



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

The Hon Jon Ford MLC  
Minister for Fisheries  
9<sup>th</sup> 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, Heritage and the Arts in relation to the re-assessment of the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The PFTIMF was first assessed by the then Australian Government Department of the Environment and Heritage in November 2004 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 Department of Fisheries, Western Australia (DFWA) in July 2004.

In light of a number of concerns that needed to be addressed regarding the fishery's high level of interactions with protected marine turtles and dolphins, the PFTIMF was declared an approved Wildlife Trade Operation (WTO), under Part 13A of the EPBC Act for a period of six months. In addition, five conditions were placed on the WTO to ensure DFWA immediately addressed these concerns. Continual progress against the conditions allowed the fishery to maintain its WTO accreditation, with further extensions in June 2005 and August 2006 extending the fisheries export approval to 1 December 2007.

In July 2007, DFWA submitted the document titled *Application to the Department of the Environment and Water Resources on the Pilbara Fish Trawl Interim Managed Fishery* for assessment under the EPBC Act to allow continued export approval for this fishery. The submission was assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act.

On 30 November 2007, the PFTIMF was granted a five month WTO (until 30 April 2008) to allow ongoing export of product from the fishery while further assessment was completed. The short-term WTO granted in November 2007 allowed discussions between officers from our two departments on key areas requiring ongoing and increased attention, in addition to reviewing and monitoring DFWA's progress against the conditions of the WTO declaration.



I am pleased to advise that the assessment of the fishery is now complete and ongoing discussions between our two departments have resulted in the negotiation of appropriate conditions and recommendations that will continue to address key issues in the fishery and improve management of the PFTIMF. The new assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

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.

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: continuing to improve mitigation and management of protected species interactions; the review of and reporting on the progress of the Bycatch Action Plan for the fishery; and the completion of age-structured models for the principle target species of the fishery.

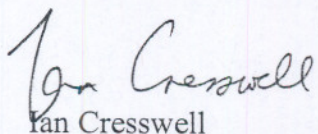
I therefore propose to declare the fishery an approved WTO, under Part 13A of the EPBC Act for approximately 17 months. I will make the declaration subject to the conditions at **Attachment A**.

This declaration would allow the export of product from the fishery until 1 October 2009. The timeframe of the WTO is to allow DEWHA, at the next assessment of the fishery, to consider the outcomes of the review of the 'interim' status of the fishery in June 2009 and its possible transition to a fully managed fishery.

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, and in addition to the conditions to the WTO declaration, they have also agreed a number of recommended actions 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



Ian Cresswell

Delegate of the Minister for the Environment, Heritage and Arts

29<sup>th</sup> April 2008



## Attachment A

### **Conditions on the Wildlife Trade Operation Declaration for the Pilbara Fish Trawl Interim Managed Fishery.**

1. Operation of the fishery will be carried out in accordance with the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* made under the Western Australian *Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended material change to the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with DEWHA, to finalise long-term arrangements to minimise the PFTIMF's interactions with protected species, particularly with dolphins and marine turtles. Specifically, DFWA will:
  - (a) continue to monitor developments in potential mitigation measures (both national and international);
  - (b) continue to develop, trial, test and refine the effectiveness of mitigation and other management measures, including, but not limited to, bycatch reduction grids; and
  - (c) implement and standardise across the fishery mitigation and/or management measures endorsed as effective and appropriate by the Dolphin Reference Group.
5. DFWA to maintain the Bycatch Action Plan for the PFTIMF, including ongoing review and progress reporting on implementation.
6. While no Memorandum of Understanding for the Reporting of Fisheries Interactions with Protected Species is in place between DFWA and DEWHA:
  - (a) fishers to continue to notify DFWA of any dolphin or marine turtle interactions;
  - (b) fishers to record all interactions with protected species in skippers' logbooks;
  - (c) DFWA to continue to provide a summary of all protected species interactions reported in the PFTIMF to DEWHA, on a quarterly basis; and
  - (d) DFWA to continue to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.



7. DFWA to:

(a) by June 2008, provide to DEWHA an executive summary report of the age-structured model stock assessments for Rankin cod and red emperor;

(b) implement any ensuing changes to the management arrangements from the stock assessments, prior to the commencement of the 2009 fishing season (1 July 2009); and

(c) provide reports to DEWHA on the age-structured model stock assessments for goldband snapper and bluespot emperor as the results become available.



## **Attachment B**

### **Recommendations to the Department of Fisheries, Western Australia on the ecologically sustainable management of the Pilbara Fish Trawl Interim Managed Fishery.**

The PFTIMF is a relatively well-managed fishery with a range of management measures to promote the ecological sustainability of the fishery. These measures include, individual transferable effort allocations within each Area of the fishery (monitored with satellite-based vessel monitoring system), limited entry, gear restrictions and area closures.

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 (by 1 October 2009).

#### **Recommendations**

1. By June 2009, DFWA to review the risk levels of the target species, byproduct, bycatch (including protected species) and impacts on the environment for the PFTIMF. Where appropriate, DFWA will update or develop relevant objectives, performance measures, indicators, acceptable catch ranges, management responses and information requirements.
2. DFWA to continue to monitor and, where appropriate, improve the identification and recording of the composition and quantity of retained elasmobranchs.
3. DFWA to continue to monitor and identify long-term trends in bycatch composition and abundance.
4. DFWA to report and justify, in its annual *State of the Fisheries Report*, the management response and/or resulting management actions for performance measures that have been breached in the PFTIMF.
5. DFWA to continue to ensure, where appropriate, that any relevant indigenous, conservation and recreational interests in the fishery are considered through consultative mechanisms.