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Hi ,

I'm writing this in support of option 2[for increase of 11%] .  
Sorry couldn't find the template.

I'll be starting my 21st season fishing around Stewart Island this year and crayfish stocks have only improved, especially in recent years.

We are working less pots, high grading harder and our daily averages are still going up.

Any questions please let me know ,

Thanks

Luke Squires

FV Titan

[s 9\(2\)\(a\)](#)

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Proactive release

**From:** [Noel Anderson](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review of sustainability measures for fisheries – April 2024 round  
**Date:** Monday, 15 January 2024 3:28:56 pm

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CRA 8 Management Procedure

Fully support option 2

CRA 8 has used management procedures as the main tool for the management of the fishery for more than 20 years. Over that time they have proved very successful.

As a result the CRA 8 stock is predicted to continue to increase in abundance.

From  
N.D. Anderson Trust  
s 9(2)(a)

Signed: Noel Anderson  
Sent from my iPad

Proactive release

**From:** [Chanel Projects](#)  
**To:** [FMSubmissions](#)  
**Subject:** CRA8 Submission  
**Date:** Friday, 12 January 2024 3:32:52 pm

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To Who It May Concern

As in past several years, CRA8 has thrived and predictions are it will continue this trend. It's proven success has been the result of good management procedures, and as a result has provided huge growth to the industry.

As always, when an increase is proposed, CRA8 adopt a conservative approach so there is not the risk of an imbalance which could affect the marine environment in a negative manner.

I support the increased TACC, as for some time now, the CRA8 stock has increased substantially and if we don't apply an increase, there will be a continued increase in the lobster population, creating a huge marine imbalance. We believe because of the increased population of lobster, there are already signs of stress and inadequate nourishment. We don't want to see this situation increased, affecting the quality of what we export by not applying the increase.

Rosemary Chanel  
Chanel Projects Limited

Proactive release





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#### Submitter details

Name of submitter or contact person	Denis Nyhon
Organisation (if applicable)	D. P. Nyhon Holdings Ltd
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	CRAB
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	I support to increase the TACC in the CRAB area.

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[Official Information Act 1982 – NZ Legislation](#)



Submission:<sup>1</sup> Denis Nyhon

Details supporting your views:

- CRA 8 has used management procedures as the main tool for the management of the fishery for more than 20 years. Over that time they have proved very successful.
- As a result the CRA 8 stock is predicted to continue to increase in an abundance.
- As the proposed increase is conservative there is no risk of an imbalance of species in the CRA 8 area occurring or any negative impact on the marine environment.
- I support the TACC increase, given the explosive stock numbers in the CRA 8 area. If we don't manage the fish stocks now, by increasing the quota, we will see a huge imbalance in the Lobster foodchain. I believe there is already evidence of a over population of Lobster that are showing signs of hunger + stress, as a result this is also affecting the paua population.

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





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#### Submitter details

Name of submitter or contact person

Sharlene Nyhon

Organisation (if applicable)

Email address

s 9(2)(a)

Fish stock(s) this submission refers to

CRA 8

Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)

I support to increase the TACC in the CRA 8 area.

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[Official Information Act 1982 – NZ Legislation](#)



Submission:<sup>1</sup> Sharkene Nyhan

Details supporting your views:

- CRA 8 has used management procedures as the main tool for the management of the fishery for more than 20 years. Over that time they have proved very successful.
- As a result the CRA 8 stock is predicted to continue to increase in an abundance.
- As the proposed increase is conservative there is no risk of an imbalance of species in the CRA 8 area occurring or any negative impact on the marine environment.
- I support the TACC increase given the explosive stock numbers in the CRA 8 area. If we don't manage the fish stocks now by increasing the quota, we will see a huge imbalance in the Lobster foodchain. I believe there is already evidence of a over population of Lobster that are showing signs of hunger & stress, as a result this is also affecting the paua population.

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

**From:** [mabodavison](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review submission  
**Date:** Sunday, 24 December 2023 2:31:38 pm

---

We have been fishing for over 30 years and have seen a good increase of rock lobster for cray 8 and we are in favor of the increase of 11% and we see no denture mental affect on the cray fish population in cray 8.

Your sincerely  
Sent from my Galaxy  
James Davison

Proactive release

**From:** [Peter Harvey](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review of sustainability measures for fisheries – April 2024 round  
**Date:** Wednesday, 31 January 2024 7:40:42 pm

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Can anyone see that what we are doing to the stocks of crayfish and fish in the ocean is not sustainable. Better to err on the side of caution. Kick backs from the fishing companies and the economy are not a reason to believe this will all work out.  
Peter Harvey.

Proactive release

**From:** [Bill Leonard](#)  
**To:** [FMSubmissions](#)  
**Subject:** Sustainability measures  
**Date:** Monday, 18 December 2023 11:40:41 am

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I support only the reduction or elimination of the removal of animals from their home environment. Catch limits should be reduced to zero.

This is a moral, ethical and ecological issue.

**Bill Leonard**

Whangarei, New Zealand

Author, [Diamonds & Rats](#) and [Streccano](#) s9(2)(a)

Proactive release



**From:** [Nui Lani](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review of sustainability measures for fisheries – April 2024 round  
**Date:** Friday, 15 December 2023 11:23:43 am

---

Seeing as Kinas are in abundant and becoming a pest and eating seaweed etc on the reefs, maybe a need to cull them by allowing to use scuba gear at 10m and deeper depth but closer in kina be left for snorkel diver's. Cheers.

Proactive release



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#### Submitter details

Name of submitter or contact person	JD Williams
Organisation (if applicable)	
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Any and All
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Other

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[Official Information Act 1982 – NZ Legislation](#)



**Submission:**<sup>1</sup>

**Details supporting your views:**

NO INCREASES (ALL)

Proactive release

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