

# **REGULATORY IMPACT STATEMENT**

## **Amateur Rock Lobster Harvest Regulations**

### **a. Executive Summary**

The Ministry of Fisheries (MFish) has received requests from the New Zealand Recreational Fisheries Council (NZRFC) and Fiordland Marine Guardians (FMG) to amend amateur regulations that relate to rock lobster fishing.

#### *Hand-operated Lasses*

The NZRFC has requested that hand-operated lasses (also referred to as “cray loops”) be permitted as a recreational rock lobster harvesting tool. This will enable amateur fishers to use a method considered less damaging than some currently permitted methods, and improve non-commercial access and utilisation of rock lobster fisheries.

MFish proposes to amend the Fisheries (Amateur Fishing) Regulations 1986 to allow the use of hand-operated lasses to harvest rock lobster. This will require a definition for hand-operated lasses in the regulations, as well as a prohibition on the concurrent possession of spring-loaded lasses and lobster because spring-loaded lasses potentially damage lobsters.

#### *Amateur Holding Pots*

The FMG have requested that amateur rock lobster “holding pots” be excluded from the current rock lobster pot limits and escape aperture requirements. This will enable amateur fishers to use holding pots to maximise their harvesting potential.

MFish proposes to amend the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 to exclude holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area (FMA). A separate holding pot definition will be instituted in the FMA and a holding pot limit of one pot per person or two pots per vessel will be imposed.

### **b. Adequacy Statement**

This Regulatory Impact Statement has been approved by the MFish’s Regulatory Impact Analysis Review Group and is considered adequate according to the criteria agreed by Cabinet.

### **c. Status Quo and Problem**

#### *Hand-operated Lasses*

The use of lasses to harvest rock lobster is not currently provided for in the regulations. New research shows lasses cause less damage to rock lobsters than some existing methods, therefore the inability to use lasses is not seen as credible by recreational fishers. Also, current regulations do not prevent recreational fishers from possessing lasses. This creates enforcement difficulties; retaining the status quo perpetuates these difficulties.

#### *Amateur Holding Pots*

Amateur holding pots must comply with harvesting pot escape aperture requirements and therefore count against limits on the number of harvesting pots allowed. This reduces the number of harvesting pots available for use by those amateur fishers using holding pots, which potentially affects their ability to harvest their catch allocation. Also, the requirement for escape apertures exposes stored catch to predators, reducing the quality of the catch harvested by amateur fishers.

#### **d. Objectives**

The key fisheries management objectives for the recreational rock lobster fisheries are:

- The sustainable utilisation of the recreational rock lobster resource;
- The value of the recreational rock lobster resource is maximised; and
- Management of the recreational rock lobster resource is credible.

#### **e. Alternative Options**

##### *Hand-operated Lassoos*

There is no alternative option other than the status quo. However, this will still require minor amendments to current regulations that prohibit the use and possession of lassoos in the rock lobster fisheries to resolve certain difficulties on enforcement of the restriction.

#### *Amateur Holding Pots*

The alternative option was to exclude holding pots from the general rock lobster pot limits and requirements in all New Zealand waters and institute a separate holding pot definition and limit. MFish considers that this scenario would significantly increase risks to the sustainable utilisation and value of all rock lobster fisheries. This is because there will be increased opportunities for fish thieves to hide illegal activity, creating utilisation and enforcement risks in the fishery. Increased opportunities for fish thieves in the FMA would be significantly reduced because of possession and accumulation limits, and catch labelling requirements that apply to amateur rock lobster harvesting in the area.

#### **f. Preferred Option**

##### *Hand-operated Lassoos*

MFish's preferred option is to amend regulation 25B of the Fisheries (Amateur Fishing) Regulations 1986 to allow the use of hand-operated lassoos for the amateur harvest of rock lobsters.

This method is shown to cause less damage to lobsters than already allowed methods, thus reducing mortality of lobsters being returned to sea. The amateur sector will positively benefit from this option through an increase in the range of harvesting methods available to them. The utilisation opportunities of customary and commercial fishers are unlikely to be impacted since there is no information to suggest hand-operated lassoos use would significantly increase amateur catch. Both customary and commercial sectors supported this option during consultation.

Defining permitted lassoes and their requirements within the amateur regulations will improve enforcement and compliance as there will be clarity as to the types of lassoes able to be used.

#### *Amateur Holding Pots*

MFish's preferred option is to amend the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 to exclude holding pots from rock lobster pot limits and escape aperture requirements in the FMA only. The exclusion would be similar to how they are excluded under commercial regulations.<sup>1</sup> Separate holding pot limits (one per person or two per vessel) applying to individuals and vessels would be introduced. Escape aperture requirements would not apply.

The FMA is the only area where holding pots are commonly used by amateur fishers. As the FMA already has accumulation and possession limits, and labelling requirements in place for rock lobsters, MFish is confident that the potential to increase opportunities for fish thieves is greatly reduced in comparison to other rock lobster fisheries. Excluding holding pots from the general rock lobster pot limits may result in some increase in compliance and enforcement costs. However, as this area is a discrete fishery, checks on holding pots would be made in association with the regular compliance activities.

Amateur fishers will positively benefit from this option; enabling them to protect and store their catch from outside predators on multiple-day fishing trips. This option is unlikely to impact on customary and commercial sectors' access to or utilisation opportunities of the rock lobster fishery because of the other harvesting restrictions in place in the FMA. This option was supported by the commercial sector during consultation, but not supported by the single customary sector submission.

### **g. Implementation and Review**

#### *Hand-operated Lassoes*

It is proposed that the amendments to the Fisheries (Amateur Fishing) Regulations 1986 for rock lobster fisheries in all New Zealand waters would come into force on 1 October 2009.

#### *Amateur Holding Pots*

It is proposed that amendments to the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 for the rock lobster fishery in the FMA would come into force on 1 October 2009.

Both amendments will form part of the framework for rock lobster management in New Zealand. MFish, with the National Rock Lobster Management Group (NRLMG), will be developing a national rock lobster fishery plan. This plan will set out management objectives and services (including regulations) in support of fishery objectives. The plan will include an annual review process for monitoring progress towards achieving objectives, and the regulations will be considered as part of the review process.

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<sup>1</sup> Fisheries (Commercial Fishing) Regulations 2001, regulation 79(6).

Amateur fishers and other stakeholders would be notified of changes via MFish administered Regional Recreational Forums, NRLMG stakeholder members, material posted on MFish external website and through contact with MFish Fisheries Surveillance Officers and Fisheries Operations staff. Enforcement of the proposed options would be achieved through fishers' interactions with MFish Compliance Staff.

#### **h. Consultation**

MFish released the Initial Position Paper for public consultation on 23 February 2009 to persons and organisations considered by MFish to have an interest in options to maximise utilisation of the recreational rock lobster. This included distribution to (but was not limited to) tangata whenua, national and regional stakeholder groups, non-commercial and commercial fishing sectors, recreational and iwi forums, environmental organisations, and publication on MFish's website. Feedback from the above consultation has been reviewed and final advice drafted and considered by the Minister of Fisheries.