



The Hon Willem Westra Van Holthe
Minister for Primary Industry and Fisheries
GPO Box 3146
DARWIN NT 0801

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Northern Territory Mud Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In July 2012, the then Northern Territory Department of Resources provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Northern Territory Mud Crab Fishery.

The application 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 took into account measures that have been developed by the Northern Territory Department of Primary Industry and Fisheries in response to the recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at:

<http://www.environment.gov.au/coasts/fisheries/nt/mudcrab/index.html>.

The management regime for the Northern Territory Mud Crab Fishery was first accredited under Part 13 of the EPBC Act, for interactions with protected species, in 2002. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I have therefore reaccredited the management regime for the Northern Territory Mud Crab Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

I consider that the Northern Territory Mud Crab Fishery operates in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Given the management arrangements and precautionary measures for the fishery including minimum legal size limits, a prohibition on the take of berried female crabs, gear restrictions, limited entry, possession limits for recreational fishers and area closures, I have decided to amend the list of exempt native specimens to allow export of product from the Northern Territory Mud Crab Fishery for a period of five years, until 22 September 2017.

To ensure continued good management practices in the Northern Territory Mud Crab Fishery, officers from the Northern Territory Department of Industry and Fisheries and this department have discussed and agreed to four recommendations. These recommendations can be found at **Attachment A**.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remains valid, the Department of Sustainability, Environment, Water, Population and Communities 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 impact of the harvest in relation to target species, 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

A handwritten signature in black ink, appearing to be 'GR', followed by a long horizontal line extending to the right.

Geoff Richardson

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

17 September 2012

Recommendations to the Northern Territory Department of Industry and Fisheries on the ecologically sustainable management of the Northern Territory Mud Crab Fishery, September 2012

Recommendation 1:

Operation of the Northern Territory Mud Crab Fishery will be carried out in accordance with the management arrangements in force under the Northern Territory *Fisheries Act* and the Northern Territory Fisheries Regulations.

Recommendation 2:

The Northern Territory Department of Industry and Fisheries to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Northern Territory Mud Crab Fishery's management arrangements that may affect the criteria on which EPBC Act decisions are based.

Recommendation 3:

The Northern Territory Department of Industry and Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendation 4:

After considering the final report of the 2010 recreational fishing survey, the Northern Territory Department of Industry and Fisheries to:

- a. revise the stock assessment for the fishery, taking account of the findings of the 2010 recreational fishing survey,
- b. review the management arrangements and implement new arrangements as necessary, to ensure the continued sustainability of the fishery, and
- c. continue to investigate appropriate methods of obtaining data on Indigenous take.

