



Australian Government

Department of the Environment and Water Resources

The Hon Jon Ford MLC
Minister for Fisheries
11th Floor Dumas House
2 Havelock St
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the re-assessment of the Western Australia Shark Bay Crab (Interim) Managed Fishery (SBCIMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The SBCIMF was first assessed by the Australian Government Department of the Environment and Water Resources (DEW, formerly the Department of the Environment and Heritage) in March 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). This assessment was based on the submission provided by the Department of Fisheries, Western Australia (DFWA) in June 2004. In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the SBCIMF was declared an approved Wildlife Trade Operation (WTO), under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for three years.

In August 2007 DFWA submitted the document entitled *Application to the Department of the Environment and Water Resources on the Shark Bay Crab Interim Managed Fishery* for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise that assessment of the fishery is now complete. The new assessment report will be available on the DEW website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

I have been made aware that the SBCIMF moved from experimental to interim management status in December 2005. At the time, DEW agreed the substance of the management arrangements for the fishery remained unchanged. I now consider it timely to accredit the *Shark Bay Crab Fishery (Interim) Management Plan 2005* under Part 13 of the EPBC Act in order to reflect the updated management status.

I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem in the short term.

The fishery is relatively well managed and operates under a precautionary regime capable of controlling, monitoring and enforcing the level of take from the fishery. However, there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for this fishery will be the need to update fishery specific objectives, performance measures and performance indicators for the target species, and the ability for management arrangements to ensure the fishery remains ecologically sustainable should effort and catch increase with the development and expansion of the fishery. I therefore propose to declare the fishery an approved Wildlife Trade Operation (WTO), under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years. I will make the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I believe that DFWA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing and increased attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues outstanding from the last assessment, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

[signed]

Claire Howlett
Delegate of the Minister for the Environment and Water Resources

12 November 2007

**Conditions on the Wildlife Trade Operation Declaration for the Western
Australia Shark Bay Crab Interim Managed Fishery**

1. Operation of the fishery will be carried out in accordance with the *Shark Bay Crab Fishery (Interim) Management Fishery Plan 2005* and management regime for the fishery in force under the Western Australia *Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995*.
2. Department of Fisheries Western Australia to advise the Department of the Environment and Water Resources of any material change to the Western Australia Shark Bay Crab Interim Managed Fishery's legislated management regime and/or arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based, within three months of that change being made.
3. Department of Fisheries Western to produce and present reports to the Department of the Environment and Water Resources annually as per Appendix B of the '*Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*'.

**Recommendations to the Department of Fisheries, Western Australia (DFWA)
on the ecologically sustainable management of the Western Australia Shark Bay
Crab Interim Managed Fishery (SBCIMF)**

The SBCIMF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: limited entry; gear restrictions; conservative minimum legal size limit; protection of egg-bearing female crabs; and spatial restrictions.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (3 years).

Recommendations

1. Within two years, DFWA to review and update performance measures, indicators, management responses and information requirements for blue swimmer crab in the fishery. As part of this review, DFWA to develop a total acceptable catch range for blue swimmer crab as a performance measure.
2. Within two years, DFWA to develop performance measures, based on the best available information, for the two by-product species.
3. DFWA to monitor performance measures and indicators for the SBCIMF. Within 3 months of becoming aware that a performance measure has not been met, DFWA to develop potential management responses and timeframes for implementation.
4. In its review of the management arrangements of the fishery, DFWA to take into consideration the findings of the FRDC project (2001/068) and any other relevant research.