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NEW ZEALAND RECREATIONAL FISHING COUNCIL

Submission on

Review of Rock Lobster (*Jasus edwardsii*)

Commercial Concession Area Regulations

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 every effort has been made to consult we do not suggest that this submission is representative of their views.

3: This Council represents over 76,000 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 democratically 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

Rock Lobster is highly prized by recreational fishers. The ability to present Rock Lobster on the table for family and friends is becoming a luxury treat that some in New Zealand rarely get. This should not be the case.

11: Years of involvement by the NZRFC in representing amateur fishers on the NRLMG has given us a very good understanding of the overall management of New Zealand’s CRA fisheries. We understand the economic pressures that fall on commercial fishers when management measures are taken that effect their fishing opportunity. Although the taking of concession fish by commercial may well contribute to their economic well being, there is no doubt in many cases it reduces amateur fishers access to a reasonable daily bag limit. It is unfair, unequal and measures must be taken to even the playing field in this one of our most important shared fisheries.

12: This initial position paper (IPP) appears to have a preordained thinking that value only pertains to the commercial sector. This is not true, recreational fishers place great value on this fishery. Recreational fishers should not have to prove who values the fishery more, particularly

if we are expected to convert that value measurement into a dollar value. Value can be expressed in many ways and it is the responsibility of the Minister of Fisheries to allow for the social, cultural and economic benefit of all fishers taking into account these different values or benefits in the process.

13: Concession fishing areas allow commercial fishers to harvest rock lobster at a smaller size than the minimum legal size (MLS) of 54/60 mm tail width (TW) that applies to recreational fishers. This review should be to seek information on the formation of these concession fisheries and their relevance in today's world. With management procedures in place, there are now better ways to manage these fisheries. The NZRFC agree that Rock Lobster must be managed to ensure benefits for all sectors are maximised within sustainable limits and believe that with some more scrutiny the management procedure will provide a good outcome for all.

14: It is beyond belief that information is not available on the amount of concession-sized lobsters taken by commercial fishers. So in fact the economic benefits to the commercial sector for concession sized crays is unknown. So how can any estimates of commercial value be made when this information is not known?

15: When setting a MLS for a fishery it must be made in the context of sustainability in regards to sexual maturity. This is clearly not the case for some of these cray fisheries. The problems start when different management tools are applied to the different sectors of users. This application has the ability to disenfranchise one sector when abundance is low. When abundance is low amateur fishers feel the impact of concession fishing heavily.

16: Concession crayfish should be export only. We should not be polluting the New Zealand market with concession-sized fish i.e. for sale in supermarkets and restaurants. There are huge problems within New Zealand with compliance and the taking of undersized crayfish. Having undersized crayfish in the market place in New Zealand is sending all the wrong messages to the New Zealand public and gives another avenue for black market fish to reach the market within our country.

17: The reasoning in chapter 10 is another that is beyond belief. As recreational fishers we accept that there are poachers. However we take offence when this poaching is solely targeted towards recreational fishers. Recreational fishers just don't have the contacts to get rid of the quantities of fish as opposed to those with commercial connections. Poaching is a shared responsibility that needs to be eradicated.

18: It is only appropriate to apply different management tools to harvest fish if this does not lead to any inequities for other sectors to a reasonable chance to take a reasonable bag.

19: CRA 3 (East Coast/Gisborne)

There has been a long running dispute in Gisborne that the ministry and the minister are very aware of. We recently heard a ministry employee trying to deny this as being applicable to the taking of concession crayfish by commercial. With the following facts we demonstrate beyond reasonable doubt that in fisheries of low abundance the ability of one harvester having different management tools from another leads to inequity of catch.

20: The research work conducted by Debbie Freeman in the period 2003 – 2006 (peer reviewed thesis by Mfish and NIWA scientists) in and around the marine reserve just north of Gisborne city, tagging of many thousands of lobsters, established that lobsters did not grow more than 1~1.2mm per moult, and some in fact grew negatively less (minus) because of over handling and breakages. It also showed that over 70% of the fish recruiting into the fishery were being

taken in that first year, and that fish over 55mm tail width outside the reserve were less than 1% as common as in the adjacent marine reserve. This scientific data supports the anecdotal claims of recreational fishers around Gisborne who are unable to get fair and equitable access to the local near shore waters to take legal sized rock lobsters because of diminished abundance. As a consequence, commercial fishers have enjoyed many years of opportunity to harvest commercial concession fish. This harvest has led to a reduced biomass size abundance to sub 54mm males before the public can gain access to 54mm and above lobsters. This must be having significant effects as a genetic selection pressure favouring small and slow growing fish, which perversely even further reduces the productivity of the system as a result of the pressure it is under. It is vital, for system productivity reasons, that the biomass be increased rapidly and maintained at a much higher level, so that there is once again significant selection pressure in favour of fast growing large crayfish to improve the productivity for all.

21: In respect of recreational fishers direct interests in catching crayfish, there are four points to clearly note.

1. Almost 80% of the fish were removed from the fishery before they become big enough for recreational fishers to take them.
2. The sub 52mm males lobsters do not grow more than 1.5mm during the spring moult and as such remain sub 54mm waiting for the next commercial concession season when they can be legally taken.
3. The inequity of the concession means there is very little chance of a recreational fisher catching a crayfish over 54 mm tail width (still a small crayfish).
4. It is clear that the commercial fishers fish the near shore waters to Gisborne during the autumn/winter concession, preserving their further away and deepwater reefs for summer fishing when the markets demand larger fish. The end result being is that these fishers are able to manage this fishery in a manner that is effectively the preserve of commercial fishers, hence the inequity and continuing spatial conflict.

22: On the wider perspective of the responsibilities of the Minister and the Ministry under the Act, it is clear that while the Quota Management System (QMS) is generally working in many areas, it fails to address issues of localised depletion such as we are seeing in CRA3 in the Gisborne City area. Attempting to use Quota Management System tools alone to manage this resource has failed to achieve the purposes of the Act, the social, cultural and economic well being of recreational fishers. Very clearly, there is not an adequate distribution of sizes of crayfish to maintain an ecological balance in this region. Taking over 70% of the available recruiting stock each year is far too high a capture rate, or to put it another way, the total stock of the area has been fished to far too low thus reducing the biomass and creating localised depletion.

23: Large crayfish eat different things to small crayfish. To maintain a healthy and diverse ecosystem (as required under section 9), reasonable numbers of fish must be allowed to grow to reasonable sizes. Likewise large females prefer larger males to breed with.

24: For a long-lived fish like crayfish, not more than 20% of the recruiting stock should be taken in any one year. On that basis, the current commercial take in this area is at least 3 times what the stock can maintain at this biomass. Using simple CPUE figures to manage a very long-lived fishery such as crayfish will not give adequate signals to managers. Managers also need to know recruitment and size/age distributions for the populations. The issue of the concession for CRA 3 raises many related issues.

25: In respect of CRA3 in the Gisborne city area, it is proven beyond all reasonable doubt that duties to recreational fishers under the Fisheries Act are not being fulfilled.

- The Fisheries Act 1986 has in its purpose (section 8) a requirement to develop "fisheries resources to enable people to provide for their social, economic, and cultural well-being".
- In section 9 (environmental principles) there is also a requirement that "biological diversity of the aquatic environment should be maintained".

27: With this concession gone commercial fishers still need to improve their behaviour and fishing practices to ensure that they do not by local effort concentrate their efforts on the near shore waters of Gisborne in the lead up to the recreational summer fishing season, such negative actions would only add further to the inability of recreational fishers to take a reasonable feed within the allowed daily bag limit. Commercial take from around Gisborne city must reduce so that the biomass of the stock can be allowed to rebuild to levels that can sustain the total harvest and maintain a reasonable range of sizes of fish to protect the biodiversity of the area. To prevent localised depletion such as seen in the Gisborne region, if the local commercial fishers cannot organise and manage themselves, as has been done in CRA5, to limit their take from areas of importance to recreational and traditional fishers voluntarily, then there may need to be limits placed on how much quota can be taken from areas of high recreational and traditional interest.

28: Fish managers need to be aware that there is a potential negative reaction to the loss of concession fishing. Managers need make a conscious effort to address the potential of localised depletion in the Gisborne near town area. To ignore this potential would be tantamount to exacerbating the problem of spatial conflict, with the only resolvable outcome being that the Gisborne recreational fishing community would seek spatial separation to enhance these local waters, which are accessible to them.

29: The NZRFC supports the immediate removal of the commercial concession fishing. However we believe that there should be a multi sector agreement that no fish should be taken below 54mls including customary Maori. Once the biomass has increased then all fishers have a reasonable chance at a reasonable daily bag it is quite probable that the commercial take will be able to be increased and maintained at a level at or above current take, but the biomass must be allowed to rebuild first.

30: The NZRFC submit that we support Option 1B the immediate removal of concession area regulations for Rock Lobster in CRA 3

Appendix I

31: CRA 7 (Otago)

This is perhaps the worst example of the concession crayfish fisheries with commercial getting access to fish two to three years before fish reach legal amateur size.

32: The NZRFC acknowledges that an overnight removal of the concession in CRA7 would have significant impacts on commercial fishers. We think a phased removal of the concession would lead to equity of access for all. The concession could be removed by either making annual incremental increases in the tail size of cray or, what we think is a more workable solution, by imposing a decreasing percentage of the TACC that can be taken as concession fish.

33: The first change is to get rid of the inconsistent measuring system in CRA7 and have all CRA fisheries on the same footing of using the tail width measurement. The reason that measuring by length was changed in the other cray fisheries was because of the ability to

stretch fish. By changing the measuring to width and having a reducing percentage of the catch that is allowed to be below this less emphasis is placed on any one particular year class thus allowing the fishery to move to a MLS that applies to all stakeholders. The timeframe for achieving a universal size could be a task given over to the NRLMG but we would expect it to be achieved in no more than 4 years.

34: We are aware the commercial fishers have been unable to take best economic advantage in this fishery due to seasonal closures denying them access to fish at times of high prices. We would expect that as part of removing the concession fishing the seasonal closures for commercial would be removed as well. Please note this doesn't mean remove the seasonal closures before there has been any meaningful change to the commercial access to concession fish.

35: There can be no justification for the continuation of the inequity of access to this fishery given the vast difference in the effective MLS. If the result of this review provides no change to the commercial access to concession fish, amateur fishers demand the same access rights apply to them.

36: The so-called "buffer zone" between CRA7 and CRA8 is ineffective in providing for amateur access with remoteness and lack of suitable crayfish habitat both playing a part. It may well be part of the solution that this area goes.

37: With the intention having been stated at the NRLMG by CRA7 representatives that they want to manage the fishery at a higher abundance level we submit the above changes would provide the greatest benefit for all sectors. Commercial would be able to take fish at times when the prices are the best and amateurs would have access to an abundant fishery with an equal MLS.

38: During the phasing in process concession sized fish must be for export only with no domestic sales. If there is no export market then the fish should be left in the water.

39: The NZRFC submit the phasing out of concession fishing over a period of no more than 4 years.

40: CRA 8 (Southern South Island)

CRA8 is perhaps the best example of a shared fishery anywhere in New Zealand. Much of this is the result of agreements reached by the "Guardians of Fiordland."

41: CRA8 has significant areas of total no take for everyone along with many areas, which are not commercially fished. This combination is providing excellent access for amateur fishers and we see no need to change the management of the concession fishing in this area. The significant areas of crayfish habitat that are closed to commercial fishers, along with the remoteness of the major concession fishing areas means there is very little negative impact on amateur fishers by the operation of concession fishing in CRA8.

42: This combined with the long established management regime of running this fishery at high abundance levels is providing very good access to all stakeholders. Commercial are able to take advantage of the high price periods because they have fish in the water when they want them. The high abundance in the open water areas coupled with the, in effect, non-commercial areas provides excellent access to amateur fishers and we are happy to continue with the present regime.

43: It should be noted that the large areas available for non-commercial use created by the “gifts & gains” Guardians process play a large part in the satisfaction that amateur fishers feel. We are sure this tool could be used in other CRA fisheries to good effect.

44: Concession sized fish are to be export only with no domestic sales. If there is no export market then the fish should be left in the water.

45: The NZRFC supports the status quo in CRA8.

Yours faithfully,
NEW ZEALAND RECREATIONAL FISHING COUNCIL

Sheryl Hart
Secretary