

AMATEUR ROCK LOBSTER HARVEST REGULATIONS - INITIAL POSITION PAPER

Executive Summary

- 1 The Ministry of Fisheries (MFish) has received two requests from stakeholders to amend the Fisheries (Amateur Fishing) Regulations 1986 (Amateur Regulations) and/or the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 to improve access to, and utilisation of, rock lobster fisheries by amateur fishers.
- 2 One request is to allow the use of hand-operated lassoes (also referred to as cray loops) for the recreational harvest of rock lobster. The second request is to exclude amateur rock lobster holding pots from the current rock lobster pot limits and escape aperture requirements.

Hand-Operated Lassoes

- 3 The New Zealand Recreational Fishing Council (NZRFC), with support from stakeholder members of the multi-sector National Rock Lobster Management Group (NRLMG), request an amendment to allow the use of hand-operated lassoes for the recreational harvest of rock lobster.
- 4 In 2005, the previous Minister of Fisheries reviewed recreational rock lobster fishing methods and made provisions for some new gear methods to be used. The Minister did not provide for the use of lassoes as there was insufficient information about their potential impacts on rock lobster.
- 5 The NZRFC submitted new information¹ in 2008 on the impacts of lassoes on rock lobsters. Powrie (2008) concluded from a 2006 survey that the use of hand-operated lassoes causes fewer injuries to both hard- and soft- shell rock lobsters than hand gathering (a permitted harvesting method).
- 6 Based on this new information, both the NZRFC and stakeholder members of the NRLMG support an amendment to the Amateur Regulations to allow the use of hand-operated lassoes for the recreational harvest of rock lobster. Both the NZRFC and NRLMG stakeholder members recommend that spring-loaded lassoes be prohibited as a method to harvest rock lobster.
- 7 MFish invites stakeholders to comment on the new information (Appendix 1) that has been presented by the NZRFC and provide any additional information regarding the potential impact of hand-operated lasso use on the rock lobster fisheries. Stakeholders are invited to provide information or views in relation to any of the management options.

¹ Powrie, W. 2008. Injury caused by hand collection and lasso collection of New Zealand rock lobster (*Jasus edwardsii*). Report prepared for the New Zealand Recreational Fishing Council. Appendix 1.

Rock Lobster Holding Pot Requirements

- 8 The Fiordland Marine Guardians (FMG), supported by the stakeholder members of the NRLMG, request an amendment to the Amateur Regulations to exclude amateur rock lobster “holding pots” from the current rock lobster pot limits and escape aperture requirements.
- 9 Regulation 25C of the Amateur Regulations was introduced in 2004 to restrict the number of rock lobster pots that may be used, set, or possessed in New Zealand fisheries waters. Maximum pot limits are set at three pots per individual (including by an individual who is the only person on a vessel)² and six pots per vessel (where there are 2 or more individuals on a vessel)³. Exceptions to this rule exist in the Fiordland Marine Area, Paterson Inlet⁴ and Mimiwhangata Peninsula⁵ where lower pot limits apply.
- 10 The FMG believe that counting holding pots against the applicable pot limit was unintentional as it reduces the number of active fishing pots that may be utilised by amateur fishers. Requiring ^{holding} pots to comply with escape aperture regulations exposes rock lobster catch to predators.
- 11 In response to this request MFish proposes three options for consideration:
- Option A is to retain the status quo and count holding pots against general rock lobster pot limits and require holding pots to comply with escape aperture requirements.
 - Option B is to exclude holding pots in the Fiordland area from current rock lobster pot limits and escape aperture requirements, establish an explicit definition of a rock lobster holding pot and their requirements (i.e. unable to catch rock lobster and exclude escape apertures), and institute a holding pot limit.
 - Option C is to exclude holding pots in all New Zealand waters from current escape aperture requirements and harvesting pot limits, establish an explicit definition of a rock lobster holding pot and their requirements (unable to catch rock lobster and exclude escape apertures), and institute a holding pot limit.
- 12 MFish has concerns about the impact making better provision for amateur holding pots may have on ease of enforcement of bag limits and quantity of illegal take. This is because holding pots provide opportunities for fish thieves to hid illegal activity.
- 13 MFish requests any additional information regarding the benefits and challenges of removing holding pots from the current pot limits and escape aperture requirements. Stakeholders are invited to present information regarding how commonly used holding pots are and in what locations, and the number of holding pots that would be required per person or vessel if Option

² Fisheries (Amateur Fishing) Regulations 1986, regulation 25C(1)(a).

³ Fisheries (Amateur Fishing) Regulations 1986, regulation 25C(1)(b).

⁴ Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, regulations 4AAB(1)(c), and 5AA(1)(b).

⁵ Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, regulation 5(2)(e).

B or C were implemented. Stakeholders are invited to provide information or views in relation to any of the management options.

Regulatory Impact Analysis Requirements

- 14 A Regulatory Impact Statement on this proposal has been reviewed by MFish. For more information on the Regulatory Impact Analysis Requirements, please refer to the Treasury website, www.treasury.govt.nz/publications/guidance/regulatory.

Summary of Proposed Management Options

- 15 MFish reminds submitters that this Initial Position Paper is not final advice for the Minister, but gives stakeholders an opportunity to comment and provide supplementary information relevant to the discussion presented here. MFish is seeking comments or additional information from stakeholders on the following management options regarding (1) the use of hand-operated lassoes for harvesting rock lobsters, and (2) the use and requirements of holding pots in the amateur rock lobster fishery.

Hand-Operated Lassoes

Option	Description
Option 1	Retain current regulations that do not allow the use of lassoes to harvest rock lobster (<i>status quo</i>)
Option 2	Permit the use of hand-operated lassoes to harvest rock lobster, and prohibit the possession of spring-loaded lassoes and rock lobster catch concurrently.

Option 1 – Status Quo

- 16 Option 1 retains current regulations that prevent amateur fishers from using hand-operated or spring-loaded lassoes to harvest rock lobster in all New Zealand waters. Option 1 would require minor amendments to current regulations that prohibit the use and possession of lassoes in the rock lobster fisheries, to resolve certain enforcement difficulties of the current restriction.

Option 2 – Permit the use of Hand-operated Lassoes to Harvest Rock Lobster

- 17 Option 2 would permit amateur fishers to use hand-operated lassoes⁶ for the harvesting of rock lobster in all New Zealand waters. The concurrent possession of spring-loaded lassoes⁷ (and lassoes that do not comply with the hand-lasso definition) and rock lobster catch would not be permitted.

Holding Pot Requirements

Option	Description
--------	-------------

⁶ A hollow tube with a wire threaded through that forms a loop at one end of tube for grappling fish, and is attached to a solid handle at the other end.

⁷ A spring loaded lasso is similar to a hand-operated lasso except the loop to ensnare a fish is moved under the control of, or against the pull of, a spring fixed at one end.

Option A	Retain holding pots within current rock lobster pot limits and escape aperture requirements (<i>status quo</i>)
Option B	Exclude holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area, and institute a separate holding pot definition and limit
Option C	Exclude holding pots from general rock lobster pot limits and escape aperture requirements in all New Zealand waters, and institute a separate holding pot definition and holding pot limit

Option A – Status Quo

- 18 Option A retains current regulations that restrict amateur fishers in all New Zealand waters to the possession, set and use of the number of rock lobster pots and escape aperture requirements defined in regulations 25B and 25C of the Amateur Regulations⁸.

Option B – Exclude holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area, and institute a separate holding pot definition and limit

- 19 Option B would exclude holding pots from the current pot limit restrictions in the Fiordland Marine Area, under the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991. Instead, holding pot numbers would be subject to separate limits in the Fiordland Marine Area. For example, 1 holding pot per individual or a maximum of 2 holding pots per vessel.
- 20 Option B would exclude holding pots from rock lobster pot escape aperture requirements in the same way they are excluded under the commercial regulations (Fisheries (Commercial Fishing) Regulations 2001 (“Commercial Regulations”)⁹). The escape aperture requirements, under the Commercial Regulations, allow the use of rock lobster pots for holding rock lobsters without escape apertures if the pots are not capable of being used for the taking of rock lobster.
- 21 A provision or defence (with restrictions) would be added to the regulations to allow the possession of holding pots outside of the Fiordland Marine Area for vessels in transit to/from the Fiordland Marine Area.

Option C – Exclude holding pots from general rock lobster pot limits and escape aperture requirements in all New Zealand waters, and institute a separate holding pot definition and limit

⁸ Variations to this regulation, where lower pot limits apply, exist in the Fiordland Marine Area and Paterson Inlet as per the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, regulations 4AAB (1)(c), and 5AA (1)(b), and in Mimiwhangata Peninsula as per Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, regulation 5 (2)(e).

⁹ Fisheries (Commercial Fishing) Regulations 2001, regulation 79(6).

- 22 Under Option C holding pots would be excluded from the general rock lobster pot limit restrictions, under regulation 25C in the Amateur Regulations¹⁰. Instead, holding pot numbers would be subject to separate limits in all New Zealand fisheries waters. For example, 1 holding pot per individual, or a maximum of 2 holding pots per vessel.
- 23 Option C would exclude holding pots from the general rock lobster pot escape aperture requirements if the pots are not capable of being used for the taking of rock lobster. The regulation would be defined the same way as the commercial regulation for holding pots.¹¹

In the following sections of the paper, the two different management options being proposed are discussed separately. The first rationale and assessment of management options sections below discusses hand-operated lassoes, and the later rationale discusses amendment to holding pot requirements.

Management Options - *Hand-operated Lassoes*

Background to Management Problem

- 24 MFish has received a request from the NZRFC, with support from stakeholder members of the NRLMG, to allow the use of hand-operated lassoes (also referred to as “cray loops”) for the recreational harvest of rock lobster.
- 25 Lassoes are not mentioned in the Amateur Regulations, and do not meet the requirements of permitted methods (e.g. rock lobster pot).
- 26 Fisher ingenuity and gear technology developments results in fishers using new harvesting methods that may be undefined and not explicitly regulated. In 2005, the previous Minister reviewed amateur rock lobster harvesting methods and made provisions for some new methods, but retained the restriction on lassoes until the potential impacts on rock lobsters were examined.
- 27 The use of lassoes became increasingly popular from the mid-1990s up to the 2005 review. During this time, many amateur fishers that used lassoes to harvest rock lobster were not aware they did not meet the requirements of permitted rock lobster harvesting methods.
- 28 Even though the use of lassoes to harvest rock lobster is currently prohibited (because they do not meet the requirements of permitted methods and are not explicitly defined in the regulations), the possession of lassoes (hand-operated or spring-loaded) is not. This creates confusion among amateur fishers that can possess a lasso but not use it to harvest lobster. Similarly, enforcing against the use of lassoes to harvest rock lobster requires proof as to whether lassoes were used. Both management options presented would resolve these problems.

Rationale for Management Options

¹⁰ Ibid, n. 8.

¹¹ Ibid, n.9.

- 29 MFish believe a review of the use of hand-operated lassoes to harvest rock lobster is appropriate since new information, provided by the NZRFC, has become available regarding the potential impact of hand-operated lassoes on rock lobster (Appendix 1).
- 30 A survey was conducted between January and October of 2006 to compare the impacts of hand-gathering and hand-operated lassoes on harvested rock lobster¹². Multiple dives were completed around the North Island of New Zealand and a total of 126 rock lobsters were collected. 16 soft- and 65 hard-shell lobsters were collected by hand, and 10 soft- and 35 hard-shell lobsters were collected by lasso.
- 31 Of the 45 rock lobster caught by lasso, 4 lobsters (approximately 9%) had a total of 4 injuries (primarily antenna loss). These injuries were found only in hard-shell lobsters, and no injuries were recorded for soft-shell lobster collected by lasso.
- 32 Of the 81 rock lobster gathered by hand, 81 injuries were reported in 56 lobsters (approximately 69.1%). These injuries consisted primarily of single antenna or single limb loss for hard-shell lobster. The most common injuries recorded in soft-shell lobsters were single or double antenna loss, single horn loss, and single or double limb loss. Injuries from hand collection occurred in approximately 87.5% of soft-shell and 64.6% of hard-shell lobsters.
- 33 No information about the state of the lobsters prior to collection is provided (i.e. evidence of pre-existing damage or injuries to antennae, horns, limbs or carapace shell).
- 34 The impacts of spring-loaded lassoes on rock lobster were not addressed within this study, but were noted to have caused unnecessary injury to rock lobster in previous use. The NZRFC, with the support of NRLMG stakeholder members, have requested that the use of spring-loaded lassoes not be allowed as a harvesting method for rock lobster.
- 35 This information presented by the NZRFC has not been peer reviewed by the Rock Lobster Fisheries Assessment Working Group, but stakeholder members of the NRLMG found the information to be sufficient to formulate a management position.
- 36 Based on the results of the survey, the information concludes that the use of hand-operated lassoes causes significantly fewer injuries than hand collection to both soft- and hard- shell lobsters.

Rationale for Option 1: Status quo

- 37 Option 1 is a realistic management option if the survey information presented by the NZRFC is considered incomplete and:

¹² Powrie, W. 2008. Injury caused by hand collection and lasso collection of New Zealand rock lobster (*Jasus edwardsii*). Report prepared for the New Zealand Recreational Fishing Council.

- Does not provide sufficient detail on the collection methods used, the timing and location of collections, or the evaluation of injuries caused by hand or hand-operated lasso collection versus pre-existing damage;
 - Does not consider other important potential impacts on the lobster or surrounding environment;
 - Is inconsistent with other studies or information that fishers may produce that shows the impacts of lassoes on rock lobster to be significant;
 - Relies on the assumption that all fishers will correctly operate a hand-operated lasso.
- 38 Presently, MFish does not have information that shows currently permitted methods constrain the ability of amateur fishers to harvest rock lobster, and whether the inclusion of additional methods is required to maximise utilisation and value.

Rationale for Option 2: Permit the use of hand-operated lassoes

- 39 Option 2 is an appropriate management option if the survey information provided by the NZRFC is considered robust and:
- Clearly identifies the potential impacts the use of hand-operated lassoes may have on rock lobsters;
 - Does not neglect other potential impacts on rock lobster or the surrounding environment;
 - Is consistent with other studies or information that fishers may produce that shows lassoes cause minimal damage or injury to rock lobsters.

Assessment of Management Options

- 40 This section will consider each proposed management option in detail and address potential effects on sustainability of the fishery and its surrounding environment, potential impacts on utilisation values for each fishing sector involved, and the credibility and potential acceptance of each management option.

Option 1 – Status Quo – Retain Restriction on Hand-operated Lassoes

Sustainability and Environment

- 41 Option 1 does not allow the use of hand-operated lassoes to harvest rock lobster. Maintaining the *status quo* will result in no change to the catching efficiency of amateur fishers using lawful methods, and daily bag limits are in place to restrict overall daily harvest.
- 42 There are no *perceived* risks or impacts on other marine organisms and the surrounding environment if the current regulations are maintained.

Utilisation Value

- 43 Option 1 does not change current utilisation opportunities of amateur fishers. However, prohibiting the use of hand-operated lassoes by amateur fishers to harvest rock lobster may unnecessarily *constrain* their ability to maximise utilisation of rock lobster fisheries. Difficulties in accessing rock lobster hidden in deep or narrow rock crevices, unreachable by hand-gathering, would continue.
- 44 Maintaining the *current* regulations is unlikely to impact on the utilisation opportunities or success of either the customary or commercial fishing sectors.

Credibility and Acceptance

- 45 New information presented by the NZRFC concludes the use of hand-operated lassoes is no more damaging than hand-gathering, a current permitted method. The NZRFC believes it is not credible to prohibit a *method* that has been shown to cause less damage than already permitted methods.
- 46 Current regulations allow the possession of lassoes when harvesting rock lobster but prevent their use to harvest rock lobster. Enforcement against those using lassoes to harvest rock lobster is difficult *unless* fisheries officers directly observe fishers using the lassoes to take rock lobster. Option 1 may enable the illegal use of lassoes to harvest rock lobster, and allow an inability to control (potentially damaging) lasso designs (e.g. spring-loaded) and their possession with rock lobster catch to continue.
- 47 Option 1 would therefore require a minor amendment to the current regulations to prohibit both the *concurrent* possession of lassoes and rock lobster catch if lassoes are continued to be prohibited as a rock lobster harvesting method.

Option 2 – Permit the Use of Hand-operated Lassoes to Harvest Rock Lobster

Sustainability and Environment

- 48 A survey presented by the NZRFC found that hand-operated lassoes caused less damage to both hard- and *soft*-shell rock lobster than those collected by hand gathering, a current permitted harvesting method. Allowing the use of hand-operated lassoes may reduce lobster injury during harvest and contribute to the health of the rock lobster fishery, increasing chances of survival if lobsters are returned to the sea. MFish has no information on the quantum of impact because no information on the likely amount of effort transfer from hand-gathering to lassoes is available.
- 49 The survey *presented* noted that spring-loaded lassoes cause unnecessary damage to rock lobster that could affect stock health, although it did not provide any evidence of this.
- 50 During the 2005 review of amateur rock lobster harvesting methods, some customary and commercial representatives expressed concern that the addition of hand-operated lassoes to amateur harvesting methods could significantly

increase total amateur catch (the amount of which is currently unknown). However, in 2008, both customary and commercial representatives within the NRLMG were supportive of the hand-operated lasso request put forward by the NZRFC.

- 51 Daily bag limits are in place to restrict overall harvest in the amateur sector. To date, there is no information to suggest that the use of hand-operated lassoes would result in an increase in total harvest by the recreational sector.
- 52 Hand-operated lassoes are a species-specific target method that is unlikely to affect or impact other marine organisms or the surrounding environment.

Utilisation Value

- 53 Amateur fishers are likely to be positively affected by modifying current regulations.
- 54 Permitting the use of hand-operated lassoes by amateur fishers to harvest rock lobster would increase the range of methods available to fishers to deploy, and may maximise their ability to utilise and access the rock lobster fisheries. Amateur fishers may have improved access and opportunity to harvest rock lobster hiding in deep or narrow rock crevices that are unattainable with currently permitted methods.
- 55 Option 2 would not impact on customary fishers as they are not restricted to certain fishing methods. The utilisation opportunities of both customary and commercial fishers may be impacted if the use of hand-operated lassoes significantly increased total amateur catch, reducing available stock for customary and commercial harvest. However, this impact is considered unlikely as there is no information to suggest the use of hand-operated lassoes would drastically change catching efficiency of amateur fishers. Anecdotal evidence suggests that prior to the 2005 review the use of hand-operating lassoes had been steadily increasing since the mid-1990s and was a commonly deployed method. Since the 2005 review, when lassoes were deemed a non-permitted method, there is no information to suggest that a large reduction in the efficiency of amateur harvest of rock lobster has occurred.

Credibility and Acceptance

- 56 The NZRFC has presented new information that concludes the use of hand-operated lassoes is no more damaging than hand-gathering, a current permitted method. The NZRFC believes the allowance of a method that has been shown to cause less damage than already permitted methods would be a credible and acceptable management option.
- 57 Prior to the review of rock lobster amateur harvesting method regulations in 2005, hand-operated lassoes were a tool commonly used to harvest rock lobster. Permitting the use of hand-operated lassoes would enable a previously utilised harvesting method of rock lobster to be legalised.

- 58 Legalising hand-operated lassoes would improve both compliance and enforcement of Amateur Regulations. By defining permitted lassoes and their requirements within the Amateur Regulations enforcement of restrictions on non-permitted lasso design would be more effective. By prohibiting the concurrent possession of non-permitted lassoes (e.g. spring-loaded) and rock lobster harvest within the Amateur Regulations, fishery officers will be able to provide a clear message on lasso use to amateur fishers.
- 59 The possession of gear that has not been reviewed (e.g. spring-loaded lassoes) can be clearly prohibited and enforced. Spring-loaded lassoes have not been evaluated by research and are not supported as a harvesting tool by the NZRFC or NRLMG stakeholder members. MFish supports this restriction because there is no current information available that addresses the potential impacts spring-loaded lassoes could have on rock lobster.

Conclusion

- 60 The best available information at this time, suggests Option 2 is the preferred approach because:
- Current information suggests that hand-operated lasso designs result in fewer injuries to rock lobster than some current permitted methods.
 - The use of hand-operated lassoes would increase the range of methods available to amateur fishers to harvest rock lobster, and enable them to harvest lobster previously inaccessible using current methods (e.g. lobsters located in deep or narrow crevices).
 - Clear definitions of legal lasso design and the prohibition of non-legal lasso possession with rock lobster catch would improve compliance and enforcement efforts.
 - The use of hand-operated lassoes is unlikely to impact customary and commercial sectors access or utilisation opportunities of the rock lobster fishery.
- 61 MFish invites stakeholders to provide additional information. In particular, MFish invites information on:
- Reasons for either supporting or challenging the results of the survey presented by the NZRFC on the use of hand-operated lassoes.
 - Unidentified impacts hand-operated lassoes may have on rock lobster during harvest.
 - Suggested definitions and designs of hand-operated lassoes that could be permitted within, or should be excluded by, the Amateur Regulations.
 - Information on the likely uptake of lassoes among amateur fishers and/or the impact on amateur harvesting of rock lobster.

Management Options - *Amend Holding Pot Requirements*

Background to Management Problem

- 62 MFish has received a request from the Fiordland Marine Guardians (FMG), supported by the stakeholder members of the NRLMG, to exclude amateur

rock lobster “holding pots” from the current rock lobster pot limits and escape aperture requirements.

- 63 Regulation 3 of the Amateur Regulations defines a rock lobster pot as any pot, whether baited or not, that is capable of catching or holding rock lobsters, and includes any other device capable of catching, holding or storing rock lobsters.
- 64 The Amateur Regulations prohibit the use of rock lobster pots that do not comply with requirements defined in regulation 25B, including the type and number of escape gaps incorporated into the rock lobster pot.
- 65 Regulation 25C of the Amateur Regulations was amended in 2004 to restrict amateur rock lobster fishers to a limit of three pots per individual (including by an individual who is the only person on a vessel)¹³, and six pots per vessel (where there are 2 or more individuals on that vessel)¹⁴ in all New Zealand fisheries waters, except in the Fiordland Marine Area, Paterson Inlet¹⁵ and Mimiwhangata Peninsula where lower limits apply¹⁶.
- In the Fiordland Marine Area there is a three pot limit per individual or per vessel.
 - In Paterson Inlet there is a limit of two pots per individual or per vessel.
 - In Mimiwhangata Peninsula the pot limit is one pot per individual or vessel.
- 66 Amateur pot limits were introduced to limit opportunities for fish thieves (posing as amateur fishers) to deploy large numbers of pots, and harvest, store and land lobsters in excess of maximum daily limits.
- 67 Given these limits, the use of holding pots reduces the number of catching pots amateur fishers can use to harvest rock lobster. For example, in regions like the Fiordland Marine Area, some fishing trips can last a week or more. If fishers wish to store accumulated rock lobster catch live in holding pots, daily catches must be put in separate holding pots. Counting holding pots against the general rock lobster pot limit reduces the number of harvesting pots available. The FMG believes this was an unintentional outcome of the 2004 amendment that reduces amateur fishers’ access to and utilisation of the rock lobster fisheries.
- 68 Currently, amateur holding pots must comply with harvesting pot escape aperture requirements, which is undesirable to amateur fishers who use holding pots as apertures expose their stored catch to predators (e.g. octopus). Conversely, commercial holding pots are excluded from escape aperture requirements¹⁷ and can be covered in small size mesh to prevent incursion by predators. The FMG feel these differences in holding pot requirements were unintentional and should be corrected.

¹³ Ibid, n.2.

¹⁴ Ibid, n.3.

¹⁵ Ibid, n.4.

¹⁶ Ibid, n.5.

¹⁷ Ibid, n.9.

- 69 MFish notes the risks associated with holding pots used by commercial fishers are considerably less than those associated with amateur fishers because of commercial record keeping and reporting requirements. Commercial catch can be monitored and tracked by compliance officials because commercial fishers are required to report their catch (i.e. whether it is being stored at sea in a holding pot, in a live tank on land or landed at a licensed fisher receiver). The amount of rock lobster caught is eventually counted towards their annual catch entitlement and the total allowable commercial catch. This type of monitoring is not currently available in the amateur rock lobster fisheries.

Rationale for Management Options

- 70 MFish believes consideration of management action is appropriate to maintain credibility and provide a workable management decision. The management problem is based around providing fishers with maximum value and utilisation of the rock lobster fishery by enabling amateur fishers to protect their stored catch live without reducing allowable harvesting pot limits.

Rationale for Option A: Retain holding pots under current general rock lobster pot limits and escape aperture requirements (*status quo*)

- 71 Option A would be an appropriate management option if the importance of maintaining holding pots as part of current potting restrictions (escape apertures) and limits is demonstrated.

- 72 Amateur pot limits were introduced to control situations when large numbers of pots were being utilised by fish thieves (posing as amateur fishers) and where the potential risk for lobsters to be caught, stored and landed in excess of maximum daily limits was high.

Rationale for Option B: Exclude holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area, and institute a separate holding pot definition and limit

- 73 Option B would be appropriate if it is demonstrated that excluding holding pots from the general rock lobster pot limits in the Fiordland Marine area would:

- a) Improve amateur value by removing utilisation constraints, and
- b) Not significantly increase opportunities for fish thieves to harvest, hide or land illegal catch in excess of daily bag limits.

- 74 Holding pots would not have to comply with existing escape aperture requirements that are currently perceived by amateur fishers as undesirable and inconsistent with commercial regulations that allow stored catch to be protected from outside predators.

Rationale for Option C: Exclude holding pots from general rock lobster pot limits and escape aperture requirements in all New Zealand waters, and institute a separate holding pot definition and limit

- 75 Option C would be appropriate if it is demonstrated that excluding holding pots from the general rock lobster pot limits in all New Zealand fisheries waters would:
- a) Improve amateur value by removing utilisation constraints, and
 - b) Not significantly increase opportunities for fish thieves to harvest, hide or land illegal catch in excess of daily bag limits.
- 76 Amateur pot limits were introduced as a control method to reduce opportunities for fish thieves (posing as amateur fishers) to land rock lobster in excess of daily limits.

Assessment of Management Options

- 77 This section will consider each proposed management option in detail and address potential effects on sustainability of the fishery and its surrounding environment, potential impacts on utilisation values for each fishing sector involved, and the credibility and potential acceptance of each management option.

Option A – Status Quo

Sustainability and Environment

- 78 Option A proposes to maintain current rock lobster pot requirements and would have no impact on rock lobster sustainability.
- 79 There are no perceived risks or impacts on other marine organisms and the surrounding environment if current regulations are maintained.

Utilisation Value

- 80 Counting holding pots against the general rock lobster pot limits would not change current utilisation opportunities of amateur fishers. However, this option may unnecessarily restrict the ability of amateur fishers using holding pots to maximise harvesting potential by reducing the number of harvesting pots that are available to them.
- 81 Requiring holding pots to meet escape aperture requirements prevents amateur fishes from protecting their stored catch against predators, such as octopus.
- 82 Maintaining the current regulations will not change the utilisation opportunities or success of either the customary or commercial fishing sectors.

Credibility and Acceptance

- 83 Counting holding pots against the general rock lobster pot limits reduces the number of catching pots available to amateur fishers that also require holding pots to store their catch. However, only fishers that may not land their catch on a daily basis would require holding pots and the extent to which this occurs in the New Zealand recreational rock lobster fishery outside of the Fiordland Marine Area is unknown.
- 84 The challenge is greater for fishers in areas where tighter pot restrictions already exist (Fiordland Marine Area, Paterson Inlet, and Mimiwhangata Peninsula), potentially reducing amateur fishers to 1 pot, or no pot, available to harvest lobster. In the Fiordland Marine Area, accumulation limits and holding requirements¹⁸ mean fishers that want to store rock lobster live in holding pots, must keep their daily catches in separate holding pots, further reducing the number of active pots they have available.
- 85 Preventing amateur fishers from effectively protecting their stored catch against outside predators by requiring holding pots to comply with escape aperture requirements is viewed by amateur fishers as undesirable. Exposure to outside predators with current escape aperture requirements could result in a loss of amateur harvested catch or damage to stored catch. The FMG also view escape aperture requirements as inconsistent when compared with commercial holding pot requirements.
- 86 Maintaining holding pots within current harvesting pot limits and requirements reduces the opportunities for fish thieves (posing as amateur fishers) to overfish and store/hide excess catch for retrieval at a later time. Pot limits assist fishery officers in the monitoring of gear possessed by individual fishers and allows for easier monitoring of fisher behaviour. Provision for holding pots could enable fish thieves to hide illegal behaviour by landing large quantities of rock lobster and claiming it as accumulated daily bag limits. For example, a fish thief could land 36 lobsters they fished in one day and claim them as accumulated catch over a 6 day period that was stored in their holding pots. In the absence of additional information, a fishery officer would be unable to prove otherwise, which compromises their ability to enforce recreational daily bag limits. Increases in illegal catch impact the sustainability of the fishery, and the utilisation opportunities of all legitimate fishers (customary, recreational and commercial). Any management measure that may exacerbate illegal fishing, either by creating opportunities for fish thieves or by making enforcement difficult should be avoided.

Option B – Exclude holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area, and institute a separate holding pot definition and limit

Sustainability and Environment

¹⁸ Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, regulation 7(5).

- 87 Option B proposes to exclude holding pots from escape aperture requirements and the general rock lobster pot limits, and institute separate holding pot limits in the Fiordland Marine Area.
- 88 This option may increase opportunities for fish thieves, which could pose a significant sustainability risk. However, daily bag limits of 6 rock lobsters per individual within the Fiordland Marine Area, and 3 rock lobsters per individual within the internal waters of Fiordland, and accumulation limits of 15 rock lobsters per individual removed over 3 or more days, are in place in the Fiordland Marine Area to limit overall harvest and constrains potential impact to this area.
- 89 Removal of escape aperture requirements in holding pots is considered unlikely to impact the health and sustainability of the rock lobster fishery. Amateur fishers are still required to comply with minimum sizes of rock lobster when caught, and daily bag and accumulation limits. However, holding pots could be used to store undersize lobster until they moult and can be landed as legal size.
- 90 Removal of escape apertures will allow fishers to protect their catch from outside predators, and prevent other marine organisms from entering into the pot and being retained, reducing potential impacts on other marine organisms.

Utilisation Value

- 91 Amateur fishers in the Fiordland Marine Area are likely to be positively affected by Option B.
- 92 Removing holding pots from applicable harvesting pot limits would allow amateur fishers to maximise harvesting potential by utilising their entire legal harvesting pot limits to catch rock lobsters. Restricting the number of holding pots allowed by each individual or vessel reduces the opportunities for fish thieves (posing as amateur fishers) to overfish and diminish the rock lobster stock available for customary, amateur and commercial sectors. However, removing holding pots from the general rock lobster pot limits may result in an increase in compliance and enforcement costs.
- 93 Removing the escape aperture requirements on holding pots will allow amateur fishers to protect their stored catch from outside predators, thereby improving the quality of their take-home catch, and will benefit users in both the short- and long-terms that adopt this option.
- 94 Modifying the current restrictions on amateur holding pots in the Fiordland Marine Area is unlikely to impact on the utilisation opportunities of the customary and commercial sectors. Although the number of catching pots available to amateur fishers using holding pots would be maximised (enabling them to fulfil their daily bag limits more easily), accumulation limits restrict the abundance of rock lobster taken by an individual or vessel.

Credibility and Acceptance

- 95 Option B removes holding pots from the general rock lobster pot limits and enables amateur fishers in the Fiordland Marine Area to protect their catch from outside predators by removing holding pots from escape aperture requirements. Some amateur fishers may consider this more credible fisheries management because it improves the consistency between holding pot requirements in the commercial and amateur regulations.
- 96 Amateur fishers can choose to possess a holding pot under Option B, but if a holding pot is possessed and not used, the number of active harvesting pots available to utilise would not be affected. The holding pot would be constrained by a separate pot limit restriction aside from rock lobster harvesting pot limits.
- 97 Some fishery stakeholders may not consider Option B credible. Rock lobster catch could be more easily hidden by fish thieves if holding pots are allowed. Accumulation limits and labelling requirements are in place in the Fiordland Marine Area, which make the practice of storing and harvesting catch in excess of daily and accumulated limits more difficult than in other New Zealand waters but the risk of misuse is present.
- 98 If holding pot numbers are not constrained, a number of potential issues for compliance/enforcement may arise:
- From the sea surface holding and catching pots are indistinguishable, requiring each pot to be hauled to determine its use. Unlimited pots would increase time and financial costs of compliance operations, reducing their efficiency.
 - Allowing an unlimited number of holding pots could increase the opportunities for fish thieves (posing as amateur fishers) to harvest in excess of daily bag limits by storing rock lobster at sea to retrieve at a later time.
- 99 Anecdotal evidence suggests that some charter vessels misuse holding pots and land the daily bag limit for every customer even if the rock lobster are not actually caught during that trip. Restricting the number of holding pots that any person or vessel can possess would reduce the risk of such a practice becoming more prevalent.

Option C – Exclude holding pots from general rock lobster pot limits and escape aperture requirements in all New Zealand waters, and institute a separate holding pot definition and limit

Sustainability and Environment

- 100 Option C proposes to exclude holding pots from escape aperture requirements and the general rock lobster pot limits, and institute separate holding pot limits in all New Zealand waters.
- 101 Option C may pose greater risk to the sustainability of the rock lobster fisheries as this option may significantly increase the opportunities for fish thieves (posing as amateur fishers) to hide illegal activity by landing large quantities of rock lobster and claiming it as accumulated daily catch that was

stored in a holding pot. This is considered a more significant risk under Option C because accumulation limits do not apply in New Zealand waters outside of the Fiordland Marine Area.

- 102 If holding pot numbers are not limited (outside of current pot regulations), their misuse could make it easier for fish thieves (posing as amateur fishers) to double- (or multiple-) dip their pots to catch and store rock lobster in excess of maximum daily limits.
- 103 Modifying holding pot limits is unlikely to affect other marine organisms and the surrounding environment. Removing escape apertures from holding pots would prevent entry of any other marine organisms and any accidental collection.

Utilisation Value

- 104 Amateur fishers are likely to be positively affected by Option C in terms of utilisation opportunities, but may be negatively impacted if illegal harvest increases.
- 105 Removing holding pots from applicable harvesting pot limits would allow amateur fishers to maximise harvesting potential by utilising their entire legal rock lobster pot limits to catch rock lobster.
- 106 Restricting the number of holding pots allowed by each individual or vessel would reduce, but not eliminate, the risk of fish thieves violating catch limits. However, it would also mean increases to enforcements costs and a greater difficulty in enforcing daily bag limits and proving excess accumulated landings.
- 107 Removing the escape aperture requirements on holding pots will allow amateur fishers to protect their stored catch from outside predators, and increase consistency between amateur and commercial holding pot requirements.
- 108 Modifying the current restrictions on amateur holdings pots may impact the utilisation opportunities of all legitimate fishers (customary, recreational and commercial) if fish thieves land catch in excess of daily bag limits and claim it as accumulated catch in holding pots. Option C maximises the number of catching pots available to fishers that use holding pots, and may improve their catching success (increasing the total amateur catch). However, the use of holding pots in most New Zealand waters is currently not considered common practice. The use of holding pots could also increase the opportunities for fish thieves to poach from amateur fishers' stored catch.
- 109 Illegal rock lobster fishing is already beyond levels acceptable both stakeholders and managers. Any management measure that may exacerbate it unnecessarily, either by creating opportunities for fish thieves or by making enforcement difficult, is undesirable. An increase in illegal fishing would threaten the utilisation value of all legitimate users.

Credibility and Acceptance

- 110 Some amateur fishers may consider Option C credible. Amateur fishers can choose to possess a holding pot under Option C, but even if a holding pot is possessed and not used, the number of active harvesting pots they have available to utilise is not affected and would instead be constrained by a separate holding pot limit restriction aside from rock lobster harvesting pot limits.
- 111 This option enables fishers to protect their catch from outside predators by removing holding pots from escape aperture requirements. The FMG believe that improving consistency between holding pot requirements in the commercial and amateur regulations would contribute to credible fisheries management.
- 112 Some fishery stakeholders may not consider Option C credible. If holding pots are allowed in all New Zealand waters a number of potential issues for compliance/enforcement may arise:
- From the sea surface holding and catching pots are indistinguishable, requiring each pot to be hauled to determine its use. Unlimited pots would increase time and financial costs of compliance and enforcement operations, reducing their efficiency.
 - Allowing an unlimited number of holding pots could increase the opportunities for fish thieves (posing as amateur fishers) to harvest in excess of daily bag limits by storing rock lobster at sea to retrieve at a later time.
 - Allowing holding pots to be used would enable fish thieves (posing as amateur fishers) to take rock lobsters in excess of the daily bag limit and then claim that the catch was actually accumulated over time and was being stored in a holding pot. In the absence of additional information, a fishery officer would be unable to prove otherwise, which compromises their ability to enforce recreational possession limits. There are no accumulation limits for rock lobster in New Zealand waters, except in the Fiordland Marine Area, which makes enforcement against excessive catches even more difficult.
 - The lack of accumulation limits in most New Zealand waters in addition to the changes proposed for holding pots could increase the occurrence of some charter vessels to misuse holding pots and land the daily bag limit for every customer even if the rock lobster were not actually caught during that trip.
- 113 Although commercial fishers are permitted to use unlimited numbers of holding pots, they are also required to report their catch (i.e. whether it is being stored at sea in a holding pot, in a live tank on land or landed at a licensed fisher receiver). This amount is eventually counted towards their annual catch entitlement and the total allowable commercial catch, which enables checks and balances of their commercial activities. Furthermore, commercial fishers are required to land all rock lobster catch alive and the

quantities each one of them deals with are significantly greater than the recreational daily bag limit. For this reason, commercial fishers have a legitimate need for using holding pots without escape apertures throughout the country.

- 114 In comparison, recreational fishers are not required to land rock lobsters alive and the quantities taken by individual fishers are much smaller. Therefore, there does not appear to be a legitimate use for holding pots by recreational fishers, except perhaps in extremely remote areas like the Fiordland Marine Area. The number of recreational fishers in New Zealand waters and the amount of rock lobster caught recreationally are currently unknown. Catches in excess of daily bag limits could be more easily hidden by fish thieves if holding pots are allowed in all New Zealand waters because there is no way to keep track of what is being removed and by how many individuals.

Conclusion

- 115 MFish is concerned about the impact making better provision for amateur holding pots would have on ease of enforcement and quantity of illegal take. If holding pots were permitted in the amateur rock lobster fishery, the best available information at this time, suggests Option B would be the preferred approach because:

- Amateur fishers in the Fiordland Marine Area that currently use holding pots would not be restricted in their ability to use the maximum number of harvesting pots allowed.
- By constraining the number of holding pots allowed per person or vessel, the opportunities for fish thieves (posing as amateur fishers) to catch and store rock lobster in excess of daily limits is constrained.
- Daily bag and accumulation limits in the Fiordland Marine Area restrict the number of lobsters that can be possessed at any one time. Labelling requirements of accumulated catch enable fishery officers to monitor when and where (e.g. internal waters of Fiordland) the catch was caught on extended fishing trips in the area.
- Removing escape aperture requirements from holding pots enables amateur fishers to protect their catch from outside predators and improves consistency between amateur and commercial holding pot requirements.
- Removing holding pots from current harvesting pot limits and escape aperture requirements is unlikely to impact customary and commercial sectors' access or utilisation opportunities of the rock lobster fishery. Daily bag and accumulation limits, harvesting pot limits and escape aperture requirements on harvesting pots that constrain overall amateur harvest are not affected by the current proposal.

- 116 MFish therefore invites stakeholder to provide additional information. In particular, MFish invites information on:

- The number of amateur fishers currently using holding pots and the locations in New Zealand fisheries waters where holding pots are commonly used.

- How amateur fishers using holding pots operate within current harvesting pot limits (i.e. fish with two pots and have one holding pot).
- Amateur fisher preferences on the removal of holding pots from either current counts against the general rock lobster pot limits, escape aperture requirements or both.
- The number of holding pots that would be required per person or per vessel and a justification for the proposed numbers (e.g. a 1 holding pot limit per person or 2 holding pot limit per vessel).
- The impact that better providing for amateur holding pots will have on:
 - a) Opportunities for fish thieves,
 - b) Customary fishing values, and
 - c) Commercial fishing values.

Statutory Considerations

- 117 The following statutory considerations have been taken into account when forming the possible amendments to the amateur fishing regulations.
- 118 **Section 5** of the Fisheries Act 1996 (“the Act”) requires the Minister to act in a manner consistent with New Zealand’s international obligations and the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The proposed regulatory amendments to the Amateur Regulations do not have implications for, or effects on, MFish’s ability to meet any specific international obligations and do not affect any obligations related to the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- 119 **Section 8** of the Act states the purpose of the Act as being able to provide for the utilisation of fisheries resources while ensuring sustainability, and defines the meanings of “utilisation” and “ensuring sustainability”. The management options presented seek to achieve the purpose of the Act. The Amateur Regulation proposals seek to ensure that any amendments to amateur harvesting regulations are sustainable and take into account the respective costs of management versus utilisation benefits.
- 120 **Section 9** of the Act requires the Minister to take into account the following environmental principles:
- **Section 9(a)** requires associated or dependent species (i.e. those that are not harvested) to be maintained above a level that ensures their long-term viability. The use of hand-operated lassoes has no by-catch, and the removal of escape apertures from holding pots would remove the potential for other fish species to be caught as by-catch. Therefore there are no concerns for the potential interactions between the fisheries and non-harvested species.
 - **Section 9 (b)** requires biological diversity of the aquatic environment to be maintained. The decision to allow hand-operated lassoes for the harvesting of rock lobster, or the removal of holding pots from current pot requirements, does not directly impact on the long term viability and biological diversity within the aquatic environment in harvesting areas.

- **Section 9(c)** requires habitat of particular significance for fisheries management to be protected. MFish is not aware of any such habitats that would be affected by any of the proposed management options.

121 **Section 10** of the Act sets out information principles, which require that decisions be based on the best available information, taking into account any uncertainty in that information, and applying caution when information is uncertain, unreliable, or inadequate. A thorough review of available information has been undertaken and the best available information has been used to evaluate the management options presented. Uncertainties in information make it difficult to accurately quantify costs and benefits to access to the fishery and stakeholder value; these uncertainties are clearly identified and discussed. MFish has included matters relating to uncertain information for discussion with fishery stakeholders. This is to provide and opportunity for stakeholders to provide additional information and supporting evidence where available.

122 **Sections 11(1)(a), (b) and (c)** set out matters the Minister must take into account when modifying fishing methods in the rock lobster fishery.

- The addition of hand-operated lassoes as a harvesting tool to catch rock lobster, takes into account the effects of fishing on any stock or area concerned, and the natural variability of the stock. The potential impacts of the addition of hand-operated lassoes as a permissible rock lobster harvesting tool were considered and discussed. The use of hand-operated lassoes may enable amateur fishers to catch their maximum daily bag limit more regularly, but daily bag limits are in place to restrict overall catch to sustainable levels.
- The potential impacts on natural variability of rock lobsters stocks, of removing holding pots from current rock lobster pot limits and requirements, were considered and discussed. The exclusion of holding pots from pot limits, and the restriction of their numbers, is not likely to affect the number of rock lobsters harvested in an area given maximum daily bag limits restrict overall catch and accumulation limits restrict the number of lobster that can be harvested over time. The removal of escape aperture requirements will not affect non-harvested rock lobsters and will protect rock lobsters that have been caught from other predators.

123 **Section 11(3)(d)** enables the Minister to consider sustainability measures that relate to the fishing methods by which any fish, aquatic life, or seaweed of any stock may be taken or that may be used in any area. The potential effects of hand-operated lassoes on the accessibility to, and increased efficiency in harvesting, rock lobster has been considered. Existing controls within the Amateur Regulations are considered sufficient to remove any long-term sustainability concerns. The potential impact of better providing for amateur holding pots on the sustainability of the rock lobster resource is addressed within the assessment of each management option.

- 124 **Section 297 (1)(vii) and (viii)** allows the making of regulations to regulate or prohibit any method of fishing, and regulate or prohibit the possession or use of any kind of gear, equipment, or device used for, or related to, fishing.
- 125 **Section 297 (1)(xiii)** allows the making of regulations to regulate methods by, or the circumstances under which, fish, aquatic life, or seaweed may be held, stored, conveyed, or identified, including the use of any containers, marks or labels.
- 126 **Regulation 25B of the Fisheries (Amateur Fishing) Regulation Regulations 1986** requires rock lobster pots to meet specific escape aperture requirements (regulation 25B (1-5)) through which undersize rock lobsters are able to escape. Rock lobster pots are defined as any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding or storing rock lobsters. The use or possession of bobs and ring pots are exempt from the rock lobster pot escape aperture requirements (regulation 25B (6)).
- The addition of hand-operated lassoes as a permitted harvesting method would require hand-operated lassoes (specifically defined) to be included as another method exempt from the escape aperture requirements. The use of spring-loaded lassoes would have to be included as a non-permitted method, and the possession of spring-loaded lassoes concurrently with rock lobster catch specifically prohibited. The paper fully explores and discusses the costs and benefits of adding hand-operated lassoes as a permitted harvesting tool on fishery stakeholders.
 - The removal of escape aperture requirements for rock lobster holding pots would require that regulation 25B allow holding pots that do not have escape apertures if the pots are not capable of being used for taking rock lobsters. This paper fully explores and discusses the costs and benefits of removing escape aperture requirements from amateur holding pots on fishery stakeholders.
- 127 **Regulation 25C of the Fisheries (Amateur Fishing) Regulation Regulations 1986** prevents amateur fishers from using, setting or possessing in New Zealand fisheries waters more than 3 pots per individual (including by an individual who is the only person on a vessel), or 6 pots where 2 or more individuals are using, setting or possessing pots from a vessel. The options proposed in this paper would remove holding pots from harvesting rock lobster pot limits and add an additional clause specifying the number of holding pots allowed per person and per vessel. Holding pots requirements could be modified under regulation 25B, requiring them to have no escape apertures and be unable to capture rock lobster. The paper fully explores and discusses the costs and benefits of removing holding pots from harvesting pots limits on fishery stakeholders.
- 128 **Regulation 4AAB (1)(c) and (2)(b) of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991** prevents amateur fishers in the Fiordland Marine Area, including internal waters of Fiordland from using, setting or possessing more than 3 rock lobster pots per person or per vessel on any day. The options proposed in this paper would remove

holding pots from harvesting rock lobster pot limits and add an additional clause specifying the number holding pots allowed per person and per vessel. Holding pots requirements could be modified under regulation 25B, requiring them to have no escape apertures and be unable to capture rock lobster. The paper fully explores and discusses the costs and benefits of removing holding pots from harvesting pots limits on fishery stakeholders.

- 129 **Regulation 5AA (1)(b) of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991** prevents amateur fishers in Paterson Inlet from using more than 2 rock lobster pots on any day. The options proposed in this paper would remove holding pots from harvesting rock lobster pot limits and add an additional clause specifying the number of holding pots allowed per person or per vessel. Holding pots requirements could be modified under regulation 25B, requiring them to have no escape apertures and be unable to capture rock lobster. The paper fully explores and discusses the costs and benefits of removing holding pots from harvesting pots limits on fishery stakeholders.
- 130 **Regulation 5 (2)(e) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986** prevents amateur fishers in the vicinity of Mimiwhangata Peninsula from using, setting or possessing more than 1 pot per person or per vessel. The options proposed in this paper would remove holding pots from harvesting rock lobster pot limits and add an additional clause specifying the number of holding pots allowed per person or per vessel. Holding pots would be required to have no escape apertures and be unable to capture rock lobster, after modifying regulations 25B. The paper fully explores and discusses the costs and benefits of removing holding pots from harvesting pots limits on fishery stakeholders.

APPENDIX 1.

Powrie, W. 2008. Injury caused by hand collection and lasso collection of New Zealand rock lobster (*Jasus edwardsii*). Report prepared for the New Zealand Recreational Fishing Council.

**Injury caused by hand collection and lasso
collection of New Zealand Rock Lobster (*Jasus
edwardsii*).**

A report on the use of rock lobster lassoes prepared for the
Recreational Fishing Council of New Zealand.

By Warrick Powrie

March 2008

c/- University of Waikato
Biological Science
Private bag 3105
Hamilton

Abstract

Following the prohibition of rock lobster lassoes in 2006 research was undertaken to determine the effects of rock lobster lassoes on New Zealand rock lobster (*Jasus edwardsii*) in comparison to hand collection by recreational scuba divers. Multiple dives were undertaken around the North Island of New Zealand, with a total of 126 rock lobsters collected between January 2006 and October 2006. Of these 20.6% were in a soft shell state, with only 3 males in soft shell state. 42% of rock lobster collected were female, of these only one female was in berry. Female mean tail width was 72.2 mm; male mean tail width was 71.9 mm. Hand collection caused significantly more injuries than lasso collection to both soft shell and hard shell animals. Hand collection also resulted in more major injuries, with 18% of hard shell animals and 31% of soft shell animals losing two or more limbs. Given these results it is recommended that the prohibition on the use of rock lobster lassoes be lifted as their use appears to significantly reduce injury and stress to rock lobsters during collection.

Introduction

In late 2005, legislation was put in place prohibiting the use of handheld rock lobster “lassoes” or “snares”, although little or no information was collected to prove that the lassoes did damage to the carapace or limbs of the rock lobster *Jasus edwardsii* and *Jasus verreauxi*. Despite the lack of information, the legislation still went ahead on the grounds that the lassoes were classed as a rock lobster pot and did not have an escape aperture. The escape aperture allows any undersize or soft shell rock lobsters to escape once ensnared. More information is required to assess the affects of the use of rock lobster lassoes on rock lobster.

While it is currently not prohibited to have these lassoes on board a vessel or have them in the water, it is prohibited to use these loops to capture rock lobster. Therefore, a large gray area exists in the legislation as recreational divers are able to dive with the loops but are not supposed to capture rock lobster with them. This makes enforcement of the legislation near impossible as there is no way to prove whether or not the diver has used the loop to catch rock lobster unless a fisheries officer is diving alongside the recreational diver.

Many recreational divers have used these lassoes to capture rock lobster in the past and find this legislation to be unfair, as they believe lassoes do less damage to rock lobster than hand collection methods. The purpose of this study is to assess the amount of injury sustained by red rock lobster (*J. edwardsii*) during collection by either hand or rock lobster lasso.

Methods

Collection of rock lobsters were undertaken by several recreational divers, overseen by Warrick Powrie under a Ministry of Fisheries special permit (307), Auckland University of Technology (client number 9791209). Collection methods used included hand held lassoes supplied by Prodiver New Zealand and hand collection. The lasso consisted of a long hollow stainless steel tube approximately 1.2 m in length and 0.8 cm in diameter with a 0.6 cm stainless steel wire threaded through the tube forming a loop at one end and attached to a solid handle at the other end. The handle is used to draw the loop closed (Figure 1), ensnaring the rock lobster. During collection the lasso is pulled closed and inserted into the crevice behind the rock lobster, once in position the lasso is opened and pulled forward over the rock lobsters tail and then drawn closed ensnaring the animal. Once lassoed the rock lobster tends to move forward releasing any grip the animal may have on the rock, allowing the animal to be extracted from the hole. Sprung loaded models were not employed, as previous use had resulted in unnecessary injury to the animals. Each diver was supplied with two catch bags, one for hand captured rock lobsters and one for lasso captured rock lobsters. Once the dive was completed each catch bag was brought to the surface where the lobsters were sexed. Females have a small appendage on hind leg, and pleopods for egg carrying under the tail. All animals were measured to the nearest millimetre across the 2nd calcified bar on the tail (Figure 2).



Figure 1. Rock lobster lasso employed in this study.

An examination of the shell state (soft/hard), soft meaning movement in the carapace that can be seen when a little force is pressed on the side of the rock lobster and any damage (if any) was recorded. Any undersize, in berry or soft shell lobsters were recorded then returned within 3 minutes of being on the surface to prevent UV damage to the eyes.

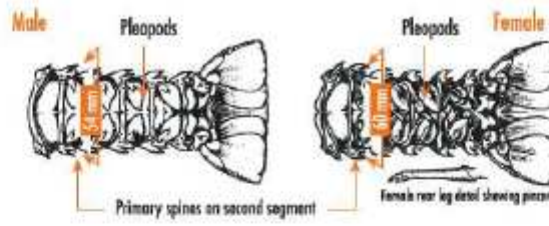


Figure 2. Legal measurements and sexing of Male and female rock lobster.
(www.fish.govt.nz)

Results

A total of 126 rock lobsters were collected between January 2006 and October 2006 (Table 1). Of these 20.6% were in a soft shell state, with only 3 males in soft shell state. 42% of rock lobster collected were female, of these only one female was in berry. Female mean tail width was 72.2 mm; male mean tail width was 71.9 mm.

Table 1:

Method of collection	Soft carapace	Hard carapace	Berry	Male	Female	Mean Tail width (mm)
Hand	16			0	16	76.5 (± 10.5 mm)
Lasso	10			3	7	72.6 (± 9.2)
Hand		65		43	22	72.2 (± 14.4)
Lasso		35	1	27	8	69.4 (± 15.9)

Of the 45 lasso caught rock lobster only four injuries were recorded, compared to 83 injuries from the 81 hand caught animals. Collection by lasso of both hard shell and soft shell proved to be considerably less injurious to the animals compared to hand collection (Figure 3-6). A student's T-test revealed a significant difference in the number of injuries between lasso and hand caught soft shell rock lobster ($P = 0.01$), with hand caught soft shell rock lobster more likely to sustain injuries. There was also a significant difference ($P = 0.03$) in the number of injuries between hard shell hand caught and lasso caught rock lobster, again with hand caught rock lobster sustaining significantly more injuries. Statistical testing also found that injuries were as common among soft shell hand caught animals as hard shell hand caught animals (T-test, $P > 0.05$).

Hand collection resulted in more major injuries, with 18% of hard shell animals and 31% of soft shell animals losing two or more limbs. Hand collection of soft shell rock lobster resulted in 57% losing one or more antennae, while 41% of hard shell rock lobster lost one or more antennae. One or more horns were damaged during hand collection on 19% of soft shell rock lobster and 5% of hard shell rock lobster.

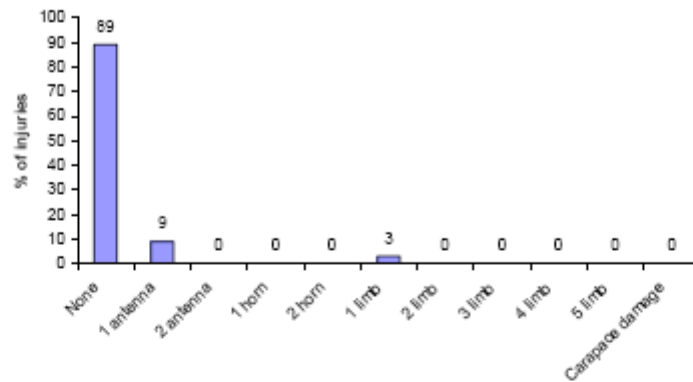


Figure 3. Damage caused by lasso collection of hard shell New Zealand rock lobster (n = 35). Percentage of injuries where body structure was lost or carapace was damaged.

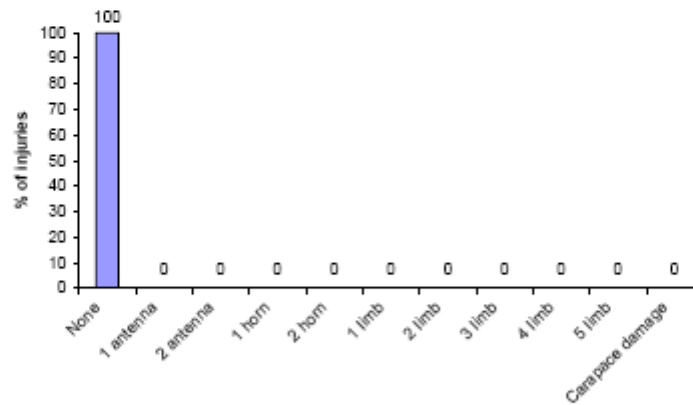


Figure 4. Damage cause by lasso collection of soft shell New Zealand rock lobster (n = 10). Percentage of injuries where body structure was lost or carapace was damaged.

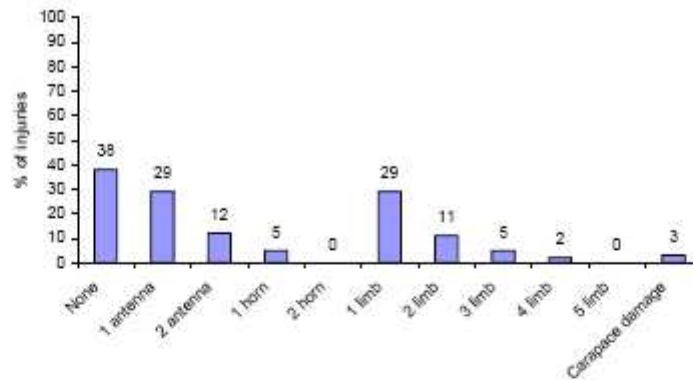


Figure 5. Damage cause by hand collection of hard shell New Zealand rock lobster (n = 65). Percentage of injuries where body structure was lost or carapace was damaged.

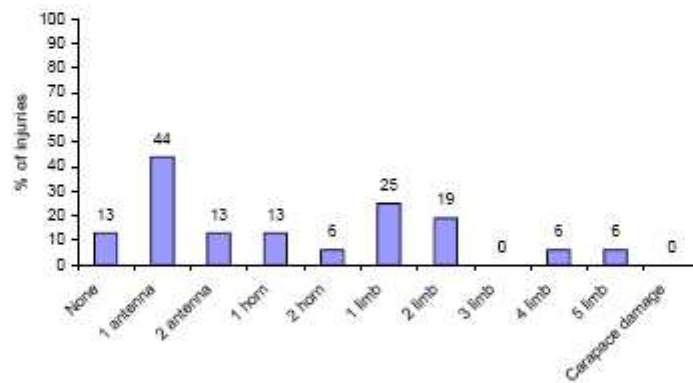


Figure 6. Damage cause by hand collection of soft shell New Zealand rock lobster (n = 16). Percentage of injuries where body structure was lost or carapace was damaged.

Discussion

Multiple scuba dives were undertaken around the north island of New Zealand by recreational divers in order to quantify injuries sustained by rock lobster during hand or lasso collection. Loss of appendages or damage to carapaces on both soft shell and hard shell animals were recorded and the data subsequently analysed.

Hand collection of rock lobster resulted in more injuries to appendages and carapaces of both hard shell and soft shell animals. Hand caught animals were likely to suffer the loss of multiple appendages, while lasso caught animals never lost more than one appendage. Although only a small number of soft shell rock lobster were collected by lasso no injuries were inflicted during collection. Therefore, hand collection is more likely to result in adverse effects to rock lobster than lasso collection.

Studies conducted on numerous crustacean species have shown that loss of antenna or limbs have significant adverse effects on the growth, behaviour and ecology of these species. In crayfish (*Cherax destructor*), where one antenna was lost or removed, exploratory behaviour was negatively impacted, which then disadvantaged the animal in new environments and in conflict situations (Koch et al. 2006). Experiments have demonstrated that limb injury reduces growth, foraging efficiency and mating success while increasing vulnerability to attack (Juanes and Smith 1995). Increased mortality was observed in the rock lobster (*Jasus lalandii*) from the west coast of South Africa in response to the loss ≥ 3 appendages (Brouwer et al. 2006).

These results suggest that reintroduction of rock lobster lassoes would benefit the rock lobster fishery by reducing incidental injury and mortality during collection by recreational fishers. With correct operation lassoes can be just as selective of target size and fast removal reduces disturbance to other rock lobster within the same crevice.

Acknowledgements

I would to acknowledge the help and support of the follow people and companies. Keith Ingram and the Recreational Fishing council of New Zealand for their support. Prodiver New Zealand for supplying the rock lobster lassoes. Cascade charters for allowing me to spend time with them at the Three Kings Islands. Mick Wilson from Islay Mist II , Aaron Laboyrie for their vessel support. Todd Sylvester, from Auckland branch Ministry of Fisheries for his support in obtaining the permits. Paul Robertson, Hamilton Branch Ministry of Fisheries. Roger Taylor Performance Dive Hamilton, for equipment support. All the recreational divers that provided help with collecting the rock lobster. Grant Tempero and Jeroen Brijs for their help with preparing this report.

References

- Brouwer, S.L., Groeneveld, J.C. and Blows, B. 2006: The effects of appendage loss on growth of South African west coast rock lobster *Jasus lalandii*. Fisheries Research 78: 236-242.
- Juanes F. and Smith L.D. 1995: The ecological consequences of limb damage and loss in decapod crustaceans: a review and prospectus. Journal of Experimental Marine Biology and Ecology 193: 197-223.
- Koch, L.M., Patullo, B.W. and Macmillan D.L. 2006. Exploring with damaged antennae: do crayfish compensate for injuries? Journal of Experimental Biology 209: 3226-3233.

Appendix

Method of collection	State of crayfish	Measurement of crayfish		mm	Damage caused
		Male	Female		
hand	soft		√	70	5 legs missing
hand	soft		√	85	missing 4 legs and 1 feeler
hand	soft		√	78	missing 1 leg
hand	soft		√	55	missing 1 leg
hand	soft		√	80	none
hand	soft		√	78	2 legs missing
hand	soft		√	78	none
hand	soft		√	60	missing 2 legs
hand	soft		√	90	missing 1 antenna
hand	soft		√	88	missing 1 antenna
hand	soft		√	78	missing 2 horns
hand	soft		√	65	missing 1 antenna
hand	soft		√	68	missing 1 leg
hand	soft		√	87	missing 1 leg and 1 horn
hand	soft		√	90	missing 2 legs and 1 antenna
hand	soft		√	75	missing 2 legs and 1 horn
loop	soft	√		60	none
loop	soft	√		65	none
loop	soft	√		67	none
loop	soft		√	80	none
loop	soft		√	65	none
loop	soft		√	72	none
loop	soft		√	81	none
loop	soft		√	87	none
loop	soft		√	67	none
loop	soft		√	82	none
hand		√		75	none
hand		√		83	none
hand		√		68	missing 1 feeler
hand		√		75	missing 2 legs
hand		√		80	none
hand		√		80	none
hand			√	75	missing horn
hand			√	85	missing 1 leg and 1 feeler
hand			√	80	2 legs missing
hand			√	80	1 leg missing
hand		√		101	missing 1 antenna
hand		√		76	missing 4 legs and 1.5 antennae
hand			√	68	missing 2 legs and 2 antennae
hand		√		98	none
hand		√		55	missing 1 antenna
hand			√	68	missing 1 leg and 1 antenna
hand		√		83	none
hand		√		78	missing 1 leg and 1 antenna
hand		√		94	missing 2 legs and 1 antenna
hand		√		58	missing 1 leg and 2 antennae
hand		√		54	none
hand		√		55	missing 1 leg and 1 antenna

hand	√		80	missing 2 legs
hand	√		50	none
hand		√	50	none
hand		√	58	none
hand		√	68	missing 1 horn and 2 antennae
hand	√		78	missing 3 legs and 1 antenna
hand	√		83	none
hand		√	91	missing 1 leg, 1 horn and damage to tail
hand	√		51	missing 2 legs
hand		√	84	missing 1 leg
hand	√		98	none
hand	√		68	missing 1 antenna
hand	√		60	none
hand	√		54	missing 3 legs
hand	√		63	missing 1 leg and 1 antenna
hand	√		54	missing 1 leg and 1 antenna
hand		√	52	none
hand		√	54	missing 1 antenna
hand	√		54	none
hand		√	101	missing 1 leg
hand	√		101	missing 1 horn
hand	√		60	missing 1 leg
hand	√		60	missing 1 antenna
hand	√		76	missing 1 antenna
hand	√		62	missing 1 leg and 2 antennae
hand	√		70	none
hand		√	73	none
hand		√	55	none
hand	√		84	none
hand	√		71	missing 2 legs and 1 antenna
hand		√	62	missing 2 antenna
hand		√	86	missing 1 leg
hand		√	70	none
hand		√	69	missing 1 leg and 1 antenna
hand	√		93	missing 3 legs
hand	√		98	missing 1 leg
hand	√		87	none
hand	√		72	none
hand		√	71	none
hand	√		55	none
hand		√	74	missing 1 leg and tail damage
hand		√	70	missing 2 legs
hand		√	70	none
hand	√		54	missing 1 leg and 2 antennae
hand	√		75	missing 1 leg and 2 antennae
Loop	√		72	none
loop	√		70	none
loop	√		80	none
loop	√		92	none
loop	√		68	none
loop		√	70	none
loop	√		80	none
loop		√	70	none
loop	√		65	none

loop	√		75	none
loop	√		77	none
loop	√		85	none
loop	√		100	none
loop	√		56	none
loop	√		56	none
loop	√		78	none
loop	√		54	none
loop	√		57	none
loop	√		55	none
loop	√		91	none
loop	√		87	none
loop		√	68	missing 1 antenna
loop	√		106	none
loop		√	75	none
loop		√	50	none
loop	√		47	none
loop	√		95	none
loop		√	56	none
loop	√		60	missing 1 antenna
loop	√		75	missing 1 antenna
loop		√	61	none
loop	berry	√	49	none
loop		√	52	none
loop		√	49	missing 1 leg
loop		√	51	none

Recording information was as follows:

Name of interviewer:

Date/Time of interview:

Name of interviewee:

Contact details of interviewee:

Dive qualification of diver: e.g. open water advanced, rescue, and dive master.

Years of diving experience:

Average number of dives per year:

Do you use hand collection, lasso or another method? E.g. walker

If another method please specify :

How many years have you used crayfish noose's?

Location of dive:

Dive start time:

Total bottom time:

Maximum depth:

Minimum depth:

Average depth:

Did you see crayfish?

On a scale from 0-5, 0 being no crayfish seen, 5 being more than 10, how would you rate your dive?

What was the habitat like? E.g. large crevices, large rocks, small rocks, sand.

How many crayfish did you catch?

Method of collection:

Sex of crayfish:

Measurement of crayfish:

Damage to crayfish, if any:

What was your catch success/ fail rate from crayfish you attempted to collect?

In your opinion are you for or against crayfish Noose's?

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 Lassoos

The NZRFC has requested that hand-operated lassoos (also referred to as “cray loops”) be permitted as a recreational rock lobster harvesting tool.

MFish proposes to amend the Fisheries (Amateur Fishing) Regulations 1986 to allow the use of hand-operated lassoos to harvest rock lobster. This will require a prohibition on the concurrent possession of spring-loaded lassoos and rock lobster, and a definition for hand-operated lassoos.

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.

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. A separate holding pot definition will be instituted in the Fiordland Marine Area 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 reviewed by the Ministry of Fisheries’ Regulatory Impact Analysis Review Group and is considered adequate according to the criteria agreed by Cabinet.

c) Status quo and Problem

Hand-operated Lassoos

The use of lassoos to harvest rock lobster is not currently provided for in the regulations; however, current regulations do not prevent the possession of lassoos. This creates confusion among amateur fishers and raises enforcement difficulties. Therefore retaining the status quo merely perpetuates this confusion.

Amateur Holding Pots

Amateur holding pots must comply with harvesting pot escape aperture requirements so therefore counting against current harvesting pot limits. This reduces the number of harvesting pots available to those amateur fishers that regularly use such pots as holding pots, particularly in the Fiordland Marine Area. This exposes their stored catch to predators. The FMG believe these inconsistencies in holding pot requirements compared to commercial requirements were unintentional and should be corrected.

d) Objectives

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

- the sustainable use of the rock lobster resource;
- the value of the rock lobster resource is maximised, and;
- management of the rock lobster resource is credible.

e) 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 than already allowed methods, is a credible and acceptable management option. 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.

Defining permitted lassoos and their requirements within the amateur regulations will improve enforcement and compliance as there will be clarity as to the types of lassoos 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 Fiordland Marine Area only. The exclusion would be similar to how they are excluded under commercial regulations.¹⁹ 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.

As the Fiordland Marine Area already has accumulation and possession limits, and labelling requirements in place for rock lobsters the Ministry is confident that the potential for abuse is greatly reduced in comparison to the other 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.

f) Alternative options

Hand-operated Lassoos

There is no alternative option other than the status quo.

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 separate holding pot definition and limits. MFish considers that this scenario would significantly increase the risks to all the other rock lobster fisheries. It has the potential to greatly affect the

¹⁹ Fisheries (Commercial Fishing) Regulations 2001, regulation 79(6).

sustainability of these stocks. There will be increased utilisation and enforcement risks in the fishery. Only the Fiordland Marine Area rock lobster fishery has accumulation limits.

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 Fiordland Marine Area would come into force on 1 October 2009.

Amateur fishers would be notified of changes via MFish administered Regional Recreational Forums, material posted on the 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 IPP 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 the MFish website. Feedback from the above consultation has been reviewed and final advice drafted and considered by the Minister of Fisheries.

AMATEUR ROCK LOBSTER HARVEST REGULATIONS - SUMMARY OF SUBMISSIONS

Submissions Received

131 MFish received 21 submissions on the IPP. 20 submissions addressed the use of hand-operated lassoes and 14 submissions addressed the use of holding pots. The submitters are listed below:

- Derek Brown (Brown)
- Liam Callaghan (Callaghan)
- Andrew Cottle (Cottle)
- Canterbury – Marlborough Rock Lobster CRA5 Industry Association Incorporated (CRAMAC 5)
- Bill Hartley (Hartley)
- John Hindmarsh (Hindmarsh)
- Mark Hosie (Hosie)
- Duncan Jones (Jones)
- Paul Morris (Morris)
- Bruce Muschamp (Muschamp)
- North Island South East Regional Recreational Fishing Forum (NISERRFF)
- New Zealand Recreational Fishing Council (NZRFC)
- New Zealand Rock Lobster Industry Council (NZRLIC)
- Piako Underwater Club (PUC)
- Seafood Industry Council (SeaFIC)
- South Coast Underwater Club (SCUC)
- Taranaki Fisheries Liaison Committee (TFLC)
- Tasman and Sounds Recreational Fishers' Association Inc (TASFISH)
- Te Ohu Kaimoana (Te Ohu)
- Top of the South Recreational Forum (TSRF)
- Wellington Recreational Marine Fishers' Association (Inc.) (WRMFA)

MFish Discussion of Submissions

Hand-Operated Lassoos

- 132 Seventeen of the twenty submitters strongly support permitting the use of hand-operated lassoos for the amateur harvest of rock lobster. CRAMAC5 reports commercial fishers in CRA5 observe a large number of legless and damaged lobsters being caught in the pots after a high use dive period in their region. Morris notes that the use of a lasso to harvest crayfish by the tail drastically minimises the chances of breaking rock lobster legs and horns. The NZRFC, NZRLIC and SeaFIC all indicate that permitting the use of hand-operated lassoos appears to reflect current practice in the amateur fishery. Both the NZRFC and TASFISH believe that methods of input control for the amateur rock lobster harvest regulation should be restricted to fish size and bag limits. MFish notes that the majority of submitters endorse the research presented by the NZRFC that shows rock lobster may suffer fewer injuries when harvested under the proper use of hand-operated lassoos compared to hand gathering.
- 133 The NZRLIC would prefer to see the proposed exclusion of spring-operated lassoos to be more rigorous than currently described under both options. It believes that the prohibition should apply to the possession of spring-loaded lassoos in any circumstances. The NZRLIC notes there is no species for which lassoos are used as the primary capture method and for which a hand-operated lasso would be any less effective than a spring-loaded one. MFish is aware that some amateur fishers use spring-loaded lassoos to harvest octopus but is unclear whether this usage is common. Te Ohu recommends that MFish explore opportunities to improve diver awareness around the safe use of lassoos if permitted.
- 134 Morris suggests that any permitted lasso design should have a maximum closing gap to further aid in the prevention of damage to the crayfish once full closed. MFish will consider this in the development of permitted hand-operated lasso design regulations.
- 135 Opposition to the use of hand-operated lassoos focuses on the potential removal of large breeding lobsters that are currently out of range from hand-gathering practices, and that the use of lassoos gives rock lobster very little chance of evading capture. The NISERRFF also expressed concern that the use of lassoos would enable the catch rates to increase in already depleted fisheries. MFish recognises that some lobsters may be less able to evade capture when targeted using hand-operated lassoos, but current permitted methods are not meant to restrict the location or type (e.g. large breeding) of lobsters harvested.

Holding Pot Requirements

- 136 Twelve of the fourteen submitters are strongly against Option C - the exclusion of holding pots from general rock lobster pot limits and escape aperture requirements for all New Zealand waters. These submitters considered the potential for abuse by fish thieves was too great. CRAMAC5 notes MFish Compliance is already under resourced and that the added cost

and effort that would be required is not justified. NISERRFF expresses similar concerns and notes the use of amateur holding pots will open the already depleted fisheries to abuse.

- 137 Hosie and SCUC are the only submitters to support Option C. Hosie notes that a holding pot cannot catch crayfish and so should not form part of the “catching” regulations, as it serves the same purpose as a freezer or ice hold.
- 138 Eight submitters support Option B - excluding holding pots from general rock lobster pot limits and escape aperture requirements in the Fiordland Marine Area only (including SCUC who supports Option B if Option C is ‘defeated’). NZRFC and TASFISH support Option B on a trial basis. NZRLIC recommends that there be one holding pot allowed for use by an amateur fisher or amateur vessel in this area, and that the existing accumulation limit should be modified to apply to catches retained in holding pots – that is, at no time should a designated holding pot contain more than fifteen rock lobsters. SCUC recommends allowing vessels to have one or two holding pots in addition to current pot limits. SCUC also suggests that fishers in this area using holding pots have a log kept of the use of that pot for the duration of a trip, particularly where several fishers may be using the same holding pot from the same vessel.
- 139 PUC, TSRF and Te Ohu support Option A, the status quo. Te Ohu notes there is a lack of information available to make robust decisions regarding holding pots, but supports MFish in gathering additional information on how commonly holding pots are currently used, in what locations, and the number of holding pots that would be required per person or vessel if they were permitted. Although PUC supports option A, they request an amendment to exclude holding pots from escape aperture requirements as the crayfish should be legal before being put into the holding pot. TSRF notes the potential for abuse as their reason for retention of the status quo.
- 140 Brown, TFLC and WRMFA do not indicate specific support for any option presented. WRMFA notes that freezers and portable generators are affordable, already used by individuals to keep deer meat fresh, and that all rock lobster should be stored in a freezer, marked with a date and harvester name.