



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Norman 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 assessment of the Western Australia (WA) Northern Developmental Blue Swimmer Crab Fishery (NDBSCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In January 2009, the Department of Fisheries Western Australian (DFWA) submitted the document entitled *Application to the Department of the Environment, Water, Heritage and the Arts on the Northern Developmental Blue Swimmer Crab Fishery* for assessment under the EPBC Act seeking continued export approval for these fisheries. The submission has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed and implemented by DFWA in response to conditions and recommendations placed on the previous approved Wildlife Trade Operation (WTO) declaration to improve the management of the fishery.

I am pleased to advise that assessment of the NDBSCF is now complete. The assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no significant changes to management arrangements since our last assessment of the fishery in 2006 and noting the level of reported interactions with protected species in the fishery remains very low, I consider that the NDBSCF continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

I am satisfied that the operation of the NDBSCF 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 operations relate, 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, I am of the view that there

are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for this fishery will be to: complete an Ecological Risk Assessment for the fishery and to mitigate against identified risks; finalise the review of the management status of the NDBSCF; develop fishery specific objectives, performance measures and indicators should the fishery progress from a 'developmental' fishery status; consider the development of an appropriate total acceptable catch range; and development and implementation of a long term monitoring and stock assessment program. DEWHA considers that, until it can be demonstrated that these issues have been adequately dealt with, a three year WTO declaration is appropriate.

I therefore propose to declare the fishery as an approved WTO, under Part 13A of the EPBC Act. This declaration will allow the export of product from the fishery until 8 July 2012. 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 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 of the WTO 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 as an approved 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

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
8 July 2009

Conditions on the Wildlife Trade Operation Declaration for the Northern Developmental Blue Swimmer Crab Fishery (NDBSCF)

1. Operation of the fishery will be carried out in accordance with the NDBSCF management regime made under the *WA Fish Resources Management Act 1994*.
2. The Department of Fisheries Western Australia (DFWA) to inform the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the NDBSCF management arrangements that may affect the assessment of the fishery against the criteria on which 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*.

Recommendations to the Department of Fisheries Western Australia (DFWA) on the ecologically sustainable management of the Northern Developmental Blue Swimmer Crab Fishery (NDBSCF).

The NDBSCF is a relatively well-managed fishery with a range of precautionary management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include limited entry, species and gear restrictions, protection of berried females and a conservative legal minimum size limit.

The following recommendations have been made to strengthen the effectiveness of the management arrangements for the fishery 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 (3 years).

1. DFWA to:
 - a) finalise an Ecological Risk Assessment (ERA) for the NDBSCF;
 - b) finalise and implement management responses, as appropriate, to the identified risks; and
 - c) ensure the ERA and the management responses are available to the public.
2. DFWA to finalise the review into the long term status of the fishery and provide the outcomes of the review to the WA Minister for Fisheries, to consider progressing the management arrangements of the NDBSCF from a 'developmental fishery' to an 'interim managed fishery'.
3. DFWA to develop fishery objectives, performance measures and indicators for target, byproduct and bycatch species (including protected species), and the marine ecosystem, as appropriate, particularly should the fishery progress from a 'developmental fishery'.
4. In the absence or delay of progression from a 'developmental fishery', DFWA to consider the time series catch data available, with a view to developing a total acceptable catch range for blue swimmer crab in the NDBSCF.
5. DFWA to seek to develop and implement a long term monitoring and stock assessment program for the target species, appropriate to the level of activity and catch in the fishery, that ensures the ongoing sustainability of the fishery's blue swimmer crab stocks.