



**THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT**

MS18-001044

The Hon Dave Kelly MLA
Minister for Fisheries
8th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

12 NOV 2018

Dear Minister *Dave,*

In March 2018, the Western Australian Department of Primary Industries and Regional Development (DPIRD) provided an application to the Department of the Environment and Energy seeking continued export approval for the Pilbara Fish Trawl (Interim) Managed 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 *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department of the Environment and Energy has assessed the application and considered DPIRD's responses to the conditions and recommendations made in the previous 2014 assessment. The assessment report will be available on the Department's website at: <http://www.environment.gov.au/marine/fisheries/wa/pilbara-trawl>.

I consider that the management arrangements for the fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime for the fishery will adversely affect the survival or recovery of protected 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, subject to the conditions outlined at **Attachment 1**. Taking into account these arrangements, I am satisfied that the operation of the fishery remains consistent with the objects of the EPBC Act and I have declared the fishery an approved wildlife trade operation until 20 August 2021 subject to the conditions specified at **Attachment 2**.

Officers from DPIRD and the Department have discussed key areas requiring further attention. While there are some environmental risks associated with this fishery, I believe that DPIRD is committed to addressing these issues.

Yours sincerely

MELISSA PRICE

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Conditions on the accreditation of the management regime for the Western Australian Pilbara Fish Trawl (Interim) Managed Fishery under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) – August 2018

Condition A:

The WA Department of Primary Industries and Regional Development to:

- a) undertake ongoing fishery independent monitoring (electronic or human) if reported interactions with EPBC Act protected species increase outside of historical ranges.
- b) review and update the Bycatch Action Plan, to take into account relevant research that has occurred since the plan was last updated. The plan should include clear goals and objectives aimed at minimising interactions with EPBC Act listed species. The Bycatch Action Plan review and update should be completed by early 2020 and be publically available.

Condition B:

The WA Department of Primary Industries and Regional Development, to ensure fishing operations are not adversely affecting the conservation status of dolphin populations, by:

- c) incorporating the use of dolphin mitigation plans by fishers into the industry code of practice. Dolphin mitigation plans are to be prepared by vessel operators, and outline the actions being taken by the fisher to minimise dolphin interactions on that particular vessel.
- d) developing a clear set of criteria for protected species interaction management, to be included in the Bycatch Action Plan or Harvest Strategy. The criteria should specify escalating management responses taken by the Western Australian Department of Primary Industries and Regional Development, depending on the rate and scale of interactions with protected species by fishers.
- e) evaluating any relevant new mitigation measures as identified in emerging research in the field of bycatch mitigation, and adopting such measures where they show promise.

Condition C:

The WA Department of Primary Industries and Regional Development, to continue to monitor interactions, to ensure that fishing operations do not adversely affect sawfish (in particular Green Sawfish) through:

- f) continuing to ensure the WA Pilbara Fish Trawl (Interim) Managed Fishery operates in accordance with the national recovery plan for sawfish (Sawfish and River Sharks Multispecies Recovery Plan).
- g) developing and implementing additional mitigation measures and alternative strategies (as appropriate), to reduce the impact on Green Sawfish.

Conditions on the approved wildlife trade operation declaration for the Pilbara Fish Trawl (Interim) Managed Fishery – August 2018

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 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the Western Australian Pilbara Trawl Fishery:

1. Operation of the Western Australian Pilbara Fish Trawl (Interim) Managed Fishery will be carried out in accordance with the Western Australian Pilbara Fish Trawl (Interim) Managed Fishery Management Plan 1997, in force under the Western Australian Fish Resources Management Act 1994, and the Western Australian Fish Resources Management Regulations 1995.
2. The Western Australian Department of Primary Industries and Regional Development, to inform the Department of the Environment and Energy, of any intended material changes to the Western Australian Pilbara Fish Trawl (Interim) Managed Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Western Australian Department of Primary Industries and Regional Development, to produce and present reports to the Department of the Environment and Energy annually, as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.