



Minister for the Environment, Heritage and the Arts

The Hon Ian Macdonald MLC
Minister for Primary Industries
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Minister

I am writing to you regarding the New South Wales Ocean (NSW) Trap and Line Fishery (OTLF) Wildlife Trade Operation (WTO) declaration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 28 July 2006, the OTLF was declared an approved WTO until 14 December 2007 with specific conditions attaching to the declaration, relating to the finalisation of the OTLF Fishery Management Strategy (FMS), improvement of controls on fishing effort and implementation of fishery closures for the protection of grey nurse sharks.

I note that the approval of the OTLF FMS on 22 November 2006 is consistent with Condition 4 of the WTO declaration. As the OTLF FMS provides a framework for achieving key objectives and future management arrangements required for the fishery, I consider the commitments made in the OTLF FMS to be crucial to ensure the sustainable management of the OTLF. I look forward to the management responses identified in the OTLF FMS being progressed.

I also note that a report was provided to my Department on progress against the conditions and recommendations thereby satisfying Condition 3 of the declaration. While I am satisfied that progress has been made on the conditions and recommendations during the 17 month declaration timeframe, I consider there still be further action required to address the high priority issues in the fishery, particularly the implementation of further fishery restrictions for grey nurse shark protection at several sites. Accordingly, I have decided to make this WTO declaration valid for a short term period, expiring on 30 June 2008 to ensure NSW DPI gives priority to further addressing the immediate risks in the fishery. The WTO will therefore be subject to the revised conditions at Attachment A.

These conditions include the development and implementation of fishery closures at key sites identified during the Administrative Appeal Tribunal review of the decision to declare the OTLF an approved WTO. I consider the implementation of further fishery restrictions at these sites to be a high priority to ensure that protection for grey nurse sharks is brought into effect as soon as possible. I would expect that fishery closures including restrictions on medium to high risk fishing activities will be in place at Manta Arch and the Steps/Anemone Bay and at Fish Rock and Green Island by 16 May 2008.

I note that a scientific observer program commencing in the line sector of the OTLF will be collecting data on interactions with threatened species, including grey nurse sharks. The information

collected as part of the scientific observer program will be important for the ongoing monitoring and assessment of interactions to ensure that changes in interactions can be monitored and verified over time. As such, I have included a revised condition which requires a report to be provided to my Department by 16 May 2008, which analyses the information collected as part of the observer program and the fishery-dependent logbook data on grey nurse shark interactions.

Subject to the implementation of the conditions, I will further review the OTLF in 2008 to determine any further export approval of the fishery beyond June 2008. Given the impact of this fishery on the critically endangered grey nurse shark, I would not anticipate that there will be any flexibility with regard to compliance with these conditions.

The recommendations agreed to as part of the July 2006 WTO decision will continue to apply to the extended WTO declaration. As the recommendations address changes essential for the medium to longer term ecological sustainability of the fishery, I would expect NSW DPI to continue to progress these and provide an update to my Department by 16 May 2008.

I look forward to working with you to ensure the sustainable future of NSW export fisheries.

Yours sincerely

[Signed]

PETER GARRETT

10 December 2007

SCHEDULE

December 2007

Declaration of the Harvest Operations of the New South Wales (NSW) Ocean Trap and Line Fishery (OTLF) as an approved Wildlife Trade Operation

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the NSW Ocean Trap and Line Fishery.

1. Operation of the fishery will be carried out in accordance with the restricted entry management regime in force under the NSW *Fisheries Management Act 1994*.
2. The NSW Department of Primary Industries (DPI) to advise the Department of the Environment, Water, Heritage and the Arts of any intended amendments to the OTLF management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. A report to be produced and presented to the Department of the Environment, Water, Heritage and the Arts by 16 May 2008, and to include:
 - a) information sufficient to allow assessment of the progress of NSW DPI in implementing the conditions and recommendations made; and
 - b) the status of the OTLF performance indicators compared to the trigger points.
4. NSW DPI, in conjunction with OTLF stakeholders, to continue to develop and implement:
 - a) further measures to cap active effort in the OTLF; and
 - b) a strategy, including effort targets, milestones and associated trigger points, for reducing the level of fishing effort for each sector of the fishery.
5. By 16 May 2008, NSW DPI, in conjunction with OTLF stakeholders, to:
 - a) develop and implement fishery closures of appropriate area for grey nurse sharks at the following sites:
 - Fish Rock and Green Island (off South West Rocks);
 - Manta Arch (off South Solitary Island); and
 - the Steps/Anenome Bay (off North Solitary Island).
 - b) provide a report which analyses the information collected as part of the scientific observer program in the line fishing sector and fishery-dependent logbooks on grey nurse shark interactions.