



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Norman Frederick Moore MLC
Minister for Fisheries
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the Wildlife Trade Operation (WTO) declaration for the South Coast Crustacean Fishery (SCCF) under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and in response to your letter dated 28 January 2009.

On 9 November 2007, the Delegate of the then Minister for the Environment and Water Resources, declared the SCCF an approved WTO under Part 13A of the EPBC Act until 16 July 2008. This short term declaration was based on concerns regarding declining catch rates, the significant amount of latent effort, the lack of robust performance measures and indicators, and insufficient data collection. To address the concerns in the immediate term, the declaration was subject to a condition requiring your department to publicly release a discussion paper on proposed new management arrangements to address these issues and identify a way forward for improving the ecological sustainability of the fishery.

In your correspondence dated 28 January 2009, you informed DEWHA that the discussion paper for the SCCF had been publicly released, fulfilling the requirement of condition 3 of the current WTO. In light of your Department meeting this condition and in recognition of your Department's commitment to ensuring the fishery is sustainably managed I am prepared to extend the current WTO until 30 September 2010, at which time a full reassessment of the SCCF will be conducted. This declaration will be subject to the conditions in **Attachment A**.

As there have been no material changes to management arrangements since the last assessment and noting the minimal occurrence of protected species interactions reported in the fishery and the management measures in place to minimise the risk of interactions with protected species, I consider that the existing Part 13 accreditations in relation to protected species provisions under the EPBC Act still apply.

However, there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for these fisheries will be to work towards finalising and implementing the proposed new management arrangements for the SCCF; review risk levels for target, byproduct, bycatch (including protected species) and impacts on the environment for the SCCF, and where appropriate, update or develop new objectives, performance measures, management responses and information requirements; develop and implement a robust system to validate commercial logbook reporting of catch and effort for all target and byproduct species and develop a research strategy for the SCCF in order to identify and prioritise key research needs to meet the management, stock assessment and performance measurement needs of the 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 I understand that in addition to the conditions to the WTO declaration, they have agreed to a number of recommended actions to be implemented before the next Australian Government review of the fisheries. The recommendations at **Attachment B** have been an important factor in my decision to extend the WTO declaration for the fishery 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. If you wish to discuss this matter further, please contact Mr Sean Lane, Director, Sustainable Fisheries Section on (02) 6274 1917.

Yours sincerely

[signed]
Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts

9 February 2009

Attachment A

Conditions on the Wildlife Trade Operation Approval for the Western Australia South Coast Crustacean Fishery (SCCF), February 2008

1. Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the *Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended change to the SCCF management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DFWA 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. By September 2010, DFWA to implement new proposed management arrangements in the SCCF that will improve the ecological sustainability of the fishery and seek to address the sustainability issues outlined in "*The South Coast Crustacean Fishery- A Discussion Paper*".

Attachment B

Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the South Coast Crustacean Fishery (SCCF).

The SCCF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fisheries. These measures include limited entry licensing, limited pot numbers for rock lobster fishery, gear restrictions, spatial and seasonal closures, prohibition on take of berried and tarspot females, and minimum size limits.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fisheries 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.

1. DFWA to develop and implement a robust system to validate commercial logbook reporting of catch and effort for all target and byproduct species.
2. By September 2010, DFWA to:
 - (a) review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the marine environment for the SCCF incorporating the proposed management arrangements into the review; and
 - (b) where appropriate, update or develop new objectives, performance measures, management responses and information requirements for target species, byproduct, bycatch (including protected species) and the marine environment.
3. By September 2010, DFWA to develop a research strategy for the SCCF, in order to identify and prioritise key research needs to meet the management, stock assessment and performance measurement needs of the fishery.