



N Z RECREATIONAL FISHING COUNCIL

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NEW ZEALAND RECREATIONAL FISHING COUNCIL (NZRFC)

Submission on

New Zealand Rock Lobster Fisheries

Proposals to review sustainability measures and other Management Controls for 2 April 2011

The Council and its Representation

1: The national organisations represented by this body are N.Z. Angling & Casting Association, N.Z. Trailer Boat Federation, N.Z. Marine Transport Association, N.Z. Sports Industry Association and N.Z. Underwater Association. We also support the Ministry led and funded recreational forums of which many of these regional members are now members as individuals.

2: The Council maintains close contact with a number of Iwi representatives. While some effort has been made to consult we do not suggest that this submission is representative of their views.

3: This Council represents over 86,000 recreational and sustenance amateur fishers. In addition by default we represent the public interest in the fishery and those amateur fishers who are non-members. We say by default because we are the only constituted representative body that has been recognised by Government and the Courts of doing so.

4: Possibly around one million people or by recent Ministry of Fisheries figures 20% of New Zealanders fish for sport or sustenance. This does not include those elderly or infirmed amateur fishers who can no longer actively participate in catching seafood for the table. The 1996 research to provide estimates of Recreational and Sustenance Harvest Estimates found that there are approx 1.35 million and increasing recreational and

sustenance amateur fishers in New Zealand and therefore we effectively, through our associated member groups, and lack of any other democratically elected or statutory recognised group represent this number also.

5: The Council has been recognised in three court cases as representing the recreational and amateur fishers of New Zealand. The Council was attached to two of these cases without its prior knowledge and the court papers show it was ordered, “to represent the recreational fishing public of New Zealand”. The first of these was the order of attachment to the High Court Action on the Manukau, Taiapure application. The second relates to the SNA1 challenge of the Minister’s decision that was heard by the High Court. The Council also holds “Approved Party Status” for consultations with the Ministry of Fisheries and is recognised by them and the Minister of Fisheries as a stakeholder group. In the third case this Council along with the NZ Big Game Fishing Council were the applicants in the recent Kahawai case.

6: The Council has a Board of elected officers and members. The Council consults with its members and the public using various means. These include newsletters, both written and electronic, its web site and various press releases. In addition it consults through the various fishing media and meetings it holds and receives input through those forums.

7: This submission has been prepared and presented after consultation via email and our web site to our members and board members.

8: As previously stated, we are aware that many of our National Affiliates and Regional Members are submitting their own submissions and in most cases we have seen and support these submissions where they are not in direct conflict with this submissions intent or requested outcome.

9: In the submission we talk of both recreational and amateur fishers as these two descriptions are so intertwined. For sake of some clarity recreational fishers referred to are generally those who have an interest in supporting recreational fishing interests while amateur refers to all fishers who exercise their rights to fish under the amateur fishing regulations.

10: Introduction

Crayfish are highly prized by recreational fishers. Recreational fishers catch them by method of dive and pot.

11: We are concerned that the Management procedure (MP) using commercial CPUE over the entire fishery does not allow for the fine scale management needed to address the issue of localized depletion for recreational fishers. A fishery that overall shows a healthy stock could well have significant areas within it where the needs of recreational fishers are not being met.

12: Section 8 of the Fisheries Act requires setting limits that “enable people to provide for their social, economic and cultural well-being” this applies to all the people.

13: Recreational fishers do not have the same ability to fish great distances offshore or up and down a coastline away from their port.

14: The current use of commercial CPUE as a management tool makes no allowance for the finer scale management required for recreational fishers and actually encourages commercial fishers to fish the shared areas even harder which can lead to severe and prolonged localised depletion. We understand that the CPUE information is collected on a very fine scale and this information could be one way of identifying areas of localized depletion.

15: To address this issue the introduction of a measure of minimum CPUE within the fine scale reporting that is already done. This fine scale minimum CPUE would become the trigger for moving a TAC either up or down. This would then provide incentives for commercial fishers to leave sufficient abundance in areas of significance to recreational fishers.

16: Also if the MP relies simply on CPUE, and we have no measure of recruitment, it is possible to have recruitment failure, which could lead to a stock collapse before the trigger of CPUE cuts in, and has the ability to impact on the fishery. There is a continued need to monitor Puerulus settlement. Evidence from the modelling suggests that puerulus settlement translates directly through into recruitment in the fishery. Crayfish are very cannibalistic a good settlement year for puerulus could translate to a strong growth year for sub-legal fish, resulting in an immediate pulse of recruitment into the fishery.

17: The measuring of levels of Puerulus must be taken into account in the MP as recruitment from this stage into the fishery appears to take 6 – 7 years and CPUE would not be affected until it was already too late. This could lead to a total collapse in the fishery, which no one wants.

18: Proposal to use new management procedures to guide Total Allowable Catch Setting in CRA 5 and CRA 7

CRA 5

The NZRFC supports the introduction of a Management Procedure (MP) in CRA5. We agree the use of MP's provides a much more responsive approach to management of these fisheries, particularly for commercial fishers. We do have some concern about the "averaging" of CPUE data as expressed above across the whole of each fishery as this does mask issues of localised depletion. We believe some account needs to be taken of these access issues although they may not directly affect the overall TAC. As yet we have not developed any useful way of capturing CPUE data from non-commercial fishers collected at the finer scale necessary to assist in solving the problem above, but we look forward to the time when non commercial fishers are better able to take a fuller part in data provision.

19: We applaud the actions taken in this fishery to rebuild stocks and look forward to seeing good abundance continue. The recreational sector has felt the pain in this fishery before and we have played a part in its rebuild. We know that for many years the recreational bag limit was only a paper entry with few fishers having a good experience. Thankfully those days are over and we look forward to the MP providing stability and a speedy response if abundance shows significant decline.

20: The NZRFC supports the introduction of a MP in CRA5 on provision the issues raised above are addressed within a two-year timeframe.

Stock	Option	Description
CRA 5	Option 1	Agree to use the proposed new CRA 5 Management Procedure to guide TAC setting in CRA 5

21: CRA 7

The NZRFC supports the change to a less aggressive MP in this fishery. Although we are troubled by the new MP holding the TAC above the level the old one would have generated for the coming year, we agree with the move to try and provide a more stable TAC in the long term. There is little doubt the continued high use of concession fishing in CRA7 will be controversial, but we look forward to this issue being addressed in the near future. We are glad to see that Quota owners have finally accepted the fish here don't simply walk away and look forward to future management changes the see this fishery at a higher abundance level and size.

22: The NZRFC supports

Stock	Option	Description
CRA 7	Option 1	Agree to use the Proposed revised CRA 7 Management procedure to guide TAC setting in CRA 7

23: Proposal to set Total Allowable Catches, Total Allowable Commercial Catches and allowances for CRA 4, CRA 5, CRA 7 & CRA 8

17: CRA 4

The NZRFC supports

Option	TAC	TACC	Customary Allowance	Recreational Allowance	Other Mortality
Option 2: Retain the current TAC, TACC and allowances	610.625 tonnes	415.625 tonnes	35 tonnes	85 tonnes	75 tonnes

24: Whilst the Decision Rule allows for an increase of 51.25 tonnes [8.4%], this council takes a more cautious approach and the rebuild from the past 3-4 years should be allowed to continue to give recreational fishers the chance to catch crayfish to fulfil their cultural and social well-being. Option 2 is our preferred option.

25: It does seem a little strange that commercial fishers wanted to take a cautious approach last year and voted to not take the full increase, but now, following a drop in CPUE, are prepared to seek an increase. This can only be described as confusing and coupled with the results being experienced by recreational fishers; we are encouraged to follow a more cautious approach.

26: The increasing numbers of recreational fishers are using this resource. Their social, cultural and economic well-being shall be allowed for and with the fluctuating, unstable nature of this fishery this council cannot support any increase in TACC. With the management procedure up for review in this fishing year, this will also incorporate a stock assessment; the Status Quo should remain to allow some stabilisation of this fishery.

27: There are some good-sized crayfish available close to shore in some areas, but

generally the CRA4 stock is fished down to MLS and recreational fishers fishing three pots are lucky to achieve a bag of one or two Crayfish. This is not considered to be fair and reasonable.

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

29: In our opinion, the Area is far too large and should be split up into a minimum of two or three zones. Conditions and stocks in Napier are nowhere the same as the Wellington Area therefore it is very difficult to draw sensible comparisons. However if the adoption of the suggested changes mentioned in paragraphs 11-15 were implemented this would not be needed.

30: CRA 5

So far as we are aware the use of a factor of the commercial CPUE to generate the recreational allowance has never been used in fishery management in New Zealand. We agree with commercial stakeholders in CRA5 that as the abundance has increased in the fishery, recreational catch has increased significantly. With much of the coastline of CRA5 being easily accessible to recreational fishers this should come as no surprise.

31: It is very likely that if stock abundance declines at some point in the future, recreational catch will decline too. Therefore the NZRFC is relatively relaxed about having a "moving" allowance so long as it is not seen as an allocation that has to be reported and lived within. We do not support this method of allowance setting if Mfish or the fishing industry is going to interpret it as a "fixed proportional share" of the fishery.

32: Rather we see the use of a factor of commercial CPUE as a realistic method of reflecting what happens to the recreational catch when a fishery is maintained at an abundance level that provides for real and proper support of the social and cultural legs of the purpose of the Fisheries Act. The NZRFC doesn't want to see the very good access available to recreational fishers in this fishery decline and will be proactively supporting better stewardship of our fisheries in general. Although it may well be the legal interpretation of the law that recreational fishers are entitled to a bag limit every day, we would question why any recreational fisher would feel the need to exercise this "right" every day if they are simply fishing for a feed.

33: While we are happy to accept this method of estimating recreational catch, we realise that the TAC is king. We are also aware that once a TAC is generated, it must be allocated. Therefore either we accept this method of estimating the recreational catch and apply it on an ongoing basis or we don't. If this method isn't going to be used and some other method of estimating the recreational catch is used, then the TAC will need to be adjusted.

34: Our fear is this method could be used to generate a large TAC then when the recreational catch estimate is dropped, the excess TAC is simply added to the TACC. This could send the fishery into decline if the TAC hadn't in fact been "real". We have no doubt that commercial interests will submit that they alone have contributed to the rebuild in CRA5 and that they alone should take the benefit of the rebuild. The public suffered for years in this fishery as a result of poorly constrained commercial fishing and we see no reason why public fishers should feel guilty for sharing in the present good abundance. If

the factor driven recreational allowance isn't introduced, the NZRFC will withdraw its support for the introduction of a management procedure at this time.

35: Although the Customary allowance is significantly smaller, it is widely acknowledged that more often than not when Maori are fishing for food they do so within the amateur regulations. Long may this situation continue where we can all take enough for a feed without having to use special permits except for special occasions?

36: The NZRFC conditionally supports

Option	TAC	TACC	Customary Allowance	Recreational Allowance	Other Mortality
Option 1: Accept the proposed new CRA 5 management procedure and then increase the TAC based on its operation	533.1 tonnes	350 tonnes	10 tonnes	110.1 tonnes	52 tonnes

37: CRA 7

The NZRFC supports the introduction of the revised MP but expects to see some real movement on some of the other management issues within this fishery. If the new MP fails to deliver reasonable catches of legal fish for the recreational sector, we want the MP revisited again. We agree there are some areas not fished by commercial but they are remote and difficult to access, with rough weather and large seas being the norm.

38: The NZRFC conditionally supports

Option	TAC	TACC	Customary Allowance	Recreational Allowance	Other Mortality
Option 1: Accept the proposed new CRA 7 management procedure and then maintain the TAC based on its operation	104.5 tonnes	84.5 tonnes	10 tonnes	5 tonnes	5 tonnes

39: CRA 8

The NZRFC supports the operation of the MP and the TAC it generates. With significant areas of sheltered waters in CRA8 having been set-aside at the time of the setting up of the Guardians of Fiordland, recreational access and the fishing experience is very good in this fishery. We do not see there would be any advantage in recreational catch reporting given the very healthy state of the non-commercial areas. There is most definitely no sustainability concern in this fishery and we applaud the responsible approach that has been taken by commercial fishers. It was clearly demonstrated this year when prices spiked at an all time high that having a very abundant standing stock really pays dividends for commercial fishers. Being able to catch large quantities of fish in short periods of time meant fishers were able to take real advantage of the high prices, with this being good for

them and good for New Zealand. We look forward to enjoying the same relationship with commercial fishers in CRA3 one day...

40: The NZRFC supports

Option	TAC	TACC	Customary Allowance	Recreational Allowance	Other Mortality
Option 1: Reduce the TAC based on the operation of the agreed CRA 8 management procedure	1053 tonnes	962 tonnes	30 tonnes	33 tonnes	28 tonnes

41: Proposal to review deemed value rates for Spiny and Packhorse Rock Lobster

42: The NZRFC supports high-level deemed values in our CRA fisheries. It certainly assists in getting good compliance.

43: We do however wonder just where all those crayfish are going that are landed under the amateur regulations by some commercial fishers?

44: Conclusion

The NZRFC submits that recreational fishers must have priority access to Crayfish as in accordance with the Fisheries Act.

45: There is a need for Mfish to address the issue of illegal take.

46: We wish for all commercial vessels operating within these fisheries to be fitted with VMS

47: The NZRFC thank you for the extension of time available to participate in this consultation

Yours faithfully

NEW ZEALAND RECREATIONAL FISHING COUNCIL

Geoff Rowling

Geoff Rowling
President

