



N Z RECREATIONAL FISHING COUNCIL

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NEW ZEALAND RECREATIONAL FISHING COUNCIL

Submission on

New Zealand Red Rock Lobster Fisheries

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. Retailers Association and N.Z. Underwater Association, plus many clubs and individuals. 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 56,000 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: Over 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 this 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: The NZRFC would like to take this opportunity to make Mfish aware that consultation over the Christmas period is very difficult and we have previously asked that this does not happen. But once again we have what we specifically asked not too have ‘consultation over the Christmas period’.

11: The National Rock Lobster Management Group does have recreational representation. However the resourcing of the different sector groups differ significantly with the commercial sector being able to strike levies from their members derived from the sale of fish. Customary fishers also appear to have access to funds via their multiple rights and Treaty Partnership with the Crown. Other than some funding for travel to NRLMG meetings, amateur fishers have no secure access to funding to analyse proposals or provide alternative scientific advice.

12: Presently all amateur fishing organisations are funded by voluntary donations with the vast majority of recreational fishers opting out. This makes having meaningful consultation with amateur fishers almost impossible, as it is very difficult to identify participants and get feedback on proposals. The default mechanism is that much of the fishing public rely entirely on the Minister and Mfish to “protect their interests”. Something that within the current Mfish staffing and policy structure is not desirable.

13: Although allowing for the public interest may well be a requirement of the Fisheries Act the makeup and role of the NRLMG in being the primary provider of advice to the Minister means the ability of the participating stakeholders to provide good quality information from their respective sectors is crucial. There is no way the present arrangement could be described as a level playing field with the commercial sector having the greatest ability to influence on management decisions by far.

14: So long as this situation continues the amateur sector is reliant on the Minister, Mfish and independent science advisors to ensure the fishing public have access to a reasonable daily bag. Evidence to date in a number of fisheries from the amateur sector indicates a high level of dissatisfaction with present management and a very high degree of scepticism that these proposals being consulted on will deliver any significant improvement for amateur fishers. In fact in many cases it is the reverse in that commercial fishers enjoy MLS concessions that remove the fish from the water long before they can grow into the take-able size for amateurs.

15: Rock Lobster/Crayfish is a very high valued fishery for all stakeholders. Customary measure their value in their ability to present Koura (Crayfish), often regarded as the finest *kia moana* from the sea and a worthy gift to guests at a hui or tangi. For commercial fishers they only measure the value in dollars returned and finally amateur or recreational fishers who regard the ability to serve rock lobster to their family and guests as a privilege and an honour. Both customary and recreational fishers see the taking of rock lobster as a food for occasions rather than a dollar earned. It is important that we retain these values within the Fisheries Act and provide opportunities for them to be exercised.

16: Management System

Recent years have seen the introduction of CPUE driven decision rules to provide virtually automatic alteration to TAC's. These management procedures were first introduced in CRA7 and CRA8 at a time of low abundance following heavy fishing some years ago. The initial rules were designed to provide rebuilds of these fisheries resulting in success with CRA8 in particular presently displaying levels of standing stock that can only be described as spectacular. Today CRA8 still runs a management procedure that appears to encourage a much higher standing stock than that proposed in the other fisheries being reviewed under these proposals. Equally we recognise that the amateur sector are the minority participants in the fishery due to location and isolation.

17: In addition in the CRA8 area we have seen significant areas removed from commercial exploitation. The passing of legislation controlling fishing activity in Fiordland has resulted in vast areas holding huge numbers of fish that not only provide a buffer to population fluctuations, but also mean catch rates for amateur fishers that can only be described as fantastic. Bag limits can be achieved in minutes and with good accumulation limits in place this resource is unlikely to be depleted. Given the undoubted success in CRA8 the NZRFC cannot understand why there is so much reluctance to introduce similar management arrangements in other parts of the country. The NZRFC cannot understand why we appear to have such different regimes proposed around the country.

18: In general the NZRFC supports the use of management procedures to provide more proactive management of our Rock Lobster fisheries. Rather than having to wait years for actions to be taken when needed the continual updating of information provides much more timely management intervention. The use of offset year information provides the ability for

even more rapid response to changes in the fishery. There is no doubt the success of this system in CRA8 has led to a high level of acceptance amongst fishery managers and commercial fishers as the primary method of driving changes. We do however recognise that the success in this fishery has been bought about by the willingness of the commercial sector to take the serious cuts when required and to move forward in a conservative manner thus ensuring that those recreational fishers who fish these waters can share in the same benefits of a rebuilding fishery.

19: Unfortunately there appears to be differences of expectation arising from the use of these rules in other fisheries. For some reason much more aggressive rules are finding acceptance leading to wide fluctuations in TAC's. The NZRFC is concerned that with the primary driver of these decision rules being commercial CPUE that in some instances the data being collected is not providing a true picture of the state of the fishery. We find it difficult to accept the large changes proposed in CRA7 and CRA4 are based on the "real" state of the fishery.

20: We recall having significant concerns when the new rule in CRA7 generated a large increase in the TAC. Subsequently we have seen commercial interests wanting to extend the season and thus provide an opportunity for them to catch the much higher TACC and push up onto the shoulder of recreational fishing time and space. The NZRFC and amateur fishers from the area submitted against this last time and perhaps now that the management procedure is generating a much-reduced TAC, our stance is justified. Amateur fishers at the time indicated that abundance was not as high as commercial CPUE indicated and the updated CPUE would tend to support this.

21: This then brings into doubt the entire use of CPUE as the prime driver especially when aggressive rules that generate large TAC changes over very short periods are in effect. The NZRFC is very concerned with the large change of TAC proposed in CRA4. We do not believe, and amateur catches support this, that the fishery has recovered to the extent that a virtual doubling of the catch will be sustainable. Are we going to see a repeat of the CRA7 scenario with a large increase one year followed by a big drop the next? This could hardly be described as providing certainty for anyone; especially commercial fishers who are trying to plan business investment.

22: In recognition of the lower abundance levels over recent years many recreational fishers in CRA 4 also committed to a voluntary bay limit reduction. They do not believe the fishery has rebounded as quickly as the CPUE data indicates. Is this simply a result of only more productive sections of the fishery being worked following the reduced catch limit? The NZRFC doesn't believe there has been even increases in CPUE over the whole fishery and submit the NRLMG take another look at the management procedure presently in place.

23: Given the differences in both CRA8 and CRA7 fisheries we question the ongoing use of the concessions by commercial fishers. Clearly with the rebuilding fishery in CRA8 the concession is no longer required and should be removed. Meanwhile the concession in CRA7 has always been the subject of discontent amongst other stakeholders. To ensure equity in access and availability of rock lobsters for other legitimate stakeholders the concession in CRA7 should be removed.

24: Amateur fishers are inevitably the losers in fisheries with wildly fluctuating abundance levels. It is a well recognised fact that with the gear restrictions, time and weather limitations, coupled with commercial access to smaller fish in some fisheries, amateur fishers chances of a successful catch are significantly impacted upon by low abundance however it occurs. This issue has been recognised in the CRA8 fishery where large areas are excluded from commercial use and we submit that until a similar regime is introduced in other fisheries then the use of aggressive decision rules needs to be tempered.

25: The NZRFC doesn't believe the level of CPUE's in CRA3, CRA4 or CRA7 is high enough to ensure a standing stock that will enable amateur fishers to experience an acceptable level of catch. Unfortunately the ministry has failed to supply and the NZRFC is unable to purchase the scientific advice to provide decision rules that will generate acceptable stock levels so we are reliant on the Minister and his advisors to step in and protect our interests.

26: In general the NZRFC has supported the use of decision rules to provide more timely adjustments to catch limits in rock Lobster fisheries. We would like to be able to support these present proposals but believe they have little or no chance of delivering abundance levels that will meet the needs of amateur fishers. The aggressive way in which they deliver changes to TAC's can only serve the interests of commercial fishers. We wish to be absolutely clear that we do not consider any of the management measures proposed to be sufficient, or to meet our statutory requirement. These lack any scientific basis to support the claim that they "enable people to provide for their social, economic and cultural well-being". These measures clearly do not meet the purpose and principles of the Fisheries Act. They are a failure of process and law. We urge Mfish and the Minister to adopt a precautionary approach when making allocations and setting the TACC.

Consultation 1

Proposal to Adopt a Management Procedure for CRA 3

27: The NZRFC supports the adoption of

Option 2 Adopt the "Rule 5" CRA 3 Management Procedure to guide TAC setting in CRA 3

28: The people of Gisborne have been ignored and abused by the decisions from successive governments. The NZRFC acknowledge that it is a very complex set of issues and that the introduction of a strong decision rule could help improve the fishery. The NZRFC submits that the introduction of a decision rule alone will not significantly improve amateur access in CRA 3. This fishery appears to really be three different fisheries as is reflected in the different statistical reporting areas. Each has its own issues and until these are addressed in all probability neither of the proposed rules will deliver much improvement to amateur access.

29: In spite of the above the NZRFC does not want to see any further deterioration of stocks in CRA3 and agrees that the use of a suitable decision rule would be advantageous. Local amateur fishers in CRA3 have indicated support for the introduction of rule 5. This support is largely driven by the immediate reduction in TACC that would result from its introduction. It may be that if rule 2a were modified to ensure there could be no increase in TACC for a minimum of three years, support would be forthcoming.

30: The NZRFC further supports that immediate steps be taken for the removal of the concession size Crayfish for CRA 3 immediately or that it is reduced by 1mm and then removed entirely in 2 years.

31: We also support that the decision rule activates at the level of statistical area and that the commercial industry be required to find a mechanism to implement it, or face further reduction in TACC on the basis of the lowest CPUE within the entire quota management area.

31: The NZRFC further recommends that the target CPUE for both CRA 3 and CRA 4 be set the same as that for CRA 5 – 1.5 kg per pot lift.

Consultation 2

Catch Limit Reviews for CRA 3, CRA 4 and CRA 7 as a Result of Operation of Management Procedures

32: CRA 3

The NZRFC supports Option 2

2010 – 11 Catch Limits from Operation of the “Rule 5” CRA 3 Management Procedure

TAC	TACC	Customary Allowance	Recreational Allowance	Other Fishing Mortality
273 tonnes	144 tonnes	Unchanged	Unchanged	Unchanged

33: We remain concerned about the ongoing LOW PEURELUS SETTLEMENTS AND SLOW GROWTH in this fishery Scientists have advised, as well as the inshore fisheries manager who confirmed, that peurelus settlements are “Well Below Average.” They also advise that a recent significant discovery that identified slow growth in this fishery, which has been confirmed by DOC scientist Debbie Freeman that has been peer reviewed and accepted as creditable by Mfish independent scientists. The forecasts that the upcoming cycle in the immediate years will not be good for this fishery. Anecdotal speculation is that after the recent severe flooding on the East Coast, is that many juvenile rock lobster and peurelus have died, especially within the Gisborne harbour nursery of peurelus. We are reminded that during Cyclone Bola, beaches were littered with dead peurelus and the subsequent drop in recruitment was marked as low.

34: Another key concern is the inconsistent reporting of customary take within this fishery. There is a high probability that the current customary take in whatever form you measure it, far exceeds the current customary allowance. This is not a new issue as everybody knows the customary fishers are taking huge amounts of lobsters of below the public allowable regulated MLS. When one looks at the population demographics of Gisborne we now find by the latest polls that Maori or those claiming to be of Maori decent to now make up more than 50% of the city population and in excess of 80% in the rural areas. This is significant when considering that local Iwi on this coast regard the taking of rock lobster at any time, size and quantity to be a customary activity. This fact is creating a huge imbalance, which has yet to be addressed.

35: This is a delicate issue, best handled by the Ministry and the Crown. It is our opinion that all New Zealanders are equal and Maori when fishing without the approval of a customary permit do so under the amateur fishing regulations like all New Zealanders. Unfortunately

this frequently proves not to be the case given Mfish compliance reports. We believe that the issuing Kaitiaki, with the correct number of harvested fish, should return all customary permits to Mfish. There are “rumoured” figures that have been reported to Mfish that one customary permit issuer (name withheld here) gave out permits for 28,000 lobsters in the town areas of 910 alone. This is not acceptable to the wider fishing public especially when those permits are purportedly giving a suggested MLS as low as 50mm males. Until this apparent violation of the fish stocks is capped, we believe the Ministry of Fisheries has little ability to manage this portion of extraction from this fishery and until it does, we will be faced with an on going non-compliance issue with a total inability to effect the rebuild we are all seeking. While we recognise the benefits of both rule 5 and 2a we believe 2a is a too soft approach at this time and rule 5 does not go far enough.

36: The NZRFC believe that if we are going to be serious in effecting a rebuild in this fishery, area 910 may need a 186a closure forthwith for two years by introducing a customary rahui to ensure that all pots are out of the water and extraction by any other means is declared illegal. We recognise this to be a tough call, but accept that if we are going to give this fishery in area 910 a chance to stabilise then drastic measures must be taken, as the Minister must put the fishery first. We understand there is considerable local support for such a measure.

37: After this is implemented the CRA3 working groups under Mfish supervision can monitor the fishery as it rebuilds and when the fishery is opened for extraction, it may do so conservatively within a strict and new management regime, one without concessions and one that will ensure that all stake holders may gain a privileged benefit while ensuring the future sustainability of this fishery for our *mokopuna* (grandchildren). This is where the non-commercial sector sees the greatest management impact and value in this fishery.

38: We note that the CRA3 multi stakeholder working group set a target of 50% reduction of the 89.5 tonnes of illegal take. This has failed to eventuate. The recreational sector adopted the NZRFC proposal to introduce Telson clipping as a means to identify non-commercial take, as not for sale, along with a number of other recreational management issues. It would be timely for both Mfish and the amateur sector to revisit the issue of Telson clipping.

39: By having a significant decrease in the TAC combined with an immediate removal of the concessions along with a further decrease in the TACC in CRA 3 particularly in area 910. This action would be accepted and offers some long awaited relief for recreational fishers who have suffered from not having access to legal sized Crayfish.

40: CRA 4

The NZRFC supports Option 2 Retain Current Catch Limits of

TAC	TACC	Customary Allowance	Recreational Allowance	Other Fishing Mortality
461 tonnes	266 tonnes	35 tonnes	85 tonnes	75 tonnes

The NZRFC notes the downward trend in landed commercial catch since 2003/04 two years after the TACC was increased to 577 tonnes, this was the last year that this fishery was a 100% caught. Each year since 2003/04 the commercial landings have noticeably decreased. We are yet to see the figures for the 2009/10-year, but find it amazing that such a change could of taken place inside of 12 months, as Puerulus settlement charts indicate a steady

decline in recruitment, so where has this increased recruitment come from? Or has it only come about by the introduction of new and smarter fishing activity by commercial fishers.

41: See table below, as taken from the Clement Atlas of Area Codes and TACC's 2009/2010

Year	TACC	Actual Commercial Catch	% Caught
2003/04	577	576	100%
2004/05	577	570	99%
2005/06	577	504	87%
2006/07	577	445	77%
2007/08	577	315	55%
2008/09	577	249	43%

42: The NZRFC acknowledges that some of these catch reductions came about as a result of voluntary shelving agreements by commercial fishers.

43: We would like to see a full stock assessment done (which has not been done since 2005) in the CRA 4 in association with the management procedure as a control to check that it is operating in this fishery as it is meant to be before considering such large increases. Political demands for increased economic return must not be allowed to override the interests of sustainability or the legitimate interests of other sectors.

44: Acknowledgement must be given to the fact that recreational fishers took a voluntary cut in bag limits to help in the recovery of this fishery. In option 1 there is no recognition of this event and the committed support by amateur fishers. There is no proposed increase to recreational fishers. Unfortunately by the papers it is the commercial sector that are once again trying to take a perceived gain and lock the recreational fishing sector into less than a proportional share. This we find totally unacceptable.

45: There has been very little investigation of the CPUE data of recreational fisherman, who long have suffered from reduced access for the ability to take a reasonable daily bag within in our amateur regulation constraints in this fishery.

46: We recognize that there has been commercial shelving of quota as a first stop reaction to diminishing catches and the CPUE. We also acknowledge the Ministers decision to step in and previously cut the TACC because commercial initiatives in shelving were conservative. This fishery is of very high value to commercial fishers. The NZRFC note that CPUE is an indicator of catch-ability and is only a reliable indicator of abundance when total harvest numbers and effort distribution are steady. Given the decrease in total catch, an increase in CPUE need not be an indicator of increased global abundance but simply of being able to take the allowable catch from areas of high local abundance without needing to fish the areas where local abundance is lower. Local abundance of crayfish varies considerably and good fishermen are well aware of these patterns of distribution.

47: We do not want to see the roller coaster ride take place in this fishery, as it appears to be happening in CRA7. Investigation needs to take place on robustness of the Management procedure before this council can consider any changes.

48: CRA 7

The NZRFC supports Option 1

TAC	TACC	Customary Allowance	Recreational Allowance	Other Fishing Mortality
104.5 tonnes	84.5 tonnes	Unchanged	Unchanged	Unchanged

49: The present TACC has been in place for one fishing season and we are already seeing the need for a large TACC decrease. In keeping with our previous submission where we asked for a more moderate approach to this fishery we take little consolation in the fact that we were right in asking for a lower TACC to be approved.

50: The NZRFC also submits that a universal size limit be applied to all fishers in CRA7.

Summary

51: The NZRFC believe the above measures do not go far enough and it is of serious concern to us that we are being too PC and cautious on some issues and only looking for the financial rewards on others and the Ministry are demonstrating a reluctance to make the tough decisions that will ensure an immediate rebuild within a number of our rock lobster fisheries.

Yours faithfully,
NEW ZEALAND RECREATIONAL FISHING COUNCIL

Sheryl Hart
Secretary