



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Department of Primary Industries and Water, public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of cast bull kelp (*Durvillaea potatorum*), harvested from specified beaches of King Island, Tasmania by a number of licensed harvesters under the *Tasmanian Living Marine Resources Management Act 1995* and processed by Kelp Industries Pty Ltd, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 15 February 2011; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated February 2008).

Dated this 11th day of February 2008

.....
Delegate of the Minister for the Environment, Heritage and the Arts

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment, Water, Heritage and the Arts within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.

SCHEDULE

Declaration of the King Island Cast Bull Kelp Fishery as an approved Wildlife Trade Operation, December 2007

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of cast bull kelp (*Durvillaea potatorum*), harvested from specified beaches of King Island, Tasmania by a number of licensed harvesters under the Tasmanian Living Marine Resources Management Act 1995 and processed by Kelp Industries Pty Ltd.

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).