



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon Norman Moore  
Minister for Fisheries WA  
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 application for an extension to the current Wildlife Trade Operation (WTO) for the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As future long term management decisions for the fishery largely depend on the completion of the Fisheries Research and Development Corporation (FRDC) project (focusing on reducing interactions with protected species), and given its implications on longer term mitigation management measures, the Department of the Environment, Water, Heritage and the Arts (DEWHA) is prepared to grant eight months extension until 1 June 2010 to the WA Pilbara Trawl Fishery WTO. This is subject to assurance that the observer coverage for the fishery will continue in the long term future, and is to allow for the completion of the FRDC project and finalisation of management decisions/measures for the long term.

However, I am concerned at the delay in finalising long term decisions, as well as the progress against several concerns that we have raised through the numerous assessments that have been undertaken on this fishery. These include: high level of protected species interactions (particularly Dolphins and Marine Turtles); maintaining and reporting on Bycatch Action Plan implementation; reviewing indicators, performance measures and management responses; need for a long term bycatch monitoring programme; need for broader consultation in the management and assessment of the fishery; need for improved mitigation and management of protected species interactions; and the need for the completion of age-structured models for the principal target species of the fishery.

DEWHA and DFWA officers have discussed the key areas requiring continued attention. I understand that revised Conditions and Recommendations (Attachments A and B) developed by DEWHA to address these concerns, have been accepted by DFWA and will ensure the continuation of good management practices to be implemented before the next Australian Government review of the fishery.



We also note the findings by Peter Stephenson in his *Fisheries Assessment Report – Pilbara Fishery, May 2008*, highlighted by his recommendations including: reducing trawl effort in Area 1 due to decreasing catch rates of Bluespotted Emperor; limiting dolphin catch, with investigation into making it vessel-specific; the need to implement a top opening escape hatch to increase the ability for Dolphins to escape and to reduce the chances of bycatch not being observed; the need for sufficient observer coverage to be implemented to ensure compliance with Dolphin catch limits and the evaluation of changes to mitigation measures.

In light of our continuing concerns, unless significant progress is made to address these, we will find it difficult in future assessments to continue to find that this fishery meets the sustainability requirements of the EPBC Act as supported by the Guidelines.

I would be pleased to discuss with your officers, as to how to best ensure that this fishery continues to be eligible for export accreditations.

Please feel free to contact me or the Director of Sustainable Fisheries if you would like to further discuss the matters raised above.

Yours sincerely

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

September 2009

## Attachment A

### SCHEDULE

#### **Declaration of the Harvest Operations of the Western Australian Pilbara Fish Trawl Fishery as an approved Wildlife Trade Operation, September 2009**

#### **ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Pilbara Fish Trawl Interim Managed Fishery.

1. Operation of the fishery will be carried out in accordance with the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* made under the Western Australian *Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended material change to the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with DEWHA, to finalise long-term arrangements to minimise the PFTIMF's interactions with protected species, particularly with Dolphins and Marine Turtles. Specifically, DFWA will:
  - (a) Finalise, with view to implementation, improved mitigation measures (both national and international);
  - (b) Finalise and implement where appropriate, effective mitigation and other management measures, including, but not limited to, improved design bycatch reduction grids (eg; top opening hatch, as supported in the research report evidence);
  - (c) Implement and standardise across the fishery, further improved mitigation and/or management measures endorsed as effective and appropriate by the Dolphin Reference Group; and
  - (d) Finalise decisions in regard to implementation of the electronic monitoring system (EMS).
5. Finalise the Bycatch Action Plan for PFTIMF, in order to satisfactorily meet the requirements of the EPBC Act.

6. While no Memorandum of Understanding for the Reporting of Fisheries Interactions with Protected Species is in place between DFWA and DEWHA:
  - (a) fishers to continue to notify DFWA of any dolphin or marine turtle interactions;
  - (b) fishers to continue to record all interactions with protected species in skippers' logbooks;
  - (c) DFWA to continue to provide a summary of all protected species interactions reported in the PFTIMF to DEWHA, on a quarterly basis;
  - (d) DFWA to continue to ensure that industry has the capacity to make protected species interactions reports at an appropriate level of accuracy;
  - (e) DFWA to confirm and commit to future observer coverage; and
  - (f) DFWA to investigate further, setting an appropriate limit on Dolphin catch, making it specific to vessels concerned.
  
7. DFWA to:
  - (a) implement any ensuing changes to the management arrangements from the stock assessments, prior 1 June 2010;
  - (b) continue to carry out further analysis on Rankin Cod and obtain suitable reconciliation of catch rates and harvest levels; and
  - (c) continue to provide age-structured model stock assessments for Goldband Snapper and Bluespot Emperor as the results become available.

## **Attachment B**

### **Recommendations to the Department of Fisheries, Western Australia on the ecologically sustainable management of the Pilbara Fish Trawl Interim Managed Fishery.**

The following recommendations have been made to further 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 (by 1 June 2010).

#### **Recommendations**

1. DFWA finalise the review of risk levels of the target species, byproduct, bycatch (including protected species) and impacts on the environment for the PFTIMF. Where appropriate, DFWA will update or develop relevant objectives, performance measures, indicators, acceptable catch ranges, management responses and data requirements.
2. DEWHA expects DFWA to continue monitoring to ensure that no elasmobranchs (including sharks, rays, skates) are retained by this fishery.
3. DFWA to:
  - a) continue monitoring risk levels and recording protected species interactions;
  - b) actively pursue opportunities to develop a monitoring program to identify long-term trends in bycatch composition and abundance; and
  - c) finalise a commitment to future observer coverage and long term monitoring programme for the fishery.
4. DFWA to continue to report and justify, in its annual *State of the Fisheries Report*, the management response and/or resulting management actions for performance measures that have been breached in the PFTIMF.
5. DFWA to continue to ensure, where appropriate that any relevant indigenous, conservation and recreational interests in the fishery are considered through consultative mechanisms, in particular, the full review of the Interim Management Plan.