NATIONAL ROCK LOBSTER MANAGEMENT GROUP

Review of Rock Lobster Sustainability Measures for 1 April 2019

Appendix 2: Submissions received on the Discussion Document

New Zealand Government

Contents

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From:	[redacted]
To:	FMSubmissions; [redacted]
Subject:	SUBMISSION REGARDING CRA3 SITUATION
Date:	Sunday, 6 January 2019 10:02:02 AM

Dear management MPI, This submission direct to Wellington office.

As a holder of a mandate of over 5000 signed up people and organisations in area 910, I must say firstly the Concession must end.
It is a scandal when so very few legal 54mm lobsters can be found to feed our families and whanau.
Local survey has been done at Makorori beach.
People like at MPI see what it is doing which is bad publicity for you.

We agree commercial take the TACC cut but certainly not recreational or tourism.
Tourism EASTLAND is one of the mandate and have historically had complaints from tourists. Graham Breckell manager then.

Sincerely,
Alain Jorion, NZ Recreational Fishing Council board member, patron of another club as well. Member Gisborne Tatapouri Sports Fishing club.

From: [redacted]
To: FMSubmissions
Subject: My opinion on Cra4
Date: Friday, 8 February 2019 6:55:09 PM

To Whom it may concern.

Re Cra4... I think we need need to be extremely cautious about any increases to this very fragile fishery, it tends to fluctuate up and then drop, way down so the only way to stabilize this is to hold back on the increases, to build for the future.
Its going to hurt quota owners but I think we need to build for the future.

Yours Sincerely

Alan McGhie

CRA8
Rock Lobster Industry Association Inc

Secretaries: McCulloch & Partners
PO Box 844
Invercargill 9840
Phone [redacted]
Fax
Email [redacted]

Executive Officer: Malcolm Lawson
[redacted]

28 January 2019

Sustainability Review 2019
Fisheries Management
Fisheries New Zealand
PO Box 2526
Wellington 6140

SUBMISSION

Review of Sustainability Measures for Rock Lobster (CRA 3,4 & 8) April 2018/19

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.

This submission focuses on the proposals for CRA8.

CRA8

The consultation document presents two management options for CRA8. In both options it is proposed that the status quo applies to the non-commercial allowances.

- Option CRA8_01proposes the status quo for the Total Allowable Commercial Catch (TACC), accordingly the TAC would be unchanged;
- Option CRA8_02 proposes to increase the TACC to 1,129.6 tonnes. This represents an increase of 58.9 tonnes or 5.5%. The TAC would increase to 1,220.6 tonnes.

Use of Management Procedure to Guide TAC/TACC Setting for CRA8

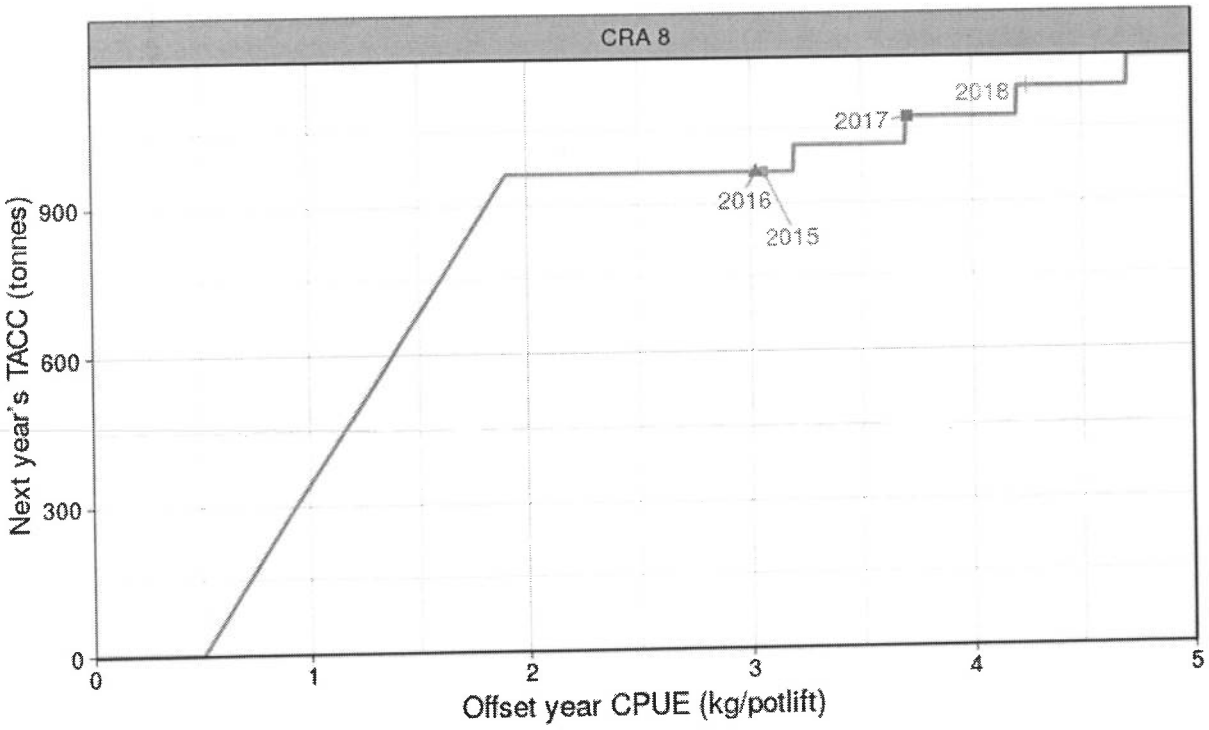
The Association is fully supportive of the use of management procedures within rock lobster fisheries to guide TAC/TACC setting. It therefore follows that the Association supports Option CRA8_02 which results from the operation of the CRA8 Management Procedure in respect of the proposed increase to the TACC.

Management Procedures (also called decision rules) have been used as the main management tool in the CRA8 fishery since 1998 and various iterations and their annual results have been accepted by successive Ministers of Fisheries since that time.

When the current CRA8 Management Procedure was developed the Association advocated that a new management procedure should include both biological and economic considerations in its development. As a result, the Association supported a management procedure that includes a range of CPUE values (lower and upper parameters within a plateau) that would maintain the TACC at a constant level and provide stability for the fishery and industry. In turn this design provides confidence and some certainty for business planning and investment. The steps at the upper parameter acknowledge that if abundance, as indicated by CPUE, is at such a level the TACC should increase to take advantage of this heightened abundance without any risk to the stock.

It is recognised within the CRA8 industry the best economic result is not necessarily achieved through maximum exploitation of the vulnerable biomass. The ability to target fishing effort at certain times of the year and certain grades when market prices are at their most favourable is a much more desirable outcome. This desire to achieve Maximum Economic Yield (MEY) is the favoured position for the CRA8 industry. In the absence of a true MEY model it is reasonable to consider the current management procedure as a proxy given the predicted low exploitation rates and constantly high CPUE.

Given that current CPUE is now at 4.24 kgs - which triggers an increase of one step on the CRA8 Management Procedure graph – the MEY philosophy remains. As the consultation document explains, there is no risk to the sustainability of the fishery while providing increased utilisation benefits to all sectors[1].



The amount of high-grading in the CRA8 fishery is high as a result of the continued high abundance. Data from CRA8 Licenced Fish Receivers show that since 2008 more than 95% of lobsters landed annually have been in the range from minimum legal size to 1.5kgs. MPI in the consultation document estimate that the amount of large (in excess of 1.5kgs) rock

[1] Consultation Document Para 95

lobsters that are returned to the water is 40% by weight[2]. This amount of high-grading, which can also apply to smaller grades at certain times, is the main reason the Association promoted a CPUE algorithm that uses only the weight of lobsters that are landed.

Those lobsters that are returned to the sea may have a reduced economic value but have a very high biological value in that they have resulted in a very large breeding biomass. It is reasonable to assume that the ongoing high abundance in the fishery is a result of this practice coupled with a conservative TACC.

The increase in the TACC will result in an estimated economic return to the CRA8 fishermen of approximately $5 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. 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.

In summary, there is no reason that the proposed increase should not be approved.

Allowance for Other Sources of Mortality

Currently the allowance for other sources of mortality (OSoM) is comprised entirely of an allowance for illegal take. This is currently set at 28 tonnes. There is no information to support this figure. Estimates of the level of illegal catch, as used in the latest (2015) CRA8 stock assessment, was three tonnes.[3] In the absence of any other information this total should be treated as the best available information and used in the OSoM allowance, as there is no justification for the continued use of a figure that is clearly wrong.

The Association notes that an estimate for handling-related mortality will be established during the next CRA8 stock assessment in 2020 and the intention to use this figure in addition to the estimate of illegal catch to set a new OSoM allowance at that time.

Allowance for Recreational Take

The Association agrees that the recreational allowance remains at 33 tonnes. There is anecdotal evidence of an ongoing increase in the recreational take with both the pure recreational fisher and amateur charter vessels enjoying more success as abundance increases. As a result it is likely that the recreational take is close to the current allowance.

Customary Allowance

The Association supports the continuation of the customary allowance of 30 tonnes.

[2] Consultation Document Para 87
[3] Consultation Document Para 83

Summary

The Association supports an amended Option CRA8_02 that reflects:

- The increase in the TACC to 1,129.6 tonnes;
- The continuation of the customary allowance of 30 tonnes;
- The continuation of the recreational allowance of 33 tonnes; and
- A decrease in the allowance for other sources of mortality to 3 tonnes.

The result being a TAC of 1,195.6 tonnes.

Malcolm Lawson
Chief Executive Officer

Fiordland
Marine Guardians
Beneath the Reflections

Sustainability Review 2019
Fisheries Management
Fisheries New Zealand
P O Box 2526
Wellington 6140

FMsubmissions@mpi.govt.nz

12th February, 2019

To whom it may concern,

Review of Sustainability Measures for Rock Lobster in Southern (CRA 8) for 2019/20

Thank you for inviting the Fiordland Marine Guardian's ("the Guardians") comments and feedback on Discussion Document No 2018/09.

Scope of comments and advice

The Guardians were formally recognised as a governance group for the Fiordland Marine Area (FMA) with the establishment of the Fiordland Marine Management Act ("the Act") in 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. Given the scope of our interest, this submission will focus solely on the Southern Management Area, CRA 8.

General Comments

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 (to maintain the TAC and TACC at 2018/19 levels, and to increase the TAC and TACC) are appropriate given the performance of this fishery.

Section 82 refers to a lack of knowledge about recreational catch in CRA 8, with the sole source of data appearing to be the 2011/12 National Panel Survey. We question why the catch returns filed by Amateur Charter Vessels (ACV) are not used here. Rock Lobster taken by recreational fishers aboard ACVs likely comprise a significant proportion of the recreational take of this species in Fiordland (and possibly Rakiura Stewart Island). ACV returns have the potential to provide an accurate source of recreational fishing data in areas where data are currently sparse. We urge the Ministry to direct more effort towards ensuring ACV returns are filed, that returns are completed to a satisfactory standard, and that data are used to better inform recreational fishery management.

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

Fiordland
Marine Guardians
Beneath the Reflections

Yours sincerely,

Rebecca McLeod
Chair, Fiordland Marine Guardians
PO Box 213, Te Anau 9640
[redacted]

Fisheries New Zealand
PO Box 2526
Wellington, 6011

Fisheries Management
Sustainability Review 2019
FMsubmission@mpi.govt.nz

7th February, 2019

Submission: Review of sustainability measures for CRA 3, 4 & 8 for 1 April 2019

1. The Royal Forest & Bird Protection Society of New Zealand Ltd. (Forest & Bird) appreciates the opportunity to comment on the proposed review of the sustainability measures for CRA3, CRA 4 & CRA 8 rock lobster fisheries.

2. Forest & Bird is New Zealand's largest independent conservation organization, numbering around 80,000 members and supporters. Our members are people that work to preserve our natural heritage and native species. Forest & Bird is the New Zealand partner of the global BirdLife International network of NGOs with partners in 120 countries.

Key recommendations:

3. The purpose of the Fisheries Act requires the Minister to avoid, remedy, or mitigate any adverse effects of fishing on the aquatic environment. Given the significant ecological role crayfish perform it's important to understand what impact fishing is having. The purpose and principles of the Fisheries Act also includes "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations…" [s8(2)(a) Fisheries Act 1996]. Any Minister decision therefore needs to reflect his statutory obligations to protect the ecosystem, and the social, economic and cultural wellbeing of New Zealanders not just commercial interests, and as a consequence the recommendations in the Final Advice Paper also need to reflect this.

4. Fisheries New Zealand (FNZ) needs to take an integrated approach to fisheries management and look at wider ecosystem impacts especially as rock lobsters are a keystone species when setting or adjusting totally allowable catch and distributing quota. FNZ needs to commit to increase independent fisheries data by rolling out electronic monitoring alongside at sea monitoring to ensure best practice, good

behaviour and accurate reporting is occurring within the CRA 3, CRA 4 & CRA 8 fisheries. FNZ needs to work with researchers like University scientists, the Department of Conservation scientists, alongside the fishing industry and other stakeholders to ensure the best available information is used to inform management decisions.

5. Forest & Bird recommends the Minister withdraws his support immediately for the National Rock Lobster Management Group (NRLMG) being the Ministers "primary source of advice" while FNZ undertakes an independent and robust review of the purpose, membership[1], mandate and authority of the NRLMG.

6. The Rock Lobster Industry Council undertakes all Government funded research including stock assessments[2]. Forest & Bird recommends the Minister reviews this contract due to the conflict of interest by the commercial fishing industry.

7. Forest & Bird does not support any commercial concessions to take undersized rock lobsters throughout NZ.

8. Forest & Bird strongly supports a reduction of the CRA 3 TAC, and as an interim measure supports Option 2. The proposed TAC reduction does not go far enough to halt the decline of CRA3 and doesn't meet the Harvest Strategy Standard. A comprehensive and independent review should occur during 2019 to address the NRLMG, the management procedures and information used in the CRA 3 stock assessment. As part of this interim measure to be applied for the 1st April 2019 fishing season Forest & Bird recommends reducing the TAC as proposed but reallocating the quota differently. We recommend the recreational allowance is increased from 20t to 25t and the commercial catch is reduced by 20 t not 15 t as proposed.

9. Forest & Bird has concerns with the reliability of the CPUE standardisation, reliability of commercial fishers self-reporting, and that the latest stock assessments have not accounted for changes in fishing behaviour. The increase in CRA 4 abundance is based on a 19.2% change in CPUE, which has resulted in the NRLMG and FNZ proposing to increase the TACC by 19.2%. The increase in rock lobster stock abundance of 19.2 % over one year seems unrealistic. Forest & Bird supports option 1 status quo, until such time as an independent review of the management procedures for CRA 4 (and all other rock lobster fisheries) and information used in stock assessments – including fishing efficacy is updated.

10. Forest & Bird believes CRA 8 is a productive rock lobster fishery which appears to have recovered well over the last decade. Whilst Forest & Bird still have concerns over the reliability of commercial fishers self-reporting and changes in fishing efficacy we support the proposed increase of 5.1% TAC (Option 2). However, Forest

[1] Of particular concern to Forest & Bird is that the membership of the NRLMG is not representative of relevant stakeholders, including but not limited to – environmental sector, independent scientists, the Department of Conservation and Mana Whenua

[2] Information based on verbal communication with Alicia McKinnon

& Bird strongly opposes commercial concessions and therefore does not support allocating this increase to the commercial sector if the commercial sector is allowed a concession to harvest male rock lobsters below the minimum legal size.

NRLMG & FNZ Discussion Questions:

- **Do you agree with the need for change?**
  For CRA 3 – yes, CRA 4 – no and CRA 8 yes - see detailed submission below

- **Do you agree that these are the correct options to consider? If not, why not?**
  See detailed submission below

- **What is your view on the proposed TACC?**
  See detailed submission below

Submission:

11. Red or spiny rock lobster (*Jasus edwardsii*), commonly known as crayfish are relatively slow-growing and long-lived and by far the most important New Zealand lobster species, not only economically but ecologically.

12. Rock lobsters are taonga to Māori and have been fished for centuries. Rock lobsters have been fished commercially for over 100 years (State of the Gulf Report, 2017) and are one of New Zealand's most valuable inshore fisheries. Rock lobsters are iconic and also one of New Zealand's most important recreational fisheries. Rock lobsters are not only important to fishers, but they are important to recreational divers and tourism operators.

13. Rock lobsters are vital because they play an important role in rocky reef ecosystem functioning (Babcock et al. 1999; Shears & Babcock, 2002; MacDiarmid, Freeman & Kelly, 2013). Kina (sea urchins) eat kelp and kina grazing creates and maintains urchin barrens and prevents kelp re-establishing. Research has found that rock lobster and snapper, when in high enough densities, have indirect positive effects on kelp forests and primary productivity as they consume kina (Shears & Babcock, 2002). Consequently, when rock lobster densities are low, urchin barrens (kelp free areas) are more prevalent, these are generally in areas where fishing is allowed (Shears & Babcock, 2002). In contrast urchin barrens are less prevalent in protected areas such as marine reserves, where there are higher densities of rock lobster and other important species (Babcock et al. 1999; Shears & Babcock 2002; State of the Gulf Report, 2017).

The National Rock Lobster Management Group (NRLMG)

14. The NRLMG states they are the "primary source of advice" to FNZ and the Minister of Fisheries. The NRLMG have produced all previous Final Advise Papers (FAP) on the sustainability measures for all CRA fisheries.

15. The NRLMG lacks adequate reporting and transparency. Forest & Bird has attempted to find records of the NRLMG meetings and annual reports, which have not been made available and are currently being treated as an OIA[3]. It is unacceptable that this group isn't transparent given it has apparently[4] been given authority[5] by the Minister in 2011 to develop management options including quotas, reviews public submissions and decide what is and what isn't relevant in the Final Advice Papers (FAP)s that go to the Minister.

16. Forest & Bird has little faith that the NRLMG can effectively manage any rock lobster fishery given its history of mismanagement. For example the NRLMG has continuously failed to maintain or increase the abundance of rock lobster in CRA 2 as required under the Fisheries Act 1996 and fisheries policy (Harvest Strategy Standard), even with significant voluntary shelving of quota by commercial fishers over the last 3 years. The NRLMG has also failed to include all relevant information and address outdated commercial concessions. It appears from the outside that the NRLMG is acting bias towards the commercial fishing industry.

17. The NRLMG does not represent stakeholders, there are no independent scientists, there are no environmental representatives, the Department of Conservation doesn't participate, and the recreational fisher membership doesn't represent the NZ recreational fishing public (LegaSea or the New Zealand Sports Fishing Council). In addition other stakeholders like the tourism and the dive sector have never been asked to participate or receive updates.

18. Forest & Bird recommends the Minister withdraws his support immediately for the NRLMG being his "primary source of advice" while FNZ undertakes an independent and robust review of the purpose, membership and authority of the NRLMG including reviewing all existing management procedures.

Best available information

19. Forest & Bird have concerns over the accuracy and reliability of the standardised commercial catch rates used to inform the changes to the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC). A key concern is the lack of independent data as it is based on commercial fishers self-reporting, including estimates of live released rock lobster (excluding CRA 8). Fishing efficiencies, recruitment rates, retention rates and reported fishing behaviour have changed over time yet these changes have not been reflected in the management procedures or stock assessment process for these stocks.

[3] As of date of submission Forest & Bird had not received NRLMG OIA from the 20th Dec 2018.

[4] Forest & Bird asked FNZ if the NRLMG had any statutory authority or recognition as the "primary source.." Forest & Bird was told over the phone by Alicia McKinnon that the NRLMG did not and that FNZ did not see them as the "primary source". When Forest & Bird clarified this in writing our email has been treated as an OIA which has not been fulfilled before the completion of this submission.

[5] Forest & Bird has obtained a copy of a 2001 letter from the Office of the Hon. Phil Heatley, the Minister of Fisheries at the time to the NRLMG stating that "the NRLMG will act as my primary advisor on catch limit, regulatory and other management interventions that apply specifically to rock lobster fisheries". To our knowledge there has not been any updated letter(s) by the new Minister of Fisheries.

20. There is a lack of consistency being applied by the NRLMG which is unacceptable. Such fishing efficiencies were factored into the 2018 CRA 2 stock assessment and it showed that the previous assessments of future abundance were unrealistic. There is no justification why the NRLMG hasn't applied efficiency gains and taken a more precautionary approach in CRA 3, 4 & 8.

21. Rock lobster larvae have a long planktonic larval phase and can spend between 12 – 24 months at sea before swimming inshore to settle on coastal reefs (Jeffs et al., 2005; MacDiarmid, Freeman & Kelly, 2013). Jeffs et al., (2005) described possible mechanisms for post-larvae to find and orientate towards the coast as underwater sound, water chemistry, magnetic fields, celestial cues, hydrodynamic cues or electrosense. Some of these mechanisms could be affected by anthropogenic impacts. For example it is possible anthropogenic noise could be impacting on coastal settlement by masking important reef sound in the inshore area.

22. It is possible that currents could be altered as coastal and or oceanic sea surface temperatures warm, or circulation could change due to climatic impacts and it is possibly this could impact on recruitment rates. However, to date there is little evidence of this and more research is needed. Shears & Bowen (2017) looked at long-term sea surface temperatures to understand climate change impacts in coastal waters around New Zealand. The study found that there is no evidence of long-term increases in annual temperatures at the Leigh study site, within CRA 2 area, an area which is influenced by the East Auckland Current (Shears & Bowen, 2017). Shear & Bowen (2017) conclude there was no indication of large-scale warming in coastal waters around the North Island of New Zealand. FNZ needs to invest in more research to better understand the risk climate change poses to New Zealand fisheries.

23. Whilst the Shears & Bowen (2017) paper didn't find any correlations, in some areas there is evidence of sea surface temperatures rising some 3 degrees above average levels. This could potentially impact currents and plankton distribution. This could affect recruitment but also over longer term this could impact the wider food chain. In the Consultation Discussion Document the NRLMG and FNZ state that "*the development of management procedures for the rock lobster stocks discussed in this paper take into account variability in growth, maturity, available abundance, and recruitment*". There is little evidence of this in the proposed management decisions and there is no mention of climate change impacts, ecosystem based fisheries management or precautionary management. Forest & Bird believes this is a short fall and recommends FNZ addresses this in the Final Advice Paper (FAP). More research is needed in this space and FNZ needs to ensure the Minister is aware of this.

24. The NRLMG and FNZ have not defined the tropic importance of rock lobster and broader ecosystem impacts within the Consultation Discussion Document. Forest & Bird believes this is another short fall and recommends FNZ addresses this in the FAP.

25. The NRLMG and FNZ have failed to state that commercial fishers have concessions in CRA3 and CRA8 in the Consultation Discussion Document. These concessions enable commercial fisheries to take rock lobsters smaller than the Minimum Legal Size (MLS) which applies for recreational fishers. Failing to acknowledge these concessions while consulting on sustainability measures is unacceptable. There is no information provided on the impact these concessions could have, why they are still being used, nor on the conflict this causes between the recreational and commercial sector. Forest & Bird does not support these concessions. Forest & Bird recommends FNZ removes these concessions effective 1st April 2019 as a recommended option to the Minister in the FAP.

26. An overview of all rock lobster fisheries (CRA) management procedures is overdue; this includes the entire management process and authority of the NRLMG. The management procedure doesn't address climate change, variable recruitment rates and growth, size distributions, ecosystem health and benefits, social and cultural wellbeing and doesn't apply a precautionary approach. It appears the management procedure only benefits commercial fishing interests.

CRA 3: Gisborne - East Cape to Mahia

27. The NRLMG and FNZ have identified that based on this overly optimistic Catch per Unit Effort (CPUE) modelling that ""*Maintaining the current TAC could result in a further decline in CRA 3 stock abundance and could affect the goal of maintaining stock biomass at or above* B_{MSY}" (the biomass that will support maximum sustainable yield). As a result of this the NRLMG and FNZ propose two options (refer to Table 1). The first option is status quo, no reduction. The second option is to decrease the Total Allowable Catch (TAC) by reducing the Total Allowable Commercial Catch (TACC) by 6.3% to 222.9 tonnes.

Stock
CRA 3

Table 1: Proposed management options in tonnes for CRA 3 from 1st April 2019. Source consultation document

28. Neither option accounts for any precautionary management and doesn't reflect best available information. The NRLMG and FNZ have failed to apply the Harvest Strategy Standard, which specifically helps to set targets that take account of uncertainty in data and stock assessment models including natural fluctuations in the rock lobster population size. Forest & Bird supports the position of LegaSea & the New Zealand Sports Fishing Council that for long lived species like rock lobster the management target should be approximately 50% of the unfished biomass. We also support the argument put forward by LegaSea & the New Zealand Sports Fishing Council

regarding how to interpret the 2014 CRA 3 stock assessment. It is disappointing that this uncertainty around the 2014 stock assessment has not been acknowledged in the Consultation Discussion Document or addressed and therefore not resulted in new management targets for CRA 3.

29. Between 2014 and 2018 the CRA 3 catch has declined by approximately 30%. The pot lift in 2014 was 2.2 kg per lift, it is now 1.54 kg per pot lift. Forest & Bird supports a reduction of the TAC for CRA 3, but does not support the proposed 6.3% reduction as this is insufficient to halt the CRA 3 decline. While the CRA 3 fishery is unlikely to be below the soft limit, the on-going decline should warrant a precautionary approach and meaningful reduction. The NRLMG and FNZ have not provided adequate information in the Consultation Discussion Document to address this. Forest & Bird is concerned CRA 3 will continue to decline much like CRA 2 did under the mismanagement of the NRLMG.

30. The NRLMG and FNZ are not proposing to reduce the customary or recreational allocation. Forest & Bird supports maintaining the customary allowance of 20 t as we are unaware of any evidence to suggest this allocation is insufficient. Forest & Bird strongly recommends the recreational allowance is increased to better reflect recreational fishing within CRA 3. The recreational fishing allowance of 20 t was set back in 2005. Population growth and increases in fishing pressure alone is likely to account for greater pressure in 2019. In the absence of the 2017/2018 National Panel Survey of recreational harvest being available to stakeholders outside of the NRLMG Forest & Bird is not able to inform what the new recreational allowance should be using Ministry data. Based on anecdotal evidence we have received from recreational fishers, they believe the recreational CRA 3 catch exceeds 20t despite many fishers reporting to Forest & Bird that it is becoming difficult in some areas within CRA 3 to catch legal sized rock lobsters. We would recommend some independent advice is sought by FNZ and included in the FAP to the Minister. As a result of this Forest & Bird supports a TAC reduction but not the proposed allocation of the reduced CRA 3 TAC.

31. As an interim measure, Forest & Bird supports the proposed reduction of CRA 3 TAC by 4.1%; despite it not going far enough to halt the decline and that it doesn't meet the Harvest Strategy Standard. Forest & Bird recommends while the interim measure is put in place for the 1st April 2019 CRA 3 fishing season (so that the season can commence and to fulfil Fisheries Act obligations), that FNZ invests in a comprehensive and independent review to address the NRLMG, the CRA 3 management procedures and information used in the CRA 3 stock assessment, which is due to be updated in 2019. As part of this interim measure to be applied for the 1st April 2019 fishing season Forest & Bird recommends reducing the TAC as proposed but reallocating the quota differently. We recommend the recreational allowance is increased from 20t to 25t and the commercial catch is reduced by 20t not 15t as proposed. Forest & Bird also recommends FNZ undertakes work to get independent scientific advice on how best to respond to the 30% decline in the standardised commercial catch rate over the last 4 years. This advice should be used in the 2019 CRA 3 stock assessment.

32. Within CRA 3 area (northern area) there is a concession to allow commercial fishers to take undersized male rock lobsters during winter months. Forest & Bird does not support the CRA 3 concession enabling commercial fishers to harvest rock lobsters smaller than the Minimum Legal Size (MLS). Based on potting survey studies inside and outside the Te Tapuwae o Rongokako Marine Reserve intense commercial fishing has significantly impacted the size structure and availability of rock lobsters in CRA 3 (Freeman & McDiamond, 2009). There is no justification for allowing commercial fisheries to take undersized rock lobsters, particularly in a fishery which is highly likely to be declining. Forest & Bird also supports the position of the recreational fishing sector, LegaSea and the New Zealand Sports Fishing Council that concessions for commercial fishers to take undersized rock lobsters, whilst recreational fishers must only take legal sized rock lobsters is unfair. Forest & Bird's position is no sector should be legally allowed to take undersized rock lobsters. The NRLMG and FNZ have failed to disclose these concessions to submitters, failed to justify why these are still relevant or necessary, and failed to review these and put forward options for consultation. It appears these decisions and discussions take place behind closed doors within the NRLMG. Forest & Bird recommends FNZ remove CRA 3 commercial fisher concessions effective as of the 1st April 2019 as a recommended option to the Minister in the FAP.

33. It is possible that other factors like climate change and other anthropogenic impacts could also be contributing to the health of rock lobster fisheries, including the decline in CRA 3. Tail fan necrosis (TFN) is a bacterial infection of the tail fan of rock lobster which leads to melanosis and erosion of the tail fan tissues (Zha et al., 2018). The condition is found in aquaculture and commercially fished rock lobster overseas. TFN can compromise rock lobster health and greatly impact on their market value according to international studies cited by Zha et al. (2018).

34. TFN is present in New Zealand rock lobsters. Freeman & MacDiarmid (2009) found individuals inside and outside the Te Tapuwae o Rongokako marine reserve, within CRA 3 area with TFN. This disease is linked to physical damage associated with fishing. Around Gisborne rock lobsters outside of the marine reserve exposed to fishing pressure were more likely to get TFN compared to rock lobsters found inside the marine reserve due to the handling effect by fishers (Freeman & MacDiarmid, 2009).

35. There is evidence that TFN has spread north of CRA 3 and is present within the CRA 2 area (Zha et al., 2018; Department of Conservation unpublished 2018 monitoring report; LaScala-Gruenewald et al. being written up for publication; Shears, 2018 pers. comms.). Forest & Bird is unaware how far south TFN has spread.

36. Given that it appears CRA 3 is undergoing a decline and that TFN can compromise rock lobster health, it is unknown what impact this bacterial infection could have on recruitment and the population health. Forest & Bird strongly support the conclusion by Zha et al. (2018) that the causes of internal organ pathology associated with TFN in rock lobster warrants more detailed research and we would recommend

FNZ prioritise funding for 2019 to support this work to better understand the impact TFN poses.

37. The NRLMG and FNZ have also failed to include information on TFN in the Consultation Discussion Document, we therefore have no confidence the Minister is aware of TFN. While CRA 3 rock lobster don't have a critically low biomass like CRA 2, it is important to look at cumulative impacts including climate change, anthropogenic impacts and disease to know how they could affect recruitment rates and population health. FNZ needs to stop taking advice from the industry heavy non-transparent NRLMG and take an ecosystem based approach to fisheries management. Rock lobsters are one of New Zealand's most important fisheries and should be managed using the best available information. Forest & Bird recommends FNZ includes information on TFN in the FAP to the Minister.

38. Forest & Bird does not support CRA 3 option 1: status quo

39. Forest & Bird welcomes CRA 3 stock assessment being proposed for 2019, but we insists this takes a precautionary approach and looks at ecosystem based effects and changes in fishing efficacy. We also recommend this review is not undertaken by the NRLMG in its current form.

CRA 4: Hawkes Bay / Wellington

40. The NRLMG and FNZ propose two options (refer to Table 2) for rock lobsters within area CRA 4 – Hawkes Bay to Wellington. The first option is status quo, no increase. The second option is to increase the TAC by 8.6% and the TACC by 19.2%.

Stock
CRA 4

Table 2: Proposed management options in tonnes for CRA 4 from 1st April 2019. Source consultation document

41. Forest & Bird has already highlighted the concerns we have with the CPUE standardisation and reliability of commercial fishers self-reporting. We have also highlighted concerns that the latest stock assessments have not accounted for changes in fishing behaviour. The increase in CRA 4 abundance is based on a 19.2% change in CPUE, which has resulted in the NRLMG and FNZ proposing to increase the TACC by 19.2%. The increase in rock lobster stock abundance of 19.2 % over one year seems unrealistic. Forest & Bird does not support this, as there was no evidence provided that this is accurate. There has been significant change in the CRA 4 fishing

fleet since the early 1990s and this could partly account for this CPUE difference. Forest & Bird therefore supports option 1 status quo, until such time as an independent review[6] of the management procedures for CRA 4 (and all other rock lobster fisheries) and information used in stock assessments – including fishing efficacy is updated.

42. Forest & Bird supports the proposal to decrease other sources of mortality by 22.7% and recommends the Ministry for Primary Industries compliance team continues monitoring the sale of rock lobsters to ensure there is no increase in illegal catch and black market sales. Independent fisheries data including electronic monitoring is one method that can support traceability.

CRA 8: South Coast / Fiordland (Southern Rock Lobster Fishery)

43. The NRLMG and FNZ propose two options (refer to Table 3) for the upcoming rock lobster fishery for the Southern CRA 8 area. The first option is status quo, no increase. The second option is to increase the TAC by 5.1% and the TACC by 5.5%.

Stock
CRA 8

Table 3: Proposed management options in tonnes for CRA 8 from 1st April 2019. Source consultation document

44. CRA 8 is a productive rock lobster fishery, which has by far the largest commercial fishery. CRA 8 appears to have recovered well over the last decade. Whilst Forest & Bird still have concerns over the reliability of commercial fishers self-reporting and changes in fishing efficacy we support the proposed increase of 5.1% TAC (Option 2). However, Forest & Bird strongly opposes commercial concessions and therefore does not support allocating this increase to the commercial sector if the commercial sector is allowed a concession to harvest male rock lobsters below the minimum legal size.

45. The commercial fishing sector concession in CRA 8 is not mentioned by the NRLMG or FNZ in the Consultation Discussion Document therefore it is not clear how the NRLMG could justify keeping a concession that was applied during harder catch periods. Forest & Bird firmly recommends this concession to take under sized rock lobster is removed for the 1st April 2019 fishing season. FNZ must put forward this option to the Minister in the FAP. If this concession is not removed Forest & Bird

[6] Independent review of the management procedures is referring to FNZ under taking this review outside of the current NRLMG

withdraws our support to increase the TAC and reallocate the extra quota to the TACC and would support Option 1 – status quo.

46. Forest & Bird supports keeping the customary and recreational allocations of 30t and 33t status quo as there is no evidence either sector requires an increase.

47. In summary, Forest & Bird has also highlighted the need for integrated fisheries management and the need to increase independent fisheries data by rolling out electronic monitoring alongside at sea monitoring to ensure best practice, good behaviour and accurate reporting is occurring within all CRA 3, 4 & 8 fisheries.

48. Rock lobsters are one of New Zealand's most important economic fisheries and rock lobsters play an important role in the ecosystem (Shears & Babcock, 2002), therefore maintaining healthy stocks is in everyone's best interest. The current management measures, including the proposed reduction in TAC for CRA 3 and increases in TAC for CRA 4 and CRA 8 do not explicitly consider; the ecological role of lobsters, values other than those related to fishing, such as the values of larger rock lobster (MacDiarmid 2003), or the impact of tail fan necrosis (Zha et al., 2018) or fluctuations in recruitment rates, climate change ecological implications and other anthropogenic impacts.

49. The current management authority, the NRLMG is outdated and non-transparent and overdue a review and repurpose. It is also disappointing that FNZ didn't ensure the Consultation Discussion Document contained all relevant information especially when consulting on sustainability measures. There are numerus examples of significant information gaps.

50. FNZ also needs to work with independent researchers like University scientists, local iwi and hapu and the Department of Conservation who monitor biodiversity within and outside marine reserves, including rock lobsters to ensure the best available information is used to inform management decisions.

51. Forest & Bird are available to discuss this submission in more detail if required. Thank you for the opportunity to comment. For any questions please contact Katrina Goddard.

Sincerely,

Katrina Goddard
Marine Conservation Advocate
Royal Forest & Bird Protection Society of New Zealand
[redacted]

References:

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From: [redacted]
To: FMSubmissions
Subject: Quota increase
Date: Tuesday, 18 December 2018 8:31:27 PM

Hi there,
Please read and accept my submission
Regarding a quota increase for cra 8.
My submission is only about this fishing area and this fish stock.
It has recently been agreed upon To increase the quota for cra 8 at committee level.(Cra8 board)
[redacted]
I also actively fish in the cra 8 area.
[redacted]
I oppose a rise in the t.a.c for cra8.
This year a large amount of e grade or larger fish was unloaded into the export market as the price for these fish was unusually high for a long period over the months of April ,may and June of 2018.
Historically these fish have generally been high graded back to sea or not targeted in specific areas which they reside in.i.e .. left alone.Consequently there has been an abundance of these fish available to catch as they have not been fished intensively for many years.
Consequently I feel this has distorted the CELR information been submitted.
I am positive the correct celr information supplied to the ministry by fisherman is correct , it is however slightly mis- representing our fishing area.
There has been no tagging in recent years to monitor fish migration.
I personally have been vocal to individuals within the cra8 committee for many years about this and [redacted]

The recently installed marine reserve north of big bay has had no scientific research and data gathering done since it's inception 4 years ago.
This undermines legislation which compliments the inception of marine reserves and until a study is done in this area which may or may not help a quota increase then any talk of a quota increase should be shelved.
After all marine reserves are formed for the study and examination of marine areas in an I disturbed state,no?
We need to be seen to be thorough in our preparation before announcing our intentions of a quota increase, particularly in todays overheated world of opinions.
As a stakeholder I have not been contacted in any form to seek my opinion of a quota increase.
I assume my submission will be held in confidence and that I will not be fielding Heated phone calls.

Thanks.
Gareth j MacRae
[redacted]

Guardians of the Kapiti Marine Reserve

Submission for MPI CRA4 Fishery

Proposed changes: Increases to the total allowable catch and the commercial catch limit are proposed based on the operation of the agreed management procedure for CRA 4. A decrease is proposed to the other mortality allowance, to better reflect the estimate used in the stock assessment.

Discussion

Over the last 60 years commercial and recreational fisheries have reduced lobster biomass by about 75%, with significant impacts on the entire near-shore ecosystem (McDiarmid *et al*. 2013). Historically, rock lobsters were the third most ecologically important benthic invertebrate group in the Hauraki Gulf before human arrival but, with the decrease in lobster biomass since 1950, they have declined to the least important (Pinkerton *in press*). Anecdotal observations suggest similar declines may be occurring in other regions.

Research has shown that in areas of low fishing pressure, the density of rock lobsters and egg production per unit area can reach high levels. For example, in the Long Island–Kokomohua Marine Reserve in the Marlborough Sounds, rock lobsters currently occur at mean densities of 1200 per ha of reef. In contrast, in fished areas adjacent to marine reserves densities are typically much lower at between 20 and 200 lobsters per ha. The abundance of sublegal juveniles also increases within marine reserves, indicating enhanced settlement, post-settlement survival or migration of juvenile lobsters into reserves. (MacDiarmid & Breen, 1992; Freeman *et al*. 2012; Kelly *et al*. 2000; Shears et al., 2006).

The New Zealand rock lobster *Jasus edwardsii* has among the longest larval development known for any marine creature. Phyllosoma larvae spend a 1–2 year period in oceanic waters, during which time they progress through at least 11 distinct planktonic stages, before metamorphosing to the postlarval stage, known as the puerulus, which settles on rocky coastal reefs. (Phillips & McWilliam 1986; Booth & Phillips 1994). Because phyllosomas are weak swimmers, they can drift large distances during their development. Most rock lobster larvae may come from locally hatched larvae and are held close to the shore by eddy systems (e.g. the Wairarapa Eddy, a large permanent eddy off the southeast coast of the North Island) but there is strong evidence rock lobster larvae can be transported considerable distances, including from southern Australia to New Zealand.

Despite this, monitoring of the settlement of *J. edwardsii* pueruli in the Goat Island Marine Reserve at Leigh with the use of artificial crevice collectors by MacDiarmid (1987) confirmed generally very low levels of recruitment of juveniles to reefs in northeastern New Zealand (Booth & McKenzie 2009). Hence, rock lobster stock recovery and management of the species is dependant on an effective network of large

marine reserves to enhance the oceanic dispersal of planktonic larvae and connect the scattered and diminishing harvested populations. Rock lobsters in small marine reserves are vulnerable to fishing effort in adjacent areas through their seasonal inshore–offshore migrations crossing the offshore boundary.

Kapiti rock lobster stocks

The inclusion of the Kapiti region within Quota Management Area CRA4 (which extends from the Manawatu around the Wellington south coast and along the eastern Wairarapa coast as far north as northern Hawke Bay) is an anomaly. Recruitment of rock lobster into the Kapiti region is most likely through pelagic larvae carried by the D'Urville Current that originates from the West Coast current and flows in a southeasterly direction from the South Taranaki Bight. East coast Wairarapa/Hawke Bay rock lobster larvae are likely to be sourced from the southward flowing East Cape current as well as the northern flowing Southland current on the Canterbury coast that continues northward as the Wairarapa current. Hence west and east coast rocklobster are separate stocks that should not be managed together. The Kapiti region lobster stocks are more likely aligned with those of the wider West Coast CRA9 Quota Management Area and should be managed accordingly.

In 2015, an audit of the CRA 9 catch and effort reporting identified some problems and concluded that a decline in CPUE for CRA9 was real, and questioned whether this measure is a suitable index of abundance for the whole stock (Webber & Starr 2018). This analysis suggested that, because of the very large area and very small fleet, the small volume of information available and the sensitivity of standardised CPUE to standardisation options, CPUE is not a reliable index for CRA 9 stock abundance.

- We consider that the analysis of CRA9 is also applicable to the Kapiti region and that management of TAC should remain at status quo until additional information is available regarding local stocks.

The agreed management plan provided two options. To suggest in the current discussion document Summary of Proposed Changes that "Increases to the total allowable catch and the commercial catch limit are proposed based on the operation of the agreed management procedure" is disingenuous. Only one option proposed an increase:

1. Under Option CRA4_01, the CRA 4 TAC would stay at its current level of 513.8 tonnes from 1 April 2019. Compared with Option CRA4_02, this option could result in increased abundance in the CRA 4 fishery in the short-term, increased non- commercial catches and catch rates, and higher CPUE for commercial fishers, which may result in reduced harvesting costs.
2. Under Option CRA4_02, the CRA 4 TAC would be increased to 558 tonnes (an 8.6% increase). The proposed TAC increase is guided by the use of the current CRA 4 management procedure. The National Rock Lobster Management Group supports the use of management procedures unless there are compelling reasons in a particular case not to follow the procedure.

- There should be no increase in TAC for CRA4 (Option 01). This option would maintain the current level of utilisation by the commercial fishery. While this would not realise the immediate potential of an increase of annual revenue to the catching sector we believe the longer-term objective of sustainable utilisation opportunities would benefit commercial as well as customary and recreational fishers.

- We can find no published information regarding new assessments of fishing related mortality. Therefore, there should be no proposed reduction of the allowance used in order that the model estimates in the stock assessment remain comparable with previous years.

Conclusion

The management of fishing in New Zealand must become more ecosystem focused. Changes in commercial catch, customary take or recreational daily bag limits should be accompanied by improved protection of breeding stocks. To facilitate this, MPI should collaborate with the Department of Conservation and other stakeholders to establish a network of larger marine reserves across both the CRA4 and CRA9 management areas to support crayfish stock recovery, and that there should be no increase in TAC until good quantifiable data are available for the Kapiti region..

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12 February 2019

IWI COLLECTIVE
PARTNERSHIP

Sustainability Review 2019
Fisheries Management
Fisheries New Zealand
P O Box 2526
Wellington 6140

By email only: FMsubmissions@mpi.govt.nz

Tēnā koe,

REVIEW OF SUSTAINABILITY MEASURES FOR ROCK LOBSTER IN GISBORNE (CRA 3), HAWKES BAY/WELLINGTON (CRA 4), AND SOUTHERN (CRA 8) FOR 2019/20
Proposal to Alter Total Allowable Catches, Allowances, and Total Allowable Commercial Catches

Fisheries New Zealand and the multi-sector National Rock Lobster Management Group have jointly invited written submissions on any or all of the measures proposed in Discussion Document No: 2018/09. All written submissions must be received by Fisheries New Zealand no later than 5pm on Tuesday 12 February 2019.

Reviewed fishstocks that are of relevance to Iwi Collective Partnership (ICP) are CRA3 and CRA4. In summary, ICP supports CRA3_O2 and CRA4_02:

- CRA3 Gisborne
  ~~- Option 01 Maintain TACC status quo of 237.86 mt, or~~
  - Option 02 a 6.3% (15 mt) decrease to 222.9 mt.

- CRA4 Wellington / Hawkes Bay
  ~~- Option 01 Maintain TACC status quo of 318.8 mt, or~~
  - Option 02 a 19.2% (61.2 mt) increase to 380 mt.

The ICP is a collective of 18 North Island based Iwi tribes, owners of settlement quota secured under the Treaty Fisheries settlement between Māori and the Crown.

GENERAL INTRODUCTION:
The Discussion Document summarises:

- Full scientific assessments of most rock lobster stocks are carried out every four to five years. These assessments estimate the current status of the stock relative to the desired levels of abundance, and also show how the stock has responded to previous management controls.
- In between years, management procedures are used in most rock lobster stocks including CRA3 and CRA4.
- Management procedures set out pre-agreed management actions that will be taken in response to annual changes in commercial catch rates (CPUE). Commercial CPUE is considered to be a reliable indicator of relative stock abundance.

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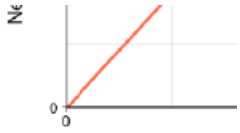
WEBSITE www.iwicollective.co.nz

1. CRA3:

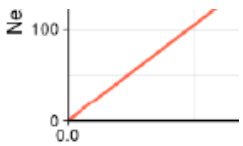
- The following table shows the CRA3 management procedure and the TACC settings resulting from the rule evaluations performed from 2014 to 2018.



- Fisheries NZ and the National Rock Lobster Management Group do not support status quo under CRA3_01 as current TAC would "*likely result in a further decline in stock abundance and could affect the goal of maintaining stock biomass at or above BMSY*".
- No changes are proposed to the Customary and Recreational allowances and fishing related mortality.
- **ICP Submission: ICP supports CRA3_02 -6.3% TACC reduction. While this option will have an annual economic impact on the ICP of $55-$60k in lost earnings, our position in supporting a reduction is consistent with the management procedure and in a manner supported by FNZ and NRLMG that will maintain stock abundance and stock biomass at or above BMSY.**
- **ICP does not support the reallocation of Treaty settlement rights to the recreational allowance. Therefore, when the fishery improves in future, all Treaty settlement interests must be restored first and ahead of any reallocation to recreational allowance.**

2. CRA4:

- The following table shows the CRA4 management procedure and the TACC settings resulting from the rule evaluations performed from 2016 to 2018.



- Economic impact: ICP manages 3,767 kgs of CRA4 ACE which is budgeted to earn $218k. Option CRA4_01 would maintain status quo. Option CRA4_02 19.2% TACC increase would increase ACE volume by 723 kgs (to 4,490 kgs) and earnings by $42k (to $260k).
- No changes are proposed to the Customary and Recreational allowances although sources of fishing-related mortality is proposed to reduce from 75 mt to 58 mt.
- **<u>ICP Recommendation:</u> ICP supports option CRA4_02 19.2% TACC increase. This option is consistent with the management procedure in a manner that will maintain stock abundance and stock biomass at or above BMSY. The economic benefit would provide additional annual earnings of circa $45k.**

Ngā mihi,

Maru Samuels
General Manager

Mob: [redacted]
DDI: [redacted]
Em: [redacted]

Fisheries New Zealand
Tini a Tangaroa

Submission Form

Review of sustainability measures for 1 April 2019

Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to: 2019 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Tuesday 12 February 2019.

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 but if preparing your own please use the same headings as used in this form.

Submitter details:

Contact person: Joan Ormond

pp Mahia Fishermen/Quota Owners

[redacted]

CRA3

CRA3_01: Status quo

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:[1]

Details supporting your views:

---

[1] 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.

The majority of Mahia Commercial Fishermen/Quota owners of Area 911, Mahia, are submitting as a group, the following objections to the proposed TACC decrease for CRA3.

First and foremost we, as a group choose Option 1
CRA3_01: status quo

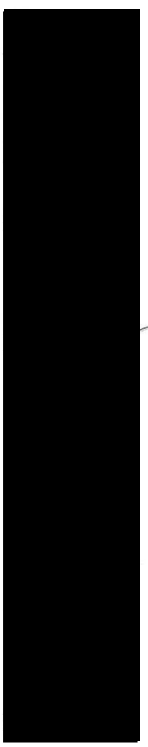
The Mahia fishermen feel as a group, there is an abundance of Rock Lobster stock and are catching their Quota comfortably without any extra effort, even though we voluntarily increased the tail width measurement from 52mm to 54mm (males in the winter) in 2010.

Can you please supply us with CPUE figures from October 2014 to September 2018 for Area 911 only.
We are available, as a group to meet with your Advisors asap

Mahia Commercial Fishermen/Quota Owners

Signed

Eru & Joan Ormond
Alan Dickson
Graeme Dickson
Colin Jane
Raewyn Jane
Jeremy Ormond
Joslyn Greening
Kevin & Leanne Symes
Six-Six Ltd (Tom & Yvonne Wairau)
Ben Symes
HB Nominees Ltd (Gary Soanes)
A & D Symes Investments



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Submitter details:

Name of submitter Murray Hemopo or contact person:	
Organisation (if applicable):	
Email:	[redacted]
Fishstock this submission refers to: *Rock lobster – CRA 3, CRA 4, CRA 8* *Sea cucumber – SCC 7A.*	CRA 3
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Other

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:[1]

Details supporting your views:

1) CRA 3 is a large area and don't recognize individual fishing location / grounds, were the growth of fish stocks (crayfish) is growing in numbers.

2) There has been a steady increase of fish stock (crayfish) over time, around the Mahia Peninsula area. To reduce the fish stock (crayfish) in the CRA 3 area is going to penalize commercial fisher in the Mahia Peninsula.

3) Status quo to the TAC and TACC set levels.

4) Allow a increase for customary take, from 20 tonnes to 25 tonnes over five years.

Thank you for your time,

Kind regards,

Murray Hemopo

[1] 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.

Please continue on a separate sheet if required.

Fisheries New Zealand
Tini a Tangaroa

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Submitter details:

Name of submitter Neil Palfreyman or contact person:	
Organisation (if applicable):	
Email [redacted]	
Fishstock this submission refers to: *Rock lobster – CRA 3, CRA 4, CRA 8* *Sea cucumber – SCC 7A.*	CRA4
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Decreases to the Gisborne area is ok increases to the southern is ok increases to cra4 not ok

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:[1]

Details supporting your views:

Obviously the northern Gisborne Auckland area needs resting I suspect it has been thrashed for years they all need a feast for the family gatherings etc etc and a lot of families in that area so I expect the rest of the country has to take it up. increase the south island quotas there is probably less people diving there [redacted] I think 3 crays each for a feed is plenty unless you are loading up the boat and getting 4 peoples quotas of 6 each regularly that is a problem [redacted] I suspect. Why cant commercials just take less crays if their business has outgrown the stocks of fish they are too big and should downscale.

Don't increase the commercial quota [redacted] in CRA4 especially on Wellingtons Western coast.

Please continue on a separate sheet if required.

[1] 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.

Fisheries New Zealand
Tini a Tangaroa

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Submitter details:

Name of submitter or contact person:	
Organisation (if applicable):	NZ RECREATIONAL FISHING COUNCIL
Email:	[redacted]
Fishstock this submission refers to: *Rock lobster – CRA 3, CRA 4, CRA 8* *Sea cucumber – SCC 7A.*	Rock Lobster - CRA 3, CRA 4, CRA 8, Sea cucumber – SCC 7A
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	**CRA 3** Gisborne Rock Lobster - We support **Option 2** (CRA3_02) for a decrease TAC A TACC from 1 April 2019, based on the operation of the CRA 3 management procedu **CRA 4** Wellington/Hawkes Bay rock lobster – We support **Option 1** (CRA4_01) to maintain status quo in the region. Our comments supporting this are detailed belov **CRA 8** Southern rock lobster – We support **Option 2** (CRA8_02) for an increase TAC a TACC from 1 April 2019, based on the operation of the CRA 8 management procedu **SCC 7A** Marlborough Sea Cucumber – We do not support the recommended increas based on information that current abundance will support increased utilisation. Not our comments below.

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:[1]

Details supporting your views

<u>CRA 4</u> <u>Wellington/Hawkes Bay rock lobster</u> – We support **Option 1** (CRA4_01) to maintain status quo in the region. We do not support an increase in TAC and TACC - the management procedure allows for an increase, however we oppose this for the following reasons:

1. The CPUE is not as good as recently enjoyed;
2. There is too much shifting of quota into areas within CRA4. This shift in effort from statutory areas of CRA4 into Ngawi from other CRA4 sub-stat areas is causing localised depletion. This is an annual trend and is misrepresenting the statistics. We strongly advocate for a change in the allocation methodology that prevents fishers moving within sub-stat areas if they do not catch their full allocation. Anyone unable to catch their full quota in the area they fish (due to weather or depletion) should forfeit and not be permitted to move it to another sub-stat area, which results in two(2) areas of depletion.
3. We continue to advocate for local area management as this trend is causing conflict with other users, including recreational;
4. We agree with commercial users that illegal harvesting is out of control and without an effective compliance regime implemented by MPI, the situation will continue to escalate.

<u>SCC 7A</u> <u>Marlborough Sea Cucumber</u> – We do not support the recommended increase based on information that current abundance will support increased utilisation, as we do not feel that there is enough information on sustainability measures versus harvest levels, so support a precautionary approach.

Please continue on a separate sheet if required.

[1] 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.

NZ ROCK LOBSTER INDUSTRY COUNCIL
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12 February, 2019

REVIEW OF SUSTAINABILITY MEASURES FOR 1 APRIL 2019

A submission from the New Zealand rock lobster industry.

Contents

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 decisions that will come into effect on 1 April 2019.

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 shareholders in the NZ RLIC, and appoint the Board of Directors.

3. NZ RLIC represents about 360 quota share owners nationally who collectively landed around 2,700 tonnes of rock lobster with an export (FOB) value of about $320 million in 2018. The industry deploys around 250 vessels, employs 2,400 people directly and indirectly, lands its products into about 37 processing and export facilities and supports an extensive network of transport, engineering, electronics and provedoring businesses.

SUBMISSION

4. NZRLIC has considered the information contained in the statutory consultation document (Discussion Document No: 2018/09), the most recent assessment documents compiled by the Rock Lobster Fishery Assessment Working Group and the views and information from engagement with the CRAMACs and rock lobster quota share owners.

5. For the stocks under review leading up to 1 April 2019, NZRLIC recommends the following decisions:

   CRA 3

   i) Support the application of the management procedure put in place for 1 April 2015. That management procedure should be applied to reduce the TACC to 222.9 tonnes. No change

is proposed for the current allowances for recreational and customary fishing and other sources of fishing mortality. The TAC should be reduced to 352 tonnes.

CRA 4

ii) Support the application of the conservative management procedure put in place for 1 April 2017 that resulted in a substantial TACC reduction to 289 tonnes. That management procedure should be applied to increase the TACC to 380 tonnes. No change is proposed for the current allowances for recreational and customary fishing. The allowance for other sources of fishing mortality should be reduced to 58 tonnes. The TAC should be increased to 558 tonnes.

CRA 8

i) Support the application of the current agreed management procedure to increase the TACC to 1129.6 tonnes. No change is proposed for the current allowances for recreational and customary fishing and other sources of fishing mortality. The TAC should be increased to 1220.6 tonnes.

REVIEW OF THE CRA 3 (GISBORNE) ROCK LOBSTER FISHERY

CRA 3 STOCK STATUS

4. The results of the most recent CRA 3 stock assessment conducted in 2014 suggested there were no sustainability concerns for the CRA 3 fishery. 2013 biomass was well above B_{MSY} (3.3 to 4.7 times). With 2013 catch levels and recent recruitment, biomass was projected to decline by 15-31% by 2017, but would remain well above reference points.

5. Standardised CPUE is considered to be a reliable indicator of relative stock size in CRA 3 and is the abundance indicator used in the CRA 3 management procedure. Offset year (i.e. October through September) CRA 3 commercial CPUE increased from 2008 to 2012, but has then been on a declining trend. However, it remains relatively high in comparison to historical CPUE for CRA 3. CPUE in 2018 is lower than that in 2014 by about 30%, however stock biomass is still very likely to be above B_{MSY} (e.g. B_{2018} very likely (>60%) to be at or above B_{MSY}).

TACC

6. The current CRA 3 management procedure was first applied in 2015 to form the basis for management action until the 2020/21 fishing year. The 2018 standardised CPUE was 1.54 kg/potlift, a decrease from 1.79 kg/potlift in 2017. This represents a decrease of 6.5%, exceeding the minimum change threshold of 5%, and therefore triggering a TACC decrease to 222.9 tonnes.

7. NZ RLIC supports using the management procedure to adjust the TACC with the intent that the reduction in CPUE is halted, notwithstanding the economic impact on operators through loss of

earnings. However, industry remains concerned that the focus of management changes is only on commercial catch.

NON-COMMERCIAL CATCH

8. Information on CRA 3 customary catches is available under the Fisheries (Kaimoana) Regulations 1998, and regulation 50 of the Fisheries (Amateur Fishing) Regulations 2013. In the 2017 calendar year, approximately 8,400 rock lobsters were reported as customary harvest from CRA 3. This information is considered incomplete, 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. An estimate of 20 tonnes was used in the 2014 CRA 3 stock assessment model to represent customary catches.

9. NZ RLIC supports initiatives by tangata whenua and Te Ohu Kaimona to improve reporting of customary take so that the best estimate is used to inform the assessment. It is important that the best estimate available of catch is used in the assessment to avoid overestimation of productivity by using an inflated figure. We do not recommend any change to the allowance for customary fishing.

10. Recreational fishers are not required to report the quantities of rock lobsters they catch. For the 2014 CRA 3 stock assessment, recreational catch estimates from 1992, 1996 and 2011 recreational harvest surveys were used to construct a recreational catch trajectory. The trajectory was also developed by assuming that recreational catch was proportional to the CRA 3 spring-summer abundance, as reflected by spring-summer commercial CPUE for CRA 3.

11. The resulting recreational catch trajectory showed a strong increasing trend from the early 1990s, exceeding 20 tonnes in the late 1990s, and then a strong decreasing trend in the early 2000s before an increase was seen in the late 2000s. In 2013, the model estimate of recreational catch was 20.42 tonnes.

12. The 20 tonne recreational allowance was first set in 2005 on the basis of estimates available from surveys at the time, which are now considered to be unreliable and overestimates. The information available is highly uncertain and provides relatively poor information to inform the stock assessment and management decisions. New information on CRA 3 recreational harvest from the 2017/18 National Panel Survey of recreational harvest will not be available until mid 2019 – 7 years after the last estimate.

13. This information will be considered as part of the new CRA 3 stock assessment that will take place in 2019. At that time consideration should be given to the level of the CRA 3 recreational allowance and the management controls needed to manage catch to that allowance. The allowance and managements control will need to take into account the reliance that has been place on adjusting only the TACC and the need for all sectors play a role in arresting the decline in CRA 3 stock abundance.

OTHER SOURCES OF MORTALITY

14. Allowances need to be made for other sources of mortality, such as illegal catch and handling mortality from fishing. Unfortunately there has been little focus on improving estimates of illegal catch and the Rock Lobster Fisheries Assessment Working Group has been forced to use the most recently available estimates from 1989 and has assumed, in the absence of any other information, a constant illegal catch of 89 tonnes per year from 2002 to 2013. The data are out of date and highly unreliable.

REVIEW OF THE CRA 4 (HAWKE'S BAY / WELLINGTON) ROCK LOBSTER FISHERY

CRA 4 STOCK STATUS

15. The results of the CRA 4 stock assessment carried out in 2016 suggested that stock biomass was 75% of the agreed reference level, $B_{REF.}$ Spawning stock biomass in 2016 was 51% of the unfished level, well above the soft limit of 20% where it is Fisheries New Zealand policy to implement a formal, time-constrained rebuilding plan.

16. Following the 2016 stock assessment results, a conservative new management procedure was agreed for use in guiding CRA 4 TAC setting from April 2017. This was to ensure stock biomass was rebuilt towards the agreed reference level in the next five years. The operation of the management procedure in its first year resulted in a substantial 27% TACC reduction for 1 April 2017. No changes were made to management controls for other sectors at that time.

17. Standardised CPUE is considered to be a reliable indicator of relative stock size in CRA 4 and is used the management procedure. CRA 4 CPUE has increased since 2016 from 0.69 to 0.90 kg/potlift, suggesting the reductions to commercial catch have assisted an increase in rock lobster abundance in CRA 4.

TACC

18. The current CRA 4 management procedure was first applied in 2017 and will form the basis of management action until the 2021/22 fishing year. When the rule was operated with the 2018 CPUE of 0.90 kg/potlift, it resulted in a proposed increase in the TACC of ~19% to 380 tonnes for the 2019/20 fishing year (well above the minimum change threshold).

19. NZ RLIC supports using the management procedure to adjust the TACC. The rule was designed to allow the stock to rebuild toward its reference level. The management procedure update in 2018 indicates that standardised CPUE is higher than 2016 by about 30% and biomass may therefore be close to the target. The CRA 4 AGM involving a large number of CRA 4 operators held in December in Masterton considered the operation of the management procedure and their recent experiences of the fishery across its range of five statistical areas from southern Hawkes Bay to

the coast west of Wellington. Operators across the QMA have reported relatively good fishing success and do not have reservations about a TACC increase.

NON-COMMERCIAL CATCH

20. Information on Māori customary catch of rock lobster indicates that tangata whenua use of customary Māori harvesting rights for taking rock lobster is minimal and was well within the current customary Māori allowance for CRA 4 of 35 tonnes. This information is considered incomplete, 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. In the 2017 calendar year, approximately 430 rock lobsters were reported as harvested from CRA 4.

21. An estimate of 20 tonnes was used in the 2016 CRA 4 stock assessment model to represent customary catches. It is important that the best estimate of removals is used in the stock assessment to avoid overestimation of productivity by using an inflated figure. NZ RLIC supports initiatives by tangata whenua and Te Ohu Kaimona to improve reporting of customary take. We do not recommend any change to the allowance for customary fishing.

22. Recreational fishers are not required to report the quantities of rock lobsters they catch. For the 2016 CRA 4 stock assessment, recreational catch estimates from 1994, 1996 and 2011 recreational surveys were used to construct a recreational catch trajectory. The trajectory was also developed by assuming that recreational catch was proportional to the CRA 4 spring-summer abundance, as reflected by spring-summer commercial CPUE for CRA 4. The resulting recreational catch trajectory showed a strong increasing trend up to the end of 1990s, followed by a steep drop to 2007, which recovered by 2013 before dropping again from 2014.

23. The stock assessment is forced to make these assumptions and deal with high uncertainty in available information because of the infrequent and imprecise recreational catch estimates. The most recent comes from the 2011/12 National Panel survey, which estimated that the recreational catch of rock lobsters in CRA 4 was 44.17 tonnes.

24. The 85 tonne recreational allowance was first set in 1999 on the basis of estimates available from surveys at the time, which are now considered to be unreliable and overestimates. A new CRA 4 recreational harvest estimate is expected to be available in mid 2019 from the 2017/18 National Panel Survey on recreational harvest – 7 years after 2011 estimate. This estimate should be used as a baseline to set the recreational allowance and work undertaken to review the management controls so that catch remains close to the allowance. This will require more frequent estimates of take.

OTHER SOURCES OF MORTALITY

25. Other sources of mortality such as illegal catch and handling mortality caused by fishing need to be provided for in the assessment. Unfortunately the Rock Lobster Fisheries Assessment Working Group needs to use the best available information which is now very dated. For the 2015/16 fishing year, while uncertain, the illegal catch estimate assumed for the model was 40 tonnes.

26. The 2016 CRA 4 assessment also assumed that handling mortality was 10% of returned lobsters until 1990 and then 5% thereafter. The 2016 model estimate of handling mortality was 18.14 tonnes. The 75 tonne CRA 4 allowance for other sources of fishing-related mortality (i.e. illegal catch and handling mortality) in the TAC needs to be corrected to 58 tonnes, to reflect the model estimate used in the stock assessment.

REVIEW OF THE CRA 8 (SOUTHERN) ROCK LOBSTER FISHERY

CRA 8 STOCK STATUS

27. The results of the CRA 8 stock assessment carried out in 2015 suggested that there are no sustainability concerns for the CRA 8 fishery. Stock biomass in 2015 was 1.4 times the agreed reference level, $B_{REF,}$ and has continued to increase. Spawning stock biomass in 2015 was 44% of the unfished level, well above the soft limit (20% of the unfished level).

28. Standardised CPUE is considered to be a reliable indicator of relative stock size in CRA 8 and is the abundance indicator used in the CRA 8 management procedure. The CPUE type used for CRA 8 is unique in that it relates only to the fish that were landed and does not consider fish that were of legal size but were legally returned to the water. In CRA 8 the substantial difference in price at market for different grades of lobsters means that economic return can be substantially increased by selecting retaining lobsters with the highest current market value.

29. CRA 8 commercial offset year CPUE has now been increasing since 2011 and was 4.3 kg/potlift in 2018 (the highest CPUE in the observed history).

TACC

30. The current CRA 8 management procedure was first applied in 2017 and will be reviewed in 2020. The CRA 8 management procedure is unique in that it uses information only from retained legal state catch. The CRA 8 industry has an intent to manage the QMA at a high biomasses and selected the procedure to approximate a stock status thought to maximise economic return.

31. The proposed TACC for 2019/20 generated by the rule will increase the TACC to 1,129.6 tonnes. Given the assessed stock status and trends there is no reason not to apply the management procedure. The increase in the TACC will recognise the careful management of the stock and provide increased economic return to the commercial sector with utilisation benefits increasing for all sectors by maintaining the high CRA 8 abundance levels. The elevated stock levels achieved with this management target are supported by the CRA 8 industry, not only because it more than ensures stock sustainability, but because it delivers economic benefits through an ability to target fishing effort at certain times of the year and certain grades when market prices are at their most favourable.

NON-COMMERCIAL CATCH

32. No change is proposed to the 30 tonne customary Māori allowance. Current harvest is considered to be conservative and is well within the allocation.

33. The 33 tonne recreational allowance was first set in 2009 on the basis of estimates available from surveys at the time, which are now considered to be biased and overestimates. The estimate of 20 tonnes is dated and very uncertain and does not provide a basis to change the allowance.

34. A new CRA 8 recreational harvest estimate is due in mid 2019 from the 2017/18 National Panel Survey or recreational harvest. This estimate will be used in setting the allowance for recreational fishing and in review of other management controls. That allowance will need to take into account the most recent reported information of rock lobsters take by commercial fishers for non-commercial purposes (section 111 take).

OTHER SOURCES OF MORTALITY

35. No change is proposed to the 28 tonne CRA 8 allowance for other sources of fishing-related mortality. There is no recent estimate of illegal take so the Rock Lobster Fisheries Assessment Working Group had to use the best available estimates of illegal catch. An estimate of handling related mortality is not currently available for CRA 8, and will be estimated at the time of the next proposed CRA 8 stock assessment in 2020. This information should then be used to adjust the provision for other sources of mortality in the TAC.

OTHER RELEVANT MATTERS

The review of rock lobster stocks has again identified a number of generic issues that impede the sustainable and effective managements of all of New Zealand's rock lobster fisheries.

POOR ESTIMATES OF AMATEUR TAKE

36. The legislative construct for managing fisheries in New Zealand is based on controlling all sources of removals to sustainable levels. This requires good information on fishing related mortality and illegal catch. By mid 2019 we are informed there will be new estimates of recreational take from surveys undertaken in 2017/18. These will update estimates last obtained in 2011/12 that are themselves very uncertain.

37. Clearly the ability to undertake stock assessments that provide an accurate and timely assessment of stock state on which to based 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 overrating productivity of the stock, and were a

contributing factor, in combination with poor recruitment, to management settings not being adequate to arrest the depletion of the stock earlier.

38. The stock assessment and management strategy evaluation demonstrated the impact of unmanaged increases in recreational catch on delaying the stock rebuild. Government has a responsibility, since it chooses to undertake these surveys on the part of recreational fishers, to implement more frequent surveys designed to provide estimates with usable precision.

39. Through the Marine Amateur Fishery Assessment Working Group we need to encourage examination of methods that could be used to produce timely and cost effective estimates of recreational catch. Lobster fisheries pose particular issues because of the relatively low participation rate and the large proportion of take by diving, including from many shore based access points. These features pose particular issues for the methods historically used in New Zealand which rely on trying to survey to obtain a representative sample of the population, and calibrate this with measurements from boat ramps. We need to push the group to undertake more analysis of methods, taking into account cost and precision, that may be are different to historical approaches taken, such as the tagging used in Victoria, Australia.

40. The approach would appear to have major advantages in cost-effectiveness for rock lobster fisheries and steps around the issue of trying extrapolate from a (inevitably small) sample by providing a means to have all take reported.

41. Poor information on recreational take means that subsequent management action is ill informed or simply does not occur. In his decision for 1 April 2018, the Minister confirmed that all sectors must contribute to the rebuilding of stocks. 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. In many recent circumstances the commercial sector has contributed disproportionately to rebuilding depleted stocks as no changes have been made to recreational allowances or controls on take.

42. Attention needs to be directed to the effective management of recreational take. Poor information of recreational take contributes, but 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.

43. 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 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.

44. 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. In New Zealand improved arrangements to manage recreational fishing are lagging and compromise the outcomes sought from fisheries management.

45. Industry is happy to share the benefits of good stock status, and in many stocks supports 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.

RECREATIONAL CHARTER VESSEL INDUSTRY

46. 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 of this obligation has been ignored to an unacceptable extent.

47. For most areas the amateur charter vessel data shows a substantial reduction in numbers of lobsters caught in recent years. Given the status of most rock lobster fisheries, this data is not credible and suggest charter vessel operators are in breach of their statutory obligations. Despite this clear trend, 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.

48. This issue needs attention and consideration of steps to better manage recreational charter fishing overall and its expansion and the consequent increase in take. NZ RLIC suggest the Minister seeks advice from the NRLMG on steps to better manage the recreational charter sector, with the advice to be provided in the annual NRLMG advice toward the end of 2019.

MANAGEMENT PROCEDURES STILL BASED ON TACCS

49. Management procedures (MP) need to be improved to incorporate the management of the recreational sector as well as the TACC. MPs are recognised as best practise management and provide responsiveness to changed stock status and certainly, but all the effort put into the design of management procedures will not deliver the intended outcomes for the stock if aggregate landings are not constrained to the allowances under the TAC.

ILLEGAL TAKE

50. The current poor and dated estimates of illegal take are inadequate to support assessments and coherent management, and represent a potential loss of catch to the legitimate sectors. MPI have acknowledged that the current estimates of illegal catch are very dated and not credible. 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

lead to overestimating productivity of the CRA 2 stock, and contributed to the decline in the stock despite the management procedure and shelving.

51. In his 1 April 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 has been informed of some internal work in MPI, but we are not aware of any new information collection being implemented, or revised approach being undertaken. Estimating illegal take is not straightforward but other jurisdictions have done it 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.

52. For all of the stocks being reviewed for 1 April 2019, there is very poor information on illegal take. 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.

RECREATIONAL ACCUMULATION LIMITS

53. For most QMA's, at present there is no effective limit on the amount of rock lobster people can have in their possession at any one time. 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.

54. NZ RLIC recommends that the work program for the NRLMG in 2019 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.

TELSON CLIPPING

55. The intent of telson clipping is to impede the illegal sales of rock lobsters, and therefore the landing of lobsters for such unlawful purposes. 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.

56. 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.

57. 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.

58. Telson clipping would provide Fishery Officers with an additional 'tool in the toolbox' to address illegal take for sale in rock lobsters 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.

59. 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 has successfully reduced the supply of recreationally caught rock lobsters illegally being sold commercially.

60. NZ RLIC recommends that the NRLMG should advise the Minister on the national adoption of telson clipping for recreationally caught lobsters.

DIGITAL MONITORING

61. The transition to electronic reporting is expected to improve the quality and reduce 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. This runs the risks of compromising 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.

62. 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 in proposed 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.

63. The requirement, at least until the review of landings and returns policy, to retain all live QMS finfish species taken in pots will create significant problems. 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.

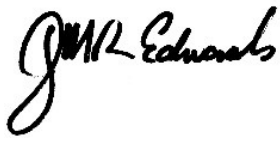
64. Further issues are created by the proposed implementation schedule. Unavoidably the transition to electronic reporting will create a disjunct in the data series because of the different way the data is collected. This will affect the time series and relative changes which are important to track stock abundance. Unfortunately this transition is exacerbated by Fisheries New Zealand's decision to spread implementation over two fishing years. The disjunct will mean that the currently formulated management procedures will likely be able to be utilised for the last time in 2019 – for a period until we have a new time series of electronic CPUE data. The stock assessment team is assessing approaches to mitigate this issue including running the stock assessments on an annual basis for a period and using the assessment outcomes to inform management decisions directly or inform revised management procedures.

……..

Supplementary inquiries on this submission can be directed to –

NZ Rock Lobster Industry Council

Note that CRAMAC 3 and CRAMAC 8 have also made submissions.



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12 February 2019

Submission: Review of rock lobster TACs in CRA 3, 4 and 8

Recommendations

1. The Minister addresses the sustainability concerns of non-commercial interests by agreeing to stop the use of management procedures based on fluctuations in annual Catch Per Unit of Effort (CPUE).

2. The Minister review the membership and role of the National Rock Lobster Management Group.

3. The Minister removes the concessions enabling commercial fishers to take male rock lobster with tail width smaller than 54 mm

4. The Minister acknowledges that a 6.3% reduction in the TACC is insufficient to prevent the continuing decline of the CRA 3 stock and he requests independent scientific advice on how to respond to a 30% reduction in standardised commercial catch rate in CRA 3 in the last 4 years before setting TACC for 2019-20.

5. The Minister acknowledges that CRA 4 is rebuilding from a low base and acts in a precautionary manner by rejecting the proposed 19.2%, 61 tonne, increase in Total Allowable Commercial Catch (TACC) in CRA 4.

6. The Minister applies a cap of 30 tonnes to future annual TACC increases in CRA 4, until the fishery rebuilds to the reference biomass level with 70% probability.

7. The Minister rejects the proposed 5.5%, 59 tonne, increase in TACC in CRA 8 while the commercial size concession applies.

8. The Minister makes precautionary decisions for our crayfish stocks in acknowledgement of the uncertainty involved in transitioning to electronic logbook reporting.

9. The Minister's decisions needs to reflect his statutory obligations to protect the ecosystem, and the social, economic and cultural wellbeing of all New Zealanders not just commercial interests and those of the National Rock Lobster Management Group.

The submitters

10. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposals to review Total Allowable Catch (TAC), allowances and the Total Allowable Commercial Catch (TACC) for rock lobster (*Jasus edwardsii*) in Quota Management Areas CRA 3, 4 and 8, with submissions due 12 February 2019.

11. The New Zealand Sport Fishing Council is a recognised national sports organisation with over 34,000 affiliated members from 56 clubs 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. www.legasea.co.nz.

12. Spearfishing New Zealand (SNZ) is an Incorporated Society authorised by its constitution to represent the interests of freedive spearfishers in New Zealand. SNZ support initiatives that they consider are beneficial to their members and those that will contribute to rebuilding fisheries to a healthy level that will support better utilisation of our marine resources. SNZ support this submission. Together we are '*the submitters'*.

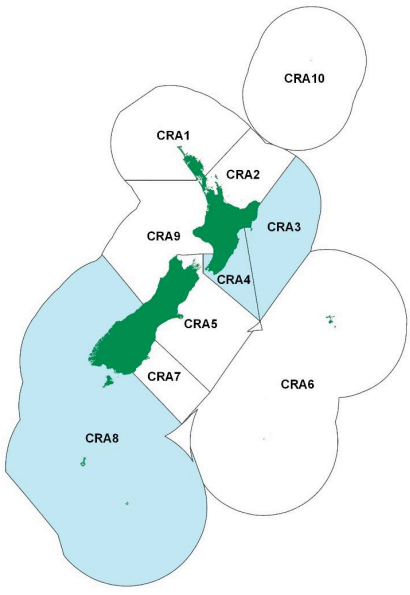
13. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations…" [s8(2)(a) Fisheries Act 1996].

14. The submitters note and appreciate the consultation timeframe of about 30 working days for this process. This is an improvement from the 18 working days that had become standard MPI practice. This time frame has allowed some consultation with local recreational interests, our affected clubs and other representatives organisations including the New Zealand Underwater Association.

15. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, [redacted]

Background

16. Rock lobster is an important species and fishery for all sectors in the three quota management areas under review. In the past rock lobster were abundant and played a significant role in coastal ecosystems. Large catches were taken out of some ports in the 1920s for canning and export to Europe. Widespread commercial rock lobster fishing has occurred since 1945.



17. CRA 8 supports by far the largest commercial rock lobster fishery, with the highest catch rates for commercial and recreational fishers in New Zealand. While no doubt the population has been fished down, the remote rugged coastline and cool water supports a productive stock of red rock lobster. Commercial fishers have a concession to

take male rock lobster below the minimum legal size that applies to recreational catch. There is no information provided on how much this concession is used or why it is still needed.

18. CRA 3 supports an unusual fishery, dominated by large numbers of small male rock lobster north of Tūranganui-a-Kiwa / Poverty Bay, while in the south rock lobster are generally larger and females are often caught. There is also a concession to allow commercial fishers to take small male rock lobster in winter months in CRA 3, which is used in the northern area. Anecdotal information suggests that a significant portion of the winter commercial catch is between 52 mm and 54 mm tail width permitted under the concession.

19. CRA 4 was the second largest rock lobster fishery in New Zealand for many years, with miles of rugged rocky coast line and high rock lobster settlement rates. There have been periods of low commercial catch rates and the Total Allowable Commercial Catch (TACC) has been reduced 4 times and increased 4 times over the last 10 years.

MPI proposals

20. Most rock lobster management in New Zealand is currently based on stock assessment models for each quota management area and management procedures that generate proposed changes to the TACC for the years between assessments. The proposed changes to rock lobster Total Allowable Catches (TACs) for the fishing year beginning on 1 April 2019 are outlined in Table 1. These are the result of running management procedures that use commercial catch per unit effort (CPUE) to develop the following management options -

    - A TACC decrease of 6.3% for the CRA 3 (Gisborne) fishery to ensure stock abundance is maintained, with no changes to the other allowances;
    - TACC increases of 19.4% for the CRA 4 (Hawke's Bay to Wellington), and 5.5% for CRA 8 (South Coast/Fiordland) fisheries to provide increased commercial utilisation opportunities;
    - A decrease is proposed in the allowance for other fishing related mortality in CRA 4 to reflect the current estimates used in the CRA 4 stock assessment model.

Table 1: Proposed management options (in tonnes) for CRA 3, 4 and 8 from 1 April 2019.

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality
CRA 3	**CRA3_01**: *Status quo*	366.86	237.86	20	20	89
	CRA3_02: Based on the operation of the CRA 3 management procedure	351.9 ↓ (4.1%)	222.9 ↓ (6.3%)			
CRA 4	**CRA4_01**: *Status quo*	513.8	318.8	35	85	75
	CRA4_02: Based on the operation of the CRA 4 management procedure	558 ↑ (8.6%)	380 ↑ (19.2%)			58 ↓ (22.7%)
CRA 8	**CRA8_01**: *Status quo*	1,161.7	1,070.7	30	33	28
	CRA8_02: Based on the operation of the CRA 8 management procedure	1,220.6 ↑ (5.1%)	1,129.6 ↑ (5.5%)			

Management Procedures

21. As per previous submissions, the submitters do not support the use of management procedures designed to maximise yield. The management procedures do not adequately take into account the downward trend in productivity of all rock lobster stocks in New Zealand (Breen 2018)[1]. This decline appears to be particularly problematic in eastern North Island fisheries. Some, but not all of this decline, is explained by a reduction in biomass and an increase in water temperature.

22. The stock assessments on which management procedures are based estimate Maximum Sustainable Yield (MSY) and very low biomass levels, and do not take account of efficiency gains made by rock lobster fishers since 1980. The standardised commercial catch rate (kilos per pot lift) used to inform changes to the TACC includes self-reported estimates of the weight of released fish (apart from CRA 8). Retention rates and reporting behaviour have changed over time yet this is not reflected in the management procedures or stock assessment process for these stocks. In 2018 these efficiency gains were factored into the CRA 2 stock assessment and that provided a turning point in realising the previous assessments of future abundance were too optimistic. If it's good enough to apply efficiency gains in CRA 2 then it is only reasonable to apply the same precautionary approach in assessing CRA 3, 4 and 8.

23. The current management targets used to develop management procedures are under review and may be too low in many cases. The management procedure process appears to advantage commercial interests and at the expense of the ecosystem, and the social, economic and cultural wellbeing of the majority of New Zealanders.

National Rock Lobster Management Group

24. MPI advise the National Rock Lobster Management Group (NRLMG) is a *"national-level, multi-stakeholder group comprising representatives of customary, recreational and commercial fishing sectors and MPI".* The submitters continue to object to the exclusive nature of the NRLMG. The NZSFC is the largest representative organisation of recreational fishing interests in the country, with over 34,000 members. Through LegaSea we also work with a number of interested organisations, including the New Zealand Angling and Casting Association and New Zealand Underwater, collectively representing over 60,000 people. Currently our representatives can attend NRLMG meetings as observers only.

25. We remind MPI that crayfish are a taonga, a treasured species, for many New Zealanders not just the few who sit around the NRLMG table. To achieve some transparency we recommend the Minister review the membership and role of the NRLMG.

Remove the concessions

26. There is no mention in the discussion document that commercial concessions apply in CRA 3 and CRA 8, enabling commercial fishers to take crayfish smaller than the Minimum Legal Size (MLS) applying to recreational harvest; this is a serious omission of relevant information from the "Consultation Document". This omission denies submitters the opportunity to learn how the exploitation of concession fish has caused ongoing conflict between commercial interests and non-commercial fishers who resent the impacts of this exploitation on their ability to harvest legal size crayfish.

[1] Breen (2018) Trends in surplus production in New Zealand rock lobster stocks.

27. The submitters and NZSFC member clubs in Crayfish 3 (CRA 3) have made it very clear that the concession that allows commercial fishers to take smaller rock lobster than recreational fishers is unfair and must be removed. In 2014 the NZSFC member clubs with an interest in CRA 3 developed a policy that aims to increase the size and abundance of rock lobster and ensure the needs of customary and amateur fishers are met. http://nzsfc.fishing.net.nz/index.cfm/PageID/411/ViewPage/Crayfish-3-policy

ROCK LOBSTER – PROPOSALS

Crayfish 3 (CRA 3) East Cape to Mahia

28. MPI advise "*Maintaining the current TAC could result in a further decline in CRA 3 stock abundance and could affect the goal of maintaining stock biomass at or above* B_{MSY}."(the biomass that will support maximum sustainable yield).

29. MPI propose a decrease to the Total Allowable Catch (TAC) by reducing the Total Allowable Commercial Catch (TACC) by 6.3%, to 223 tonnes, or to retain the status quo.

30. NRLMG and MPI must not use the Theoretical B_{MSY} as a goal or a target for any stock. MPI developed the Harvest Strategy Standard specifically to help set targets that take account of uncertainty in data and stock assessment models and natural fluctuations in population size. For long lived stocks like rock lobster the target must be about 50% of the unfished biomass, to fit with international best practice.

31. Rock lobster stock assessments are particularly complicated and the estimates of unfished biomass, using average recruitment observed over the last 30 years, seem to fall well short of the abundance observed in the first half of the 20th Century, let alone the virgin population.

32. The current (2014) stock assessment for CRA 3 has quite different results depending on which assumed growth rate is used. The figures quoted here are from the fixed growth rate base case. The 2014 estimate of the vulnerable biomass (mostly male rock lobster) at the beginning of the autumn/winter season was 704 tonnes, while the estimate of B_{MSY} was very low, just 213 tonnes. Given that 75% of commercial catch is taken in autumn and winter it seems ludicrous that the theoretical maximum sustainable yield is available when the vulnerable biomass is 213 t at the start of autumn/winter. The estimated level of minimum biomass and B_{MSY} are shown on a plot of annual biomass over time from the 2014 stock assessment in Figure 1.

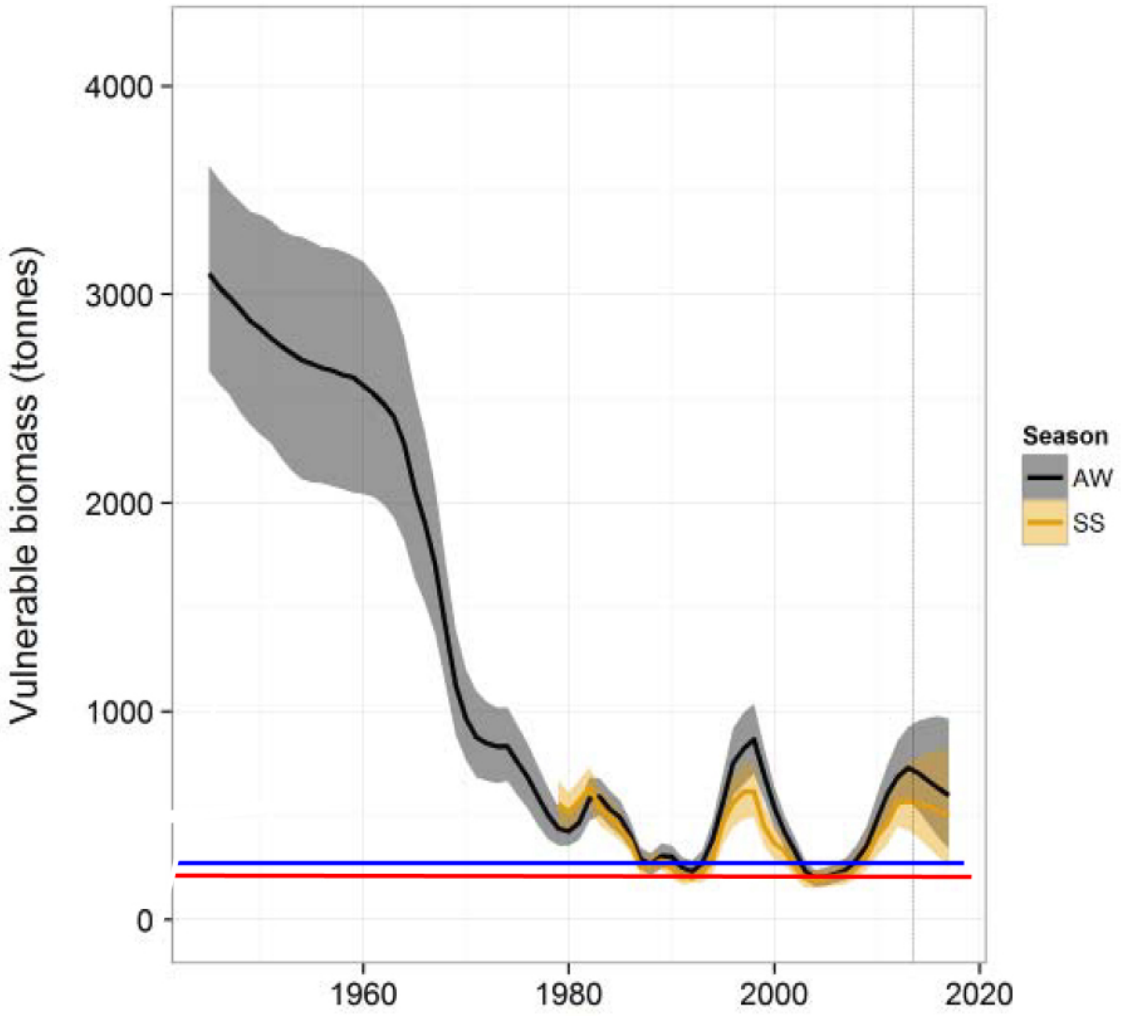


Figure 1: CRA 3 autumn/winter (AW) biomass since 1945 and spring summer (SS) biomass since 1979 estimated in the 2014 stock assessment. The theoretical estimate of the biomass that will support maximum sustainable yield (B_{MSY} of 213 tonnes) is the blue line, the lowest biomass observed used as a minimum reference point (Bmin of 194 tonnes) is the red line. The last year of the assessment was 2014 indicated by the vertical line and biomass was projected forward 5 years. A new CRA 3 assessment is due in 2019.

33. The submitters note that the goal of maintaining stock biomass at or above BMSY, as stated in the Fisheries Act 1996, is an ineffectual management goal for crayfish stocks. In 2018 work was initiated to determine new management targets for all rock lobster stocks, but this work remains uncompleted because the NRLMG diverted resources into an unscheduled stock assessment for CRA 6 (Chatham Islands).

34. Estimated catch data since 1963 shows commercial catch fished down the vulnerable biomass. There have been large fluctuations in the CRA 3 stock over the last 30 years with low periods in the early 1990's and mid 2000's. Vulnerable biomass was higher in 2014 (704 t), but this is just 23% of the estimated vulnerable biomass in 1945 (Figure 1). It is impossible to reconcile the spring/summer vulnerable biomass in Figure 1, which includes female rock lobster, with the statement in the discussion document that the female spawning stock biomass is 70% to 107 % of the original unfished biomass in 2013. Hopefully the 2019 CRA 3 assessment will produce realistic results.

35. The catch rate used in the management procedure in 2014 was 2.2 kg per pot lift, now it is 1.54 kg per pot lift. This represents a 30% decline over 4 years. While CRA 3 is an area with high settlement and recruitment, it is obvious to most people outside the NRLMG that the CRA 3 fishery is in decline and a 6.3% reduction in commercial quota is insufficient to prevent this decline from continuing. As happened in CRA 2:

    - the old stock assessment method is overly optimistic;
    - the estimate of BMSY is ridiculously low;
    - there is no modern management target set; and
    - the management procedure fails to adequately respond to declining biomass.

Fishery independent potting survey

36. A serious problem with rock lobster tail fan necrosis (TFN) in CRA 3 was reported in the scientific journal *Marine and Freshwater Research* in 2009. A three-year potting survey, using standard rock lobster pots, fished inside the Te Tapuwae o Rongokako Marine Reserve and on similar reef structures to the north and south of the reserve found the incidence of TFN for males was 2% inside the reserve and 17% outside the reserve.[2] The proportion of rock lobster with TFN was particularly high for rock lobster in fished areas with tail widths from 50 to 56 mm (Figure 2). This incidence is consistent with damage caused by pots and handing. The necrosis blackens and rots the tail reducing commercial value, increases mortality and potentially spreads to other lobsters.

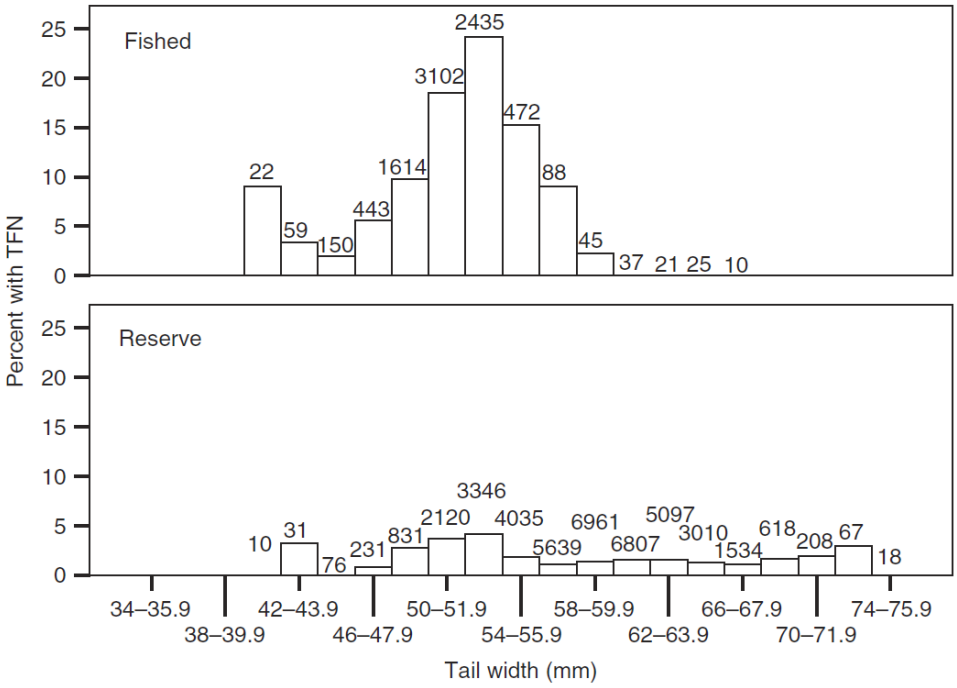


Figure 2: Percentage of males affected by tail fan necrosis (TFN) outside and within Te Tapuwae o Rongokako Marine Reserve, by tail width. Sample sizes are shown above each bar (source Freeman & McDiamond 2009).

[2] Freeman and McDiamond. (2009). Healthier lobsters in a marine reserve: effects of fishing on disease incidence in the spiny lobster, *Jasus edwardsii.*

37. The potting survey also provides data on the size distribution of rock lobster caught inside the marine reserve and on adjacent fished areas. The survey was conducted between November 2003 and November 2006, just 4 to 7 years after the reserve was established. 90% of rock lobster caught were male. Even in this short period, there is a remarkable difference in the size of male rock lobster inside the reserve with a broad spread of sizes and mode from 58 to 61 mm (Figure 3). Outside the reserve 84% of males were 48 to 53mm with just 2% were 58 mm or larger. Inside the reserve 60% of rock lobster were 58 mm or larger (Figure 3).

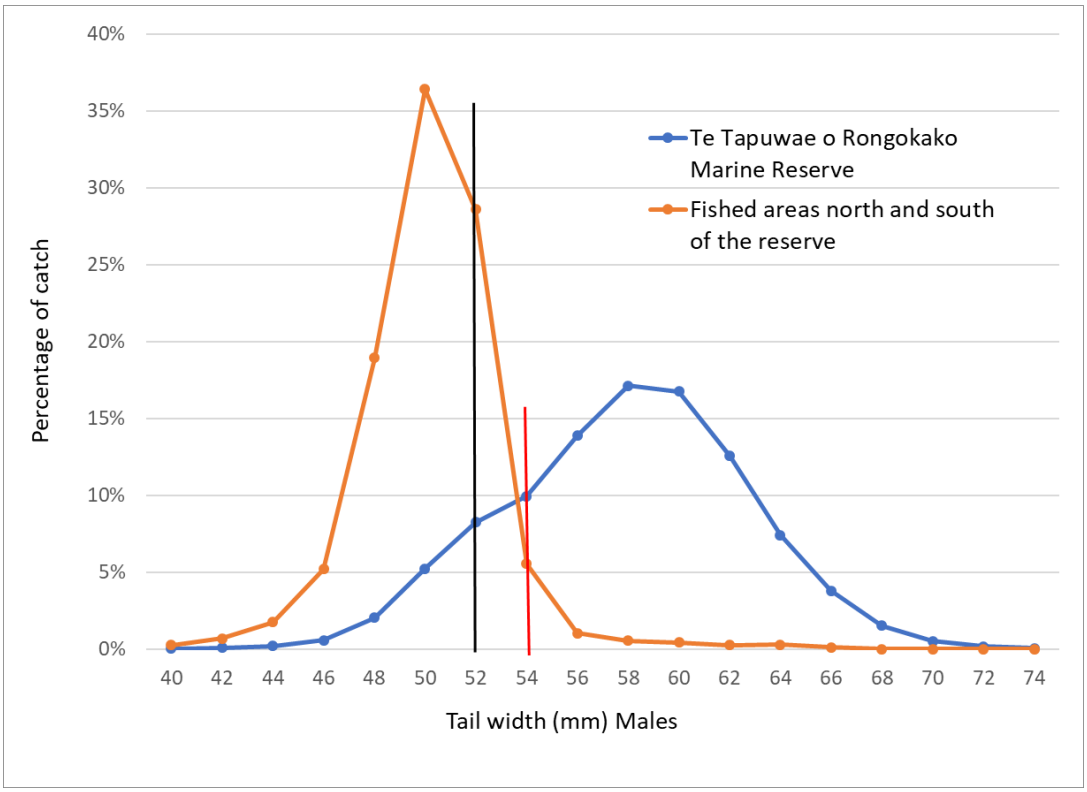


Figure 3: Percentage of male rock lobster by 2 mm tail width bin outside (orange) and within Te Tapuwae o Rongokako Marine Reserve (blue) using the sample sizes in Figure 2. The winter commercial male tail with size limit of 52 mm is the black vertical line the recreational size limit of 54 mm is the red vertical line.

38. This survey may not be representative of all fished areas on the East Coast north of Gisborne, but it does show the significant impact of intensive fishing on the size and availability of rock lobster in CRA 3. There are over 5 times more rock lobster at 52 and 53 mm (29%) compared to those at 54 and 55 mm (5.5%) in area outside the marine reserve. Inside the marine reserve 84% of male rock lobster were over 54 mm while outside the reserve just 8% were over 54 mm tail width. This is clear evidence of the impact of the commercial size concession on the availability of reasonable size crays for non-commercial fishers in important areas of CRA 3.

39. **The submitters recommend** that the Minister rejects the CRA 3 management procedure, removes the concession to take male rock lobster with tail width smaller than 54 mm, and requests independent scientific advice on how to respond to a 30% reduction in standardised commercial catch rate in the last 4 years. The Minister's decision needs to reflect his statutory obligations to protect the ecosystem, and the social, economic and cultural wellbeing of all New Zealanders not just commercial interests .

Crayfish 4 (CRA 4) Hawke Bay to Wellington

40. MPI advise "*For CRA 4, the biomass level that can produce the maximum sustainable yield (B_{MSY}) is not known. An MSY-compatible reference level, B_{REF}, is instead used for CRA 4. …. a new CRA 4 management procedure was agreed for use in guiding TAC setting from April 2017. This was to ensure stock biomass was rebuilt towards the agreed reference level in the next five years.*"

41. MPI now propose to increase the Total Allowable Catch (TAC). Within this, MPI propose to increase the Total Allowable Commercial Catch (TACC) by 61 tonnes, 19.2%, and decrease the allowance for other fishing related mortality by 17 tonnes which is 23%, or to retain the status quo.

42. The rock lobster science working group has selected an autumn/winter vulnerable biomass of 561 tonnes a reference level, that may provide the maximum sustainable yield in CRA 4. There is an objective to move the stock from where it was in 2016 (416 t) toward the reference level and the TACC was reduced by 108 tonnes in 2017.

43. Operation of the management procedure increased the TACC by 30 t in 2018 and now a 61 t increase is proposed in 2019. These increases have been driven by increases in commercial catch rates, but these where coming off a low level in 2016 of about 0.69 kg per pot lift.

44. The result of the 2016 stock assessment shows a similar pattern to the CRA 3 assessment with a cycle of high and low periods since the early 1990's (Figure 4). The reference biomass of 561 t is not an ambitious target, around 18% of vulnerable biomass at the start of the 1945 year. What's more, the minimum biomass refence point is 324 t and is actually larger that the theoretical B_{MSY} of just 284 t (Figure 4).

45. The submitters do not consider that a 19.2% increase in commercial catch rates (CPUE) is a reliable measure of the increase in CRA 4 stock abundance. In fact, an increase of this magnitude in a single year suggests behavioural change by fishers, not just an increase in rock lobster abundance.

46. As stated in previous submissions, no allowance is made for changes in market demands, fishing operations, increased efficiency, shifts in area fished, changes in discard rates or reporting rates. There is no data collected on many of these factors and no consistent way of taking account of these types of changes in the stock assessment or management procedure.

47. In 2018 the CRA 2 CPUE standardisation included vessel effects for the first time in any rock lobster assessment, to account for some changes in fishing efficiency since 1990. The result was a more realistic trend in CPUE and improved fits in the stock assessment model.

48. There have been significant changes in the CRA 4 fishing fleet since 1990 so the vessel standardisation will likely have resulted in lower current biomass estimates in this area as well. The Minister needs to be well informed of the increased uncertainty and risks if the best available information, i.e. CPUE standardisation by vessel, is omitted from the assessment of CRA 4.

49. Previously the NRLMG have noted that CPUE is not only affected by changes in abundance, and that large changes in the TAC will affect fishing patterns and catch rates. "*In reality, future CPUE will not be independent of the TAC. For example, setting a lower TAC would result in a higher CPUE the following year than would setting a higher TAC*".

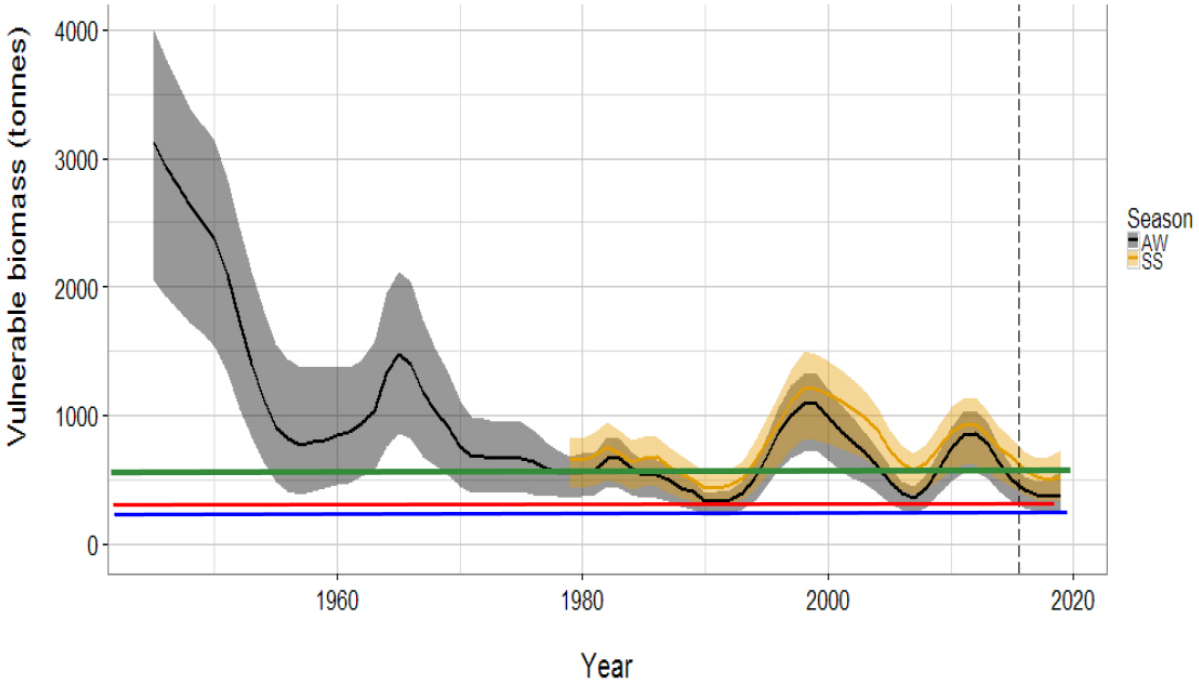


Figure 4: CRA 4 autumn/winter (AW) biomass since 1945 and spring summer (SS) biomass since 1979 estimated in the 2017 stock assessment. The theoretical estimate of the biomass that will support maximum sustainable yield (B_{MSY} of 284 tonnes) is the blue line; the lowest biomass observed used as a minimum reference point (Bmin of 324 tonnes) is the red line; and the reference biomass used as a management target is 561 t, green line. The last year of the assessment was 2016 indicated by the vertical dashed line and biomass was projected forward 3 years.

50. The introduction of electronic logbooks with the roll out of MPI's IEMRS system will change the reporting requirements for most commercial fishers. There is widespread concern that catch and effort data collected under the new system will "improve" or be so different to the data currently collected using the paper based system that a separate time series of CPUE will be needed. This means that it may take 4 to 5 years to re-establish reliable trends in CPUE. There is a sustainability risk to the stock while CPUE continues to be a major input into management procedures and ultimately catch settings.

51. As we have submitted over many years, rock lobster CPUE does not provide an absolute measure of abundance. At best it provides a relative estimate of trends over time in stock size. The Minister needs to be made aware of the uncertainty and "noise" around year-on-year changes in CPUE.

52. We reiterate our concerns that a 19.2% change in CRA 4 CPUE does not equate to a 19.2% increase in stock abundance with adequate certainty to allow the Minister to increase the TACC by 19.2%. The CRA 4 stock has been in a downward cycle for most of the last 6 years. Indications are that abundance is increasing from a low base. The Minister must take a precautionary approach to ensure the CRA 4 stock continues to rebuild.

53. The Minister could put a cap on the size of annual TACC increases in CRA 4 until the target of reaching the reference biomass has been attained with 70% probability. We submit that a cap of around 30 t per year in CRA 4 would fit with the precautionary approach seen in modern fisheries management.

Crayfish 8 (CRA 8) South Coast/Fiordland

54. MPI advise for CRA 8 "*Stock biomass in 2015 was 1.4 times the agreed reference level, B_{REF} Spawning stock biomass in 2015 was 44% of the unfished level*"

55. MPI propose a increase to the Total Allowable Catch (TAC) by increasing the Total Allowable Commercial Catch (TACC) by 60 tonnes, which is 5.5%, or to retain the status quo.

56. CRA 8 is a productive rock lobster fishery and the stock has increased over recent years. The start of year reference biomass selected by the science working group is 1983 tonnes. The commercial catch rate used in the management procedure was 4.25 kg per pot lift (retained rock lobster only) which is a 39% increase from the level in 2015. This is a remarkable turnaround for this fishery which had catch rates well below 1 kg per pot lift for the whole period from 1990 to 2001.

57. Operation of the management procedure increased the TACC by 5.5% t in 2018 and a further 5.5% increase is proposed in 2019. The start of year theoretical B_{MSY} for CRA 8 is 1,465 tonnes but clearly this stock is more productive at current levels than it would be at that low level, which is nearly half of the 2015 start of year biomass (Figure 5).

58. While the current rebuild is encouraging, CRA 8 used to be a very large stock and a large fishery. In 2015 the stock assessment estimated the spawning stock biomass (mature females) to be at 44% of the 1945 level. Looking at the graph in Figure 5, the start of year vulnerable biomass (mainly males) are still at a relatively low level, 13% of the 1945 level. Presumably this includes concession sized rock lobster down to 52 mm tail width.

59. A concession was introduced to allow commercial fishers to harvest male rock lobster below the national minimum legal size when fishing was hard, and a high proportion of catch was small. Clearly the original purpose of the concession is no longer valid and we submit that the concession is removed in CRA 8 and all other rock lobster areas.

60. **NZSFC recommend** that the Minister reject any TACC increase in a rock lobster stock where the concession allowing commercial fishers to take animals below the Minimum Legal Size applies.

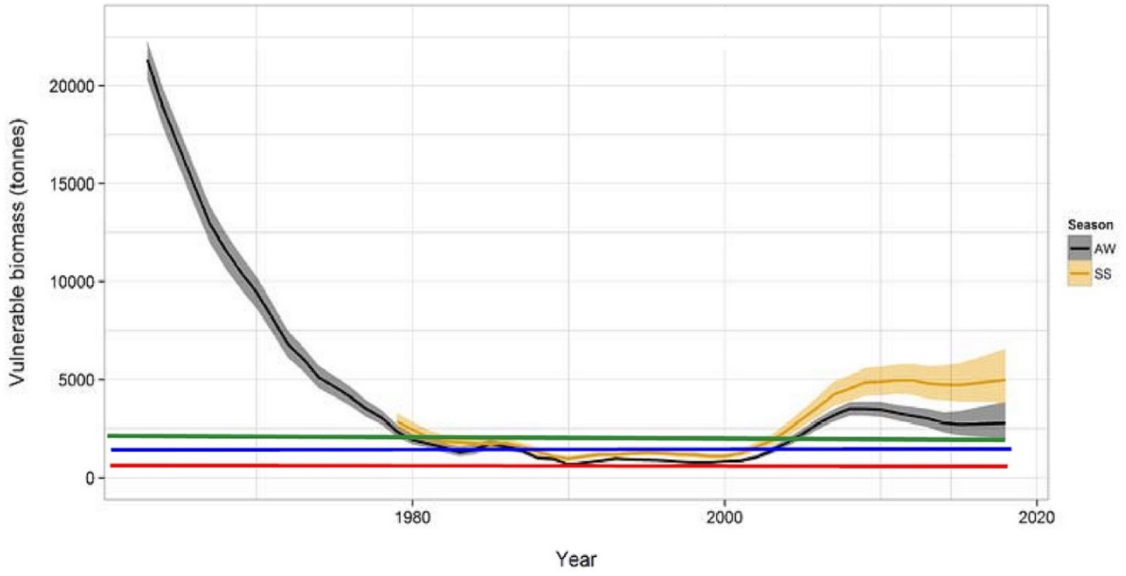


Figure 5: CRA 8 autumn/winter (AW) biomass since 1945 and spring summer (SS) biomass since 1979 estimated in the 2015 stock assessment. The theoretical estimate of the biomass that will support

maximum sustainable yield (B_{MSY} of 1465 tonnes) is the blue line, the lowest biomass observed used as a minimum reference point (Bmin of 658 tonnes) is the red line and the refence biomass used as a management target is 1983 t, green line.

12 February 2019

Sustainability Review 2019
Fisheries Management
Fisheries New Zealand
P O Box 2526
Wellington 61401

Ngāti Kahungunu Iwi
INCORPORATED

Submission: Review of sustainability Measures for Rock Lobster in Gisborne (CRA3), Hawke's Bay / Wellington (CRA4).

From: Ngāti Kahungunu Iwi Incorporated

Tēnā koutou

1. **Ngāti Kahungunu Iwi Incorporated** (NKII) is a mandated iwi organisation. Ngāti Kahungunu has the third largest iwi population (62,000[1]) and the second largest tribal rohe and coastline, from Paritū and extending inland across the Wharerata ranges in the north to Turakirae in South Wairarapa.
2. Ngāti Kahungunu maintains an independent position to protect and advocate the interests, rights, values, beliefs and practices of Ngāti Kahungunu whānau, hapū and iwi. This includes a responsibility and obligation as kaitiaki to care and protect the taiao for future generations.
3. Ngāti Kahungunu Iwi Incorporated has received fisheries settlement assets as a result of the Treaty of Waitangi Fisheries Settlement of 1992, the Maori Commercial Aquaculture Settlement Act 2004 and the implementation of the Maori Fisheries Act 2004. These settlements provide a significant opportunity for our economic development aspirations which we continue to balance against our obligations as kaitiaki.
4. Ngā hapū o Ngāti Kahungunu have maintained customary use of marine resources out to and beyond the EEZ 12 nautical mile limit. Customary use and hapū authority has been acknowledged and gazetted along the majority of our coastline via the 1998 Fisheries (Kaimoana Customary Fishing) Regulations.
5. Ngāti Kahungunu hold significant commercial interests in the crayfish industry through the Ngāti Kahungunu Asset Holding Company and its shareholdings in Fiordland Lobster Company.

CRA3

6. Ngāti Kahungunu supports option 2 for a decrease in the TAC and TACC for CRA3 in support of a management approach to prevent further decline in CRA3 stock abundance and the maintenance of stock biomass.
7. Anecdotal feedback suggests that the allowance for 'other mortality' and causes in CRA3 should be examined further and potentially reconsidered and managed accordingly.

[1] 2013 Census of Population and Dwellings, New Zealand Kahungunu population only.

304 FITZROY AVENUE, PO BOX 2406, HASTINGS, 4153 HAWKE'S BAY, NEW ZEALAND
PHONE 06 8762718 TOLL FREE 0800 524 864 FACSIMILIE 06 8764807 EMAIL: paatai@kahungunu.iwi.nz WEBSITE: www.kahungunu.iwi.nz

CRA4

8. Ngāti Kahungunu supports option 1 maintain status quo in the TAC and TACC for CRA4.

9. Ngāti Kahungunu supports an eventual increase for TACC and the return to previous allowances for commercial fisheries. However, given the stock assessment was conducted in 2016 and that since that time NZ has experienced two summers of record sea surface temperatures, and climate change models project that warming trends will continue, and that biological effects of these changes may have negative (increasing frequency of El Niño events) or positive (increasing water temperature) implications for the fishery, in the absence of information as to how, in particular recruitment is affected, a precautionary approach is warranted.

10. Ngāti Kahungunu has also been cautious of the impacts of seismic survey activity along the Hawke's Bay and Wairarapa coastlines since 2016, and the negative effects this activity may have had on the resilience and future recruitment of the crayfish stocks.

11. The iwi is also mindful of ensuring that the over-all effectiveness of commercial reductions in quota and voluntary industry management procedures are not unnecessarily undone prematurely. For these reasons Ngāti Kahungunu recommend a precautionary approach to managing CRA4 stocks.

12. Ngāti Kahungunu Iwi Incorporated are supportive of other Ngāti Kahungunu iwi, Taiwhenua and hapū organisations submitting on this matter. Please ensure that all queries and further communication is sent to Ngaio Tiuka, Pouarataki: Director of Environment and Natural Resources, [redacted]

Nāku noa,

Ngaio Tiuka
Director of Environment and Natural Resources
Ngāti Kahungunu Iwi Incorporated
PO Box 2406
Hastings

SUSTAINABILITY REVIEW 2019

Submission on PROPOSED CRA 3 OPTIONS from the Tairawhiti Rock Lobster Industry Association Inc (TRLIA).

10th February 2019

The TRLIA represents the interests of quota share owners, ACE owners and processors in the CRA 3 fishery.

The TRLIA supports the CRA 3_02 option to reduce the CRA 3 TACC, based on the operation of the CRA 3 management procedure.

Gordon Halley
Chairman TRLIA.

Te Ohu Kaimoana's Response to Fisheries New Zealand's Review of Sustainability Measures for Rock Lobster (CRA3), (CRA4), (CRA8) and Malborough Sea Cucumber (SCC7A) for 2019/20

Te Ohu Kaimoana

Contents

Introduction

1. Te Ohu Kaimoana welcomes the opportunity to provide a response to Fisheries New Zealand (FNZ) on their Review of Sustainability Measures for Rock lobster in Gisborne (CRA3), Hawkes Bay/ Wellington (CRA4), Southern (CRA8) and Marlborough Sea Cucumber (SCC7A) for 2019/20.

About Te Ohu Kaimoana

2. Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Maori Fisheries Act 2004, is to "advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:

    - ultimately benefit the members of Iwi and Māori generally; and
    - further the agreements made in the Deed of Settlement; and
    - assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
    - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement."

3. Mandated Iwi Organisations (MIOs) have approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal "that MIOs collectively lead the development of Aotearoa's marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent".

4. The principles guiding our response to the draft report are set out below.

Noho ora mai rā,

Dion Tuuta
Te Mātārae - Chief Executive
Te Ohu Kaimoana

1.0 - Guiding Princples

1.1 - Te Hā o Tangaroa kia ora ai tāua

5. Prior to the colonisation of Aotearoa by the British Crown, Māori enjoyed complete authority over their fisheries resources. Te Ao Māori's relationship with Tangaroa, and ability to benefit from that relationship, was and remains underpinned by whakapapa – descent from Ranginui, Papatūānuku and their children.

6. The signing of Te Tiriti o Waitangi in 1840 affirmed Māori tino rangatiratanga over their taonga including fisheries which was an essential affirmation of the traditional Māori world view. This world view endures in the modern day. Te Tiriti o Waitangi and the 1992 Maori Fisheries Settlement are built on a much deeper foundation of Māori whakapapa connection to and relationship with Tangaroa.

7. In the modern context, when considering or developing fisheries-related policy, Te Ohu Kaimoana is guided by the principle of 'Te Hā o Tangaroa kia ora ai tāua' - the breath of Tangaroa sustains us. In this context Tangaroa is the ocean and everything connected to and within, on and by the ocean. This connection also includes humanity, one of Tangaroa's descendants.

8. Ko 'Te hā o Tangaroa kia ora ai tāua', highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty and how those parts individually and collectively sustain humanity. The guiding principles underpinning 'Te hā o Tangaroa kia ora ai tāua' highlight how we ensure that we foster and maintain our relationship with Tangaroa.

1.1.1 - Tangaroa

9. Tangaroa is the God of the Sea and everything that connects to the sea. He is the divinity represented through Hinemoana (the ocean), Kiwa (the guardian of the Pacific), Rona (the controller of the tides – the moon) and the connection with other personified forms of the Great Divine. For some tribes, he is also the overlord for all forms of water, including freshwater and geothermal as well as saltwater.

1.1.2 - Te Hā

10. Te Hā means, breath and to breathe. Te Hā o Tangaroa represents the breath of Tangaroa, including the roar of the ocean, the crashing of waves on the beach and rocks, the voice of the animals in and above the ocean and of the wind as it blows over the ocean, along the coast and the rocks and through the trees that stand along the shoreline. Through our whakapapa to Tangaroa, we as humanity, we as tangata whenua, are the human voice for Tangaroa.

11. When Tangaroa breathes it is recognised through the ebb and flow of tide and the magnetism of the moon. This magnetism is recognised as the kaha tuamanomano (the multitudinal rope of the heavens). Therefore, we must also be mindful of the lunar calendar when working with Tangaroa and his various modes.

1.1.3 - Purpose and Policy Principles

12. Te hā o Tangaroa ki ora ai taua provides Te Ohu Kaimoana with guidance on key principles which should underpin our consideration of modern fisheries policy.

- **Whakapapa:** Māori descend from Tangaroa and have a reciprocal relationship with our tupuna;
- **Tiaki:** To care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa in order to care for humanity as relatives;
- **Hauhake:** To cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and for the sustenance of humanity; and
- **Kai:** To eat, enjoy and maintain the relationship with Tangaroa as humanity.

13. Whakapapa as a principle recognises that when Māori (and Te Ohu Kaimoana as an extension of Iwi Māori) are considering Tangaroa, we are considering the wellbeing of our tupuna (ancestor) – rather than a thing or inanimate object. Therefore, the obligation and responsibility of Tiaki – caring for Tangaroa – comes from our descent from our Tupuna. Similarly, the responsibility and obligation of Hauhake (cultivation) is underpinned by our Tiaki obligations to Tangaroa in order to Tiaki humanity.

14. Ultimately, humanity's right to Kai – to enjoy the benefits of our whakapapa relationship with Tangaroa – are dependent upon our ability to Tiaki and Hauhake and how we uphold the responsibility and obligation in a modern and meaningful way to maintain legitimacy through practicing Tiaki, Hauhake and Kai.

15. These principles were inherent within the Treaty of Waitangi fisheries settlement and – Te Ohu Kaimoana asserts - the quota management system, which Māori endorsed as part of that historic settlement. This underscores its ongoing relevance and importance in modern New Zealand fisheries management.

1.1.4 Duty to act in a manner consistent with the Fisheries Settlement

16. Section 5 (b) of the Fisheries Act 1996 obliges "all persons exercising or performing functions, duties, or powers conferred or imposed by or under it" to "act in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (TOW(FC)SA)". The TOW(FC)SA implements the Deed of Settlement between Māori and the Crown, which represented a full and final settlement of Māori claims to fisheries.

17. It follows that whenever a minister makes a decision to implement a sustainability measure or to provide for utilisation, they must ensure their decision is consistent with, and does not undermine, the Fisheries Settlement.

18. When the Interim Fisheries Settlement was agreed between Māori and the Crown in 1988, the Crown undertook to provide Māori with 10% of the quota for all stocks in the Quota Management System (QMS) at that time. When the Deed of Settlement was finalised, it was agreed that all stocks introduced to the QMS from that time would generate a 20% share for Māori. As part of this agreement, Māori agreed that the QMS was an appropriate regime for managing commercial fisheries. At the time of the Settlement the only proportional interests held were by quota owners (who owned a share of the TACC). Allowances for customary and recreational interest were for a fixed amount.

19. This system formed the basis for the commercial part of the settlement and underpins sound management of commercial fishing, in which rights holders take responsibility for managing their share of the overall TAC. The expectation was that the benefits of good stock management would accrue to those who had a proportionate interest in the fishery, notwithstanding the priority right held by customary interests in the event that customary needs increased.

20. As part of the Settlement, it was also agreed that the Minister would develop policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights. The Minister was also to recommend the making of regulations to recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and those places which are of customary food gathering importance to the extent such food gathering is neither commercial in any way nor for pecuniary gain or trade. Within the customary regulations, kaitiaki take responsibility for managing customary fishing, including issuing authorisations and reporting catch.

21. When agreeing to the provisions of the Deed of Settlement, Māori expected the value and integrity of the Settlement to be retained. After all, the Settlement is full and final: any action the Crown takes to undermine the value of settlement quota or fails to recognise customary non-commercial needs is a matter of bad faith.

22. Thus, when allocating the TAC, the Minister must ensure the integrity of Māori fishing rights is maintained. In Te Ohu Kaimoana's view this means:

    a. priority should be given to the customary allowance for stocks that Iwi and hapū require to meet their customary non-commercial needs; and
    b. the proportion of the TACC that makes up the TAC should not be reduced (but can be increased). Any reallocation to the recreational sector has the effect of reducing the overall value of settlement quota.

23. Te Ohu Kaimoana views recreational fishing as a privilege which should not be exercised at the expense of Māori commercial and non-commercial fishing rights. In recent times the recreational sector has effectively operated within an unconstrained allowance – which provides little incentive for the recreational sector to exercise responsibilities to constrain catch within the recreational limit. Similarly, this provides little incentive for the commercial sector to work collaboratively with recreational bodies to increase stock abundance, given the likelihood that any benefits of a rebuild will be allocated to the recreational sector. We acknowledge there are input controls such as bag limits; however, there is no effective means of keeping the total recreational catch within the allowance set.

24. Te Ohu Kaimoana does not support decisions that increase the recreational allowance at the expense of the TACC. These kinds of re-allocations affect the rights of settlement quota holders and reduce the incentives on the commercial sector to take responsibility and invest in good management.

25. Te Ohu Kaimoana considers that the appropriate way of reflecting the recreational share of the fishery is to set an allowance that as near as possible reflects the catch taken in 1992, when the Deed of Settlement was signed. We note that a recreational allowance did not become part of the TAC until the Fisheries Act 1996 came into effect, and since then it has been the general practice to set allowances when TACCs are varied and TACs are set, or when stocks are introduced into the QMS. We note that the courts have ruled that the Minister has discretion to set the allowance when initially allocating a TAC up to the level of estimated catch. However, we do not support any increases in this allowance after a TAC is set. From a fisheries management perspective, such decisions encourage a "race for fish" – which is what we are seeing in the case of species like Southern Bluefin Tuna. This kind of behaviour should be what responsible fisheries management aims to avoid.

26. If the recreational sector wishes to see a system in which the allowance can be increased above its initial allocation, a full review of the framework for managing the recreational sector is required. This would involve further consideration of options to more tightly manage recreational catch to ensure it stays within the recreational allowance. A system that allows for the recreational sector to increase catches would need to be carefully designed and take explicit account of obligations under the Deed of Settlement.

1.1.5 Allocating the TAC

27. To protect Māori fisheries settlement rights, the following approach should be taken to adjusting the Total Allowable Catch (TAC):

    a. the recreational allowance should not be increased above the level it was first set by the Minister when the TAC was set for any particular stock; and
    b. all increases to a TAC should be allocated to the commercial sector after providing for non-commercial customary fishing and other fisheries-related sources of mortality;
    c. if, in order to ensure sustainability, the TAC, Total Allowable Commercial Catch (TACC) and the recreational allowance is reduced, the allowance can be increased back to its initial level when the stock rebuilds;
    d. the customary allowance is based on customary needs and managed through kaitiaki. In some instances, customary needs may not be fully identified and there may be insufficient capacity to harvest what is needed. Therefore, there can be expected to be increases to the customary allowance over time as both needs are better identified and capacity to harvest is realised;
    e. in situations where the abundance of a stock drops, kaitiaki will respond appropriately.

28. In our view, the approach above should be adopted as the default option and apply whether the stock is at, above or below any target stock level at the time the TAC is set. Variations on this approach should only be considered by the Minister if all extractive interests reach agreement on an alternative approach.

1.1.6 Integrity of the TAC

29. The process to make regulatory change is slow and cumbersome. The current regulatory process takes 62 weeks whereas 'simple' gazettal and 'complex' gazettal's take 11 and 27 weeks respectively. The time it takes to carry out this process inhibits the ability of fisheries managers to make the appropriate changes to manage fisheries.

30. The Rock Lobster Fisheries are good examples of where more responsive decision making is required. On April 1, 2018, the CRA2 TAC was heavily reduced, with reductions to the TACC and recreational allowance. While the TACC can be managed by industry to ensure that it isn't over caught, however the recreational fishery is managed using a combination of input controls i.e. daily bag limit, pot design and pot limits. The modelling used to estimate the success and rate the fishery rebuilds uses the current recreational allowance. Any recreational catch above the allowance puts the success and rate of rebuild at risk. As the fishery rebuilds and more lobster become available, the inability to manage the recreational sector to their allowance further jeopardises the rebuild. These are key issues which undermine the integrity of the TAC. A 12 to 18-month period for new arrangements to be put into effect is too long to manage the fishery effectively. We support a gazettal process that ensures that the appropriate management measures are in place as soon as possible after decisions are made.

2.0 Management measures for CRA3, CRA4 and CRA8

2.1 - Context

Annual Assessment Results for CRA3, CRA4 and CRA8

31. Fisheries New Zealand (FNZ) has sought submissions on proposals to adjust the total allowable catch (TAC) settings in CRA3, 4, and 8, based on the results of management procedures. The proposals were developed based on recommendations from the National Rock Lobster Management Group (NRLMG). The proposed options are outlined below in Table 1.

Table 1: Proposed management options (in tonnes) for CRA 3, 4 and 8 from 1 April 2019.

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality
CRA 3	**CRA3_01:** *Status quo*	366.86	237.86	20	20	89
	CRA3_02: Based on the operation of the CRA 3 management procedure	351.9 ↓ (4.1%)	222.9 ↓ (6.3%)			
CRA 4	**CRA4_01:** *Status quo*	513.8	318.8	35	85	75
	CRA4_02: Based on the operation of the CRA 4 management procedure	558 ↑ (8.6%)	380 ↑ (19.2%)			58 ↓ (22.7%)
CRA 8	**CRA8_01:** *Status quo*	1,161.7	1,070.7	30	33	28
	CRA8_02: Based on the operation of the CRA 8 management procedure	1,220.6 ↑ (5.1%)	1,129.6 ↑ (5.5%)			

2.2 - Proposed options for CRA3

32. Catch per unit effort (CPUE) has been trending downward since 2012 and has decreased a further 0.25 kg over the 17/18 fishing year. In response to this, the CRA3 management procedure proposes a decrease in the TAC and TACC. FNZ have proposed two options:

    - status quo; or
    - decrease the TAC and TACC

    Under option two, the TAC would decrease from 366.86 t to 351.9 t, and the TACC would decrease from 237.86 t to 222.9 t, while the current settings for customary, recreational and other sources of mortality would remain unchanged.

2.3 - Our position on CRA3

33. Te Ohu Kaimoana supports option two and the operation of the CRA3 management procedure to decrease the TAC and TACC for CRA3.

34. Our policy is to employ a 'shared pain, shared gain' approach to fisheries that have sustainability concerns. As such, we would ordinarily recommend the recreational allowance also be reduced. However, since the recreational catch is set at 20 t, we consider it impractical to reduce it at this point in time.

35. In accepting the decrease to the TACC, the expectation is that when the fishery rebuilds, and the TAC is increased that all increases are allocated to the TACC and not reallocated to the recreational allowance. Any reallocation to the recreational sector would have the effect of reducing the overall value of settlement quota.

2.4 - Proposed options for CRA4

36. CPUE has been trending upward since 2016, and increased by 0.21 kg over the 17/18 fishing year. In response to this, the CRA4 management procedure proposes an increase in the TAC and TACC. FNZ have proposed two options:

    - status quo; or
    - increase the TAC and TACC and decrease Other Sources of Mortality.

    Under option two, the TAC would increase from 513.8 t to 558 t, the TACC would increase from 318.8 t to 380 t and other sources of mortality decrease from 75 t to 58 t. Other sources of mortality would be decreased to better reflect the model estimate used in the stock assessment. The current settings for customary and recreational would remain unchanged.

2.5 - Our position on CRA4

37. Te Ohu Kaimoana supports option two and the operation of the CRA4 management procedure.

38. In the past we have submitted for more realistic quantities to be used in the TAC for other sources of mortality and commend FNZ and the NRLMG for more accurately reflecting the model estimate used in the stock assessment.

2.6 - Proposed options for CRA8

39. CPUE has been trending upward since 2011 and is now at an all-time high. CPUE increased by 0.54 kg over the 17/18 fishing year. In response to this, the CRA8 management procedure proposes an increase in the TAC and TACC. FNZ have proposed two options:

    - status quo; or
    - Increase the TAC and TACC.

Under option two, the TAC would increase from 1161.7 to 1220.6 t and the TACC would increase from 1070.7 t to 1129.6 t. The current settings for customary, recreational and other sources of mortality would remain unchanged.

2.7 - Our position on CRA8

40. We note tht Ngāi Tahu supports option two. We likewise support option two.

2.8 - Commentary

41. To address the significant levels of illegal take we also suggest the introduction of telson clipping be considered. This measure could assist with reducing the possibility of illegally caught rock lobster entering the commercial supply chain and has been successfully implemented in the Te Whata Kai o Rakihouia i Te Tai o Marokura (the Kaikōura Marine Area) area.

3.0 Management measures for SCC7A

3.1 - Context

Annual Assessment Results for SCCA7A

42. FNZ has sought submissions on proposals to adjust the TAC settings for SCC7A, based on scientific surveys and quota owners' requests. The proposed options are outlined below in Table 2.

Table 2: Proposed management settings (in tonnes) for SCC 7A from 1 April 2019

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 *(Status quo)*	8	5	1	2	0
Option 2	18 ↑ (225%)	15 ↑ (300%)	1	2	0

3.2 - Our position on SCCA7A

43. Te Ohu Kaimoana supports option 2, to increase the TAC from 8 t to 17 t, the TACC from 5 t to 14 t, and to maintain the allowances for customary, recreational and other mortality. SCC7A is a relatively high value small scale fishery in a developmental stage.

3.3 - Other commentary

44. In developing these positions Te Ohu Kaimoana has engaged with Iwi impacted by the proposed changes and their feedback has been incorporated into this document. We do not intend for this submission to derogate from or override any submissions iwi through their MIOs and/or AHCs may decide to make.

45. We commend the Minister for providing a six-week consultation period. In the past we have responded on how short the four-week consultation period is and how it constrains our ability to communicate with Iwi effectively to build their views in to our response.

Te Ohu
Kaimoana

From: [redacted]
To: FMSubmissions
Subject: Re: Reminder: Have your say on rock lobster and sea cucumber catch limits and allowances
Date: Friday, 8 February 2019 2:12:51 PM
Attachments: image001.jpg

Kia ora Fisheries Management, No changes to the rules, please. Nga mihi Tom Mulligan, Ngati Hawea, [redacted]

On 08 February 2019 at 11:15 FMSubmissions <FMSubmissions@mpi.govt.nz> wrote:

Tena koe,
This is a reminder that you have until **5pm, Tuesday 12 February** to make a submission on proposed catch settings for three rock lobster (crayfish) stocks and one sea cucumber stock for 1 April 2019.
Fisheries New Zealand is seeking feedback from tangata whenua and stakeholders on proposed changes to catch settings for four selected fishstocks:

- Rock lobster:
    - Gisborne (CRA 3);
    - Hawkes Bay/Wellington (CRA 4);
    - Southern (CRA 8); and
- Sea cucumber:
    - Top of the South Island/Marlborough Sounds (SCC 7A).

Fisheries New Zealand is consulting on proposed changes to Total Allowable Catches, including allowances and Total Allowable Commercial Catches, for the fishing year beginning 1 April 2019 for these four stocks.
For more information on the proposals, as well as how to make a submission, visit the Fisheries New Zealand public consultation webpage at: https://www.fisheries.govt.nz/news-and-resources/consultations/review-of-sustainability-measures-for-1-april-2019/
Nga mihi,

Fisheries Management
Fisheries New Zealand | Tini a Tangaroa
Charles Fergusson Building | 38 Bowen Street | PO Box 2526 | Wellington | New Zealand
FNZsmaller

From: [redacted]
To: FMSubmissions
Cc: [redacted]
Subject: Review of Sustainability Measures for Rock Lobster in Hawkes Bay/Wellington (CRA4)
Date: Wednesday, 13 February 2019 9:10:14 AM
Attachments: image001.png

Dear Fisheries New Zealand,

Tuhoe Fish Quota Limited (TFQL) urges Fisheries New Zealand to improve its methods that are used to inform sustainability measures for CRA stocks.

All though the proposed measures for 2019/20 seem fair and reasonable, it appears that there is a lack of up-to-date, accurate information available in some cases, in particular, for Maori Customary catch and Recreational catch. Rather than permanently accepting the lack of accurate data, year after year, TFQL hopes to see some changes in the reporting requirements in these sectors or changes to the way FNZ estimates catch in the absence of accurate reporting.

Na mihi,

Kevin Hogg
Business and Infrastructure Analyst

Whairawa Team

WAEA [redacted] **TAUWAEA** [redacted] www.ngaituhoe.iwi.nz
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