

9 February 2018

National Rock Lobster Management Group
C/O Ministry for Primary Industries
P O Box 2526
Sustainability Review 2018
Fisheries Management
Wellington 6011

Tēnā koutou,

Review of Rock Lobster Sustainability Measures for 2018/19 - 2018/02

1. Te Ohu Kaimoana Trustee Ltd (Te Ohu Kaimoana) is the corporate trustee of Te Ohu Kaimoana Trust. The purpose of the trust is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing, and fisheries-related activities. Te Ohu Kaimoana welcomes the opportunity to submit on the review of rock lobster sustainability measures for 1 April 2018.
2. This submission responds to the NRLMG review of rock lobster fisheries in each of the quota management areas that operate management procedures. In developing this submission, we have made our draft submission available to Mandated Iwi Organisations (MIO) and Asset Holding Companies (AHCs) for input. Their feedback is reflected in this submission.
3. Setting appropriate sustainability measures involves balancing the interests of commercial, recreational and customary non-commercial fishing sectors. Iwi are the only group represented across all three different sectors. Our submission therefore seeks to take forward the combination of iwi interests in a manner that recognises the legitimacy of all and encourages collaboration between the sectors to secure sustainability and enable use and enjoyment by all.
4. Te Ohu Kaimoana fills one of the two customary seats on the National Rock Lobster Management Group (NRLMG), and has been a member of the group since it was set up in 1994. The second seat is filled by a representative of Te Waka a Maui Fisheries Forum, who joined the NRLMG in 2016 to represent the commercial and non-commercial rock lobster interests held by the nine Mandated Iwi Organisations of Te Waipounamu. We support the decisions they have made regarding the current review and the operation of management procedures in CRA7 and CRA8.
5. We take this opportunity to remind the Ministry for Primary Industries (MPI) of their responsibilities to iwi arising from the 1992 Fisheries Deed of Settlement. In the preamble to the deed the Crown recognises that traditional fisheries are of importance to Maori and that the Crown has a Treaty duty to develop policies to help recognise use and management practices and provide protection for and scope for exercise of rangatiratanga in respect of traditional fisheries.
6. We do not intend for this submission to derogate from or override any submissions iwi through their MIOs and/or AHCs may decide to make.

Our Position

In relation to CRA2

7. Te Ohu Kaimoana supports a variation of option CRA2_02 which sets a TAC of 215.5 tonnes¹ (t), decreases the TACC from 200 t to 120 t, maintains the customary allowance at 16.5 t, decreases the recreational allowance from 140 t to 34 t², and decreases other mortality from 60 t to 45 t.

In relation to CRA4

8. Te Ohu Kaimoana supports option CRA4_02 which increases the TAC from 484 t to 513.8 t, increases the TACC from 289 t to 318.8 t, and maintains allowances for customary at 35 t, recreational at 85 t and other mortality at 75 t.

In relation to CRA 7

9. Te Ohu Kaimoana supports the Te Waka a Maui Fisheries Forum decision for option CRA7_02. This follows the management procedure which decreases the TAC from 132.52 t to 117 t, decreases the TACC from 112.52 t to 97 t, and maintains the allowance for customary at 10 t, recreational at 5 t and other mortality at 5 t.

In relation to CRA 8

10. Te Ohu Kaimoana supports the Te Waka a Maui Fisheries Forum decision for CRA8_02. This follows the management procedure which increases the TAC from 1,053 t to 1,161.7 t, increases the TACC from 962 t to 1,070.7 t, and maintains allowances for customary at 30 t, recreation at 33 t, and other mortality at 28 t.

Background

Annual Assessment Results for CRA 2, 4, 7 and 8

11. The Ministry for Primary Industries (MPI) is currently receiving submissions on NRLMG proposals to adjust the total allowable catch (TAC) settings in CRA 2, 4, 7 and 8. The proposals are based on new stock assessment information for CRA 2, and the results from the operation of current management procedures in CRA 4, 7 and 8. These management procedures are designed to move or maintain stock abundance at or above agreed reference levels, while recognising a range of customary Maori, recreational and commercial values.

CRA2

12. The CRA2 stock assessment results have identified a need to reduce catches to halt the further decline in CPUE, and to move stock populations to an intermediate target of 40% SSB (Spawning Stock Biomass, which is the weight of all mature females in the autumn-winter).³
13. The 2017 stock assessment utilised CPUE data from vessels that have fished in CRA 2 longer than 5 years. Previous assessments have used CPUE data from vessels with fewer years in the fishery. The assessment results suggest female stock spawning biomass during the 2016 autumn-winter season was 18% of the unfished level, which is very likely to be below the soft limit of 20% of the unfished spawning stock biomass level. MPI policy requires a formal, time constrained rebuild plan to be put in place when a fishery is below 20% of the unfished spawning stock biomass. At 10% (the hard limit) a closure of the fishery is considered.

¹ The TAC has been reduced by 16 t to account for the reduction we have applied to the 50 t allowance in the IPP.

² Reduced from 50 t.

³ An alternative target reference level will be developed by the NRLMG in 2018.

14. The Initial Position Paper (IPP) proposes to decrease the TAC from 416.5 t to between 251.5 t and 191.5t, decrease the TACC from 200t to between 140t and 80t, decrease the recreational allowance from 140t to 50t, and decrease other sources of mortality from 60t to 45t. The customary allowance is retained at 16.5t.

CRA 4

15. Increasing CPUE has resulted in the management procedure proposing increases to the TAC and TACC. The IPP options are to either maintain the status quo or increase the TAC and TACC. Under both options the allowance for recreational and other sources of mortality remain at 85t and 75t respectively. The customary allowance remains at 35t.

CRA7

16. Decreasing CPUE has resulted in the management procedure proposing a decrease in the TAC and TACC. Two options are proposed, either status quo or a decrease to the TAC and TACC. The TAC decreases from 132.52 t to 117 t, the TACC decreases from 112.52 t to 97 t, and the current settings for customary, recreational and other sources of mortality are retained.

CRA 8

17. Increasing CPUE has resulted in the management procedure proposing increases to the TAC and TACC. The options include status quo or a TACC increase. The second proposal involves increasing the TAC from 1053 t to 1161 t, and allocating the increase to the TACC. The current settings for customary, recreational and other sources of mortality are retained.

18. The proposals for each stock are set out in table 1 below.

Table 1: Proposed management options in tonnes for CRA 2, 4, 7 and 8 from 1 April 2018.

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality
	<i>Status quo</i>	416.5	200	16.5	140	60
CRA 2	CRA2_01	251.5 ↓	140 ↓			
	CRA2_02	231.5 ↓	120 ↓	16.5	50 ↓	45 ↓
	CRA2_03	215.5 ↓	100 ↓			
	CRA2_04	191.5 ↓	80 ↓			
CRA 4	CRA4_01: <i>Status quo</i>	484	289			
	CRA4_02: Based on the operation of the CRA 4 management procedure	513.8 ↑	318.8 ↑	35	85	75
CRA 7	CRA7_01: <i>Status quo</i>	132.52	112.52			
	CRA7_02: Based on the operation of the CRA 7 management procedure	117 ↓	97 ↓	10	5	5
CRA8	CRA8_01: <i>Status quo</i>	1,053	962			
	CRA8_02: Based on the operation of the CRA 8 management procedure	1,161.7 ↑	1,070.7 ↑	30	33	28

Commentary

CRA2

Resetting the TAC and TACC

19. We agree that significant measures are required to correct the decline in the CRA2 CPUE, and to begin moving the fishery towards the intermediate target of 40% SSB.
20. The IPP presents four options for iwi and the wider public to consider. They are all aimed at achieving the same target rebuild but at different timeframes of between 4 and 9 years.
21. We support a variation of proposal CRA2_02, which provides for a 120 t TACC, for which the stock assessment model predicts a 7 year rebuild timeframe. This option is a good balance between all the options (80 t - 4 years, 100 t – 5 years, 120 t – 7 years, and 140 t – 9 years), the economic implications of TACC reductions on quota owners and fishers i.e. job losses, the impact on recreational and customary interests, and the need to rebuild the fishery to the intermediate target level within an appropriate timeframe.
22. Under our varied proposal, CRA2_02 reduces the TAC from 416.5 t to 215.5 t, decreases the TACC from 200 tonnes to 120 t, maintains the customary allowance at 16.5 t, decreases the recreational allowance from 140 t to 34 t, and decreases other mortality from 60 t to 45 t.
23. We do not support the 4 or 5 years rebuild options (reduce TACC to 80 t or reduce TACC to 100 t) because they will have a severe and unjustified impact on quota owners and commercial fishers. These two options will unnecessarily ruin the commercial viability of some of the 33 fishing vessels, processors, and transport operators.
24. The infrastructure supporting the rock lobster industry has already been adversely impacted through the industry voluntary catch reductions during the last two fishing years. This has left some operators marginally viable. The proposed reductions set out in the IPP will further increase the impacts on industry by reducing catches even further.
25. Based upon the current port price for CRA2 rock lobster, revenues will reduce by between \$4.32m and \$8.64m, depending on the option chosen by the Minister. As noted above, industry has shelved 50 t in each of the last two years, and has forgone profits in favour of the sustainability of the fishery.
26. The effects of TACC reductions on iwi and their Fisheries Settlement, and normal quota shareholdings, is that less resources will be available to support their members social and cultural activities, marae, and broader general charitable purposes. It means less work for iwi members that are employed in the industry. The implications of the proposed ACE reductions on industry, iwi, and communities under all options are significant.
27. Regarding proposal CRA2_01, we consider that the 9-year predicted timeframe in which to rebuild the fishery, is too long. Therefore, we consider the 140 t TACC is too high. It is also too close to the reduced catches achieved by industry shelving in 2015/2016 (50 t), and 2016/2017 (50 t). While these conserving actions by industry are commendable, the reality is that little improvement in CPUE (and abundance) appears to have been achieved, even at these reduced levels.
28. A close eye will need to be kept on recruitment into the CRA2 fishery in case it is much less than the assumption used in the base case.

Recreational allowance

29. At a meeting of the NRLMG on 6 December 2017, the group proposed two options for the recreational allowance for CRA2 be put out for consultation; 34 t and 50 t. However, when the IPP was released in January 2018, only the 50 t option was included.
30. In 2016, the model estimate of recreational catch was 34 t. However, MPI considers that the best available information on current recreational catch is provided from the 2011/12 National Panel Survey estimate of 40.86 t. This highlights a lack of consistency in the estimates used by MPI and raises the question why the 40.86 t was not applied in 2016. Furthermore, if we take into account the decline in the fishery since 2011/12, we would expect the 40.86 t estimate to have reduced to the 34 t model estimate used in the 2016 estimate.
31. In addition, if 34 t was used in the model assessment, then proposing a 50 t allocation will mean the model is over-optimistic and the timeframes for recovery will be longer than stated in the IPP. This reinforces the need to set the recreational allowance based upon the best available information.
32. For the fishery to recover as intended, recreational catches need to be managed within the recreation allowance to maintain the integrity of the TAC setting process. At 34 t or 40.86 t, significant actions will be required to keep fishers within the allowance.
33. In the multi stakeholder pre-consultation meetings there was support expressed by iwi and recreational representatives for seasonal closures. We fully support using this approach to manage recreational fishers inside the recreational allowance. Having Auckland on the doorstep of CRA2, means there may be too many people for bag constraints to be effective, and lower bag limits will likely cause greater compliance issues.
34. Commercial and customary have the infrastructure and systems to manage their interests within the TAC settings. Both have been constraining their catches for more than 2 years because of declining stocks. Industry has voluntarily left 100 t of rock lobster in the water over the last 2 fishing seasons. We encourage the recreational sector to take steps to improve the fishery too.

Duration of setting

35. The IPP refers to there being no adjustments to the TAC until CRA 2 is assessed again in 5 years' time. We support this proposal. Iwi and each sector need to actively manage their respective rights and interests in CRA 2. However, if each sector is managing within its allocations but the decline in the CPUE does not stop within the next year or two, perhaps because of low recruitment, additional corrective actions may be required.

Accommodation of customary interests

36. An issue that was raised in the pre-consultation meetings by representatives of iwi and Mai I nga Kuri a Whareki Tihirau Fishery Forum, was fisheries managers need to understand that iwi can only exercise customary rights within their respective rohe moana. Therefore, managers need to develop strategies that ensure iwi have access to rock lobster for customary purposes, within their areas, particularly those iwi that have strong customs and traditions associated with the rock lobster fishery.
37. Iwi also raised issues relating to the three Islands offshore from Whakatane, and their concern to ensure this important traditional fishing ground is sustainably managed for

future generations. To this end, iwi would like to see constraints placed on the amount of rock lobster that can be harvested from the area commercially. Industry has offered to meet with iwi to further discuss the issues raised. We encourage iwi and industry to meet. We are available to assist in these discussions if required.

CRA 4

Operation of the CRA 4 management procedure

38. We support the operation of the CRA 4 management procedure, and the proposed 29.8 t increase in the TACC.
39. If possible, we would like to see industry take the increase in the TACC from the northern area of CRA 4 (statistical area 912, 913, 914), which are the statistical areas that have experienced the increases in CPUE, and triggered the management procedure to increase the TACC.
40. We also suggest more research is done in determining the implications of only using CRA 4 CPUE data from vessels that have been in the industry more than 5 years, the same approach taken in CRA 2. We strongly suggest MPI reviews the research budgets required to support this and other work that may be required outside the standard stock assessment work done by the NRLMG.

CRA 7

41. We support the decision of the Te Ika a Maui Fisheries Forum to support proposal CRA7_02, and to decrease the TAC and TACC for CRA7.

CRA8

42. We support the decision of the Te Ika a Maui Fisheries Forum to support proposal CRA8_02, to increase the TAC and TACC for CRA8,

Noho ora mai rā,



Dion Tuuta
Chief Executive Officer
Te Ohu Kaimoana