



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

The Hon Paul Caica MP
Minister for Agriculture, Food and Fisheries
GPO Box 668
ADELAIDE SA 5001

Dear Minister

Firstly, I would like to congratulate you on your recent appointment as the South Australian Minister for Agriculture, Food and Fisheries. I look forward to working with you on fisheries management related issues. I am writing to you in relation to the reassessment of the South Australian (SA) Lakes and Coorong Fishery (LCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In August 2008, the Department of Primary Industries and Resources South Australia (PIRSA) submitted the Ecological Assessment of the Lakes and Coorong Fishery for assessment under the EPBC Act to allow for further export approval of the product from the LCF. The PIRSA submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by PIRSA in response to recommendations placed on the previous Wildlife Trade Operation (WTO) declarations to improve the management of the fishery. I am pleased to advise that the reassessment of the fishery is now complete.

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 objectives 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 to medium term.

While performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate, there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for the LCF include: The lack of a clear understanding of the impacts of the LCF on the listed ecological character and values of the Ramsar site; the need for a coordinated management response to the range of external processes underway that have the potential to affect the fishery, such as the proposal to open the barrages that separate the Lower lakes from the Coorong; serious concerns regarding the stocks of Murray cod (a species listed as 'Vulnerable' under Part 13 of the EPBC Act) in the Lakes and Coorong, particularly evidence of ongoing failure in recruitment of the species; and concerns about the sustainability of the Goolwa cockle sector of the LCF.

Hence, I propose to declare the LCF an approved WTO under Part 13A of the EPBC Act, subject to the seven conditions at **Attachment A**. This declaration will allow the export of product from the LCF for the next 18 months.

One of the conditions of the WTO is that PIRSA undertakes an ecological risk assessment (ERA) of the LCF. A supporting recommendation requires that external actions with the potential to affect the fishery and fish stocks, such as current referrals under the EPBC Act, be considered in the 2009/10 review of the LCF management plan, including the development of suitable mechanisms to address the outcomes of these processes, has also been made. I am advised that PIRSA is committed to addressing these issues and is already taking proactive steps in most areas.

The status of Murray cod in the Lakes and Coorong is still of concern. I have been advised that research by South Australian Research and Development Institute indicates that there is little indication of strong recruitment of Murray cod since 1994, and that there is a high risk that the decline will continue. I understand that the current South Australian Government's prohibition of the retention of Murray cod by recreational fishers and the subsequent no take rule observed by the commercial line and net fishers will expire on 31 December 2009. In support of the current prohibition on the take of Murray cod I have placed a condition on the WTO requiring action to ensure the ongoing protection of Murray cod. I request that your Department work with my Department in determining future management arrangements for Murray cod.

In addition to the conditions of the WTO declaration, I have proposed three recommended actions that are to be implemented before the next assessment of the fishery. These 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.

As you are aware, the Australian Government has committed \$200 million to support the South Australian Government to develop a long-term response to the environmental problems facing the Coorong and Lower Lakes. The first component of this work, a \$10 million feasibility study, has commenced and will develop a long-term plan for the site. I would urge that your Department consult with the SA Office for Water Security to ensure that future directions for this fishery are appropriately addressed in the Coorong and Lower Lakes long-term plan.

I have copied this letter to the Senator the Hon Penny Wong, Minister for Climate Change and Water, the Hon Jay Weatherill MP, South Australian Minister for Environment and Conservation and the Hon Karlene Maywald MP, South Australian Minister for the River Murray, for their information.

Yours sincerely

[Signed]

Peter Garrett

Attachment A

Conditions on the Wildlife Trade Operation Declaration for the South Australian Lakes and Coorong Fishery

1. Operation of the fishery will be carried out in accordance with the Lakes and Coorong Fishery (LCF) management regime in force under the *SA Fisheries Management Act 2007*, the *Fisheries Management (General) Regulations 2007*, and *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*.
2. The Department of Primary Industries and Resources South Australia (PIRSA) to advise DEWHA of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. PIRSA 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. PIRSA to:
 - (i) conduct an ecological risk assessment (ERA) of the impacts of the LCF, including any impacts on the listed ecological character and values of The Coorong, and Lakes Alexandrina and Albert Wetland Ramsar site (Site No. 25); and
 - (ii) develop and implement mitigation measures to address identified risks as appropriate.
5. PIRSA to:
 - (i) investigate the appropriateness of current management arrangements and/or identify new measures to ensure the ongoing protection of Murray cod in the fishery, and report to DEWHA by 31 October 2009; and
 - (ii) implement identified measures, as appropriate, to ensure the ongoing protection of Murray cod by 1 January 2010.
6. PIRSA to:
 - (i) identify risks relating to the sustainability of the LCF stock of bony breem through the ERA process; and
 - (ii) develop and implement mitigation measures to address identified risks as appropriate.
7. PIRSA, within one year, to develop and implement management arrangements capable of controlling the level of take of Goolwa cockles at sustainable levels. Particular consideration should be directed at addressing the increases in effort and risk of overexploitation of cockle stocks.

Attachment B

Recommendations to the Department of Primary Industries and Resources South Australia (PIRSA) on the ecologically sustainable management of the Lakes and Coorong Fishery

1. PIRSA, within one year, to implement the outcomes of the FRDC research 2005/2061 and to investigate options to validate catch and effort data for byproduct and bycatch species in the LCF and implement the validation system(s) identified.
2. PIRSA to further refine stock assessment processes to provide more robust sustainable yield estimates for key species.
3. As part of the 2009/10 review of the LCF Management Plan, PIRSA to consider external proposed actions which may impact on the LCF, including but not limited to: the opening of the barrages that currently separate the freshwater of Lake Alexandrina and Lake Albert (the lower River Murray Lakes); the construction of the Wellington Weir and the Langhorne Creek Irrigator's pipeline; and where appropriate, develop suitable mechanisms that may be required to address the outcomes of these processes.