



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our Reference: 2010/09997

The Hon Tim Mulherin MP
Minister for Primary Industries, Fisheries and Rural and Regional Queensland
GPO Box 46
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Queensland East Coast Otter Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In September 2010, Fisheries Queensland provided a submission to the then Department of the Environment, Water, Heritage and the Arts (DEWHA) for assessment, seeking 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. The assessment also took account of measures that have been developed by Fisheries Queensland in response to the conditions and recommendations made in association with the current declaration.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' web site at
<http://www.environment.gov.au/coasts/fisheries/qld/eco-trawl/index.html>

The management arrangements for the East Coast Otter Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Given the management arrangements currently in place, which include limited entry, limited effort, gear restrictions, compulsory use of turtle excluder devices and seasonal and area closures, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of 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 three years.

Accordingly, I have decided to declare the East Coast Otter Trawl Fishery an approved Wildlife Trade Operation for three years, until 27 November 2013. The declaration will be subject to the conditions at **Attachment A**.



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Officers from Fisheries Queensland and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that Fisheries Queensland is committed to addressing these issues and has already taken proactive measures.

Fisheries Queensland and the department's officers have agreed to additional recommendations (**Attachment B**) to be implemented before the next Australian Government assessment of the fishery. The recommendations focus on the completion of stock assessments for principal species; the improvement of protected species reporting and the completion of the *Queensland East Coast Trawl, Industry Development Plan and Fishery Management Plan Review*. I consider the completion and implementation of the trawl plan review to be a key priority. I look forward to viewing the resulting new management plan for the East Coast Trawl Fishery.

The management regime for the East Coast Otter Trawl Fishery was accredited under Part 13 of the EPBC Act in November 2007 specifying a condition regarding turtle excluder devices. The regime was reaccredited in April 2008 following the replacement of the *Queensland Fisheries Regulation 1995* with the *Fisheries Regulation 2008*. The accreditation was varied in December 2008 to amend the timeline of the associated condition.

I consider that the condition regarding turtle excluder devices has now been met by Fisheries Queensland. However I note that recent research (FRDC Project 2005/053) has indicated that sea snake interactions and mortalities in the fishery are much higher than previously thought.

To ensure that Fisheries Queensland continues to develop and implement measures to mitigate sea snake interactions, I have decided to reaccredit the fishery's management arrangements under Part 13 with a condition to this effect (**Attachment C**). Accreditation will ensure that individual fishers operating in accordance with the current management arrangements are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the department needs to be advised of any intended changes to the management arrangements and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

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

I have copied this letter to Dr Russel Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N. Hanna'.

Nathan Hanna

A/g Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

25 November 2010

CC: Dr Russel Reicht, Great Barrier Reef Marine Park Authority

Attachment A

Conditions on the Approved Wildlife Trade Declaration for the Queensland East Coast Otter Trawl Fishery

1. Operation of the East Coast Otter Trawl Fishery (ECOTF) will be carried out in accordance with the Queensland *Fisheries Act 1994*, *Fisheries Regulation 2008*, and *Queensland Fisheries (East Coast Trawl) Management Plan 1999*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Fisheries Queensland to produce and present reports to the department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to Fisheries Queensland on the ecologically sustainable management of the East Coast Otter Trawl Fishery (ECOTF).

1. Fisheries Queensland to:
 - a) continue to take action to improve protected species reporting by fishers in the ECOTF; and
 - b) take into account:
 - best estimates of protected species underreporting; and
 - best estimates of incidental fishing mortality at capture and post release mortality of sea snakesin all risk assessments and take appropriate action to address any unacceptable risks.
2. Fisheries Queensland to:
 - a) By 30 June 2012, complete appropriate stock assessments for the key species identified in the ECOTF, including: *Melicertus plebejus* (eastern king prawn), *Penaeus esculentus* (brown tiger prawn) and *Amusium balloti* (saucer scallop), which have not yet had stock assessments completed;
 - b) continue to improve knowledge of stock for those fish resources whose stock status is deemed 'uncertain'; and
 - c) develop appropriate management measures to mitigate risks to byproduct species which are identified as being at high risk in the ecological risk assessment of trawling by the Great Barrier Reef Marine Park Authority.
3. As part of the new management arrangements for the ECOTF, Fisheries Queensland to ensure total and proportional effort allocation in the fishery is environmentally sustainable for all targeted and byproduct species, as well as for bycatch species, habitats and the broader ecosystem.
4. Fisheries Queensland to:
 - a) develop and implement finer scale management in the ECOTF to ensure that individual areas and stocks within the fishery are sustainably harvested; and
 - b) ensure that, total effort in the Great Barrier Reef World Heritage Area does not increase above the historic proportion of total fishing effort in the ECOTF as a result of the introduction of new management arrangements.
5. Fisheries Queensland to:
 - a) complete the review of the effectiveness of the catch limits currently set for blue swimmer crabs, octopus, and slipper lobster in the ECOTF by 31 January 2012; and
 - b) as part of the trawl plan review, review the performance measures for byproduct species and implement responses as appropriate.

6. Fisheries Queensland to continue to improve knowledge of Moreton Bay bug stocks and factors contributing to their sustainable management, and continue to implement measures to ensure the take of Moreton Bay bugs is sustainable.
7. Fisheries Queensland to:
 - a) continue to develop and implement measures to reduce bycatch in the ECOTF; and
 - b) develop a performance measure aimed at reducing bycatch levels in the fishery.

**Condition on the accreditation of the Queensland East Coast Otter Trawl Fishery under
Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999***

1. Taking into account:

- the results of the Fisheries Research and Development Corporation project 2005/053 on reducing the impact of Queensland's trawl fisheries on sea snakes;
- Fisheries Queensland's evaluation of the use of appropriate bycatch reduction devices by fishers targeting red spot king prawns; and
- any other relevant expert information,

by 1 June 2013, Fisheries Queensland to implement mandatory measures to mitigate the impacts of fishing on sea snakes in the East Coast Otter Trawl Fishery.