



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon David Llewellyn, MHA
Minister for Primary Industries and Water
5th Floor, Marine Board Building
1 Franklin Wharf
HOBART TAS 7000

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 King Island Cast Bull Kelp Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the King Island Cast Bull Kelp Fishery under the EPBC Act was completed in 2005. As a result of that assessment, the Delegate of the then Minister for the Environment and Heritage, the Hon Ian Campbell MP, declared the King Island Cast Bull Kelp Fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 19 February 2008.

In November 2007, the Tasmanian Department of Primary Industry and Water (DPIW) submitted an updated submission for re-assessment of the fishery under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act.

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, Water, Heritage and the Arts' 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. The fishery is relatively well managed and operates under an approved code of conduct and fishing licences supplied by DPIW. Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the fishery an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years. I will make the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I believe that DPIW 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 attention, and I understand that in addition to the conditions on the WTO



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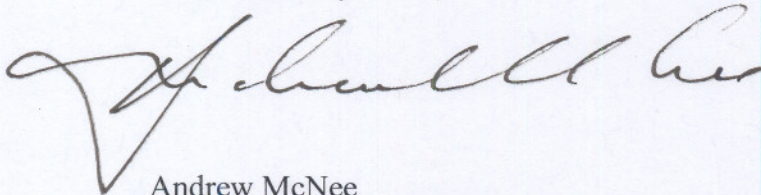
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declaration, they have agreed to a number of recommended actions to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery 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

A handwritten signature in dark ink, appearing to read 'Andrew McNee', with a large, stylized initial 'A'.

Andrew McNee
Delegate of the Minister for the Environment, Heritage and the Arts

// February 2008

Conditions on the Wildlife Trade Operation Declaration for the King Island Cast Bull Kelp Fishery

1. Operation of the fishery will be carried out in accordance with the Fishing Licence made under the Tasmanian *Living Marine Resources Management Act 1995*.
2. The Department of Primary Industry and Water (DPIW) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the management arrangements for the harvesting of cast bull kelp on King Island that could affect the criteria on which EPBC decisions are based.
3. DPIW to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. Harvesting of shore-cast *Durvillaea potatorum* is restricted to:
 - a) the west coast of King Island between Cape Wickham and approximately five kilometres due south of Ettrick Beach;
 - b) the south coast of King Island from Surprise Bay to the east of Stokes Point; and
 - c) the south-east coast of King Island from three areas around Red Hut Point, Grassy Harbour and City of Melbourne Bay.
5. The harvest of *Durvillaea potatorum* is restricted to a maximum of 50% of available cast material at each harvesting site.
6. Harvesting and transporting of kelp and/or equipment is prohibited from September to March (inclusive) on sandy beaches, except the north-end of British Admiral Beach and any other sandy beach for which a representative from DPIWE has verified in writing that harvesting would not be detrimental to nesting *Thinornis rubricollis* (hooded plovers).

Recommendations to the Tasmanian (TAS) Department of Primary Industry and Water (DPIW) on the ecologically sustainable management of the King Island Cast Bull Kelp Fishery

The material submitted by the DPIW and Kelp Fisheries Pty Ltd for assessment of the King Island Cast Bull Kelp suggests the fishery generally operates in accordance with the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

DEWHA is satisfied that the harvest of cast bull kelp on King Island will not be detrimental to the survival or conservation status of the taxon to which they relate in the short term. Similarly, it is not likely to threaten any relevant ecosystem in the short term. To minimise the risks in the longer term, the following recommendations have been made for the King Island Cast Bull Kelp Fishery.

Recommendations:

1. DPIW to pursue a strategic approach to the management of marine plants in Tasmania by developing a formal policy paper that among other things, considers management of the harvest of cast bull kelp on King Island.
2. DPIW to continue to work with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species. DPIW to also take into account relevant research to assist in the management arrangements of harvesting kelp on King Island.
3. DPIW to amend Fishing Licences for harvesting cast bull kelp on King Island to implement the WTO conditions 4, 5 and 6.