



Australian Government

Department of the Environment, Water, Heritage and the Arts

Assessment of the
King Island Cast Bull Kelp Fishery

February 2008

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Disclaimer

This document is an assessment carried out by the Department of the Environment, Water, Heritage and the Arts of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries-2nd Edition*. It forms part of the advice provided to the Minister for the Environment, Heritage and the Arts on the fishery in relation to decisions under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment, Heritage and the Arts or the Australian Government.

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Table 1: Summary of the King Island Cast Bull Kelp Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • Tasmanian (TAS) <i>Living Marine Resources Management Act 1995</i>(LMRM Act) • <i>Annual Report Addressing Department of Environment and Water Resources (DEW) Recommendations on the Harvest of Cast Bull Kelp on King Island by Kelp Industries Pty Ltd - February 2007</i> • <i>Kelp Industries Pty Ltd - Approximate Area Bull Kelp Yield King Island 2005 - 2007</i> • <i>Department of the Environment, Water, Heritage and the Arts (DEWHA), formerly the Department of the Environment and Heritage) Assessment Report of the TAS Kelp Industries Pty Ltd, 2004.</i> • <i>Proposal for the Harvest and Export of Native Flora under the Environment Protection and Biodiversity Conservation Act 1999</i>
<p>Area</p>	<p>King Island, TAS. The fishery is permitted to harvest cast kelp, from the following areas:</p> <ol style="list-style-type: none"> 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.
<p>Fishery status</p>	<p>Unknown, however the current scale of the fishery is small.</p>
<p>Target Species</p>	<p>Cast bull kelp, <i>Durvillaea potatorum</i>. Cast kelp refers to kelp plants that have been detached from the substrate and carried shoreward. As the plants cannot reattach, once they are cast onto the shore, they die. In most cases more than 50% biomass remains at each harvesting site as other species and smaller kelp pieces are not picked up.</p>
<p>Byproduct Species</p>	<p>By-product is not permitted.</p>
<p>Gear</p>	<p>Hand collection, which is sometimes assisted by winches and mechanical grabs.</p>
<p>Season</p>	<p>Harvest occurs year round but is dependent on prevailing weather conditions. Harvesting and transporting of kelp is prohibited from March to September (inclusive) on sandy beach areas except the north end of British Admiral Beach and any other sandy beach which would not be detrimental to nesting <i>Thinornis rubricollis</i> (hooded plover).</p>
<p>Commercial harvest</p>	<p>2006 = 2406 tonnes</p>

	2007 = 1789 tonnes year to date - (7/10/2007)
Value of commercial harvest	The small number of operators in the fishery currently prevents the public release of this data.
Take by other sectors	There is no significant take of bull kelp by either the indigenous or recreational sectors on King Island.
Commercial licences issued	There is one processor license issued to Kelp Industries Pty Ltd. Collection is conducted by 100 registered collectors (four are full-time collectors, ~ 40 part time and the remainder inactive).
Management arrangements	<p>Annual licences apply to the processor and the collectors. Kelp Industries Pty Ltd work to a collector's code of conduct as well as the LMRM Act.</p> <p>The Tasmanian Department of Primary Industries and Water (DPIW) drafted a discussion paper titled <i>Management Options for the King Island Cast Bull Kelp Fishery</i> in 2000 which set out policy objectives and management strategies as well as options for future management of the fishery.</p>
Export	The majority of production is exported to the United Kingdom.
Bycatch	Negligible. Apart from dead/dying marine organisms associated with each rack of kelp and some terrestrial organisms using the kelp as a food source or shelter.
Interaction with Protected Species	There is the possibility of interactions with <i>Thinornis rubricollis</i> (hooded plover) and other migratory birds in the area. Kelp Industries and Birds Australia are working together to try and monitor this. Harvesting is restricted to areas that are considered to not be detrimental to migratory birds, I.e. 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 DPIW has verified in writing that harvesting would not be detrimental to nesting hooded plovers.
Ecosystem Impacts	The collection of bull kelp by hand and assisted by winches and mechanical grabs is unlikely to have any impacts on the ecosystem. There is a code of conduct in place to ensure that the impacts to the ecosystem are minimal.

Table 2: Progress in implementation of recommendations and conditions made in initial assessment of the King Island Cast Bull Kelp Fishery

Condition	Progress	Recommended Action
<p>1: Harvesting of beach-cast <i>Durvillaea potatorum</i> is restricted to:</p> <ul style="list-style-type: none"> 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. 	<p>DPIW has reported that no kelp is gathered from any other part of King Island.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 4 and Recommendation 3, Table 4.</p>
<p>2: Harvesting is to be in accordance with conditions stipulated on relevant licences issued by DPIW.</p>	<p>DPIW has reported that Kelp Industries only accept kelp from harvesters who provide a current Marine Plant licence, vehicle & trailer registrations, ABN number, drivers licence, insurance and record of induction.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 1 and Recommendation 1, Table 4.</p>
<p>3: The harvest is restricted to a maximum of 50% of available beach-washed material at each harvesting site.</p>	<p>DPIW has reported that in most cases more than 50% biomass remains at each harvesting site as other species and smaller kelp pieces are not picked up.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 5 and Recommendation 3 Table 4.</p>

<p>4: 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 DPIW has verified in writing that harvesting would not be detrimental to nesting <i>Thinornis rubricollis</i> (hooded plovers).</p>	<p>DPIW has reported that no harvesting occurs on sandy beaches except the north end of British Admiral beach where the kelp is usually winched from the car park due to the risk of getting bogged in the soft sand.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 6 and Recommendation 3, Table 4.</p>
<p>5: Recording of monthly harvest figures is to be undertaken as specified by the Secretary of DEWHA.</p>	<p>DPIW has reported that all records are maintained.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 3, Table 4.</p>
<p>6: A quarterly report on the monthly harvest figures to be submitted to the Secretary within one month of the end of each quarter.</p>	<p>DEWHA have received quarterly reports which where provided on time.</p>	<p>DEWHA considers that this condition has been met and is ongoing. Refer to Condition 3, Table 4.</p>
<p>Recommendation</p>	<p>Progress</p>	<p>Recommended Action</p>
<p>1: DPIW to pursue a strategic approach to management of marine plants in Tasmania and, in particular, management of the harvest of beach cast bull kelp on King Island.</p>	<p>DPIW has reported that they are in the process of developing a formal policy paper that will provide greater control over the kelp industry by government authorities and increased certainty and security for all industry stakeholders. Discussions are currently under way between members of DPIW, the Parks and Wildlife</p>	<p>DEWHA considers this recommendation as ongoing, refer to Recommendation 1, Table 4.</p>

	<p>Service, Reserved Lands Leases and Licences Business Services and the key kelp harvesters and processors to develop a process for allocating licences. The approach being developed will mean licences will only be allocated or renewed once the proponent can demonstrate they have gained access approval from the relevant land manager or owner which will see an increased level of co-operation between government agencies. Prior to granting access to kelp, Parks and Wildlife will be able to assess the level of impact any proposed operations will have and make their recommendation to DPIW accordingly.</p> <p>It should be noted that the new strategies under development are not as relevant for the King Island operation as for other areas, as Kelp Industries have exclusive rights to all kelp harvested on the Island and they are currently running under an approved code of conduct and are abiding by the Wildlife Trade Operation (WTO) conditions and recommendations. Kelp Industries have recently confirmed that they are 80% toward attaining ISO 14,0001 accreditation (environmental management systems) and will continue moving toward that goal.</p> <p>The operations on King Island will however, still be considered under the policy review and improvements will be initiated where appropriate.</p>	
<p>2: DPIW to inform DEH of any changes to the management</p>	<p>DPIW has reported that there have been no significant changes in the management</p>	<p>DEWHA considers that this recommendation has been met and is ongoing, refer to Conditions 1</p>

<p>arrangements for the harvest of bull kelp on King Island that may impact on the ecological sustainability of the operation.</p>	<p>arrangements for the harvest of bull kelp on King Island. DEWHA will be notified of any changes to arrangements should they occur.</p>	<p>and 2, Table 4.</p>
<p>3: DPIW to develop formal liaison arrangements with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species.</p>	<p>DPIW has reported that they have formally written to the Manager Reserved Land and Leases and Licences from Parks Tasmania to initiate the formal liaison arrangements. There have been a number of meetings with DPIW staff, the Manager Reserved Land and Parks Wildlife Rangers from the North West region to progress management arrangements which will help ensure impact from kelp harvesting does not significantly impinge on natural systems.</p> <p>Kelp Industries have also been liaising with Birds Tasmania and arranged for its Chair, to visit their operations to assess the impact of kelp harvesting on local bird populations. The report was very supportive of the industry stating that the low number of collection sites is unlikely to impact on the breeding populations of plovers and oyster catchers on the Island. The report went on to say that the high use of vehicles on beaches by the general community was more of a concern. The report did however state that the lack of surveys and scientific data was an issue.</p> <p>Kelp Industries is working with Birds Tasmania to try to address the data gaps and next year there will be a survey conducted by Birds Tasmania on the bird population on the Island. Arrangements have also been made for an Honours student to</p>	<p>DEWHA considers that this recommendation has been met and is ongoing, refer to Recommendation 2, Table 4.</p>

	<p>conduct a study on mapping shorebird nest and roosting areas around King Island in conjunction with the mapping of the various human activities to determine the extent of spatial and temporal overlap. The study will then identify any management issues in relation to the birds on King Island.</p>	
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Table 3: The Department of the Environment, Water Heritage and the Arts (DEWHA) assessment of the King Island Cast Bull Kelp Fishery against the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) related to decisions made under Part 13A

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the Act to provide advice on the fishery in relation to decisions under Part 13A. A complete version of the EPBC Act can be found on the DEWHA website.

Part 13A

Section 303DC Minister may amend list	DEWHA assessment of the King Island Cast Bull Kelp Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>DEWHA considers that the consultation requirements have been met. On 10 August 2004, the Minister wrote to Fisheries Ministers seeking their views on inclusion of WTOs on the Exempt List. Responses in support of the proposal were received from all State, Territory and Commonwealth Fisheries Ministers. The public comment period on the DPIW submission sought comment on the annual reports/submission for the Tasmanian Kelp Industries and provided sufficient opportunity for consultation with other persons and organisations.</p>

	A letter to the Hon David Llewellyn, MHA advises him of the intention to declare the fishery an approved WTO under the EPBC Act.
(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.	The instrument for the King Island Cast Bull Kelp Fishery made under sections 303DC will be gazetted and made available on the DEWHA website.

Section 303FN Approved wildlife trade operation	DEWHA assessment of the King Island Cast Bull Kelp Fishery
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.	
(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that: <ul style="list-style-type: none"> (a) the operation is consistent with the objects of Part 13A of the Act; and (b) the operation will not be detrimental to: <ul style="list-style-type: none"> i. the survival of a taxon to which the operation relates; or ii. the conservation status of a taxon to which the operation relates; and 	<p>The King Island Cast Bull Kelp Fishery is consistent with objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> ▪ the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species; ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1); ▪ the operation of the Tasmanian Kelp Industries is unlikely to be unsustainable and threaten biodiversity within the next 3 years; and ▪ the EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens. <p>DEWHA considers that the Tasmania Kelp Industries will not be detrimental to the survival or conservation status of a taxon to which it relates within the next 3 years, given the management measures currently in place.</p>

<p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>DEWHA considers that the King Island Cast Bull Kelp Fishery will not threaten any relevant ecosystem within the next 3 years, given the management measures currently in place.</p> <p>The EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</p> <p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations 2000.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>DEWHA considers that the King Island Cast Bull Kelp Fishery will not have a significant impact on any relevant ecosystem within the next 3 years, given the management measures currently in place.</p> <p>The management arrangements that will be employed for the King Island Cast Bull Kelp Fishery are likely to be effective. The total catch is generally less than 50% of the shore cast kelp and is only available for collectors who hold a current licence.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p>	<p>The King Island Cast Bull Kelp Fishery will be managed under the TAS <i>Living Marine Resources Management Act 1995</i> (LMRM Act)</p> <p>The TAS LMRM Act applies throughout Tasmanian waters.</p>

<p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The management arrangements that will be employed for the King Island Cast Bull Kelp Fishery are likely to be effective. The total catch is generally less than 50% of the shore cast kelp and is only available for collectors who hold a current licence.</p>
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The King Island Cast Bull Kelp Fishery is a commercial fishery.</p>

Section 303FR Public consultation	DEWHA assessment of the King Island Cast Bull Kelp Fishery
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>DEWHA considers that consultation requirements of the EPBC Act for declaring a WTO have been met. A public notice, which set out the proposal to declare the King Island Cast Bull Kelp Fishery a WTO and included the <i>Annual Report Addressing DEWHA Recommendations on the Harvest of Cast Bull Kelp on King Island by Kelp Industries Pty Ltd - February 2007 and Kelp Industries Pty Ltd - Approximate Area Bull Kelp Yield King Island 2005 - 2007</i> was released for public comment which closed on 19 December 2007 with no submissions received.</p>
<p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>A public notice, which set out the proposal to declare the King Island Cast Bull Kelp Fishery a WTO and included the <i>Annual Report and Kelp Industries Pty Ltd - Approximate Area Bull Kelp Yield King Island 2005 - 2007</i> was released for public comment on 20 November 2007 and closed on 19 December 2007, a total of 23 business days.</p>

(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.	No public comments about the proposal were received.
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Section 303FT Additional provisions relating to declarations	DEWHA assessment of the King Island Cast Bull Kelp Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the King Island Cast Bull Kelp Fishery will be made under section 303FN.
(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only: <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	The standard conditions applied to commercial fishery WTO include: <ul style="list-style-type: none"> • operation in accordance with the management regime; • notifying DEWHA of changes to the management regime; and • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>The WTO instrument for the King Island Cast Bull Kelp Fishery specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, of this section is to be made available for inspection on the Internet.	The instrument for the King Island Cast Bull Kelp Fishery made under sections 303FN and the conditions under section 303FT will be gazetted and made available on the DEWHA website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	DEWHA assessment of the King Island Cast Bull Kelp Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle must be considered when making a decision to include specimens on the List of Exempt Native Species (LENS).

(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.	

Objects of Part 13A

- (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

Final recommendations to DPIW for the King Island Cast Bull Kelp Fishery

The material submitted by DPIW and Kelp Industries Pty Ltd demonstrates that the management arrangements for the King Island Cast Bull Kelp Fishery meet most of the requirements of the Australian Government Guidelines for the *Ecologically Sustainable Management of Fisheries 2nd Edition*. DEWHA recognises that the conditions on the fishing licences such as site access along with the approved code of conduct render it somewhat robust to fishing. As such, DEWHA considers that overall the management regime aims to ensure that fishing is conducted in a manner that does not lead to over-fishing and for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, DEWHA has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised:

- the potential impacts that the harvesting of cast bull kelp may have on the habitat of migratory and protected bird species on King Island;
- the need to develop a policy paper to consider strategic management arrangements for the harvest of marine plants in Tasmanian including cast bull kelp on King Island; and
- the need to reflect WTO conditions within the fishing licences as the appropriate management mechanism.

DEWHA is satisfied that the fishery will not be detrimental to the survival or conservation status of the taxon to which it relates in the short term. Similarly, it is not likely to threaten any relevant ecosystem in the short term. To contain and minimise the risks in the longer term the conditions and recommendations listed below have been made. The key challenges for this fishery will be amending the fishing licences to implement the WTO conditions as well as working with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species. DEWHA considers that, until it can be demonstrated that these issues have been adequately dealt with, a three year WTO declaration is appropriate.

DEWHA considers that the operation of the fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. DEWHA also considers that under the management plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interaction under current fishing operations is low.

Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (3 years). Note that a standard condition of a WTO is an annual reporting requirement, the details of which are provided in condition 3.

Table 4: King Island Cast Bull Kelp Fishery Assessment– Summary of Issues, Conditions and Recommendations February, 2008

	Issue	Condition
1	<p><u>General Management</u> Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid, DEWHA needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision.</p>	<p>Condition 1: Operation of the fishery will be carried out in accordance with the Fishing Licence and Fishing Certificate and made under the Tasmanian (TAS) <i>Living Marine Resources Management Act 1995</i>.</p> <p>Condition 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 Act decisions are based.</p>
2	<p><u>Annual reporting</u> It is important that reports be produced and presented to DEWHA annually in order for the performance of the fishery and progress in implementing the conditions and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should include: a description of the fishery; management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fishery; status of target stock; interactions with protected species; impacts of the fishery on the ecosystem in</p>	<p>Condition 3: A report to be produced and presented to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

	<p>which it operates; and, information outlining progress in implementing conditions and recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> available from the DEWHA website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	
3	<p><u>Review of management arrangements</u></p> <p>In 2000 DPIWE released a discussion paper titled “Management Options for the King Island Cast Bull Kelp Fishery” which set out policy objectives and management strategies as well as options for future management. The information included in this paper was considered in the export assessment of the harvest of bull kelp on King Island, particularly the objectives and strategies that would be in place to ensure the ecological sustainable management of the harvesting. DEWHA understands that the intention of the paper was to move towards a draft management plan, however this has not eventuated due to competing priorities.</p> <p>In undertaking the current assessment, DEWHA considers that it is timely for DPIWE to review the current licence conditions and management arrangements for the harvest of bull kelp on King Island and to implement a management regime that will ensure the ecological sustainable management of the fishery.</p> <p>In reviewing the licence conditions and management arrangements DPIWE should take into consideration:</p> <ul style="list-style-type: none"> • regulation of take, in particular to limit the proportion of kelp to be collected in any one area; • disturbance to ecological surroundings; • area and seasonal restrictions to minimising potential impacts on migratory and protected bird species, and; • compliance and monitoring. 	<p>Condition 4: Harvesting of shore-cast <i>Durvillaea potatorum</i> is restricted to:</p> <ol style="list-style-type: none"> 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. <p>Condition 5: The harvest of <i>Durvillaea potatorum</i> is restricted to a maximum of 50% of available cast material at each harvesting site.</p> <p>Condition 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</p>

		which a representative from DPIWE has verified in writing that harvesting would not be detrimental to nesting <i>Thinornis rubricollis</i> (hooded plovers).
	Issue	Recommendation
4	<p><u>Strategic approach to the management of marine plants in Tasmania</u></p> <p>In the 2005 assessment of the fishery, the then Department of Environment and Heritage (DEH) included a recommendation for (DPIW) to pursue a strategic approach to the management of marine plants in Tasmania. DPIW has advised that a formal policy paper will be developed to ensure greater control over the kelp industry by government authorities and increased certainty and security for all industry stakeholders.</p> <p>DEWHA considers that a strategic approach to the management of marine plants across Tasmania is still important and as such recommends DPIW to pursue the finalisation of the formal policy paper with a strategic approach to the management of marine plants in Tasmania and King Island.</p>	<p>Recommendation 1:</p> <p>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.</p>
5	<p><u>Protected Birds</u></p> <p>In the 2005 assessment of the King Island Cast Bull Kelp Fishery, a recommendation was included for DPIW to work with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species such as the hooded plover. DPIW has reported that discussions have occurred between the two agencies and DEWHA commends DPIW on this progress. As the harvesting of kelp has the potential to impact on the habitat for protected bird species, DEWHA considers that the ongoing monitoring should be pursued and as such, has continued the recommendation for DPIW to work with Tasmanian Parks and Wildlife.</p> <p>DEWHA also notes that Kelp Industries Pty Ltd are working with Birds Tasmania to conduct a survey on the bird population on King Island this year. An Honours student will also conduct a</p>	<p>Recommendation 2:</p> <p>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.</p>

	<p>study on mapping shorebird nest and roosting areas around King Island in conjunction with the mapping of the various human activities to determine the extent of spatial and temporal overlap.</p> <p>DEWHA recommends that DPIW take into account any relevant research and survey results to continually improve the management arrangements for harvesting cast bull kelp on King Island.</p>	
6	<p><u>Licence Conditions</u></p> <p>DEWHA notes that the harvest of cast bull kelp on King Island is managed through harvesting restrictions through fishing licenses and a voluntary code of conduct. DEWHA considers that the current WTO conditions which relate to the sustainable harvest and protection for migratory bird species should be reflected in the licensing arrangements as these are the formal management tool. DEWHA therefore recommends that DPIW should consider implementing conditions 4, 5 and 6 in the licences issued.</p>	<p>Recommendation 3:</p> <p>DPIW to amend Fishing Licences for harvesting cast bull kelp on King Island to implement the WTO conditions 4, 5 and 6.</p>

Acronyms

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEH	Department of Environment and Heritage
DEW	Department of Environment and Water Resources
DEWHA	Australian Government Department of the Environment, Water, Heritage and the Arts
DPIW	Tasmanian Department of Primary Industries and Water
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
LENS	List of Exempt Native Species
LMRM Act	<i>Living Marine Resources Management Act 1995</i>
TAS	Tasmania
WTO	Wildlife Trade Operation