

NRLMG

National Rock Lobster

Management Group

Annual Report for 2002

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Part One

Introduction

1.1 PURPOSE

1. The purpose of the NRLMG report is to provide primary advice on sustainability measures and management controls for the rock lobster fishery to the Minister of Fisheries. The report also outlines other matters considered by the National Rock Lobster Management Group (NRLMG) during the 2002 calendar year.
2. The report fulfils the role of the Ministry of Fisheries Initial Position Paper (IPP) and forms the basis of the Minister's statutory consultation with stakeholders on rock lobster issues.

1.2 NRLMG BACKGROUND

3. In 1992, the then Minister of Fisheries, Hon D L Kidd, endorsed the establishment of a national group, the NRLMG, to revise and develop the Rock Lobster Management Plan devised by the Rock Lobster Steering Committee (RLSC) (1991) and asked sector groups to nominate representatives. The RLSC was established by the same Minister to develop a long-term management plan for the lobster fisheries which at that time were considered to be seriously depleted by overfishing. The NRLMG has since made nine annual reports, which contained recommendations for the sustainable management of this, the most important inshore fishery.
4. The NRLMG has not only played an important role in developing a significant level of consensus among user groups, which aids the decision making process, but also has encouraged the development of management initiatives throughout the country which have contributed to the improvement in rock lobster stocks over recent years. Stock assessments since 1992 have tracked increasing abundance in most fisheries, and where stock rebuild has been less than optimum, management responses have been implemented which should ensure the sustainable utilisation of those fisheries within acceptable stock rebuild timeframes.
5. The Group continues to persevere with its efforts to formulate a robust and enduring harvest strategy that will not require annual review, rather only fine-tuning when new information indicates that some adjustment is necessary. To that end, the NRLMG continues to develop and refine management procedures incorporating 'decision rules' which are designed to guide management actions.
6. During 2002, the NRLMG attempted to continue the consolidation of the co-operative user group forum, to seek technical advice from experts, and to refine and improve the management plan for rock lobster fisheries and the quality of advice given to the Minister of Fisheries to assist in the statutory sustainability and utilisation decisions.

2002 Work Programme

7. Over the past year, the NRLMG convened on eight occasions to deliberate on a range of research planning and management issues with the aim of presenting this annual report and recommendations to the Minister of Fisheries by 15th November 2002.
8. In addition, some members of the NRLMG have attended and participated in the Rock Lobster Fisheries Assessment Working Group (RLFAWG) meetings held during 2002 and the Stock Assessment Plenary convened by MFish in November 2002.
9. During 2002 the NRLMG again provided the core sector group participation in the annual Rock Lobster Research Planning Group process which culminates in the Research Co-ordinating Committee recommendations to the Minister of Fisheries in relation to required research services.
10. The NRLMG contributed to the development of management procedures and agreed biological reference points for incorporation into fisheries management decisions.
11. The NRLMG had oversight of the NSS Management Procedure recommended to the Minister of Fisheries in July 2002 and subsequently endorsed by him for use in TAC and Sustainability decisions for 2003.

12. The NRLMG participated in the stock assessment procedures that delivered new assessments for CRA 1 and CRA 2 to the November 2002 Plenary.

Organisational Arrangements

13. Costs of participation in the NRLMG are borne by the representative organisations, and the NZ Rock Lobster Industry Council (NZ RLIC) supplies venues and facilities. Secretarial and administrative duties are shared by the NZ RLIC and the Ministry of Fisheries (MFish).

Representation During 2002

14. The NRLMG comprises representatives from:
- a) Industry (New Zealand Rock Lobster Industry Council–NZ RLIC);
 - b) Maori (Iwi representatives resourced by the Te Ohu Kai Moana–TOKM);
 - c) New Zealand Recreational Fishing Council (NZ RFC);
 - d) Environmental & Conservation Organisations (ECO)
 - e) Ministry of Fisheries (Fisheries Management, Science Group, and Compliance business groups);
 - f) NIWA, Trophia Research, and StarrFish (as stock assessment research advisers).
15. When required, the NRLMG has sought and received specialist advice.

Attendance During 2002

Representation	Meetings Attended	Apologies
Ministry of Fisheries	8	-
NZ Recreational Fishing Council	8	-
Maori – Te Ohu Kai Moana	8	-
Environment and Conservation	0	1
NZ Rock Lobster Industry Council	8	-
Science Advisors	8	-

Personnel

16. For 2002, the NRLMG confirmed SeaFIC Chief Scientist, Dr Kevin Stokes as Chairman.
17. Dr Kevin Sullivan (MFish Science Group) chaired the Research Planning meetings held under the auspices of the NRLMG.

Role of the NRLMG

18. The NRLMG continues the important role of being a co-operative user group forum with specific focus on rock lobster fisheries issues. The NRLMG is perceived as a model for

future multi-sector management of fisheries in New Zealand. The NRLMG encourages co-operation between user groups at local and regional levels, and undertakes a co-ordinating role to ensure that the informed views of the represented sectors are incorporated into management and planning considerations.

19. The NRLMG seeks technical advice from experts, and develops refinements and improvements to the management regimes currently in place for rock lobster fisheries. The NRLMG strives to provide quality advice to the Minister to assist in the statutory decisions on Total Allowable Catches (TACs), Total Allowable Commercial Catches (TACCs), and other management controls.
20. The NRLMG advises regional stakeholder groups. This ensures that local issues are addressed within the context of the Fisheries Act and in a manner that is consistent with the overall harvest strategy for rock lobster fisheries.

Recommendation

21. The NRLMG recommends that the Minister continues to:
 - a) confirm the NRLMG as the primary source of TAC, TACC and management advice for rock lobster fisheries; and
 - b) recognise the NRLMG as an appropriate body to consult on any matters relevant to the management of rock lobster fisheries.

1.3 THE ROLE OF THE NRLMG

22. In 2000 the NRLMG reported to the Minister that it intended to undertake a review the role and objectives of the Group in the context of the Fishery Plan provisions of the 1996 Act. The intended objectives of the review were to:
- a) refine a structure and process for rock lobster fisheries that will enable stakeholders to play a greater role in management at a fishery, or area level;
 - b) encourage the formation of co-operative rock lobster stakeholder group organisations at a regional (CRA region) level;
 - c) provide for better input and participation of tangata whenua in the rock lobster management process;
 - d) determine how co-operative stakeholder groups can integrate with the NRLMG; and
 - e) determine the future role of the NRLMG in rock lobster management.
23. In 2001 the role of the NRLMG was agreed as follows:
- a) To maintain the Group as the primary source of advice to the Minister of Fisheries.
 - b) To encourage and coordinate the development and implementation of Fishery Plans for rock lobster fisheries.
 - c) To act as a default regional planner for rock lobster research and management in circumstances where no Fishery Plan proposal was contemplated, or where a lack of organisation and coordination precludes any regional oversight by sector groups.
 - d) To retain a national coordinating body with well established and identifiable links to and from regional sector groups.
 - e) To coordinate and provide sector group input to research and information planning processes.
 - f) To coordinate and provide input to, and maintain an oversight of, the relevant Working Group processes and timetables.
 - g) To provide well informed, credible, and consistent research and management information and advice to sector groups, Government agencies, and Ministers.
24. Noting a preference for membership/participant numbers being kept at current levels with some flexibility accorded to need and circumstance, the NRLMG also agreed the roles and responsibilities of the participating members and advisers as follows –
25. Sector Representatives – TOKM, NZ RLIC, NZ RFC, ECO
- a) To provide consistent expertise, experience, knowledge, networking – to and from sector constituency. “It is important that each member represents the views of their constituent groups and relays discussions from the Group back to their constituents”... (Hodgson, March 2001)
26. MFish – Fisheries Management, Compliance, Science
- a) To facilitate and coordinate information and advice to and from the NRLMG
 - b) To ensure consistent information and advice to MFish personnel and to tangata whenua.

- c) To enable science (including stock assessment and biological), economic, social policy, and other advice deemed necessary by the NRLMG.
27. Advisory members – Stock Assessment, Biology and Behaviour, Economic, Social
- a) To maintain oversight of NRLMG deliberations and offer advice and guidance, including cautions, to assist the development and implementation of research and information plans, Fishery Plans, or regional harvest initiatives.
28. Chairman
- a) To facilitate NRLMG meetings and to oversee the development and delivery of the NRLMG Annual Report.

Recommendation

29. The NRLMG recommends that the Minister:
- a) **note** that whilst supporting and encouraging the development and implementation of Fishery Plans for rock lobster, the NRLMG will continue to operate the current management framework outlined in this document and will work within the roles and responsibilities confirmed in the most recent review.

Part Two

Strategic Vision and Framework for Rock Lobster Fisheries

2.1 STRATEGIC VISION

30. The NRLMG has developed a *Strategic Vision for the NZ Rock Lobster Fisheries*. The vision is consistent with the Fisheries Act 1996, enhances an agreed management framework, and provides a basis for consideration of short, medium, and long term research and management issues such as:
- a) rock lobster stocks will be managed effectively (including cost effectively) to maintain the status of the stocks at or above the biological reference points consistent with the Minister's legislative responsibility;
 - b) fisheries will be managed using a property rights/ Quota Management System (QMS) regime with the principal management actions exerted via output controls (TACs) while a range of input controls will still apply where this proves appropriate to individual situations;
 - c) the strategy will provide for management flexibility, whilst ensuring sustainability, to enable all sector groups to maximise their benefits within a shared fishery;
 - d) management of the fisheries will take place within a clear policy environment, e.g., there will be clear, explicit, and agreed rules to describe property rights in the fisheries and the allocation between user group sectors. In addition, there will be explicit and agreed decision rules to prescribe management actions that result from monitoring and assessment of fisheries;
 - e) reliable and cost effective means to monitor and assess fish stocks will be in place. The catches taken and effort deployed by all extractive user groups will be effectively quantified, documented, and managed in accordance with the exercise of rights;
 - f) adverse environmental effects of fishing activities will be averted or minimised;
 - g) aquaculture of rock lobsters will be a permissible activity, governed by policies which ensure sustainable use of the wild stock within a rights based framework;
 - h) a shift of management responsibility to user groups will be promoted within the Fishery Plan framework provided for in the 1996 Fisheries Act; and
 - i) collaborative/consultative national co-ordination of research and management recommendations and development of policy will continue within the NRLMG or similar organisation; and
 - j) co-operative management initiatives, which may include the development of regional user groups and Fishery Plans, will be encouraged; and
 - k) sustainable management and use of rock lobster fisheries will occur in an environment where the New Zealand public are well informed and educated on matters dealing with fisheries in general, and rock lobster fisheries in particular.

2.2 FRAMEWORK FOR MANAGING ROCK LOBSTER FISHERIES

31. The framework for managing rock lobster and the attendant recommendations of the Group are consistent with expectations of a robust and enduring harvest strategy leading to a continuing sustainability of rock lobster stocks, and in the view of the Group is also consistent with the statutory obligations enshrined in the Fisheries Act 1996.

Goal

32. The rock lobster fisheries should be managed and be maintained at or above the assessed and agreed biological reference points, using a comprehensive approach that recognises a range of commercial, customary non-commercial, amateur and environmental concerns and values.

Strategies to Achieve Goal

33. The strategies will allow the population size to:
- a) increase in each fishing year that it is below the optimum incorporated in agreed management procedures; or
 - b) be maintained at that level or above.
 - c) The extent of change in population size that can be sought will be determined after consideration of:
 - d) economic and social factors including:
 - e) the economic cost and benefits, social factors and rate of adjustment to the fishing industry,
 - f) the availability of rock lobster to Maori and amateur fishing groups, and
 - g) the economic return from the fishery; and
 - h) biological and environmental factors including:
 - i) the uncertainty in the assessment of stock size and other biological parameters, and
 - j) the risk to the population; and
 - k) the timeframe over which the management options will have effect.
34. The strategies will identify the effects of fishing on the aquatic environment and provide for the implementation of measures to:
- a) avoid, remedy, or mitigate any adverse effects of fishing on the aquatic environment;
 - b) maintain associated or dependent species above a level that ensures their long-term viability;
 - c) maintain the biological diversity of the aquatic environment; and
 - d) protect habitat of particular significance for fisheries management.

Implementing the Strategies

35. The tactics or actions developed to implement the strategies will:

- a) be produced through a process that involves all sector groups, minimises conflicting views, and involves all participants in the group disclosing their positions on the issues considered in order to promote co-operation and encourage full and frank discussion;
 - b) be based on the advice from scientists on the steps necessary to achieve the goal within various time frames;
 - c) consider available management options including but not limited to catch adjustments, area closures, gear restrictions, enhancement, legal size changes, measures to maximise egg production, measures to promote recruitment, and measures to minimise juvenile mortality;
 - d) promote and enable effective, including cost effective, compliance with fishery rules;
 - e) consider the costs and implications of management options including:
 - i. the resources that are needed and currently available for research, compliance and administration;
 - ii. the integrity of the research database;
 - iii. whether the management alternatives can be effectively implemented;
 - iv. how the impact of the management options are to be measured or estimated;
 - v. the impact of the management options on industry, customary non-commercial, and amateur fishers and the degree of their acceptance of the measures; and
 - vi. the impact on other fisheries and the aquatic environment.
 - f) be based on the best available information;
 - g) recognise any uncertainty in the available information and be precautionary when information is uncertain, unreliable, or inadequate; and
 - h) not use the absence of, or any uncertainty in, any information as a reason for postponing or failing to take any measure to achieve the purpose of the Fisheries Act 1996.
36. The NRLMG will provide a timely annual report containing recommendations for management, research and compliance of rock lobster fisheries to the Minister.

Harvest Strategy

37. The NRLMG pursues a dynamic harvest strategy for rock lobster fisheries. It is willing to consider and accept TAC changes in two situations:
- a) where stock modelling demonstrates that, after a TAC change, abundance is likely to move towards agreed biological reference points within an agreed period; and
 - b) where a TAC change is triggered by a fully tested and accepted management procedure (decision rule), such as the one described in paragraph 119 of this report and in the Plenary Report, designed either to rebuild a stock unit or to maintain the stock unit near an agreed biological reference point.

Assessment and Indicators

38. In accordance with the goal for managing rock lobster fisheries, stock assessment research will continue to be an important component of the management framework. The Rock Lobster Fisheries Assessment Working Group (RLFAWG) continues to refine and improve stock assessment techniques and to identify areas of uncertainty and information needs.

39. For a number of years, MFish has commissioned a major rock lobster stock assessment project and an extensive rock lobster recruitment project. These projects were agreed as Fisheries Required Services. The National Institute of Water and Atmospheric Research (NIWA) is contracted to undertake the recruitment work, based on monitoring puerulus settlement at selected sites around the New Zealand coast.
40. Since 1998 NZ RLIC has been contracted to provide stock monitoring and assessments in collaboration with NIWA, Trophica Research, StarrFish, and for the first two periods, the SeaFIC Science Group. Within the overall project, The NZ RLIC has contracted NIWA and Trophica Research to undertake some of the catch sampling and data entry, and to construct databases for the tagging projects.
41. Vessel logbook data are now routinely incorporated into the stock assessment process. Logbook programmes supervised by technicians are well established in CRA 2, CRA 5, CRA 8, and CRA 9.
42. Intensive catch sampling (including Logbooks) and tagging are undertaken to MFish agreed standards and specifications.
43. NIWA, Trophica Research, and StarrFish scientists continue to refine and improve stock assessment methods with routine oversight from the RLFAWG chaired by MFish Science Group. The SeaFIC Science Group provides a useful peer review of the process.
44. An independent peer review of rock lobster stock assessment methodology commissioned by MFish in 2001 concluded that key aspects of the current assessment represent state-of-the-art methodology and are appropriate for assessments of the rock lobster stocks.
45. The review identified several areas where additional research or modifications to the assessment were required, and these were subsequently incorporated into the CRA 3 model presented to the RLFAWG in 2001 and have been continued in the 2002 stock assessment programme.

Management Procedures and Decision Rules

46. The NRLMG has established two simple decision rules for the NSN and NSC substocks (paragraph 110). Each year, the rule for each substock compares the current estimate of standardised CPUE with the index from 1992-93. The two estimates are considered significantly different if their 1-standard-error bars do not overlap. Under these rules, TAC changes are considered only when the two CPUE estimates differ significantly.
47. For the NSS substock (CRA 7 and CRA 8) the NRLMG recommended, and the Minister accepted, a more complex and extensively tested decision rule, called a management procedure, in 2002. This specifies the data to be used and how it is to be analysed, specifies a new CPUE target for the fishery, specifies how the rule is “triggered” and specifies how the TAC is modified when the rule is triggered. This procedure, designed to rebuild the CRA 8 fishstock to the target level, is scheduled to be reviewed in 2007. It is accepted that CRA 7 may develop and test an alternative management procedure for their area, leaving this procedure to operate for CRA 8 only.
48. Management procedures designed to maintain the stock near agreed target levels were tested under the stock assessment research contract (CRA2000-01) in 2002. These were designed around a decision rule matrix that enables stakeholders to consider biological, economic and other outcomes, and their associated risks, when choosing fishery goals. More work is scheduled on this project for 2003.

Tactics

49. There are a number of mechanisms by which total removals from the fishery can be adjusted if circumstances dictate:
- i. adjusting the TAC;
 - ii. changes in minimum legal size (MLS) limits;
 - iii. adjustments to escapement provisions;
 - iv. closed seasons;
 - v. fishing method restrictions;
 - vi. effort controls;
 - vii. closed areas;
 - viii. adjustments to commercial quotas and amateur bag limits;
 - ix. limitations on the numbers of participants in the fishery;
 - x. improved handling to reduce sub-legal mortality;
 - xi. protection of soft-shelled lobsters and berried females;
 - xii. effective enforcement which provides a greater deterrent to illegal fishing;
 - xiii. effective compliance services, such as education, which encourages voluntary compliance; and,
 - xiv. maximised voluntary compliance with fisheries laws by fishers.

Recommendation

50. **The NRLMG** recommends that the Minister:
- a) **confirm** the framework for managing rock lobster fisheries contained in this Report.

Part Three

Matters Considered by NRLMG in 2002

3.1 INTRODUCTION

51. The NRLMG has given consideration to a number of rock lobster fisheries management issues during 2002. The most important of these are:
 - a) The 2002 stock assessment outcomes, including the CRA 1 and CRA 2 models, and the development of an agreed management procedure for the CRA 7 and CRA 8 (NSS) stocks. These issues are discussed in detail in Section 3 and Section 4 of this Report.
 - b) Amendments to escapement regulations to reflect commonly used design and configuration of steel welded mesh pots intended to reduce handling damage and mortalities. (Section 3)
 - c) The removal of Packhorse (PHC) rock lobster from the Eighth Schedule of the Act that requires a minimum three tonne of ACE be held before taking rock lobsters. (Section 3)
 - d) A package of Regulatory amendments pertaining to amateur rock lobster fishing proposed by the NZRFC and NZ RLIC. These are reported in detail in Section 6.
52. The Group continued to review roles, functions, accountability, and responsibilities in anticipation of the completion of the Fishery Plan framework, and in the expectation of a satisfactory resolution to the outstanding definition of amateur fishing rights.
53. In 2002 a primary function of the NRLMG was to conduct Rock Lobster Research Planning, and in that role considered the full range research activities for the period 2004 to 2006 considered relevant to the agreed plan and strategic vision for rock lobster fisheries.

3.2 PACKHORSE ROCK LOBSTER (PHC 1) – REMOVAL FROM THE EIGHTH SCHEDULE OF THE FISHERIES ACT 1996

Proposal

54. It was proposed that the Fisheries Act (1996) be amended, by the passage of an Order in Council, to remove the minimum holdings of annual catch entitlement (ACE) requirement for packhorse rock lobster (*Sagmariasus verreauxi*¹) (PHC 1) specified in the Eighth Schedule.

Background

55. PHC 1 is listed in the Eighth Schedule of the Fisheries Act 1996. No commercial fisher may take any stock listed in the Eighth Schedule unless the fisher holds, at the time of the taking, the minimum amount of ACE that is specified in that schedule in relation to that stock., or, a “grandfather clause” holding based on initial allocation of TTQs for PHC 1 in April 1990. The minimum ACE holding specified for PHC 1 is three tonnes.
56. Historically packhorse rock lobsters are almost exclusively taken commercially as an incidental bycatch of spiny rock lobster fisheries (*Jasus edwardsii*) (CRA 1-9). Both species occupy similar habitat, have similar behaviour and are taken using pots. Commercial fishers rarely target packhorse rock lobsters because there are significant seasonal, cyclical, and geographical variations in their abundance and catch rates compared to spiny rock lobsters.
57. As a result, commercial catches of packhorse rock lobsters are low. Between 1988 and 2001 total commercial landings ranged from 3 tonnes to 24 tonnes. In the 2001-02 April fishing year, 27 commercial fishers reported landing packhorse rock lobsters totalling 7.7 tonnes. Of the 27 fishers, only 4 held the required minimum holding of three tonnes PHC 1 ACE and about the same number qualified for the grandfather clause exemption.
58. The TACC and available ACE for PHC 1 is 40 tonnes. This restricts the number of commercial fishing permit holders who can acquire the three tonnes minimum ACE holding and legitimately land packhorse rock lobsters taken as a bycatch of spiny rock lobster fisheries. Under the Fisheries Act 1983, permit holders could use various administrative provisions including FAAQs (fishing against another’s quota) as an alternative to minimum holding requirements. However, the commencement of the ACE regime with the introduction of the Fisheries Act 1996 on 1 October 2001 removed those options.
59. The defences available to commercial fishers under the Fisheries Act 1996 are also more restrictive. Section 241 requires fishers to take reasonable precautions and exercise due diligence to avoid contravention of the Act. If a commercial fisher thinks he may catch packhorse rock lobster, even as a “genuine” bycatch of spiny rock lobster fishing, then he/she should avoid the situation of committing an offence by obtaining the required minimum ACE holding.

¹ This species used to be known as *Jasus (Sagmariasus) verreauxi* (Holthuis 1991) but almost always referred to as *J. verreauxi*. Recently (Booth & Webber 2002), the subgenus *Sagmariasus* was elevated to full generic status because of the many substantial differences between this species and all *Jasus* species, which among themselves vary little.

60. Over the course of a fishing season, packhorse rock lobster bycatch is a small but valuable component of a commercial rock lobster catch. Currently, commercial fishers who do not have a grandfather clause exemption and do not hold the three tonnes minimum ACE are required to return any packhorse rock lobsters inadvertently taken, including legal sized, to the sea forgoing economic returns. The NZ Rock Lobster Industry Council requested that PHC 1 be removed from the Eighth Schedule because the minimum ACE holding requirement is preventing the efficient utilisation of this resource.

Problem Definition

61. The commencement of the ACE regime and changes in the defence options available to commercial fishers with the introduction of the Fisheries Act 1996 has meant there are no longer any administrative mechanisms or defence provisions to manage bycatch of packhorse rock lobsters in the absence of owning the minimum ACE holdings. Commercial fishers who do not have a grandfather clause exemption now have no alternative but to hold a minimum three tonnes of PHC 1 ACE to legitimately land packhorse rock lobsters taken as a bycatch of spiny rock lobster fisheries. The TACC for PHC 1 is 40 tonnes. This restricts the number of commercial fishing permit holders who can acquire the three tonnes minimum ACE holding. Commercial fishers who do not hold an exemption or the minimum three tonnes ACE are required to return legal sized packhorse rock lobsters that they have caught to the sea and forgo these economic returns. The minimum ACE holding does not provide for the efficient utilisation of this resource.
62. In practice, since the October 2001 introduction of the ACE regime, most rock lobster fishers have been ignorant of the requirement to hold the minimum 3 tonnes of ACE and have continued to take and land packhorse rock lobsters. This leaves those fishers liable, on summary conviction, to a fine not exceeding \$250,000 and the potential forfeiture of fish, gear and vessels used in the commission of a breach of the minimum holding rule.

Analysis

63. The minimum ACE holding for PHC 1 serves no practical management purpose. Minimum legal holdings have been used primarily in the past to constrain the number of participants in a fishery. The reporting requirements of the ACE regime however, coupled with the low landing of packhorse rock lobsters, predominantly as a bycatch of spiny rock lobster fisheries, effectively manage compliance risks and reduce the need for minimum ACE holdings in this fishery. The sustainability of the PHC 1 stock is managed through the setting of a TACC, a minimum legal size restriction, a prohibition on taking berried females and/or soft or immeasurable lobsters, and an existing area closure to protect PHC 1 spawning grounds. The Ministry does not envisage that the removal of PHC 1 from the Eighth Schedule would result in an over catch of the TACC, or increased compliance risks.
64. Section 74 (7) of the Fisheries Act 1996 provides that the Governor-General may from time to time, by Order in Council, remove a stock from the Eighth Schedule. Under s 74 (8) an order in council made under subsection 7 takes effect on the commencement of the following fishing year for the stock (PHC 1 has an April fishing year). Section 74 (9) provides that an order in council may only be made on the request of the Minister of Fisheries following consultation with interested parties. The Minister may make a recommendation under subsection 9 on his/her own initiative or on request by quota owners who hold in aggregate at least 75% of the quota shares in that stock. A request from quota owners must specify the concerns of any quota owners who do not support the proposal and what arrangements are in place to address those concerns.

65. Under S 74 (10) an Order in Council to remove a stock from the Eighth Schedule is a temporary measure only and must be validated by parliament to become permanent. An order in council to remove PHC 1 from the Eighth Schedule for the start of the April 2003 fishing year will expire on 31 December 2003 unless the order is validated by parliament through a subordinate legislation (confirmation and validation) bill prior to this date.
66. The NZ Rock Lobster Industry Council conducted a ballot of all PHC 1 quota share owners to determine the level of industry support for the proposed amendment. 88.56% of PHC 1 quota shares owned agreed that the stock should be removed from the Eighth Schedule. One quota share owner with 11.19% of the available shares voted against but gave no reason for that decision. The remaining 0.25% of quota shares owned did not provide comment. No quota owners raised specific concerns.

Consultation

67. In addition to the 88.56% of PHC 1 quota shares owned being in support of the proposal, preliminary discussions were conducted between industry and other interested parties through the NRLMG. Customary representatives agreed to the proposal. The Recreational Fishing Council agreed to the proposal in principle but insisted on wider consultation before any amendment is made. Science advisors to the group agreed that no sustainability issues are likely to arise if PHC 1 is removed from the Eighth Schedule. Environmental representatives to the Group were not present at discussions on this matter, (or any others) during 2002.
68. The proposal was then included in the MFish Initial Position Paper (IPP) consultation leading to the provision of final advice to the Minister of Fisheries for 01 April 2003 TAC and Sustainability decisions. There was then a period of statutory consultation undertaken by the Minister before confirming those decisions.

Management Options

Non-Regulatory Change

69. With the introduction of the ACE regime on 1 October 2001, there are now no non-regulatory or administrative mechanisms that can be used to manage by-catch of packhorse rock lobsters in the absence of owning the three tonnes minimum ACE holding. Retaining PHC 1 in the Eighth Schedule would not address the utilisation problems facing the rock lobster fisheries.

Regulatory Change

70. Section 74 (7) of the Fisheries Act 1996 provides that the Governor-General may from time to time, by Order in Council, remove a stock from the Eighth Schedule. An Order in Council may be made only on the request of the Minister of Fisheries following consultation with parties interested in the stock.

Costs and Benefits

Benefits

71. Benefits of removing PHC 1 from the Eighth Schedule include:

- a) A contribution to the more effective utilisation of the packhorse rock lobster resource.
- b) Improved potential economic returns for commercial rock lobster fishers.
- c) A reduction in compliance risks and cost by legitimising commercial landings of packhorse rock lobsters.
- d) A reduction in enforcement activity required to audit compliance with the existing minimum ACE holding requirements.
- e) Improved reporting of landings of packhorse rock lobster will assist in the collection and compilation of catch and effort data for use in evaluating the status of the PHC 1 stock.
- f) A timely response to commercial stakeholder concerns.

Action

- 72. In October MFish released an Initial Position Paper (IPP) for stakeholder consultation before providing final advice to the Minister of Fisheries. Subject to the Minister's final decisions and recommendations to Cabinet, it is intended that the Governor-General, by Order in Council, under section 74 (7) of the Fisheries Act 1996 omit packhorse rock lobster (PHC 1) from the Eighth Schedule of the Fisheries Act 1996, thereby removing the minimum annual ACE holding requirement for that stock effective as from 01 April 2003
- 73. The Order in Council to omit PHC 1 from the Eighth Schedule is a temporary measure only and will need to be validated by Parliament in the annual validation bill to be permanent.

3.3 ROCK LOBSTER – ESCAPEMENT DESIGN OF POTS

Proposal

74. It was proposed by the NZ Rock Lobster Industry Council that regulation 25B of the Fisheries (Amateur Fishing) Regulations 1986, and regulation 79 of the Fisheries (Commercial Fishing) Regulations 2001, be amended to permit the use of mesh liners and covers in regulation steel welded mesh rock lobster pots.

Background

75. Regulation 25B of the Fisheries (Amateur Fishing) Regulations 1986, and regulation 79 of the Fisheries (Commercial Fishing) Regulations 2001 require that all commercial and recreational lobster pots must contain specified escape gaps² or be constructed “entirely” of spot welded rectangular mesh having inside dimensions of not less than 54 mm by 140 mm to allow undersized rock lobster to escape.
76. The use of 54 mm by 140 mm spot welded mesh pots by commercial and recreational fishers is widespread. Although pots built “entirely” of 54 mm by 140 mm spot welded rectangular mesh allow undersized rock lobsters to effectively escape, they often result in catch damage and mortality because lobster tails and antennae protrude through the bottom mesh gaps when the pots are hauled onto fishing vessels.

Problem Definition

77. To avoid catch damage, commercial fishers routinely incorporate plastic mesh or steel mesh ‘liners’ of smaller mesh size into the bottoms of spot welded mesh pots. Fishers also modify these pots by incorporating plastic mesh or steel mesh ‘covers’ to improve catching efficiency. It is not known how widely recreational fishers use these modified pots.
78. Provided modified pots leave sufficient area of 54 mm by 140 mm mesh unhindered, undersized lobsters can still escape through the sides of the pots, the use of liners and covers does not compromise escapement efficiency. Although these modified pots achieve the purpose of the regulations (i.e. allow undersized rock lobsters to escape), the use of liners and covers is technically illegal. This is because when a regulation steel welded mesh pot is modified by the inclusion of a liner or cover, it is no longer constructed ‘entirely’ of 54 mm by 140 mm spot welded rectangular mesh. Thus a large number of fishers are currently using rock lobster pots that are inconsistent with the escapement regulations.
79. If mesh liners and covers remain prohibited, the costs to fishers of altering pots or buying new pots to comply with the wording of the escapement regulations are likely to be high without actually benefiting the management of rock lobster stocks.

² For square or rectangular pots the requirements are that:

- i. Escape gaps cannot be incorporated into the top or the bottom of any pot.
- ii. Escape gaps cannot have inside dimensions of less than 54 mm by 200 mm
- iii. Escape gaps must be located in at least two opposite sides of a pot
- iv. Escape gaps must comprise 80% of the vertical height or horizontal width of a pot.

For round (beehive) pots:

- i. Escape gaps must comprise at least three rectangular apertures (other than the entrance)
- ii. Escape gaps cannot have inside dimensions of less than 54mm by 200mm
- iii. Escape gaps cannot be incorporated into the top or bottom of any round/beehive pot.

Consultation

80. The NZ Rock Lobster Industry Council, representing commercial rock lobster fishers and quota owners, endorsed the proposal. Consultation was undertaken through the NRLMG. Customary, commercial and recreational representatives and science advisors to the group all supported an amendment to the rock lobster pot escapement regulations. Environmental representatives to the Group were not present at discussions on this matter (or any others) during 2002.
81. The proposal was then included in the MFish Initial Position Paper (IPP) consultation leading to the provision of final advice to the Minister of Fisheries for 01 April 2003 TAC and Sustainability decisions. There was then a period of statutory consultation undertaken by the Minister before confirming those decisions.

Management Options

Non-Regulatory Measures

82. There are no non-regulatory measures that would allow fishers legally to use liners and covers in 54 mm by 140 mm spot welded mesh pots.

Regulatory Measures

83. It was proposed that the relevant regulations be amended to permit the use of mesh liners and covers in 54 mm by 140 mm spot welded rectangular steel mesh rock lobster pots. MFish did not envisage any sustainability or compliance risks associated with this proposal.

Costs and benefits

Benefits

84. Benefits of amending the amateur and commercial regulations to allow the use of mesh covers and liners in 54 mm by 140 mm spot welded rectangular steel mesh rock lobster pots include:
 - a) Removing the unnecessary costs to fishers of altering pots or buying new pots to comply with the wording of the current escapement regulations
 - b) Reducing in compliance risks and cost by approving the current widespread use of liners and covers by commercial and recreational rock lobster fishers.
 - c) Reducing catch damage and incidental fishing related mortality of lobsters.
 - d) Improving catch efficiency if covers are authorised.
 - e) Responding to stakeholder concerns in a timely way.

Costs

85. Given that modified and unmodified 54 mm by 140 mm spot welded mesh pots are currently in use, there will be no additional costs of enforcing an amended regulation. There will be additional costs for reprinting pamphlets and other information material. There is also the cost of administering the regulatory amendment.

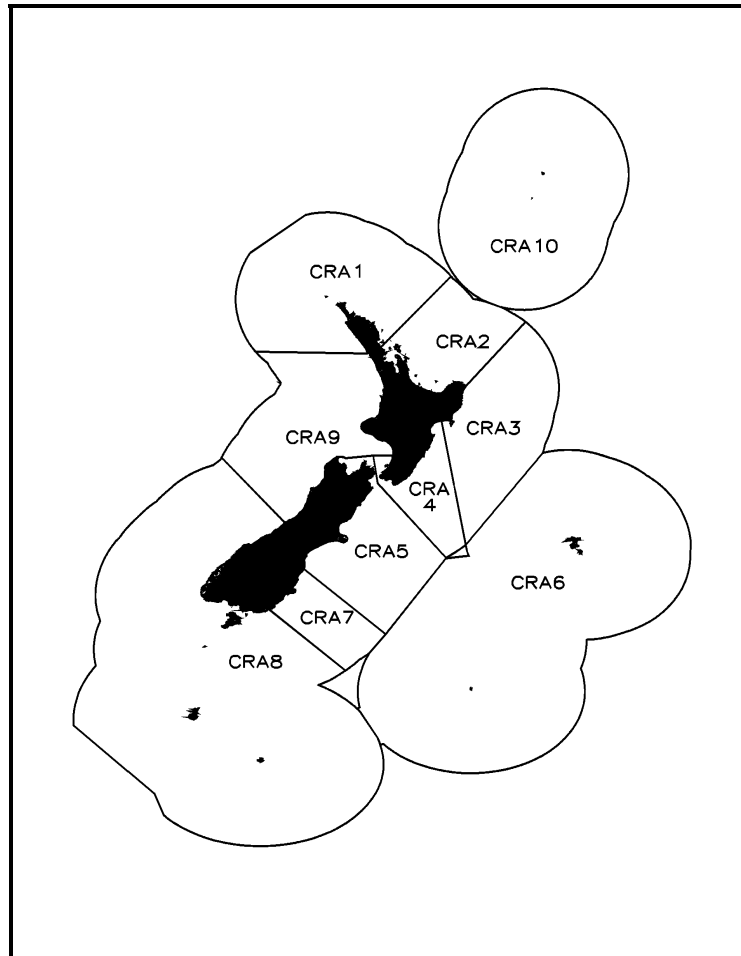
Action

86. It is intended that regulation 25B of the Fisheries (Amateur Fishing) Regulations 1986, and regulation 79 of the Fisheries (Commercial Fishing) Regulations 2001, be amended to permit the use of mesh liners and covers in 54 mm by 140 mm spot welded rectangular steel mesh rock lobster pots provided that at least 80% of the surface area of two opposite sides is comprised of unencumbered meshes having inside dimensions of not less than 54 mm by 140 mm.

3.4 STOCK DEFINITIONS

87. There are two rock lobster species in New Zealand, *Jasus edwardsii* (commonly referred to as quota management stocks CRA 1–10) and *Sagmariasus verreauxi* (commonly referred to as quota management stock Packhorse rock lobster (PHC 1)).
88. No genetic subdivision has yet been detected for *Jasus edwardsii* within Australasia, but geographic discontinuities do exist for several other factors including morphology, physiology, behaviour, catch and effort, and abundance patterns.
89. The RLFAWG and the NRLMG have agreed to an overall management strategy that recognises New Zealand spiny rock lobster (*Jasus edwardsii*) as a single species, but substocks and regional differences are taken into account when considering management options.
90. The RLFAWG defines two *Jasus edwardsii* lobster stocks in New Zealand: the North and South Islands stock (NSI) and the Chatham Islands stock (CHI). The RLFAWG divides the NSI stock into three *Jasus edwardsii* substocks in its analyses. These substocks are:
 - a) **NSN** — CRA 1 and CRA 2;
 - b) **NSC** — CRA 3, CRA 4, and CRA 5; and
 - c) **NSS** — CRA 7 and CRA 8.
91. CRA 9 is considered a separate entity within the NSI stock but is not assessed. CRA 10 is neither assessed nor included in the NSI stock because there is no fishing in the area.
92. The Chatham Islands (CHI–CRA 6) stock appears to be genetically the same as the New Zealand stocks. Changes in the CHI stock abundance are unlikely to affect the NSI stocks. CRA 6 is considered separately for stock assessment purposes.
93. There is only one species of packhorse rock lobsters in New Zealand, considered to be a single stock (PHC 1) and it appears to be genetically distinct from that in Australia. No assessment has been undertaken for this stock.

Rock Lobster Quota Management Areas



Species	Quota Management Area	Stock	Fishstock Substock
Spiny Rock Lobster	Northland	NSI	CRA 1 } NSN
	Bay of Plenty		CRA 2 }
	Gisborne		CRA 3 }
	Wellington/Hawkes Bay		CRA 4 } NSC
	Canterbury/Marlborough		CRA 5 }
	Otago		CRA 7 } NSS
	Southern		CRA 8 }
	Westland/Taranaki		CRA 9
	Kermadec		-
	Chatham Islands	CHI	CRA 6
Packhorse R/ L	All NZ Fisheries waters	PHC 1	PHC 1

3.5 STOCK ASSESSMENT OVERVIEW

Status of the Stocks

Introduction

94. Stock assessments were updated for the CRA 1 and CRA 2 fishstocks and were reported to the Mid-Year Fishery Assessment Plenary in November 2002. New management procedures were developed and implemented for CRA 7 and CRA 8. No assessments were done in 2002 for the CRA 3, CRA 4, CRA 5, CRA 6, CRA 9, or the PHC 1 fisheries.

Jasus edwardsii, NSN substock

CRA 1

95. The model results suggest that current stock abundance is higher than the 1979-1988 reference period, with low exploitation rates under current levels of catch. The current levels of catch appear to be sustainable, because model projections have a median expected biomass near the current biomass.
96. However, the projections show increasing uncertainty on an annual basis and should not be considered reliable much beyond two or three years.
97. Because the projections are made under the assumption of constant catches fixed at present levels (as used in the model), an increase in future catch levels would result in an increased probability of a decrease in biomass.

CRA 2

98. The model suggests that the current stock abundance is higher than in the 1979-1988 reference period, with exploitation rates of 20-25% in each season under current catch levels. The current levels of catch appear to be sustainable, because model projections have a median expected biomass near the current biomass.
99. However, the projections show increasing annual uncertainty and should not be considered reliable much beyond two or three years.
100. Because the projections are made under the assumption of constant catches fixed at present levels (as used in the model), an increase in future catch levels would result in an increased probability of a decrease in biomass.

Jasus edwardsii, NSC substock

CRA 3

101. The revised length-based model was applied to this stock in 2001. The assessment suggests a stock that increased sharply from 1993 to 1997 and has since decreased in vulnerable biomass. The current (2001) vulnerable biomass was high (mean = 238%) when compared with a reference period, 1974-79, the earliest period where there are good data available to estimate biomass.

102. CPUE rose steadily after a package of measures was implemented in 1993. It peaked in 1997 or 1998 and has begun to decline. The model has no trouble fitting the increase, which was caused by a mixture of good recruitment, decreased removals, and altered MLS and fishing patterns. However the decline is difficult to fit with the model's assumptions, suggesting a problem with those assumptions, with the data, or possibly an additional population process not captured in the modelling.
103. The base case assessment shows a median expectation that the stock may increase slightly in five years at the current levels of catch, but the 5th and 95th percentiles of future stock level are 44% and 188% of the current level, so the stock could increase or decrease.
104. Additional uncertainty in the projections comes from several sources:
 - a) Levels of amateur, illegal and traditional catches are poorly determined. These catches, especially historical illegal catches, are substantial in some years and errors in estimation translate directly into uncertainty in the projections. Further, these non-commercial catches could change, with unpredictable effects on the stock.
 - b) The projections rely on an assumption about recruitment - it was assumed that recruitment would be similar, on average, to that in the period 1988–97 and with variability as seen in the past ten years. However, recruitment in the past ten years is not necessarily a good basis for prediction of future recruitment.
 - c) It is unclear to what extent the 2400 hectare Marine Reserve in CRA 3 is affecting the modelled population.

CRA 4 & CRA 5

105. An earlier version of the length-based model was applied to combined CRA 4 & 5 QMAs in 1999. It remains unknown whether this grouping is appropriate. Uncertainties in the 1998 assessment were reduced, but uncertainties remained, particularly with respect to the levels of traditional, amateur and illegal catches.
106. The 1999 assessment suggested that the current biomass was then well above B_{MSY} . This conclusion was sensitive to the exclusion of CPUE data, changes to the assumed selectivity curve and to the weight given to the prior probability on M , but was robust to other sensitivity trials. M appeared to be poorly determined by the data.
107. The assessment concluded that, at an assumed level of catch for the next five years equal to the current catch, and with recruitment varying about its estimated average, the stock was likely to decline. The model estimated a series of poor recruitments after 1993. At the beginning of 2005–06 the stock, although smaller, was considered likely to remain above the estimated B_{MSY} . The settlement data for NSC to the end of 1999 (based on the sites Gisborne, Napier, Castlepoint, Wellington, and Kaikoura) show that there was a strong settlement peak during the period from 1991 to 1993, depending on the site. Settlement since then has been lower except for a moderate year in 1998.

***Jasus edwardsii*, NSS substock**

108. There was no new assessment of the NSS stock in 2002. However, a revised management procedure was accepted by the Minister of Fisheries in July 2002 and was used to determine any management action (TAC adjustments) required for the NSS stocks. The outcome of the harvest control rule used to operate the management procedure resulted in no change in the 2003-04 TACs for CRA 7 or for CRA 8.

***Jasus edwardsii*, CHI stock**

109. The stock assessment for this substock has not been updated since 1996. The status of this stock is uncertain. Catches have been less than the TACC for some time and CPUE has shown a declining trend since 1979 which has flattened out in recent years. Size frequency distributions in the lobster catch have not changed, with a continuing high frequency of large lobsters. Large lobsters would have been expected to disappear from a stock declining under fishing pressure. This discrepancy could be caused by immigration of large lobsters into the area being fished. The models investigated assume a constant level of annual productivity which is independent of the standing stock.
110. Removals in the 1998–99 fishing year (326 t) were within the range of estimates for *MSY* (300–380 t). The current TAC (370 t) also lies within the range of the estimated *MSY*.

***Sagmariasus verreauxi*, PHC stock**

111. The status of this stock is unknown.

Recommendation

112. The NRLMG recommends that the Minister:
- a) **note** that the NRLMG reviewed, endorsed and reported two proposals for regulatory amendment related to packhorse rock lobsters (PHC1); and the design of escape gaps in rock lobster pots;
 - b) **note** that assessments were updated in 2002 for CRA 1 and CRA 2, and that a new management procedure was implemented for CRA 7 and CRA 8;
 - c) **note** the stock assessment results in the Mid-Year Fishery Assessment Plenary Report (November 2002);
 - d) **note** that for CRA 1 the model results suggest that current levels of catch appear to be sustainable but that any increase in future catch levels would result in an increased probability of a decrease in biomass;
 - e) **note** that for CRA 2 the model results suggest that current levels of catch appear to be sustainable but that any increase in future catch levels would result in an increased probability of a decrease in biomass;
 - f) **note** that for CRA 3 the most recent (2001) assessment suggested the then current vulnerable biomass is high compared with a reference period, 1974–79, the earliest period where there are good data available to estimate biomass;
 - g) **note** that previous assessments for CRA 4 and CRA 5 in 1999 indicated that stocks are likely to be above B_{MSY} as this indicator was defined in the stock assessment;
 - h) **note** that populations in CRA 4 and CRA 5 were projected to decline over five years (to 2004), given the then current levels of removals and average recruitment, but that they will likely remain above B_{MSY} as this indicator was defined in the stock assessment;
 - i) **note** that, based on the stock assessment, no sustainability issues for any stock require action for the 2002–2003 fishing year.

Part Four

Sustainability Measures Review

4.1 DESCRIPTION OF MANAGEMENT PROCEDURES AND DECISION RULES

113. Decision rules for rock lobster fisheries were first implemented following agreement by the Minister of Fisheries in 1993.
114. Generically the main benefit of decision rules and management procedures is that they enable the Minister's legislative obligations to be met in relation to sustainable utilisation while providing greater certainty to stakeholders over future management interventions.
115. Specifically, the benefits of decision rules are that:
- a) they allow users to plan rationally;
 - b) they force stakeholders and managers to define management goals clearly;
 - c) they force stakeholders and managers to agree on data used in making decisions;
 - d) they force stakeholders and managers to establish clear rules in advance to guide management interventions;
 - e) they incorporate uncertainty into the decision making process formally and objectively; and
 - f) they may act to increase the users' understanding and acceptance of decisions.
116. There are currently two types of decision rule in operation. The decision rules for the NSN and NSC substocks provide guidance, based on commercial CPUE, on when stock assessments should be undertaken. These decision rules do not provide guidance on management interventions, except that TAC changes should not be considered unless CPUE is significantly different from that in the reference year.
117. The NSS decision rule adopted in 2002 was extensively tested through simulation modelling, and specifies in detail the data used, the mathematical comparison rules, and the calculation of revised TACs. This decision rule is sufficiently advanced to be called a management procedure. Under it, there is a management objective for the substock – a rebuild target CPUE based on an historical reference period - and a target period for the rebuild.
118. The simulation modelling was conducted in 2002 under the stock assessment research contract by scientists contracted to the NZ RLIC, reported to the NRLMG and summarised in a report to the Minister. A Fishery Assessment Report was submitted to MFish for publication.
119. The NSS decision rule adopted in 2002 is based on standardised CPUE each year, compared with a target trajectory, and has a single target CPUE value at which the fishery is considered to be rebuilt. It has a latent year, under which the TAC cannot be changed in consecutive years. It uses a one-year lag in data: catch rate data from one year are analysed the following year and are used to decide the catch one year ahead.
120. The target CPUE is 1.9 kg per potlift standardised CRA 8 CPUE. The target trajectory is linear between the 1997-98 CPUE (0.9 kg per potlift) and the target final value for 2011-12. This is consistent with the goal of rebuilding the fishery in 10 years from a starting point in 2001-02. The rule examines both the position of CPUE (i.e., is it higher or lower

than the target?) and the gradient (i.e., is observed CPUE increasing or decreasing?). The management procedure specifies an algorithm for calculating the new TAC, and uses threshold parameters to prevent small TACC changes.

121. The RLFAWG and the NRLMG have agreed that this rule should be reviewed and revised in 2007.
122. Work on management procedures designed to maintain biomass near an agreed target level was conducted under the stock assessment research contract in 2002 and reported to the RLFAWG. A Fishery Assessment Report was submitted to MFish for publication. Further work is scheduled for 2003, in which the use of indices additional to CPUE will be explored.
123. The decision rule for CRA 1 and CRA 2 (NSN) and CRA 3, CRA 4, and CRA 5 (NSC) substocks was constructed to allow for increases in TACs where rebuild would not be significantly delayed by taking such an action. The application of these decision rules will result in management action consistent with the Minister's legal obligations.

Recommendation

124. The NRLMG recommends that the Minister:
 - a) **note** that the current decision rules and management procedure for the NSN, NSC and NSS substocks are consistent with the Minister's legal obligations;
 - b) **note** that management procedures continue to be refined and evaluated to discover rules that deliver the desired outcomes while being robust to wide varieties of uncertainty;

4.2 NEW MANAGEMENT PROCEDURE FOR THE CRA 7 AND CRA 8 (NSS) ROCK LOBSTER FISHERIES

125. In final advice given in March 2002, the NRLMG undertook to report a revision of the decision rule for NSS by June 30th 2002. This report recommended a new Management Procedure incorporating a revised decision rule for the NSS sub stock.
126. TAC and sustainability decisions for the NSS substock of red rock lobsters (*Jasus edwardsii*), comprising the CRA 7 and CRA 8 fishstocks, were until 2001 informed by a decision rule. This was first agreed to by the NRLMG and the Minister in 1996, after the NRLMG considered extensive testing of specific rule candidates. The agreed rule was first used to decide whether a TAC change was warranted in 1997. The rule operated to cause TAC/TACC reductions for CRA 7 and CRA 8 in 1999 and again in 2001.
127. In June 2002, and after seeking input from stakeholders, obtaining advice from stock assessment scientists, and considering a variety of results from preliminary runs, the NRLMG recommended that the 1996 NSS decision rule be replaced by a management procedure that has a high probability of achieving the following specifications in the face of a variety of uncertainties:
- a) It is expected to rebuild the fishery to the target CPUE with a median time of 8 years and within 14 years with a high probability;
 - b) It is expected to result in CPUE higher than the starting CPUE in at least 17 of the next 25 years with a high probability;
 - c) It is expected to result in an average annual variation in catch of less than 10% with a high probability.

Problems with the previous NSS Rule

128. Several concerns had been identified with the old rule:
- a) the target trajectory was based on an old assessment made in 1996, since when assessment technology improved substantially;
 - b) the final CPUE target value may not have been realistic;
 - c) the final target was based on an obsolete way of calculating B_{msy} ;
 - d) while the observed CPUE has increased in the NSS and paralleled the target trajectory, it was far enough beneath the target trajectory that many further catch cuts now seemed inevitable, despite the increasing CPUE;
 - e) the rule operated without consideration of trends in CPUE and therefore was capable of cutting the catch even when CPUE was increasing strongly;
 - f) the rule was based on the combination of data from CRA 7 and CRA 8, which may not have been appropriate; and
 - g) in particular, CRA 8 fishers complained that CRA 7 had always had low CPUE, depressing the combined CRA 7 - CRA 8 CPUE; while CRA 7 fishers complained that the 1996 rule would deny them access to any good recruitment that arrived in CRA 7.
129. There was a 99.5% probability that the 1996 decision rule would be triggered again in 2003, based on a comparison of expected CPUE under the decision rule rebuild trajectory and current CPUE. Triggering of the decision rule would require a further

20% reduction to removals. The apparent differences between the 1997 and 2000 stock assessment models was previously noted in NRLMG reports. In addition, industry was concerned that the 1996 rule did not properly incorporate social and economic impacts.

130. Continuing with the 1996 rule had two risks. The first risk was that of limiting catch more severely than necessary and thus reducing economic rent unnecessarily. The 1996 rule was likely to continue to cut catches even if CPUE continued to increase, because the stock was now “behind the play” with respect to the target trajectory. Even with good recruitment this unsatisfactory situation was likely to continue.
131. The second risk was that, if management held inflexibly to a rule that was demonstrably inappropriate, future support for development and use of decision rules for other stocks was likely to be compromised.

Management objectives and associated performance indicators to be considered in development of decision rule candidates.

Name	Objective	Performance indicators
Yield	Maximise catch	Mean and median annual catch (t)
		Probability of falling below current TACC
Abundance	Maintain high abundance – there are economic, biological, and social benefits of high catch rates	Mean of CPUE (kg per potlift)
Stability	Minimise frequency of quota adjustments – a maximum of 3 to 5 years is preferred	Frequency of TAC adjustments
		Average annual variation in TACC
		(% AAV)
Safety	Minimise risk of low biomass levels	Probability of CPUE staying above the 1997 level
Diversity	Maintain a wide size range of lobsters – fishers are able to respond to changes in market demand	The proportion of lobsters in the catch that weigh 1kg or greater (%)
Rebuild	Maximise rate of rebuild	Mean annual percentage increase in CPUE
		Time to rebuild (yrs)

Management Objectives

132. The NRLMG is very mindful of the Minister’s statutory obligations under the Fisheries Act to ensure that stock sizes are maintained at or above an agreed optimum biological reference level, or where stocks are below that level, to rebuild them in acceptable timeframes.

133. A workshop convened by MFish and SeaFIC on the use of B_{msy} in New Zealand fisheries management, held in 2001, suggested that “a more pragmatic management approach, consistent with the Purpose of the Act, is to ensure that stocks are managed above, for example, the lowest observed stock size that has been known to give rise to good recruitment”. Following this suggestion, which was used to develop reference levels for rock lobsters and paua in the last two years, the NRLMG chose to adopt a target level of CPUE from the history of the NSS fishery.
134. Specifically, the NRLMG chose the average of standardised CRA 8 CPUE from 1979/80 to 1981/82. These are the first three years for which reliable CPUE data are available. The standardised CPUE (1.9 kg per potlift) from this period was higher than at any time since. CPUE, and its associated biomass, then declined rapidly to around 1 kg per potlift by the mid-1980s.
135. However, this lower biomass level, which is much less than the target level implied in the management procedure, supported a fishery in CRA 8 for the next 15 years. That fishery had limited entry but no harvest ceiling until 1989. Catches during that period were higher than the current TAC. Therefore, a CPUE which is nearly twice the recent level should serve as a reasonable and achievable target.
136. Adoption of this target will require a substantial increase in CPUE from the 2000-01 level, near 1.3 kg per potlift, to 1.9 kg per potlift. Stakeholders agree that higher CPUE and associated higher biomass are desirable. Higher CPUE implies higher catch rates and lower catching costs, enhanced safety for the fishery, and greater choice of sizes available when the market has differential prices based on size.
137. Previous assessments have concluded that the biomass is depressed and should be increased to ensure safety. Thus the suggested new target is realistic, given the history of the fishery, and is consistent with the aims of both the Ministry and stakeholder groups.
138. The time to rebuild (10 years) chosen by the NRLMG for the management procedure with the new target is consistent with the timeframe (16 years) intended when the previous decision rule was endorsed for use in 1996.

Specifications for NSS Management Procedure

139. In 2000, the NRLMG convened a workshop for stakeholders and the stock assessment team to solicit management objectives. The NRLMG agreed to incorporate the five objectives arising from that workshop and relevant performance indicators into the evaluation of alternative management procedures for the NSS. In addition, performance indicators that reflect the management objective of rebuilding the vulnerable biomass were included.
140. Candidate procedures were tested using a simulation approach. Simulations compared the effect of different stock management strategies (i.e. combining or separating CRA 7 and CRA 8), incorporated uncertainty about population dynamics (i.e. movement between CRA 7 and CRA 8, and stock recruit relationships), and parameter uncertainties from the 2000 NSS stock assessment. The specific procedures and their evaluation were designed in consultation with the CRA 7 industry and CRA 8 stakeholders and the NRLMG and the Fishery Assessment Working Group.
141. A family of 125 decision rules was evaluated by comparing performance indicators from 25-year projections. After considering a variety of results from model runs that

considered all performance indicators, the NRLMG agreed that a new management procedure must meet specifications, based on the “rebuild”, “safety” and “stability” criteria respectively. The NRLMG selected the single procedure with the best overall performance.

The NSS Management Procedure

142. The Management Procedure recommended by the NRLMG is based on a single catch-setting rule for CRA 7 and CRA 8 based on CPUE for CRA 8.
143. Whilst this allows CRA 7 catches to be set based on the TAC/TACCs prescribed by the NSS management procedure, it leaves open the option of developing an alternative rule specific to CRA 7, or a decision rule for the amalgamated stocks.
144. The 2002 NSS Management Procedure retains some features of the 1996 rule:
 - a) it is based on standardised CPUE observations compared with a target trajectory;
 - b) it has a single target CPUE value at which the fishery is considered to be rebuilt;
 - c) it has a latent year, as in the 1996 rule: if the rule operates to change the catch in one year, there is no change to catch in the next year; and
 - d) the rule has a one-year lag in data: catch rate data from one year are analysed the following year and are used to decide the catch one year ahead. The NRLMG viewed preliminary results from work that explored reducing the lag, but agreed to maintain the current situation with respect to lag because reducing it did little to improve performance.
145. The NSS Management Procedure differs from the 1996 rule in that:
 - a) the target CPUE is 1.9 kg per potlift standardised CRA 8 CPUE. The target trajectory is linear between the 1997-98 CPUE and the target final value for 2011-12. This is consistent with the goal of rebuilding the fishery in 10 years from a starting point in 2001-02, and gives earlier target values so that the rule can be operated from 2002;
 - b) the rule examines both the position of CPUE (i.e. is it higher or lower than the target?) and the gradient (i.e. is observed CPUE increasing or decreasing?).
146. The benefits of adopting the NSS Management Procedure are:
 - a) rebuilding will continue to be ensured;
 - b) loss of economic rent will be reduced;
 - c) over the 25 years projected, the average expected catch is approximately double that which would be available under the 1996 decision rule; and
 - d) stakeholders will have confidence that decision rule regimes can retain sufficient flexibility to adapt to improved knowledge and changing circumstances.
147. Review of this management procedure during its agreed tenure would be desirable only if the fishery experienced some extreme fluctuation, or other indicators suggested that the management procedure was not working as planned.
148. Review of the management procedure should be automatic and mandatory after 5 years, in 2007, or when rebuild is achieved if sooner.
149. Work is proceeding on defining and testing management procedures suitable for maintaining the biomass near a target value. By the time the NSS stock is rebuilt, such

management procedures should be well developed, and the 2002 NSS Management Procedure should be replaced with a more appropriate maintenance management procedure.

Recommendation

150. The NRLMG recommend that the Minister:

- a) **note** that the NSS Management Procedure enables you to meet your statutory obligations and the wider management aspirations of the NSS stakeholders;
- b) **note** that the NSS Management Procedure is a rebuilding procedure and that different management procedures linked to decision rules will be developed for the maintenance of rebuilt stocks;
- c) **note** that the NSS Management Procedure should be reviewed in 2007 as a precursor to the development and adoption of maintenance management procedures.

Part Five

Other Rock Lobster Issues

5.1 RESEARCH ISSUES

Research Commissioned by MFish in 2002

151. The NZ RLIC has successfully completed two years of the three-year CRA2000-01 Fisheries Required Service stock assessment contract in collaboration with NIWA, Trophia Research and StarrFish.
152. NIWA completed the first year of a two-year rock lobster larval settlement project.
153. MFish commissioned work to peer review estimates of amateur catch derived from the 2000 Recreational Catch Survey commissioned by the Ministry of Fisheries.

Stock Monitoring

154. Industry logbook data from CRA 2, CRA 5, and CRA 8 continue to be incorporated into the stock assessment process. These programmes are supported by individual lobster fishermen who measure and record all rock lobsters in four designated pots each fishing day. These data, which are designed to be representative of the respective fisheries, are providing reliable and consistent information for stock assessment.
155. Sequences of stock monitoring are undertaken as Fisheries Required Services in CRA 1, CRA 2, CRA 3, CRA 4, CRA 7 and CRA 8.
156. Industry-funded technicians and administrative support staff continue to be employed in the Northland, Bay of Plenty, Canterbury-Marlborough, Otago, and Southern rock lobster fisheries. One field technician is directly employed by the CRA 8 Management Committee, the others are contracted to the NZ RLIC.
157. Regional administrative and support staff are also contracted and supervised by the NZ RLIC on behalf of industry. The NZ RLIC contracts Trophia Research to maintain the Vessel Logbook database and to analyse and report logbook data to participants and to the annual assessment process. The NZ RLIC and Trophia Research have released a tag and release "track and trace" system that enables more timely reporting of tag recapture data and encourages even greater participation in the reporting programme.

Research Planning

158. In 2002, MFish again designated the NRLMG as the forum for the Rock Lobster Research Planning process. This process contributes to the MFish Fisheries Services Plan on the nature and extent of Fisheries Required Research Services. The NRLMG was selected as a model for fisheries research planning groups because of its multi-sector representation and participation, and the degree of recognition given by the Minister of Fisheries when seeking TAC and management advice.
159. The NRLMG sought and actively encouraged additional participants to the Rock Lobster Research Planning process that commenced in August to October 2002. These included interest groups not directly represented on the NRLMG, and potential service providers.
160. The initial focus was to identify the information needs for rock lobster fisheries. The planning process also took account of the research projects in progress during 2001-2002.

161. The NRLMG has previously confirmed a range of immediate and medium term research needs, the results of which will inform the Minister when making TAC and sustainability decisions, and may assist stakeholders wanting to develop and implement Fishery Plans.
162. The projects that are considered essential to the stock assessment and modelling, to the management procedures including 'decision rule' evaluation and analysis, and to management decisions are:
 - a) stock assessment;
 - b) stock monitoring
 - c) better non-commercial catch estimates including estimates of illegal removals.

Recommendation

163. The NRLMG recommends that the Minister:
 - a) **note** the scope of current rock lobster fisheries research;
 - b) **note** the level of industry involvement in self-funded research initiatives undertaken to MFish agreed standards and specifications; and
 - c) **note** the role of the NRLMG in the Rock Lobster Research Planning Process, the results of which form the basis of required fisheries research services described in the MFish Fisheries Services Plan.

5.2 UNCERTAINTY IN ESTIMATES OF TOTAL REMOVALS

Overview

164. Accurate information about total removals is necessary to enable appropriate management decisions to ensure sustainability. Information on the level of commercial removals is collected by the QMS reporting system. However, the infrastructure for collecting information on amateur, customary, and illegal removals is less well developed. The lack of accurate information on non-commercial and illegal catch contributes to the uncertainty of the stock assessment, and to the effectiveness of agreed harvest strategies.

Customary Harvest

165. There is minimal information on customary non-commercial harvest. Customary fishing regulations have been promulgated. In the South Island the *Fisheries (South Island Customary Fishing) Regulations 1998* became law on 20 April 1998. Customary fishing regulations for the North Island and Chatham Islands, the *Fisheries (Kaimoana Customary Fishing) Regulations 1998* came into force on 1 February 1999. The regulations become effective in different areas as nominated representatives of the tangata whenua are appointed.

166. The regulations provide for quarterly reporting of permits issued for customary fishing purposes. Information derived from the permits was intended to improve the estimates of the level of customary harvest but no new information was available to the RLFAWG or to the NRLMG during 2001 or 2002.

Amateur Harvest

167. MFish telephone, diary and ramp surveys have provided amateur landing data. Estimates of amateur harvest exist only for recent years and the results of the amateur catch surveys commissioned by the Ministry in 2000 are highly uncertain. As previously noted, MFish has commissioned a review of those survey results, but due to the uncertainty of the rock lobster catch data, previous (1994 and 996) estimates were used in the CRA 1 and CRA 2 assessments done in 2002.

Illegal Take

168. MFish Compliance provided estimates of 'unreported' illegal removals on the order of 378 tonnes in 2000-01 although the reliability of these estimates is unknown. Estimates of illegal take are highly uncertain. The Rock Lobster Fishery Assessment Working Group has very little confidence in the estimates.

Recommendation

169. The NRLMG recommends that the Minister:

- a) **acknowledge** that accurate and reliable data for all sectors are essential to the stock assessment and management process.

5.3 COMPLIANCE ISSUES

Illegal Removals

170. The level of illegal removals from the rock lobster fisheries, previously estimated to be 378 tonnes, remains of concern to the NRLMG. The NRLMG has agreed that reduced illegal fishing activity will facilitate attainment of the goal of the framework for managing rock lobster fisheries and improve harvest opportunities for legitimate extractive users.
171. Industry, Iwi, environmental, and amateur fishing representatives on the NRLMG have consistently expressed the view that Government should make a greater contribution to the existing Compliance budget and therefore enable more resources to be deployed into minimising illegal removals from the rock lobster fisheries.
172. All user groups represented on the NRLMG are generally agreed that better compliance could be attained if rock lobster compliance strategies were improved.

Recommendation

173. The NRLMG recommends that the Minister:
 - a) **note** the significance of the illegal catch component and its negative effect on the stock and legitimate extractive users; and
 - b) **note** that all user groups recommend that the Minister take steps to ensure that compliance strategies and services (including enforcement and education services) are sufficient to minimise illegal catch.

5.4 ALLOCATION PRINCIPLES

174. The NRLMG is generally agreed that the current fisheries management regime aims to achieve sustainable utilisation by controlling total removals to levels which allows stocks to move towards optimum levels. Total removals are expressed as the TAC.
175. The Fisheries Act requires that when recommending any variation in the TACC after having regard to the TAC, the Minister must allow for non-commercial interests in the fishery. However, the Act does not provide guidance as to amount that should be allowed.
176. Courts have determined that legislation does not require the Minister to give priority to amateur fishing over commercial interests or that the allowance must fully satisfy amateur requirements, and that it is not outside or against the purposes of the Act for the Minister to allow a preference to non-commercial fishing when setting TACCs.
177. Courts have also determined that a Minister should not reduce the TACC for conservation reasons unless able to take, and taking, reasonable steps to avoid the reduction being rendered futile through increased amateur fishing.
178. Consistent with those Court decisions, MFish holds the view that, when a TAC is set, the Minister will have an obligation to consider controls to constrain amateur fishing limits within that allowance, but that it is not intended to constrain customary harvest.
179. The Court held that there was no implied duty for the Minister to fix or vary the amateur allowance at any particular proportion of the TACC or the TAC. The appropriate allocation is a matter for the Minister's assessment bearing in mind all relevant considerations on each occasion the Minister revisits the issue.
180. Unconstrained increases in legitimate take by any sector, or illegal take by fish thieves, will potentially have a number of consequences. These are:
- a) a risk is that the TAC will be exceeded;
 - b) a risk that the stock will decline or that a rate of increase will be reduced;
 - c) an erosion of other sector group fishing opportunity;
 - d) an erosion of the value and utility of the quota fishing right; and
 - e) a possible failure of an agreed management plan.
181. In the case of rock lobster fisheries, to allow any or all of the individual catch components to increase without control will jeopardise the rebuild strategy and erode existing harvest rights and opportunities.
182. The NZ RFC representatives wish to ensure that the amateur fishing right is not further eroded and therefore any increase in TACC needs to incorporate a concurrent increase in the amateur allowance required by the Act. In addition to such an increase they consider that the bag limits need upward adjustment to allow those fishers who take their limit to benefit from the increased abundance. They note that in the past the bag limit was reduced from ten to six rock lobsters for sustainability reasons and for that reason the reverse must occur.

183. Amateur fishing representatives consider that the legislation (S 28D) gives customary Maori rights and amateur fishing interests precedence over commercial rights. It is their submission that when setting a TAC the Minister must first satisfy all Maori and amateur expectations of catch allowance, then make allowance for 'other sources of mortality' including illegal catch, and having attended to those matters, allocate any remaining portion of the TAC to commercial users as the TACC for the fishstock.
184. Industry, Iwi, and MFish representatives do not agree with that interpretation because it fails to give adequate recognition to the security of fisheries property rights already held by commercial users, including Maori, and the associated husbandry incentives. They do not believe that the amateur fishing view is consistent with the determination of the Courts.
185. Industry contends that by its very nature the TAC/TACC setting process allocates defined 'shares' of available harvest to extractive user groups. Further, the principle of proportional allocation of explicit catch allowances has been partially pre-determined by the existence of quota rights and a TAC. However, MFish notes that the Courts held that there was no requirement for proportionality in allocative decisions.
186. Industry is concerned that in the absence of sufficient information and the implementation of appropriate measures to constrain amateur catch to an allowance, and adequate constraints on illegal removals, a Minister of Fisheries may consider recourse to reducing TACCs in an attempt to hold total removals within the limit (TAC) required to ensure sustainability. If total non-commercial catch is not constrained, any TACC reduction may only facilitate an increase in non-commercial catch and illegal activity, through a relative increase in stock availability.
187. For this reason, industry representatives advocate a proportional allocation arrangement allowing each extractive user group to share in the available stock abundance and would therefore provide each legitimate sector with an incentive to protect and enhance their respective harvest opportunities.
188. These issues apply to other than rock lobster fisheries. Nonetheless, the debate has raised issues of fairness and equity. In those rock lobster fisheries such as CRA 1 and CRA 2, where industry suggest an increasing proportion of the total catch is being taken by non-commercial fishers, allocation policies are of strong interest to commercial fishers. In the absence of allocation principles, industry is concerned that any future actions required to maintain stock sizes could come at the expense of commercial operators and erode the property rights which are the foundation of the QMS.
189. Industry representatives acknowledge that rock lobster fisheries are 'shared' fisheries which have significant social and cultural values in addition to economic values. However, industry cannot support other than a proportional aggregate amateur fishing allowance within the constraints of a TAC. Industry also submits that the initial allowances made in the TAC setting process establish a 'benchmark' for shares of the available yield which can then become the basis for negotiation between user groups at a regional level as to future levels of access and use of rock lobster fisheries.
190. Industry submits that a formal allocation of 'shares' to amateur fishing provides an incentive required to bind that stakeholder group into an ongoing co-operative management, compliance, and research planning process at a regional level.
191. The NZRFC has noted the admission by the Minister and MFish that the amateur fishing right is poorly defined and poorly managed. They further note the admission that over a period the amateur fishing right has been eroded. The NZRFC accepted a

challenge by the Minister and MFish to work jointly towards properly defining that right and setting an appropriate management structure.

192. Representatives of the NZRFC and officials from MFish formed the Recreational Rights Working Group to define the nature and extent of the amateur fishing right. The Rights Working Group report was released for widespread consultation. The Group then reported to Cabinet with an analysis of the public submissions and recommendations. The Minister then established a Ministerial Consultative Group (MCG) which discussed the outcomes of public consultations and possible solutions.
193. Following consideration through the MCG process the Minister has reported to Cabinet who have agreed objectives to provide a basis for continuing discussion and development of options for further public consultation.
194. The decisions made to date by the Minister and Cabinet have not materially changed the uncertainty related to the nature and extent of amateur fishing rights.

Part Six

Regulatory Proposals

6.1 INTRODUCTION

195. During 2002 the NRLMG considered a number of issues for regulatory amendment in April 2003. As a consequence of its deliberations in 2002, the NRLMG has already made (September 2002) two specific recommendations to the April 2003 Regulation Amendment process which are described in Part 3 of this Annual Report.
196. The NRLMG also reviewed two recommendations, made to the Minister of Fisheries in the 2001 Annual Report, that were subsequently deferred by MFish for further consideration in 2002.
197. MFish did not assess the two issues under review – the amateur pot limit proposal, and the telson clipping initiative – as having high enough priority to proceed in 2002 (when balanced against resources and all other regulatory amendment proposals). NRLMG stakeholder representatives reconfirmed their support for the recommendations made in 2001 albeit with one minor amendment to the amateur pot limit proposal.
198. New recommendations contained in the 2002 Annual Report relate to the continued operation of the Otago (CRA 7) “Concession” Regulations where changes have been made to the ownership of companies processing and exporting CRA 7 rock lobsters. These recommendations apply to changes which are intended to come into effect as from June 20th 2003, the opening of the CRA 7 commercial season.

6.2 RESTRICTION ON THE NUMBER OF AMATEUR ROCK LOBSTER POTS ALLOWED TO BE USED OR POSSESSED, PER INDIVIDUAL AND VESSEL.

Proposal

199. The NZ Recreational Fishing Council (NZ RFC) has proposed that the Fisheries (Amateur Fishing) Regulations 1986 be amended to extend the regulation that is currently in effect in the waters of the areas of CRA 2, 3 & 4, to all New Zealand waters excluding the CRA 9 fishery.
200. Specifically, except in the CRA 9 fisheries management area:
- a) No person shall use or possess more than three legal rock lobster pots per person.
 - b) No persons shall use or possess more than six legal rock lobster pots on any amateur vessel carrying two or more persons.

Background

201. The purpose of the Fisheries Act 1996 is to provide for utilisation of fisheries resources while ensuring sustainability. The primary mechanism for controlling overall take of fisheries stocks is the setting of a TAC. Within the TAC, allowances are made for customary fishing, amateur fishing, other sources of mortality, and for commercial fishing.
202. Individual amateur fishers are able to take their share of the aggregate TAC allowance within the constraints of daily bag limits. Daily bag limits are specified in regional regulations either in the form of a general bag limit, inclusive of a range of species, or specific limits for species.
203. The daily bag limit for rock lobster is specified in the Amateur Fishing Regulations that apply throughout New Zealand. The regulations specify that six (6) legal rock lobsters may be taken per person, per day.
204. The purpose of the daily bag limit is to:
- a) Restrict the overall catch to a level consistent with the allowance that has been set; and
 - b) Ensure that all amateur fishers have a reasonable opportunity to participate in the harvest.
205. A range of conditions is applicable to the harvest of most popular fish and shellfish species. In the rock lobster fishery, protections include a Minimum Size Limit, capture methods limited to potting and hand gathering, provision of escape gaps in pots, amateur pot limits in some regions, and prohibitions on lobsters being landed whilst in berry or in their soft shell stage.
206. Currently, in the areas of CRA 2, CRA 3, and CRA 4, there is a regulated limit of 3 pots per person and 6 pots per vessel carrying 2 or more persons. These limits apply to the coastal marine area that extends from Te Awai Pt around the south of the North Island up to the Manawatu River.

207. The NZRFC proposes an exemption from amateur pot limits for the CRA 9 area because amateur fishers in the region have highlighted a potential inequity that could arise if the proposed individual and vessel limits are implemented.
208. Pot catch rates by amateurs in the southern sector of CRA 9 as measured by numbers of lobsters are relatively low in comparison with other regions, thereby making it potentially more difficult for a fisher restricted to three pots to take the daily bag limit of six lobsters. However amateur divers in CRA 9 would not have their fishing success similarly impeded.
209. An amateur vessel with three fishers using six pots might take and land six rock lobsters, In favourable weather and sea conditions the same vessel with three divers using UBA would be certain to take and land eighteen rock lobsters. The NZRFC is keen to ensure that all amateur fishers are given sufficient opportunity to take the legal amateur daily bag limit.

Problem definition

210. The spiny rock lobster *Jasus edwardsii* and packhorse rock lobster *Sagmariasus verreauxi* support the most valuable inshore fishery in New Zealand with commercial landings of 2,581.7 tonnes in 2001/2002. Rock lobsters support an important non-commercial fishery for amateur potters and divers. Rock lobsters are also extremely important for traditional customary users.
211. Estimates of illegal catch are as high as 25% of the total catch in some rock lobster fishery areas. There is a substantial black market for rock lobsters supplied by fishers who fail to report catch against quota or who harvest rock lobsters in excess of the daily bag limit and/or sell or barter their catch.
212. The NZRFC submits that reports of non-commercial fishers deploying excessive numbers of rock lobster pots suggest a considerable over-catch capability far in excess of what might be expected to be reasonable given the amateur bag limits and the current status of the stocks.
213. The NZRFC submits that the daily bag limit underpins the amateur fishing regime. The purpose is to ensure that amateur fishers have an opportunity to harvest rock lobsters within the constraints of the aggregate TAC allowance. Effort deployed by amateur fishers to obtain the bag limit should be consistent with the size of that limit. The ability to use unlimited numbers of pots provides a competitive advantage to amateur fishers that is not intended by the current regulations. It also creates the opportunity for excessive numbers of rock lobsters to be taken and increases the opportunity/incentive for these rock lobsters to be sold on the black market.

Options for Achieving the Desired Result

Non-regulatory Measures

214. The NZRFC contends that persons fishing high numbers of pots to take more than their daily bag limit and who may participate in the black market are unlikely to be active participants in any voluntary agreement to limit pot numbers.
215. The NZRFC notes that while an increased MFish presence at boat ramps, and improved education on what the bag limits are and the reasons for them, could improve

compliance, most persons operating in the black market know that they are breaking the law and are adept at avoiding compliance and enforcement effort.

216. NZRFC and Industry representatives submit that a regulated limit on the numbers of rock lobster pots used by non-commercial fishers is another tool for MFish to utilise in effectively constraining illegal unreported removals and blackmarket activity in rock lobster fisheries.
217. NZRFC and Industry representatives submit that amateur pot limits will also enable the public to identify and report obvious infringements, aiding a more targeted MFish response to possible illegal fishing.

Regulatory Measures

218. The changes proposed by the NZRFC aim to strike a balance between providing a fair opportunity for legitimate amateur fishers to take a legal bag limit while ensuring an effort limitation robust enough to prevent people taking more than their daily bag limit.
219. After a successful passage through the statutory and regulatory processes, amateur pot limits have already been successfully implemented in most of the North Island as a useful tactic to limit illegal rock lobster fishing opportunity. The NRLMG stakeholder group representatives believe that an extension of the current regulations is appropriate for the remainder of the rock lobster fishery areas excluding CRA 9 for the reasons given.

Costs and Benefits of the Proposal

220. Rock lobster is a species that is highly valued by all legitimate harvesting sectors. It has a high commercial value and there is an extensive domestic black market known to operate. Therefore incentives exist for people to breach the regulations. In some areas the illegal harvest may be up to 25% of the TAC. The NRLMG stakeholder group representatives believe that any change to the regime to improve enforceability and increase compliance will provide long-term benefits to the rock lobster stocks and to other legitimate users of the resource.
221. There will be some costs in educating the community of the implementation of this regulation but they will be minimal using the current communication methods of making the Amateur Regulations known to the fishing public, e.g. website, pamphlets, etc.
222. The NRLMG stakeholder group representatives believe that the benefits arise from having the opportunity for more directed and effective enforcement and compliance activities undertaken by MFish.

Administrative Implications

223. The NRLMG stakeholder group representatives believe that there are no additional administrative implications from the proposed regulation change because it is just another tool for MFish to use in their current efforts to reduce illegal activity in the rock lobster fisheries.

Conclusion

224. This regulation has been deemed by stakeholder groups to be useful in most of the North Island rock lobster fishery areas to reduce the capacity and the likelihood of illegal non-commercial harvest. It seems appropriate to extend it over the rest of New Zealand, excluding CRA 9.
225. Sector group members of the NRLMG support this proposal.
226. MFish note that this proposal did not achieve sufficient priority for inclusion in the April 2003 Regulation Amendment package that was the subject of statutory consultation in October and November 2002.

Recommendation

227. The NRLMG stakeholder group representatives recommend that the Minister:
- a) **amend** the Amateur Fishing Regulations to specify that for all NZ waters except the CRA 9 rock lobster management area:
 - i. No person shall use or possess more than 3 legal rock lobster pots per person.
 - ii. No persons on board any amateur vessel carrying two or more persons shall use more than 6 legal rock lobster pots.
228. MFish recommend that the Minister:
- a) **note** that the amateur pot limit proposal did not achieve sufficient priority for inclusion in the April 2003 Regulation Amendment package already consulted on by the Ministry of Fisheries.

6.3 IDENTIFICATION OF AMATEUR REMOVALS FROM ROCK LOBSTER FISHERIES - TELSON CLIP.

Proposal

229. In the 2001 NRLMG Annual Report, stakeholder groups proposed that the Fisheries (Amateur Fishing) Regulations 1986 be amended to require amateur fishers to identify all rock lobsters caught and retained by them, by clipping approximately one third of the telson (central tail fin). This clipping shall be carried out at the time that the decision is made to retain a legal rock lobster as part of the amateur daily bag limit.
230. In addition to the current regulations governing rock lobsters taken by amateur fishers, it was proposed that it shall be illegal for an amateur fisher to possess any rock lobster that does not have the telson clipped in the approved manner.
231. It was proposed that it shall also be illegal for the owners and operators of any commercial premises, including Licensed Fish Receivers, fish retailers, hospitality service providers, to possess any rock lobsters with the telson clipped.
232. Subsequent to the release of the 2001 Annual Report, the proposal was deferred for consideration in the October 2002 review of sustainability measures and management controls. In October 2002 the proposal was not given priority for inclusion in that review by MFish. The NRLMG stakeholder groups subsequently agreed to submit the recommendation again in the 2002 Annual Report.

Background

233. The purpose of the Fisheries Act 1996 is to provide for utilisation of fisheries resources while ensuring sustainability. The primary mechanism for controlling overall take of fisheries stocks is the setting of a TAC. Within the TAC, allowances are made for customary fishing, amateur fishing, other sources of mortality, and for commercial fishing.
234. Individual amateur fishers are able to take their share of the aggregate TAC allowance within the constraints of daily bag limits. Daily bag limits are specified in regional regulations either in the form of a general bag limit, inclusive of a range of species, or specific limits for species.
235. The daily bag limit for rock lobster is specified in the Amateur Fishing Regulations that apply throughout New Zealand. The regulations specify that six (6) legal rock lobsters may be taken per person, per day.
236. The purpose of the daily bag limit is :
- a) To constrain the overall amateur catch to a level consistent with the allowance made in setting the TAC; and
 - b) To ensure that all amateur fishers have a reasonable opportunity to participate in the harvest.
237. A range of conditions is applicable to the harvest of most popular fish and shellfish species. In the rock lobster fishery, protections include a Minimum Size Limit, capture

methods limited to potting and hand gathering, provision of escape gaps in pots, amateur pot limits in some regions, and prohibitions on lobsters being landed whilst in berry or whilst in their soft shell stage.

238. Currently, in management areas CRA 2, CRA 3, and CRA 4, there is a regulated limit of 3 pots per person and 6 pots per vessel carrying 2 or more persons. These limits apply to the coastal marine area that extends from Te Awai Pt around the south of the North Island up to the Manawatu River,
239. A concurrent Regulatory proposal from the NRLMG is aimed at extending this requirement across all CRA areas except CRA 9.

Problem definition

240. The spiny rock lobster *Jasus edwardsii* and *Sagmariasus verreauxi* support the most valuable inshore fishery in New Zealand with commercial landings of 2,581.7 tonnes in 2001/2002. Rock lobsters support an important non-commercial fishery for amateur potters and divers. Rock lobsters are also extremely important for traditional customary users.
241. Estimates of illegal catch are as high as 25% of the total catch in some rock lobster fishery areas. There is a substantial black market for rock lobsters supplied by fishers who fail to report catch against quota or who harvest rock lobsters in excess of the daily bag limit and/or sell or barter their catch.
242. The daily bag limits underpin the amateur fishing regime. Their purpose is to ensure that all people can fairly participate in the harvest and to ensure the collective harvest is contained within the TAC allowance in that fishery. People who take more than their daily bag limit in order to sell rock lobster are stealing from all legitimate users of the resource.
243. The NZRFC submits that lack of clear identification of rock lobsters that constitute all or part of an amateur daily bag limit allows an opportunity for excessive numbers of rock lobsters to be taken. This increases the opportunity/incentive for rock lobsters to be sold on the black market or bartered for personal commercial gain.
244. The NZRFC submits that telson clipping is a means of distinguishing legitimate amateur catch enabling a more effective deployment of compliance and enforcement resources directed at constraining illegal unreported removals from rock lobster fisheries. Telson clipping is being used successfully in Western Australia to constrain blackmarket activity, and is a no cost, pragmatic catch identification mechanism.

Options for Achieving the Desired Result

Regulatory Measures

245. The amateur daily bag limit for rock lobsters should be complied with because it is the main control on the aggregate level of amateur removals from the fisheries.
246. The Regulatory regime must be robust enough to prevent or at very least deter people from taking more than their daily bag limit. Routine at-sea or shoreside inspection of amateur catch by Fisheries Officers is infrequent, and telson clipping will assist random inspection and enforcement activity.

247. The NZRFC submits that the requirement for amateur catches of rock lobsters to be telson clipped will enable Fisheries Officers to make prompt identification of lobsters taken with the intent of keeping them for personal use. Telson clipping will reduce the possibility of amateur catches being traded on the blackmarket. Telson clipping will enable Fisheries Officers to better direct their enquiries as to the source and audit trail of lobsters held on commercial premises.

Non-regulatory Measures

248. The NZRFC notes that this proposal will require an education programme to educate the community on the requirement for the regulations and the method of telson clipping which will enable compliance with the regulations. The programme will be equivalent of that undertaken to inform the public of the Infringement Notice regime now in operation.

Costs and Benefits of the Proposal

249. The NZRFC submits that the costs in this instance arise from not adequately constraining illegal unreported removals and blackmarket activities. The benefits arise from having an aid to compliance that enables better directed auditing and monitoring of legitimate product flow.
250. The NZRFC believes that implementing the regulation as proposed will improve the ability to enforce the Amateur Fishing Regulations as they pertain to rock lobsters.
251. Rock lobster is a species that is highly valued by all legitimate harvesting sectors. Any measures taken that will constrain illegal unreported removals from rock lobster fisheries will provide long-term benefits to the rock lobster stocks and to all legitimate users of the resource.
252. Stakeholders groups on the NRLMG believe that illegal unreported removals from rock lobster fisheries deprive legitimate users of the full benefit of well managed fisheries. The failure to constrain illegal fishing is an effective re-allocation of catch away from legitimate extractive users. The benefits of harvest plans intended to increase stock abundance and/or maintain high catch rates are diminished by illegal fishing.
253. Stakeholders groups agree that illegal unreported removals and the blackmarket drive significant compliance and enforcement costs paid by Government (and by industry). Where illegal fishing activity leads to localised depletion of stocks there is greater cost incurred in taking a legitimate amateur and/or customary catch. Localised depletion exacerbates tensions between legitimate extractive users which can lead to additional bureaucratic and administrative complexity and cost.
254. The NZRFC submits that the cost to amateur fishers of compliance with the proposed regulation is negligible. No special tools or devices are required to clip a telson in the approved manner.
255. The NZRFC submits that the cost to MFish in enforcing the proposed regulation is negligible given that telson clipping will be one in a suite of conditions pertaining to amateur rock lobster fishing that would be routinely monitored by Fisheries Officers.
256. The NZRFC believes that the cost to MFish in publicising and promoting a new amateur rule should be neutral. MFish have a budgeted communications strategy that includes press releases and contributions to all media, newsletters, and occasional publications. The proposed telson clipping rule can be promoted as a matter of course.

257. Industry representatives on the NRLMG support measures to better identify amateur catches whilst noting their intention to ensure that telson clipping should not disadvantage future catches available to commercial fishers operating under the constraints of ITQ/ACE for the stocks.

Administrative Implications

258. There are no additional administrative implications. The current compliance effort gains another tool to curb illegal activity in the rock lobster fisheries. There is no extra activity required of Fisheries Officers checking amateur catches to also check that all rock lobsters are clipped.

Conclusion

259. The NZRFC submits that this proposal is a simple, cost-effective option that has considerable potential to isolate, identify and reduce black market activity.
260. The public awareness programme should be utilised for a general improvement in the community knowledge and understanding of all amateur fishing regulations.

Recommendation

261. The NRLMG recommends that the Minister:
- a) **note** that stakeholder group representatives support the proposal to implement telson clipping as being a simple, cost-effective management option for rock lobster fisheries that has considerable potential to isolate, identify and reduce black market activity.
262. MFish recommends that the Minister:
- a) **note** that the telson clipping proposal did not achieve sufficient priority for inclusion in the April 2003 Regulation Amendment package already consulted on by the Ministry of Fisheries.

6.4 CHANGES TO REGULATIONS THAT APPLY TO LANDING, RECEIVING AND PROCESSING ROCK LOBSTERS TAKEN FROM THE OTAGO CONCESSION AREA

Proposal

263. It is proposed that the Fisheries (South East Area Commercial Fishing) Regulations 1986 be amended to address changes in ownership of processing facilities and address the consequences of the repeal of the Meat Act 1981 on landing, receipt and processing of Otago Concession Area rock lobsters.
264. To accomplish both objectives, it is proposed that regulation 2 of these regulations be amended by replacing the definition of "Licensed Fish Packing House" with the following definition:
- i. "Licensed Fish Receiver, for the purposes of the South East Area Commercial Fishing Regulations, means a licensed fish receiver domiciled within the province of Otago"*
265. Also, the words "*Licensed Fish Packing House*" wherever they appear in these regulations will be replaced with the words "*Licensed Fish Receiver*" and the words "*packing house*" with the word "*receiver*".

Problem Definition

266. There are three issues that this proposal addresses:
- a) The repeal of the Meat Act 1981 and the consequential changes required to the Fisheries (South East Commercial Fishing) Regulations 1986.
 - b) Change to ownership of an enterprise currently named in the Fisheries (South East Commercial Fishing) Regulations 1986 as being permitted to receive and process CRA 7 concession rock lobsters.
 - c) The desire of Fiordland Lobster Company Limited to become named in the Fisheries (South East Commercial Fishing) Regulations 1986 as being permitted to receive and process concession rock lobsters, and the prospect of additional companies wanting to do the same in future.
267. Ngai Tahu Seafood Products Limited and Fiordland Lobster Company Limited have recently requested a regulation change to the Fisheries (South East Commercial Fishing) Regulations 1986 to become recognised within the regulations for the purposes of the receipt, processing and sale of rock lobsters taken from the Otago Concession Area.
268. Regulations currently require that for a Licensed Fish Receiver (LFR) to receive CRA 7 concession rock lobsters, they must be a Licensed Fish Packing House (LFPH) under the Meat Act 1981 and listed in the definition of a LFPH in the Fisheries (South East Commercial Fishing) Regulations 1986.
269. Licensed Fish Pack Houses are indexed in the regulations to the Meat Act by the "Fish Pack House Licence" number, which effectively defines the premises and the location.

The legislation that replaces the Meat Act 1981 is the Animals Products Act 1999 which was implemented in this context in November 2002. This Act does not contain a replacement for a Fish Pack House Licence nor any equivalent that might be congruent with it. As such, the definition contained in the regulation will no longer achieve the purpose for which it is intended.

270. Further compounding the situation is the time available to implement changes to the regulations. To enable Ngai Tahu Seafood Products Limited and Fiordland Lobster Company Limited to receive CRA 7 concession rock lobsters from the commencement of the next CRA 7 season (see below), a change to the Fisheries (South East Commercial Fishing) Regulations 1986 needs to be included in the 1 April 2003 regulation package.

Background

271. In all but three of the nine rock lobster (CRA) management areas in New Zealand the commercial minimum legal size (MLS) regime is now a 54mm/60mm Tail Width (TW) measure for male and female rock lobsters. The MLS for amateur fishing is 54/60 TW in all nine regions. The MLS for Packhorse (PHC1) rock lobsters is 216mm Tail Length (TL).
272. The Otago Rock Lobster fishery (CRA 7) retains a differential minimum legal size regime for commercial fishing around which specific product flow requirements have long been established in regulations. The Otago Concession Area is established in regulations that enable qualifying commercial fishers to take and be in possession of rock lobsters of a minimum legal size other than 54/60 TW.
273. Since 1975 the CRA 7 MLS has been 127mm TL measure for male and female rock lobsters. The CRA 7 commercial season extends from June 21st to November 19th in every year, and the commercial landings are constrained to the current TACC of 89 tonnes.
274. Prior to the introduction of rock lobsters into the Quota Management System in 1990, MLS regulations were the primary constraint on commercial landings. Until 1990 there was no comprehensive catch balancing nor any audit and monitoring of product flow from different fisheries.
275. Historically, the MLS differential in CRA 7 provided unscrupulous operators taking and processing undersized lobsters in other regions with a defence that the product "came from Otago". In order to reduce non-compliance with MLS regimes the number of entities processing Otago concession rock lobsters has historically been restricted. Each approved processor was listed in the regulations with a Licensed Fish Packing House (LFPH) designation.
276. Since 1990 individual transferable quotas (ITQs) and MLS have been the primary constraints on commercial landings. Within the QMS, commercial catches from all nine management areas must be balanced by the relevant annual catch entitlement (ACE). Reporting regulations enable the audit and monitoring of product flow within and between management areas. Only Licensed Fish Receivers (LFRs) can receive and process quota species.
277. Since 1990 TACCs have been set for all nine CRA areas and in addition to the historical CRA 7 MLS regime, differential MLS regimes have been implemented in the Southland (CRA 8) and Gisborne/East Coast (CRA 3) rock lobster fisheries. The differential regime for Packhorse (PHC 1) rock lobsters has remained unchanged.

278. MFish Compliance has retained controls on the transportation and processing of rock lobsters taken and landed in CRA 7, CRA 8 and CRA 3 to minimise the opportunity that MLS differentials provide as an avenue for non-compliance with MLS and catch balancing regulations in all rock lobster fisheries.
279. The designation of LFPs in the current Fisheries (South East Area Commercial Fishing) Regulations 1986 has been rendered meaningless by the repeal of the Meat Act 1981. A new process needs to be established in regulation to restrict the landing, receipt and processing of Otago concession rock lobsters.

Management Options

Non-Regulatory Measures

280. There are no non-regulatory measures that allow fishers or LFRs to legally possess rock lobster that are less than legal minimum size.

Regulatory Measures

281. **Option One:** That the current Regulations be amended so that CRA 7 concession rock lobsters can be landed and processed at any LFR premises domiciled within the Otago Concession Area (being the province of Otago). Concession rock lobsters will still be required to be packed and sealed as per the current regulations, and product movements reported to the District Compliance Manager. In all other respects the normal QMS record keeping and reporting would apply. This option maintains the integrity of the Otago MLS regime but removes the necessity to amend regulations every time LFR ownership changes or new operators choose to process CRA 7 concession rock lobsters.
282. **Option Two:** That the current Regulations be amended to expand the opportunity for LFRs to be involved in landing, processing and selling CRA 7 rock lobsters. This option retains the requirement for CRA7 concession rock lobsters to be landed within the Otago Concession Area, however under this option, processing and marketing of concession lobsters could be undertaken by any LFR within New Zealand. CRA 7 concession rock lobsters will still be required to be packed and sealed as per the current regulations, and product movements reported to the District Compliance Manager. Option Two mirrors the arrangements established since 1993 for the 52mmTW male rock lobsters in Gisborne/East Coast (CRA 3).

Analysis of Options

283. **Option One:** - Removing the requirement to name LFRs in regulation. The MFish assessment is that this option will provide flexibility, yet retain sufficient rigour from a compliance perspective. This option would constrain receipt, processing and selling of CRA7 concession rock lobsters to LFRs domiciled in the province of Otago. There will be no need for additional compliance input. If implemented this option would eliminate any further need for regulatory changes to enable LFRs with premises in Otago to receive and process CRA 7 rock lobsters.
284. **Option Two:** - "Open Access". The initial MFish view is that this option could bring greater flexibility and efficiencies and could also provide increased market opportunities for the CRA 7 catching sector. Industry representatives share this view. However MFish officials believe that there are compliance costs and risks associated with this option that need more detailed consideration. MFish consider the compliance

issues associated with the Otago concession area fishery to be significantly different from other rock lobster concession area fisheries.

Costs and benefits

285. **Option One:** This option will incur no further cost to the management of the fishery. It enables “new entrants” to establish LFR facilities in the Otago Concession Area in an administratively simple and timely manner.
286. Significant benefits from this approach are that –
- a) it eliminates the need to change the fisheries regulations every time there is a change to the ownership or the introduction of new LFRs handling CRA 7 concession rock lobsters;
 - b) it constrains administrative costs;
 - c) the integrity of the Otago MLS regime is maintained; and
 - d) there is no increase in compliance risk.
287. **Option Two:** CRA 7 quota share and ACE owners and LFRs could benefit from the increased flexibility offered by removing the requirement for LFR premises to be domiciled within the province of Otago. Enabling all CRA 7 lobsters to be processed in LFRs outside the province might enable a rationalisation of capital investment in transportation and infrastructure and increase processing efficiency for some LFRs whilst providing new market opportunities for the catching sector.
288. MFish notes that Option Two provides the same administrative benefits of Option One namely –
- a) it eliminates the need to change the fisheries regulations every time there is a change to the ownership or the introduction of new LFRs handling CRA 7 rock lobsters;
 - b) it constrains administrative costs.
289. However MFish perceives a significantly increased risk for illegal activity where LFRs are processing both national minimum legal size and concession size lobsters on the same premises. MFish considers that this enhances the opportunity for “laundering” – the situation where lobsters less than the MLS in the area where they are taken could be landed to LFRs and the catch then balanced against ACE for an area in which a smaller legal minimum size applies.
290. MFish contends that if the current controls on the product flow of Otago concession size rock lobsters were to be relaxed and processing allowed at any LFR in New Zealand, then the cost implications for the Compliance Business Unit to maintain the same level of risk as currently exists in Otago, whilst maintaining the concession provisions will be significant. MFish estimates total costs to be in excess of \$350,000 per year, with initial costs in excess of \$400,000.
291. The Otago Rock Lobster Industry Association and the NZ Rock Lobster Industry Council (NZRLIC) (representing the CRA 7 industry and other commercial stakeholders) strongly disagree with this MFish analysis. Industry representatives note that similar concession/non-concession processing arrangements are well established for Southland (CRA 8) and Gisborne/East Coast (CRA 3) rock lobsters, and that there have been no reported problems of non-compliance by LFRs or by the catching sector in regard to “laundering”.

292. Industry representatives also believe that as the Crown recovers all Compliance costs associated with commercial rock lobster fishing from industry, that industry is best placed to decide full costs and benefits associated with amendments to the commercial regulations.
293. Notwithstanding the differences of opinion between the industry and MFish in regard to these matters, industry representatives concede that there has been insufficient time available to undertake the full evaluation of the costs and benefits associated with Option Two. Industry representatives agree that the priority should be to enable the changes of ownership and the establishment of new LFRs in Otago and have therefore adjourned any challenge to the MFish analysis that might lead to a delay or deferral in making the necessary regulatory amendments.

Preliminary consultation

294. MFish has received preliminary comment on the two options from the Otago Rock Lobster Industry Association Executive Committee. They would accept Option One, but have a preference for Option Two dependent on further analysis of the risks and costs associated with relaxing product flows of CRA 7 concession rock lobsters. This option cannot be progressed within the time available
295. Neither option has yet been discussed with the CRA 7 customary, amateur fishing or environmental group representatives. However it should be noted that the proposed changes do not alter the current TAC or TACC, and do not provide opportunity for any more commercial catch to be taken from the CRA 7 fishery, and will not measurably increase compliance risk in this fishery.
296. The NRLMG has been appraised of the situation in regard to the consequences of the revocation of the Meat Act and the changes in company ownership and has agreed that these are issues that can adequately be dealt with by MFish and commercial stakeholders given that there will be no implications for customary or amateur fishing.

Conclusion

297. MFish supports Option One because it provides the benefits of allowing the rationalisation of processing operations in the Otago Concession Area without the need for subsequent amendments to regulations when ownership changes occur or when new LFRs establish CRA 7 businesses. MFish is confident that Option One will not create additional compliance risks or costs.
298. The Otago Rock Lobster Industry Association and the NZ Rock Lobster Industry Council have a preference for Option Two but will accept Option One because it enables a timely response to recent and intended changes in the CRA 7 rock lobster processing industry whilst ensuring the integrity of the existing compliance regime. Industry representatives note their intention to undertake further evaluation and consultation on Option Two as part of the consideration of a CRA 7 Fishery Plan.

Recommendation

299. MFish and industry representatives to the NRLMG recommend that the Minister:
- a) **amend** regulation 2 of the Fisheries (South East Area Commercial Fishing) Regulations 1986, to replace,

- i. the definition of a "Licensed Fish Packing House" with the following definition:
"Licensed Fish Receiver, for the purposes of the South East Area Commercial Fishing Regulations, means a licensed fish receiver domiciled within the province of Otago";
- ii. the words "Licensed Fish Packing House", wherever they appear in these regulations, with the words "Licensed Fish Receiver"; and
- iii. the words "packing house", wherever they appear in these regulations, with the word "receiver".

Part Seven

Stock Summary

7.1 INTRODUCTION

300. This section summarises the principal rock lobster fishing activities in each of the quota management areas. User groups informed the NRLMG of the activities and issues in each fishery, throughout the year.
301. The NRLMG has continued to encourage the formulation of fishery specific regional initiatives consistent with the guidelines established by the NRLMG in 1992. The Group is continuously revising and updating those guidelines to ensure consistency with new fisheries legislation and compatibility with the move to greater devolution of management responsibility to stakeholder groups.
302. The *Jasus edwardsii* species of rock lobster is managed in areas CRA 1–10; the *Sagmariasus verreauxi* species (PHC) is managed in a single quota management area PHC 1. No summary is provided for CRA 10 comprising of the Kermadecs as the QMA has a TACC of 0.1 tonnes.

7.2 CRA 1

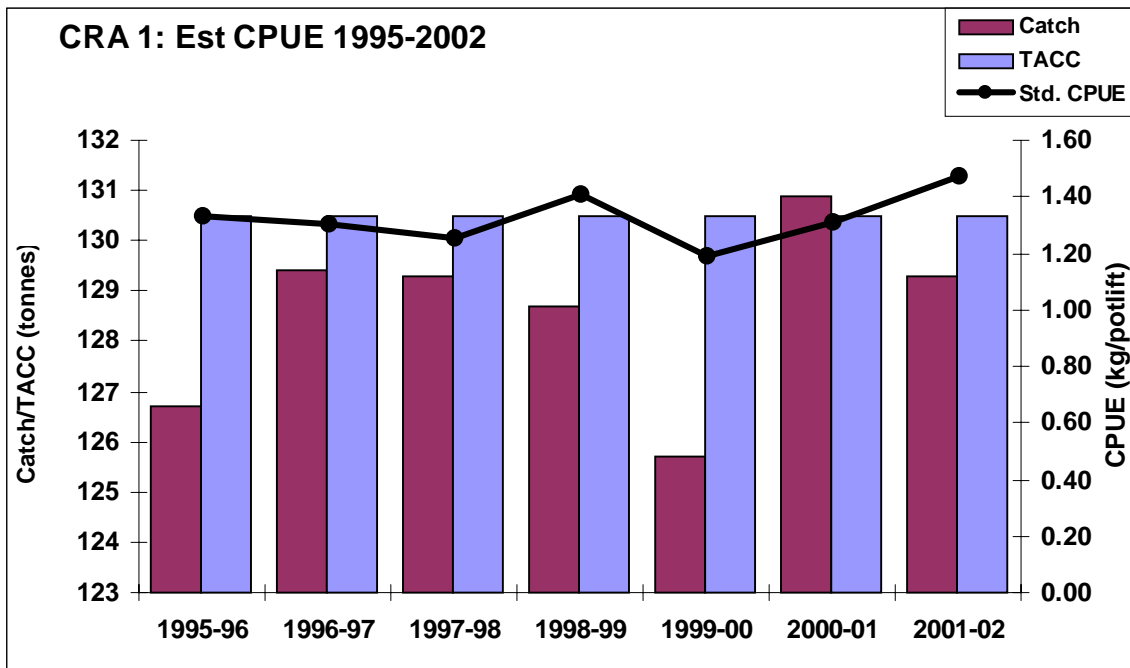


Figure 1: Catch against TACC and CPUE in CRA 1

303. The CRA 1 fishery extends from the Kaipara Harbour on the west coast of the North Island around North Cape and then south to Waipu. No TAC has been set for this fishery. The 130.46 tonnes TACC has remained unchanged since April 1993. The commercial fishery extends offshore to the Three Kings, but the bulk of the commercial harvest is taken from waters adjacent to the mainland.
304. CRA 1 is assessed as part of the NSN substock using commercial catch and effort and quota monitoring report data. In addition, the CRA 1 commercial stakeholders group has commissioned intensive catch sampling sequences for the fishery in the 1997–98 and 1998–99 seasons. CRA 1 stock monitoring was part of the CRA 1999–01 and CRA 2000–01 Research Services contracts and 45 catch samples and 7000 rock lobster tag and releases were completed during the two most recent fishing years.
305. The 130.46 tonne CRA 1 TACC is distributed amongst 27 quota share owners. The TACC is harvested by approximately 20 permit holders. The landed value of commercial catch in CRA 1 is \$3.8 million (based on average port price paid to fishermen), making rock lobster an important contributor to the local and regional economy.
306. Amateur catch of rock lobster was estimated at 51 tonne by MFish in 1996. Diving using UBA is the predominant method used by amateur fishermen and women, although hand gathering, ring potting, and potting from vessels contributes to the amateur catch.
307. No reliable estimates are available for customary catch. The progressive implementation of reporting procedures within the North Island Customary Regulations will assist in future evaluations of customary harvest for the CRA 1 fishery. A large Maori population in the Northland region ensures that rock lobster retains significant customary value.

7.3 CRA 2

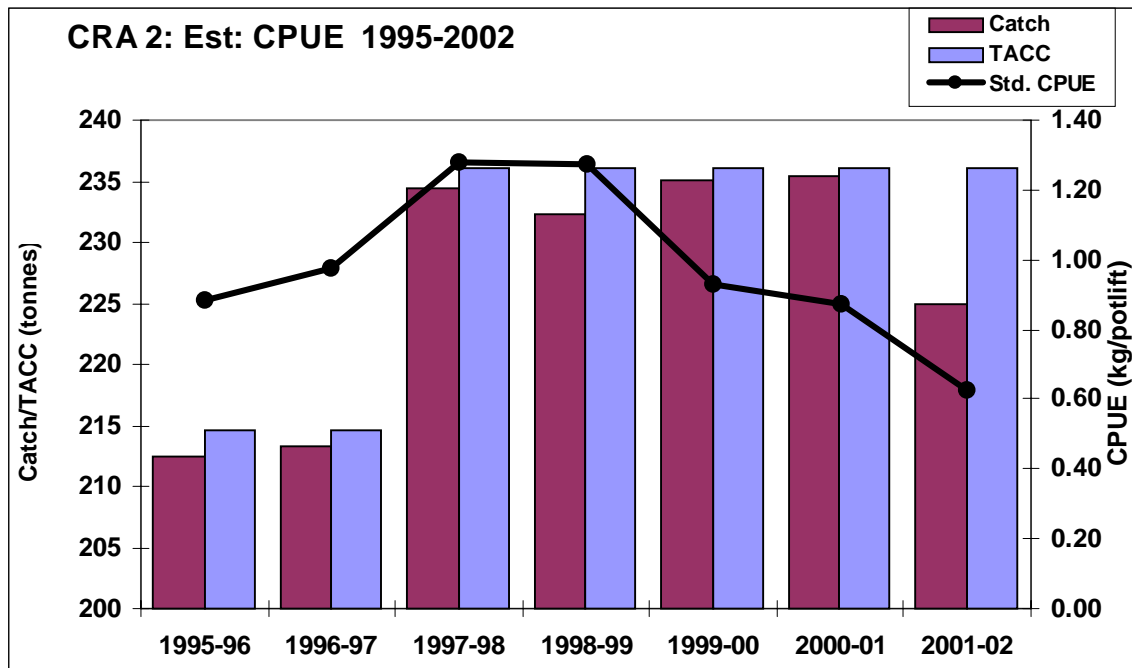


Figure 2: Catch against TACC and CPUE in CRA 2

308. The CRA 2 fishery extends from Waipu through the Hauraki Gulf and Bay of Plenty to East Cape. The 452.6 tonne TAC for the fishery was set in 1997. The TAC is made up of 140 tonnes for amateur catch, 16.5 tonnes for customary harvest and 60 tonnes for illegal removals. The current TACC is 236.1 tonne.
309. The CRA 2 Rock Lobster Company Ltd is the representative commercial stakeholder group for this region. The Company has made significant investments in rock lobster research since its formation in 1995, including a comprehensive vessel logbook programme, tag and release of 12,000 rock lobsters, and sequences of intensive catch sampling to MFish standards and specifications. These data continue to be collected for use in the NSN assessment.
310. Research for the 2001–2002 season included the continuation of logbook coverage, intensive catch sampling sequences within season, tag and release, and tag recapture reporting.
311. The CRA 2 Rock Lobster Company Ltd has established a regional co-operative stakeholder committee comprised of commercial, amateur, and tangata whenua representatives. The committee has endeavoured to develop agreed compliance strategies for the CRA 2 fishery, and strengthen working relationships between sector groups.
312. The 236.1 tonne TACC is distributed amongst 52 quota share owners. There are an estimated 45 vessels in the CRA 2 rock lobster fleet and the commercial season generally extends from June to October. The landed value of the CRA 2 catch is \$7.06 million (based on average port price paid to fishermen) and the industry sustains a number of processing and export companies in Tauranga, Coromandel, and Auckland.
313. Amateur catch in this fishery was estimated at 140 tonnes by MFish in 1996. Potting and diving are the preferred methods, and there is a large recreational charter vessel industry catering to the sector.

314. Customary catch is conservatively estimated at 16.5 tonne. Anecdotal evidence in recent seasons suggests that the actual harvest is much greater. A large Maori population in the Bay of Plenty region ensures that rock lobster retains significant customary value.

7.4 CRA 3

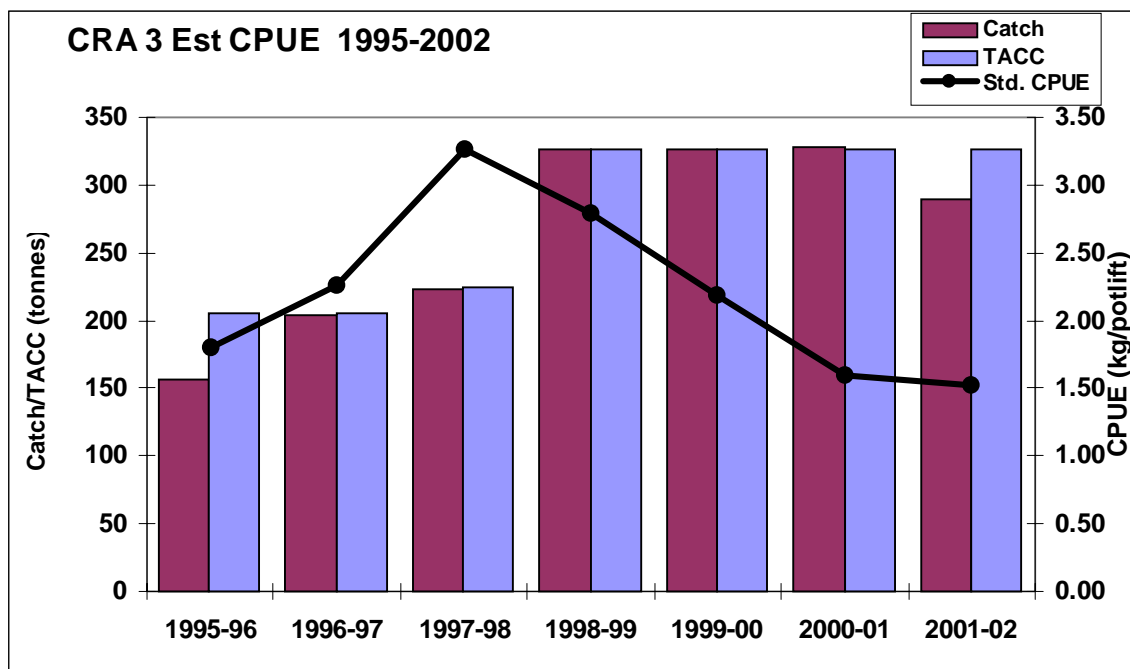


Figure 3: Catch against TACC and CPUE in CRA 3

315. The CRA 3 fishery extends from East Cape south to the Wairoa River. The 453 tonne TAC was set in 1998. The TAC is made up of a 20 tonne allowance for amateur catch, a 20 tonne allowance for customary harvest, an 86 tonne allowance for illegal removals and a TACC of 327 tonnes.
316. The TACC is distributed amongst 35 quota share owners. An estimated 36 commercial vessels reported CRA 3 landings in the 2002-03 fishing year. There is significant Iwi involvement in quota share ownership and fishing. The commercial harvest has a landed value of \$9.1 million (based on average port price paid to fishermen). There are two processing plants in Gisborne, and product is also shipped to Wellington and Auckland for processing and export.
317. Amateur catch was estimated at 14 tonnes by the RLFAWG in 2001, although an allowance of 20 tonnes was made in the 1998 TAC decision. Potting and hand gathering are the preferred methods.
318. Rock lobsters have great cultural significance to local Maori and there is a very high level of customary harvest activity. Customary removals are estimated at 30 tonnes (RLFAWG 2001) although an allowance of 20 tonnes was made in the 1998 TAC decision.

7.5 CRA 4

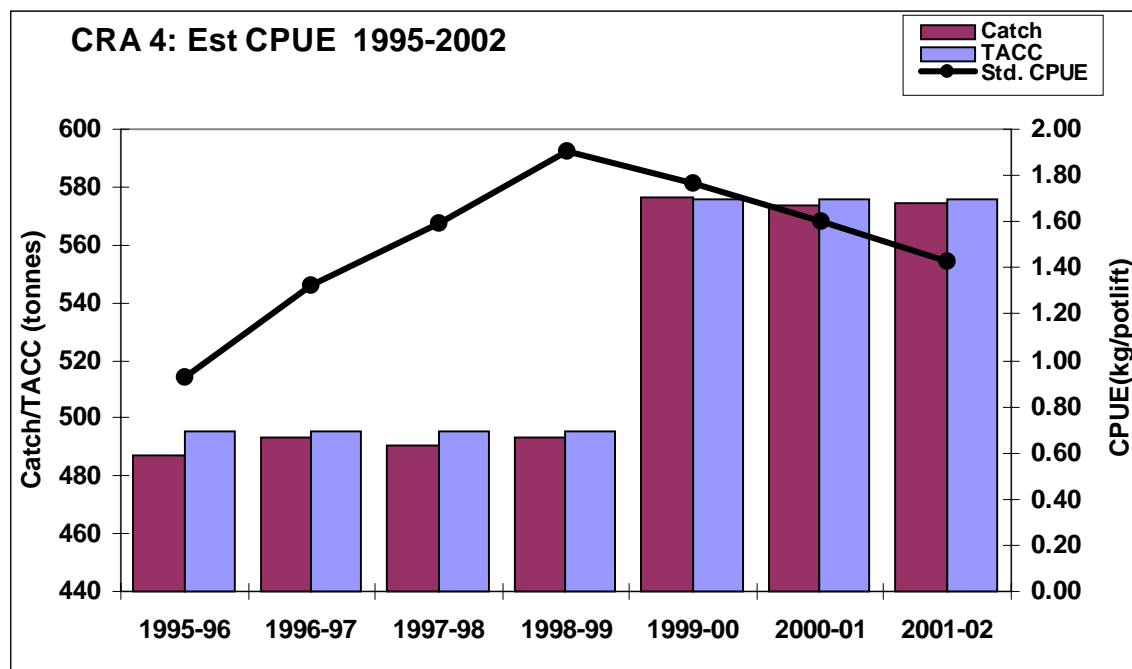


Figure 4: Catch against TACC and CPUE in CRA 4

319. The CRA 4 fishery extends from the Wairoa River on the east coast, southwards along the Hawkes Bay, Wairarapa and Wellington coasts, through Cook Strait and north to the Manawatu River.
320. The CRA 4 TAC remains at 771 tonnes, set in April 1999. In that decision the TACC was increased from 495.3 tonnes to 576 tonnes. Prior to 1999 the TACC remained unchanged since April 1993. When setting the TAC, a total of 35 tonnes was provided for customary catch. 85 tonnes were allowed for amateur catch. An allowance of 75 tonnes was made for “*other sources of fishing related mortalities*”.
321. The CRA 4 and CRA 5 stock assessment reported by the RLFAWG in November 1999 indicated a stock that was then greater than B_{MSY} and predicted that at the then current levels of catches stock abundance would decline in the medium term but would remain above B_{MSY} .
322. The 576 tonnes TACC is distributed amongst 89 quota share owners. The fleet comprised an estimated 70 vessels at the peak of the current (2002-03) commercial season. The majority of vessels in the fleet operate from coastal bases in isolated rural areas. The CRA 4 commercial catch has a landed value in excess of \$18.4 million (based on average port price paid to fishermen) and supports several processing and export operations in Napier and Wellington, Auckland and Canterbury.
323. The amateur catch is estimated at 73 tonnes by MFish in 1996. Potting and hand gathering are the preferred methods for amateur fishers in this area. As in most CRA areas, the majority of amateur catch is taken in the summer months. The region sustains a growing recreational fishing and dive charter industry during those months.
324. Customary harvest estimates for CRA 4 are not available.

325. A comprehensive stock monitoring programme has been established in the CRA 4 fishery. There is a long time series of intensive catch sampling data from the Napier and Castlepoint localities, and more recently from Cape Palliser. This series was extended in the current season with a total of 32 sample days completed for the period May to November 2002. Commercial fishermen routinely report tag recapture data.

7.6 CRA 5

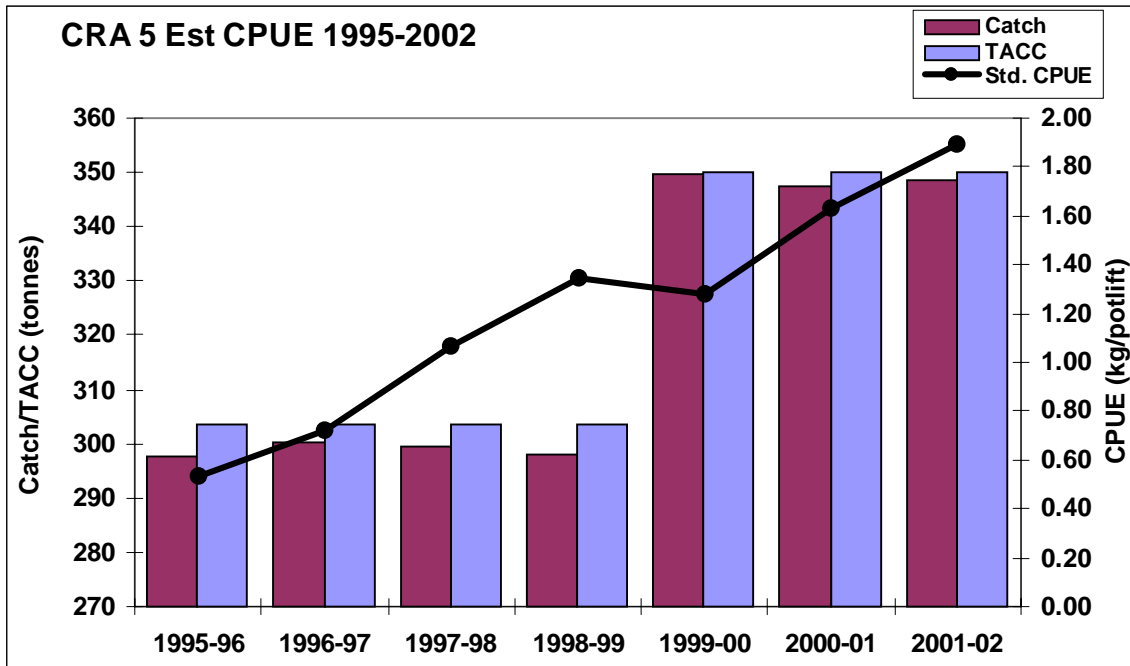


Figure 5: Catch against TACC and CPUE in CRA 5

326. The CRA 5 fishery extends from the western side of the Marlborough Sounds across to Cape Jackson and then southwards to Banks Peninsula. There are three distinct regions of commercial fishing—Picton/Port Underwood, Ward, Kaikoura, Motunau, and Banks Peninsula, although some commercial vessels work the area from Nelson through to D’Urville Island. The bulk of the commercial catch is taken from the area bounded by Tory Channel in the north and Motunau in the south.
327. Since the 1999–00 fishing year a TAC of 467 tonnes has been set. A total of 40 tonnes is set aside for amateur catch and 40 tonnes provided for customary catch. An allowance of 37 tonnes is made for “*other sources of fishing related mortalities*”. The TACC is 350 tonnes.
328. There are 55 quota share owners in CRA 5. The fleet comprised an estimated 35 vessels reporting catch in the 2002-03 season. Many commercial vessels work off beaches between Port Underwood and Motunau. The landed value of the commercial catch was estimated at \$11.2 million (based on average port price paid to fishermen) in 2002–03, and the fishery supports processing and export facilities in Nelson, Ward, Kaikoura, and Christchurch.
329. The CRA 5 industry members, through membership of their commercial stakeholder group CRAMAC 5, have encouraged and facilitated an ongoing dialogue with amateur fishing and dive clubs and with Iwi groups in the region. The responses to the process have been extremely encouraging in terms of future co-operative research and management initiatives.
330. Amateur catch was estimated at 35 tonnes by MFish in 1996. The preferred methods for amateur fishing are potting and diving with UBA. The recreational fishing and dive charter industry is growing in the region. Dive clubs in the region have actively reported tag recapture information and maintain an ongoing interest in the regional research programme.

331. There are no estimates for customary harvest in CRA 5.
332. CRA 5 has an intensive stock-monitoring regime in place. Intensive catch sampling and tag and release projects have been done as Fisheries Required Services, and CRAMAC 5 operates an extensive Vessel Logbook programme that provides data to the stock assessment process.

7.7 CRA 6

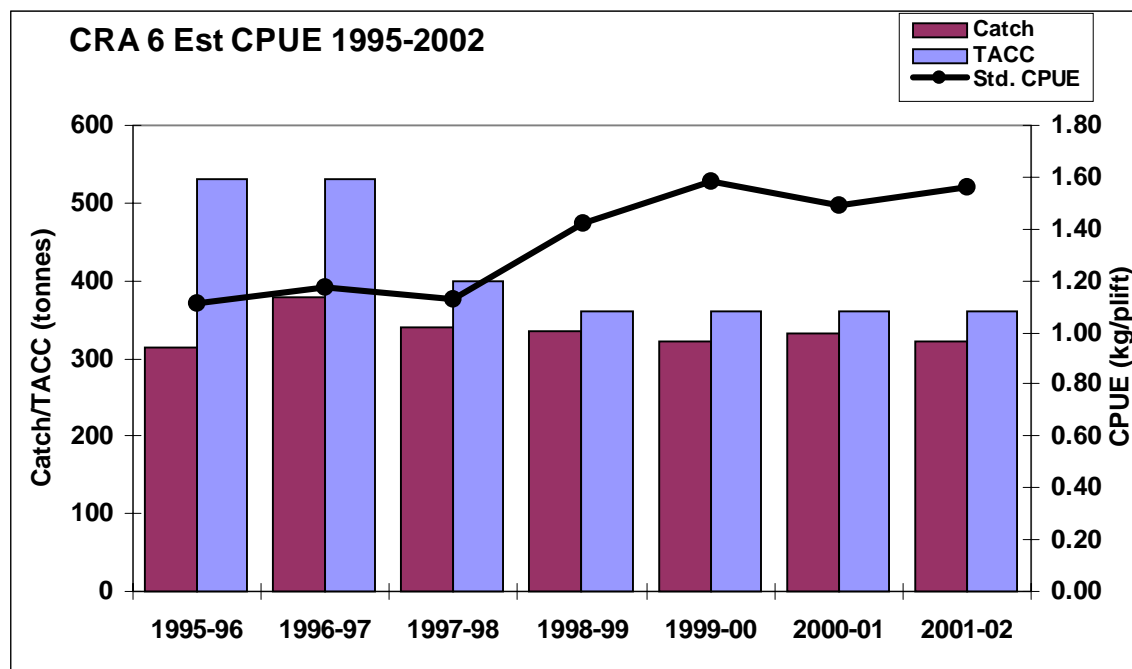


Figure 6: Catch against TACC and CPUE in CRA 6

333. The region designated as CRA 6 is geographically very large, being all waters within a 200 nautical mile (n. mile) radius of the Chatham Islands, but the area being fished is restricted to a relatively narrow coastal margin adjacent to the Chatham Islands coastline.
334. The fishery is unique in that despite declines in landing and CPUE from historical levels, the lobsters caught generally comprise much larger size classes than are found in mainland fisheries. The reasons for the decline in catch and CPUE are unknown, and length frequencies of the landed catch have changed little since the development of this fishery. Previous RLFAWG reports have noted that the CRA 6 data are consistent with a stock model in which the biomass being fished is much smaller than the biomass of the contributing stock.
335. The TAC of 370 tonnes set in 1998–99 fishing year remains unchanged. An allowance of 6 tonnes is made for amateur catch and 4 tonnes for customary catch. The TACC is 360 tonnes.
336. An analysis of CPUE and catch against TACC was undertaken in 1998. The analysis indicated that when CPUE was standardised (takes into account changes in fishing patterns and numbers of vessels operating etc), as opposed to the use of raw data, catch rates in the fishery had not significantly declined over recent years.
337. The abundance of the standing stock in CRA 6 is likely to be more dependent on immigration of larger lobsters into the area than it is on recruitment and growth. This reduces the likely effectiveness of management interventions.
338. CRA 6 is unique in that unlike all other CRA management areas, two harvest methods are allowed for commercial fishing. The bulk of the TACC is landed from vessels using pots, but there are limited numbers of dive permits issued for the fishery and divers take large quantities of lobsters in the summer months.

339. There are 49 CRA 6 quota share owners. The majority of quota is owned by mainland New Zealand interests. There are approximately 47 vessels reporting CRA 6 landings and the number of divers is unknown although only 11 of the original dive consents issued to qualifying persons between 1990 and 1993 currently exist. The additional divers operate under the authority of some of permits in the name of the consent holders. There has been ongoing tension between divers and pot fishermen over several years.
340. The landed value of the commercial catch in 2001–2002 was approximately \$8.5 million (based on average port price paid to fishermen). The fishery supplies processing and export facilities on the Chatham Islands and in Auckland, Wellington and Christchurch.
341. The CRA 6 Industry Association established a Fishermen’s Office at Waitangi in May 2000 and the NZ RLIC contracted an administrative officer trained by FishServe to co-ordinate the distribution and collation of Catch Effort Landing Returns and Monthly Harvest Reports for delivery to FishServe.
342. There is no major research programme currently underway for the fishery because all previous research initiatives — intensive catch sampling, tagging, and juvenile abundance surveys — have delivered similar results. There are also high costs associated with research co-ordinated from the mainland. However, the CRA 6 Industry Association is monitoring a trial of Vessel Logbooks, such as used by commercial operators in CRA 2, CRA 5 and CRA 8, to collect size frequency and abundance information for use in stock assessments.

7.8 CRA 7

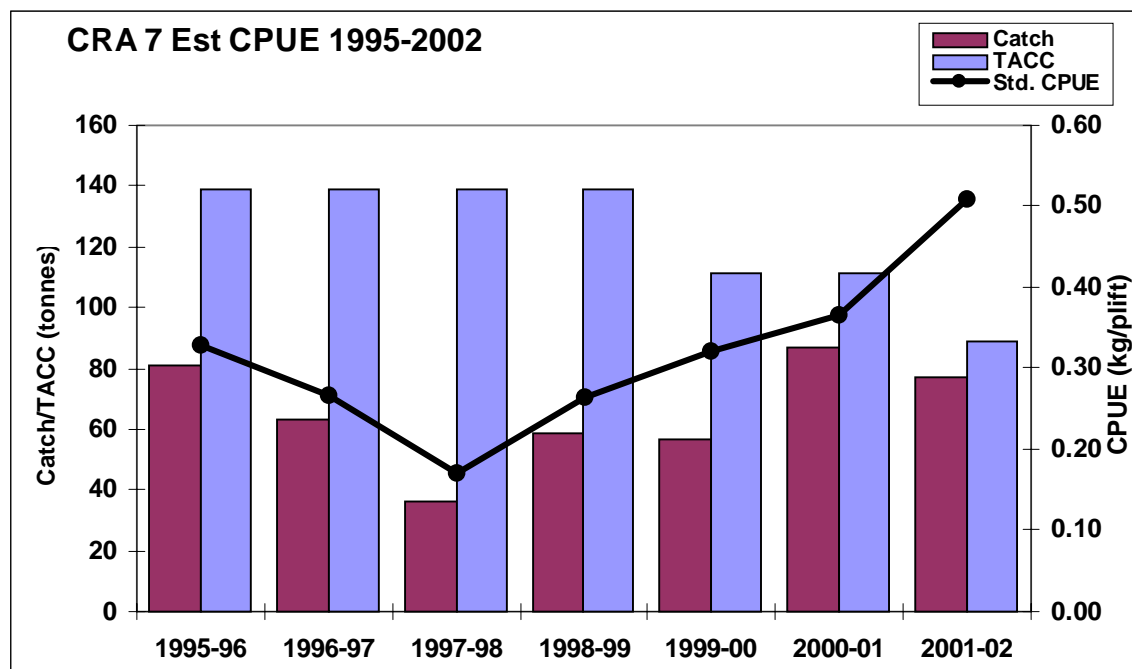


Figure 7: Catch against TACC and CPUE in CRA 7

343. The CRA 7 fishery extends from the Waitaki River south along the Otago coastline to Long Point. In 2002, CRA 7 agreed to accept the new NSS management Procedure proposed by the NRLMG and accepted by the Minister of Fisheries. Although the procedure is based only on CRA 8 CPUE and is designed to rebuild the CRA CPUE to target level, CRA 7 has agreed to accept TAC changes generated by this procedure.
344. At some time in the future, CRA 7 may develop and evaluate a management procedure specific to CRA 7. If this procedure is accepted by the NRLMG and the Minister, then CRA 7 may switch to that management procedure, leaving the current NSS management procedure to operate in CRA 8 only.
345. As a consequence of the application of the NSS Decision Rule, the CRA 7 TAC was set at 109 tonnes in the 2001–02 fishing year and remained unchanged for the 2002-03 fishing year. An allowance of 5 tonnes is made for amateur catch and 10 tonnes for customary catch. An allowance of 5 tonnes is made for *“other sources of fishing related mortalities”*. The TACC is 89 tonnes.
346. There is no estimate of amateur catch. The preferred methods for amateur fishing are potting and diving with UBA.
347. There are no estimates for customary harvest in CRA 7.
348. The CRA 7 commercial season runs from 21 June to 19 November inclusive and the MLS is a tail length of 127mm for both male and female lobsters. The fishery is open to amateur fishing all year with a MLS regime of 54mm tail width for males and 60mm tail width for females. The CRA 7 fishery is unique in that a ‘buffer zone’, closed to commercial rock lobster fishing has been incorporated into the regional harvest initiative agreed by amateur and commercial users in 1993.

349. There are 35 CRA 7 quota share owners. In the 2002-03 season 25 commercial vessels reported CRA 7 landings. The landed value of the catch is estimated at \$1.6 million (based on average port price paid to fishermen). The CRA 7 catch is processed and exported by several Dunedin fishing companies.

350. CRA 7 commercial interests are represented by the Otago Rock Lobster Industry Association. The association has a paid regional co-ordinator and also funds stock monitoring sequences to supplement work done as Fisheries Required Research Services. Intensive catch sampling is done in three 5 day sequences during the commercial season.

7.9 CRA 8

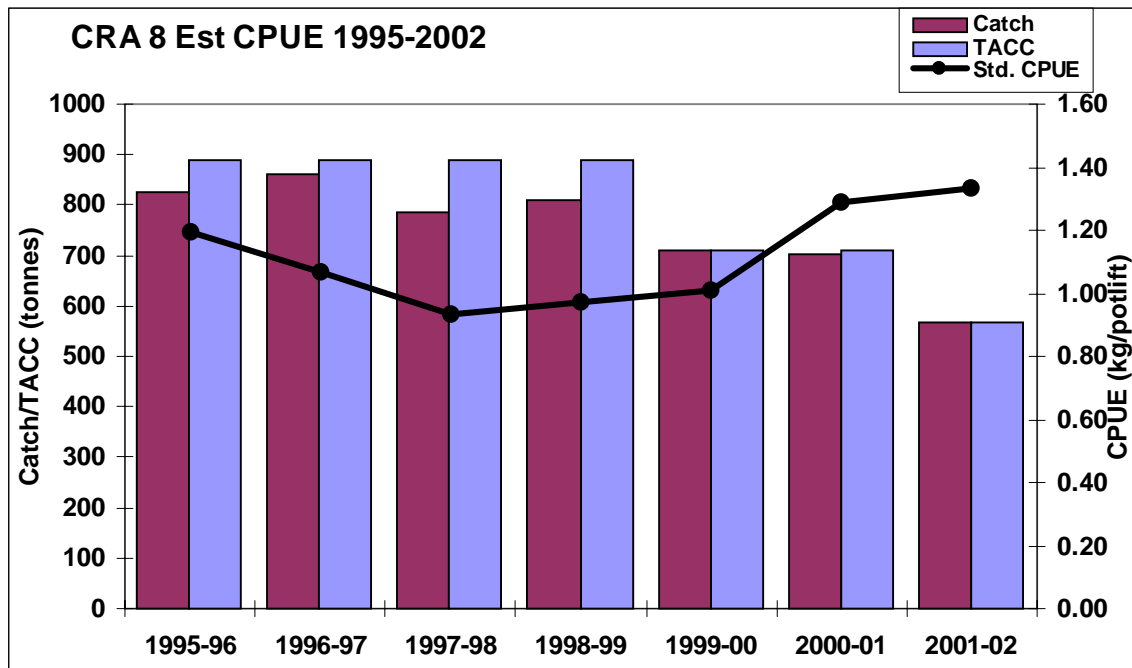


Figure 8: Catch against TACC and CPUE in CRA 8

351. The CRA 8 fishery is the largest fishery geographically. The region extends from Long Point south to Stewart Island and the Snares, the islands and coastline of Foveaux Strait, and then northwards along the Fiordland coastline to Bruce Bay. The CRA 8 fishery is included with CRA 7 in the NSS assessment and management procedure analysis.
352. In response to the triggering of the NSS decision rule, a TAC of 655 tonnes was set for the 2001–02 fishing year and remained unchanged for the 2002-03 fishing year. An allowance of 29 tonnes is made for amateur catch and 30 tonnes for customary catch. An allowance of 28 tonnes is made for “*other sources of fishing related mortalities*”. The TACC is 568 tonnes.
353. Amateur catch was estimated at 16 tonnes by MFish in 1996. The preferred methods for amateur fishing are potting and diving with UBA.
354. There are no estimates for customary harvest in CRA 8.
355. The MLS for commercial catch incorporates a 54mm tail width for male lobsters and 57mm tail width for females. The equivalent measures for amateur catch is 54mm tail width for male lobsters and 60mm tail width for females.
356. The CRA 8 Management Committee Inc is the regional representative organisation for commercial interests. The Association employs a Chief Executive and a seasonal field technician. The Association manages an extensive Vessel Logbook programme as a Fisheries Required Service under contract to the NZ RLIC. The Association also contracts to the NZ RLIC to provide intensive catch sampling and lobster tag and release as part of the Fisheries Required Research Services.
357. The CRA 8 Industry has developed and implemented codes of practice in relation to use and disposal of fishing gear and refuse, and as a founding member of the Guardians of

Fiordland Fisheries, has contributed to an extensive code of practice for the waters adjacent to the World Heritage area.

358. There are 124 CRA 8 quota share owners. In the 2002-03 season there were 72 commercial vessels reporting CRA 8 landings. The CRA 8 fleet operates in the most remote coastal areas of South Westland and Fiordland. The estimated value of the landed catch is \$21.5 million (based on average port price paid to fishermen). The industry supplies processing and export operations in Te Anau, Riverton, Stewart Island, Invercargill, Bluff, Christchurch, and Wellington.

7.10 CRA 9

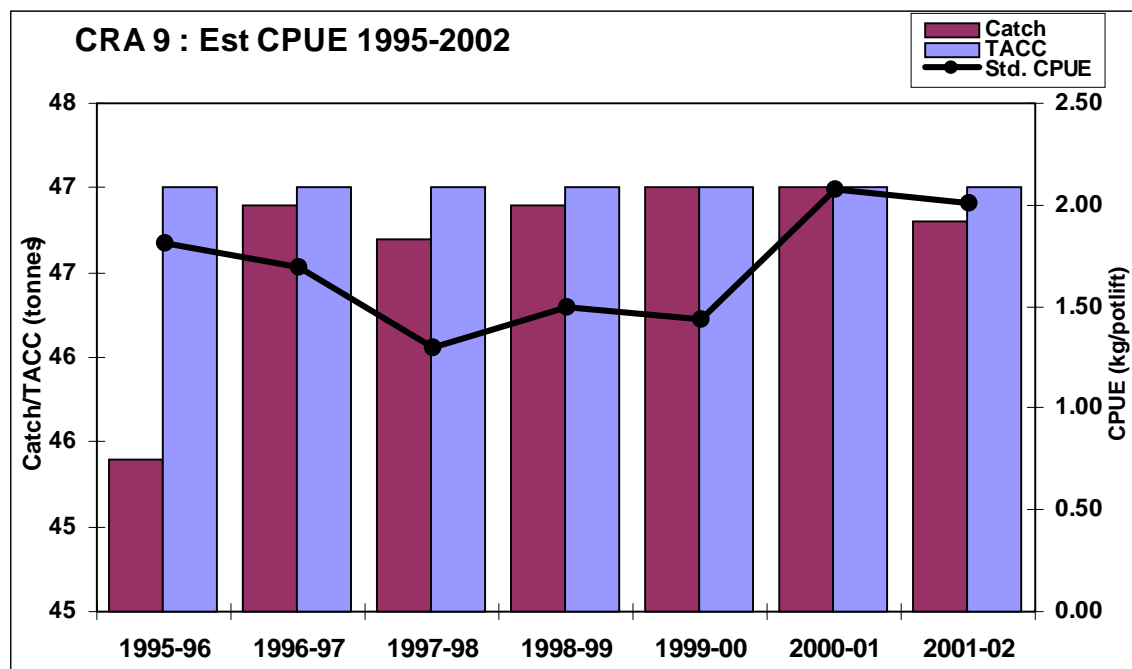


Figure 9: Catch against TACC and CPUE in CRA 9

359. The CRA 9 fishery is geographically large but has the smallest TACC of any region (with the exception of CRA 10). The fishery extends from north of Bruce Bay to the Kaipara Harbour but commercial lobster fishing is constrained to the north-west coast of the South Island and the area between Patea and Kawhia, in particular the Taranaki coastline. No TAC has been set for this fishery and the 47 tonne TACC has remained unchanged since 1992.
360. There are no estimates of amateur or customary catch for the CRA 9 fishery.
361. There are 20 CRA 9 quota share owners. In the 2002-03 season 12 commercial vessels reported CRA 9 landings. The estimated value of the landed catch is \$1.5 million (based on average port price paid to fishermen). The industry supplies processing and export operations in Marlborough, Nelson, New Plymouth, Wellington and Auckland.
362. The CRA 9 Industry Association Inc. is the representative organisation of the commercial interests in the fishery. The Association has initiated a Voluntary Logbook programme but the project has limited potential because of the relatively short commercial season and the small number of vessels in the fleet. The Association has contracted a regional liaison officer to co-ordinate access to fishing vessels by technicians undertaking a lobster tag and release project and supervising the use of Vessel Logbooks by commercial operators.

7.11 PACKHORSE ROCK LOBSTER – PHC

363. The packhorse rock lobster is a different species (*Sagmariasus verreauxi*³). The management area extends to all of New Zealand. Packhorse lobsters grow to a

³ This species used to be known as *Jasus (Sagmariasus) verreauxi* (Holthuis 1991) but was almost always referred to as *J. verreauxi*. Recently (Booth & Webber 2002), the subgenus *Sagmariasus* was elevated to full generic status

significantly larger size than red rock lobsters (CRA) and have different shell colourations and appearance.

364. The TACC for this fishery was set at 30 tonnes in 1990, but was increased to 40 tonnes in 1992 as a result of appeals. Historically the fishery has been primarily an incidental catch for many commercial rock lobster fishermen in the Northland/Auckland and Bay of Plenty regions. However several fishermen did successfully target the species prior to 1990, and dependent on environmental conditions, have attempted to do so in several seasons since.
365. There are no estimates of amateur catch for the species but divers using UBA are known to target PHC in Northland and the Bay of Plenty as “trophy” fish.
366. There are no estimates of customary harvest of PHC.
367. Due to the different biology and behaviour of this species the MLS is set at 216mm tail length. Prohibitions on the taking of berried female lobsters apply. In addition, a large area of water to the north-east of North Cape was closed to rock lobster fishing on a year round basis in 1977 in an apparent effort to protect what was then thought to be a large concentration of sub-legal PHC rock lobsters.
368. Commercial catches have fluctuated since 1990, reaching a peak of 24 tonnes in the 1995–96 season. The reported landings were 16.2 tonnes 1998–99, 12.6 t in 1999-2000, 9.5 t in 2000-01, and 7.7 t. in 2001-02. It is thought that the shortfall of catch against quota reflects the low levels of target effort being directed at the fishery which is known to have variations in abundance possibly determined by weather and sea temperatures.
369. In 2001-02 27 commercial fishers reported PHC catch. Less than five were known to be target fishing the species, all of these operating in either CRA 1 or CRA 2. The value of the landed catch was estimated in excess of \$500,000.
370. The introduction of the ACE regime in 2001 constrained the commercial taking of PHC rock lobsters to the small number of permit holders who own a minimum three tonnes, or who retain “grandfather clause” minimum holdings, of PHC 1 ACE. The overall reported commercial landings in 2002-03 has declined as a consequence and the NRLMG has recommended a legislative amendment to restore the historical situation of PHC being predominately an incidental catch taken by CRA permit holders.

Recommendation

371. The NRLMG recommends that the Minister:
 - a) **note** that the 2002 stock assessment indicates no urgent sustainability issues for any stocks;
 - b) **agree** to retain the current TACs, the TACCs and the existing allowances for customary, amateur, and commercial fisheries in all CRA management areas, and in PHC for the 2003–2004 fishing year.

because of the many substantial differences between this species and all *Jasus* species, which among themselves vary little.

Part Eight

Summary of Recommendations

8.1 SUMMARY OF RECOMMENDATIONS

1.2 NRLMG Background

The NRLMG recommends that the Minister:

- a) confirm the NRLMG as the primary source of TAC, TACC and management advice for rock lobster fisheries; and
- b) recognise the NRLMG as an appropriate body to consult on any matters relevant to the management of rock lobster fisheries.

1.3 The role of the NRLMG

The NRLMG recommends that the Minister:

- a) note that whilst supporting and encouraging the development and implementation of Fishery Plans for rock lobster, the NRLMG will continue to operate the current management framework outlined in this document and will work within the roles and responsibilities confirmed in the most recent review.

2.0 Strategic Vision and Framework for Rock Lobster Fisheries

The NRLMG recommends that the Minister:

- a) confirm the framework for managing rock lobster fisheries contained in this Report.

3.0 Matters Considered by the NRLMG in 2002

The NRLMG recommends that the Minister:

- b) **note** that the NRLMG reviewed, endorsed and reported two proposals for regulatory amendment related to packhorse rock lobsters (PHC1); and the design of escape gaps in rock lobster pots.
- c) **note** that assessments were updated in 2002 for CRA 1 and CRA 2, and that a new management procedure was implemented for CRA 7 and CRA 8.;
- d) **note** the stock assessment results in the Mid-Year Fishery Assessment Plenary Report (November 2002);
- e) **note** that for CRA 1 the model results suggest that current levels of catch appear to be sustainable but that any increase in future catch levels would result in an increased probability of a decrease in biomass.
- f) **note** that for CRA 2 the model results suggest that current levels of catch appear to be sustainable but that any increase in future catch levels would result in an increased probability of a decrease in biomass.
- g) **note** that for CRA 3 the most recent (2001) assessment suggested the then current vulnerable biomass is high compared with a reference period, 1974-79, the earliest period where there are good data available to estimate biomass;
- h) **note** that previous assessments for CRA 4 and CRA 5 in 1999 indicated that stocks are likely to be above Bmsy as this indicator was defined in the stock assessment;

- i) **note** that populations in CRA 4 and CRA 5 were projected to decline over five years (to 2004), given the then current levels of removals and average recruitment, but that they will likely remain above Bmsy as this indicator was defined in the stock assessment;
- j) **note** that, based on the stock assessment, no sustainability issues for any stock require action for the 2002–2003 fishing year.

4.1 Description of Management Procedures and Decision Rules

The NRLMG recommends that the Minister:

- a) **note** that the current decision rules and management procedure for the NSN, NSC and NSS substocks are consistent with the Minister's legal obligations;
- b) **note** that management procedures continue to be refined and evaluated to discover rules that deliver the desired outcomes while being robust to wide varieties of uncertainty

4.2 New Management Procedure for the CRA 7 and CRA 8 (NSS) Rock Lobster Fisheries

The NRLMG recommend that the Minister:

- a) **note** that the NSS Management Procedure enables you to meet your statutory obligations and the wider management aspirations of the NSS stakeholders;
- b) **note** that the NSS Management Procedure is a rebuilding procedure and that different management procedures linked to decision rules will be developed for the maintenance of rebuilt stocks;
- c) **note** that the NSS Management Procedure should be reviewed in 2007 as a precursor to the development and adoption of maintenance management procedures.

5.1 Research Issues

The NRLMG recommends that the Minister:

- a) **note** the scope of current rock lobster fisheries research;
- b) **note** the level of industry involvement in self-funded research initiatives undertaken to MFish agreed standards and specifications; and
- c) **note** the role of the NRLMG in the Rock Lobster Research Planning Process, the results of which form the basis of required fisheries research services described in the MFish Fisheries Services Plan.

Uncertainty in estimates of total removals

The NRLMG recommends that the Minister:

- a) **acknowledge** that accurate and reliable data for all sectors are essential to the stock assessment and management process.

Compliance Issues

The NRLMG recommends that the Minister:

- a) **note** the significance of the illegal catch component and its negative effect on the stock and legitimate extractive users; and

- b) **note** that all user groups recommend that the Minister take steps to ensure that compliance strategies and services (including enforcement and education services) are sufficient to minimise illegal catch.

Allocation Principles

The NRLMG recommends that the Minister:

- a) **note** that as the TAC should constrain total catch, a lack of constraint on individual catch components may:
- i. retard the rate of rebuild in stocks currently less than the level of an agreed biological reference point;
 - ii. accelerate the decline of stocks above the level of an agreed biological indicator;
 - iii. cause decline in a stock currently near the level of an agreed biological indicator; and
 - iv. raise equity issues between sectors at the time TAC and TACC adjustments are recommended.
- b) **note** that a more explicit allocation policy within the TAC will create incentives for user groups to act co-operatively at a regional level to ensure effective management, compliance and research activities.

6.2 Restriction on the number of amateur rock lobster pots allowed to be used or possessed, per individual and vessel.

The NRLMG stakeholder group representatives recommend that the Minister:

- a) **amend** the Amateur Fishing Regulations to specify that for all NZ waters except the CRA 9 rock lobster management area:
- i. No person shall use or possess more than 3 legal rock lobster pots per person.
 - ii. No persons on board any amateur vessel carrying two or more persons shall use more than 6 legal rock lobster pots.

MFish recommend that the Minister:

- a) **note** that the amateur pot limit proposal did not achieve sufficient priority for inclusion in the April 2003 Regulation Amendment package already consulted on by the Ministry of Fisheries.

6.3 Identification of Amateur Removals from Rock Lobster Fisheries

The NRLMG recommends that the Minister:

- a) **note** that stakeholder group representatives support the proposal to implement telson clipping as being a simple, cost-effective management option for rock lobster fisheries that has considerable potential to isolate, identify and reduce black market activity.

MFish recommends that the Minister:

- a) **note** that the telson clipping proposal did not achieve sufficient priority for inclusion in the April 2003 Regulation Amendment package already consulted on by the Ministry of Fisheries.

6.4 Changes to regulations that apply to landing, receiving and processing rock lobsters taken from the Otago Concession Area

MFish and industry representatives to the NRLMG recommend that the Minister:

- b) **amend** regulation 2 of the Fisheries (South East Area Commercial Fishing) Regulations 1986, to replace
 - i. the definition of a "Licensed Fish Packing House" with the following definition:
"Licensed Fish Receiver, for the purposes of the South East Area Commercial Fishing Regulations, means a licensed fish receiver domiciled within the province of Otago";
 - ii. the words "Licensed Fish Packing House", wherever they appear in these regulations, with the words "Licensed Fish Receiver"; and
 - iii. the words "packing house", wherever they appear in these regulations, with the word "receiver".

7.0 Stock Summary

The NRLMG recommends that the Minister:

- a) **note** that the 2002 stock assessment indicates no urgent sustainability issues for any stocks;
 - b) **agree** to retain the current TACs, the TACCs and the existing allowances for customary, amateur, and commercial fisheries in all CRA management areas, and in PHC for the 2003–2004 fishing year.
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Annex One

Membership of the NRLMG

THE NATIONAL ROCK LOBSTER MANAGEMENT GROUP 2002

Dr Kevin Stokes	Chairman
Scott Williamson	MFish
Dr Kevin Sullivan	MFish
Steven Halley	MFish
Lee Robinson	MFish
Ron Brady	NZ Rock Lobster Industry Council
Daryl Sykes	NZ Rock Lobster Industry Council
Alan Riwaka	Iwi/Te Ohu Kai Moana
Stan Pardoe	Iwi/Te Ohu Kai Moana
Max Hetherington	NZ Recreational Fishing Council
Peter Ellery	NZ Recreational Fishing Council
Barry Weeber	Environmental and Conservation Organisations

Science Advisers to the Group

David Banks	SeaFIC Science Group
Nokome Bentley	Trophia Research
Dr Paul Breen	NIWA
Paul Starr	StarrFish

Secretarial and Administrative Services

Helen Regan	NZ RLIC
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Annex 2

Rock Lobster Fishery Assessment Working Group

2002 PLENARY REPORT