



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tony Rundle
Chairman
Australian Fisheries Management Authority
PO Box 7051
CANBERRA BUSINESS CENTRE ACT 2601

Dear Mr Rundle

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the Small Pelagic Fishery (SPF) Wildlife Trade Operation (WTO) declaration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The SPF was last assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) in December 2007 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Australian Fisheries Management Authority (AFMA).

In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the SPF was declared an approved short-term WTO under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of 14 months. The Delegate also accredited the management regime in force under the *Fisheries Management Act 1991* under Part 13 of the EPBC Act in relation to protected species interactions.

In January 2009, AFMA submitted the 2009 Annual Status Report for the SPF for consideration to extend the WTO declaration to allow continued export approval for this fishery. The submission has been considered taking into account the progress made towards previous recommendations and conditions which have been met.

I am pleased to advise I have agreed to extend the WTO declaration for the SPF. The new WTO declaration will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/commonwealth/pelagics/index.html>.

Given there have been only minor changes to the management regime for the SPF and no reported protected species interactions in the fishery since 2007, I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

In considering the current management arrangements, 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 over the next 22 months.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to extend the SPF WTO under Part 13A of the EPBC Act, subject to the three conditions at **Attachment A**. This declaration would allow the export of product from the SPF until 5 December 2010.

While there are some environmental risks associated with this fishery, I consider that AFMA is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that AFMA officials have agreed to a number of recommended actions, focusing on addressing key issues for the SPF, 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 extend the WTO for the SPF and I look forward to receiving your confirmation that they will be implemented.

In light of the management plan being developed and implemented for the SPF, I would like AFMA to note, that under provisions in the EPBC Act, any new management plan that is brought into force for a Commonwealth-managed fishery must be strategically assessed under Part 10 of the EPBC Act.

I would like to thank you for the cooperation of your officials on this assessment and look forward to receiving your formal endorsement of the recommendations.

I have written to Mr Roland Pittar, General Manager, Department of Agriculture, Fisheries and Forestry in similar terms.

Yours sincerely

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts

25 February 2009

**Conditions on the Wildlife Trade Operation for the Small Pelagic Fishery
Fishery (SPF)**

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 *Environment Protection and Biodiversity Conservation Act 1999*, taken in the Small Pelagic Fishery.

1. Operation of the Small Pelagic Fishery (SPF) will be carried out in accordance with the Management Regime in place under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. AFMA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Australian Fisheries Management Authority (AFMA)
on the ecologically sustainable management of the Small Pelagic Fishery (SPF)**

The SPF is a 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, harvest strategy, Total Allowable Catch (TAC), Trigger Catch Limits (TCL), and gear restrictions in regards to mesh and net size limits.

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, AFMA should action these recommendations before the next review of the fishery in 2010.

1. The statutory management plan for the SPF to be determined by 5 December 2010.
2. AFMA to develop and implement appropriate management responses to address and mitigate high risks identified in the SPF ERA. In the event that risk levels increase, or cumulative effects are detected, AFMA to implement appropriate mitigation measures to address these risks.
3. The ERA and the effectiveness of management responses should be reviewed as appropriate, but at least within three years of completion of the Rapid Level 3 Assessment.
4. AFMA to continue to implement the SPF Bycatch Action Plan. In particular, AFMA to:
 - monitor the frequency of any interactions with protected species (particularly seals and birds) and the adequacy of mitigation measures;
 - investigate and trial other potential bycatch mitigation measures for the fishery, where appropriate; and
 - further trial and develop the effectiveness of seal exclusion devices in the midwater trawl component of the fishery, where appropriate.
5. AFMA to continue to cooperate with relevant jurisdictions to pursue complementary management and research of shared small pelagic stocks and ensure that management arrangements for the fishery continues to take account of the results of research conducted.