



Australian Government

Department of the Environment and Water Resources

The Hon Chris Natt MLA
Minister for Primary Industry, Fisheries and Mines
GPO BOX 3146
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the assessment of the Northern Territory (NT) Mud Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the NT Mud Crab Fishery under the EPBC Act was completed in 2002. As a result of that assessment, the then Minister for the Environment and Heritage declared the NT Mud Crab Fishery exempt from the export controls under Part 13A of the EPBC Act and included product from the fishery on the List of Exempt Native Specimens (LENS) until 25 September 2007. He also accredited the *Mud Crab Fishery Management Plan* (in force under the *Northern Territory Fisheries Act 1988*) for the NT Mud Crab Fishery under the relevant protected species provisions of Part 13 of the EPBC Act.

In August 2007, the NT Department of Primary Industry, Fisheries and Mines (DPIFM) submitted the submission *NT Mud Crab Fishery – a Report Against the Guidelines for the Ecologically Sustainable Management of Fisheries, 2007* for the NT Mud Crab Fishery for consideration of further export approval of product from the fishery. The DPIFM submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DPIFM in response to recommendations made in the initial assessment of the NT Mud Crab Fishery to improve the management of the fishery. I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment and Water Resources website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>

As there have been no changes to the management arrangements since the initial assessment of the fishery that may negatively impact on protected species and noting that: DPIFM indicate that no protected species interactions have been reported in the fishery between 2003 and 2006; there are management measures in place to minimise the risk of interactions; as well as the recommendation made by DEW for DPIFM to implement a system for the reporting of all interactions with protected species (including the development of an education program in conjunction with the reporting system), I consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the NT Mud Crab Fishery excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. The NT Mud Crab Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, and nature of the fishery allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DPIFM 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. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the fishery. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, the Department of the Environment and Water Resources needs to be advised of any changes that are made to the management regime 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 amendments that may affect 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.

Yours sincerely

[signed]

Andrew McNee
Delegate of the Minister for the Environment and Water Resources

28 September 2007

Attachment A

Recommendations to the Northern Territory (NT) Department of Primary Industry, Fisheries and Mines (DPIFM) on the ecologically sustainable management of the NT Mud Crab Fishery

The NT Mud Crab Fishery 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:

- a minimum legal size limit applied to commercial fishers of 14 cm for males and 15 cm for females (carapace width). Minimum size limits for recreational fishers of 13 cm for males and 14 cm for females;
- a prohibition on the take of all berried female mud crabs for commercial and recreational fishers;
- gear restrictions;
- possession limit of 10 mud crabs per recreational fisher or up to a maximum of 30 mud crabs per boat with three or more recreational fishers on board;
- area closures; and
- a prohibition on retaining certain species with a restricted bait net entitlement.

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, DPIFM should action these recommendations before the next review of the fishery in 2012.

Recommendations

1. DPIFM to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the NT Mud Crab Fishery's management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.

2. DPIFM to produce and present reports to DEW annually. Reports to include:

- i. Information sufficient to allow assessment of the progress of DPIFM in implementing the recommendations made in the Assessment of the NT Mud Crab Fishery 2007; and
- ii. A description of the fishery, management arrangements in place, available catch data for all sectors of the fishery, status of target stock including performance of the fishery against objectives, performance indicators and measures, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and research and monitoring outcomes.

Information should only be provided on those aspects which are relevant to the fishery and that articulate 'changes' since the last annual report.

3. DPIFM to monitor the status of mud crabs in relation to trigger reference points. Within 3 months of becoming aware of a reference point being triggered, DPIFM to develop a clear timetable for the implementation of appropriate management responses.

4. DPIFM to continue to actively pursue the development of collaborative research with other jurisdictions and agencies and ensure that management arrangements for the NT Mud Crab Fishery continue to take account of the results of research conducted.

5. Within 12 months, DPIFM to conduct an ecological risk assessment on the commercial (including the restricted bait net component) and recreational sector of the fishery to determine the impact of the removal of mud crabs from the ecosystem. The risk assessment should also involve:

- the likely impact of the fishery on bycatch and protected species; and
- the level and effects of ghost fishing by lost or discarded mud crab apparatus.

DPIFM to investigate measures to ensure that issues identified at risk are minimised.

6. Within 12 months, DPIFM to review the compliance risk assessment for the NT Mud Crab Fishery and specifically consider:

- catch and effort data validation;
- compliance with commercial pot number restrictions and minimum size limits;
- the ability to grade catches between pot lifts; and
- educating licence holders and fishers on compliance issues.

Within 2 years, DPIFM to develop a compliance strategy to address risks identified.

7. By December 2009, DPIFM to develop and implement an appropriate process to collect estimates of the recreational and indigenous take of mud crabs from NT waters and factor estimates, once available, into future stock assessments and management arrangements to ensure overall catch levels are sustainable.

8. Within 18 months, DPIFM to implement a system for the reporting of all interactions with protected species. An education program for fishers on species recognition, interaction minimisation/mitigation measures and the importance of reporting is to be developed in conjunction with the reporting system.