

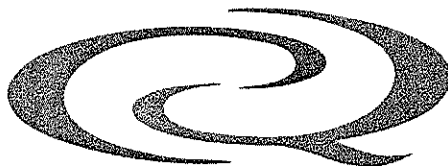
**APPLICATION TO THE DEPARTMENT OF THE
ENVIRONMENT, WATER, HERITAGE AND THE ARTS ON
THE
SPECIMEN SHELL MANAGED FISHERY**

*Against the Guidelines for the Ecologically Sustainable
Management of Fisheries*

March 2010



**Government of Western Australia
Department of Fisheries**



Fish for the future

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1. BACKGROUND

The purpose of this application for another Exemption is to update the Department of the Environment, Water, Heritage and the Arts (DEWHA) on changes in the Specimen Shell Managed Fishery to enable the re-assessment of the fishery against the *Guidelines for Ecologically Sustainable Management of Fisheries*.

Previous Assessment

In March 2005, the WA Department of Fisheries (the Department) submitted an application to DEWHA (then the Department of Environment and Heritage) for assessment of the fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries*, seeking continued listing of the species taken in the fishery on section 303DB list of exempt species under the *Environment Protection and Biodiversity Conservation Act 1999*. (EPBC Act).

On 23 May 2005, Mick Trimmer, as delegate of the Minister for the Environment and Heritage, declared the operations for the harvesting of species, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Specimen Shell Managed Fishery to be included in the list of exempt native specimens and therefore exempt the fishery from the export controls of the EPBC Act. The Exemption was approved for a period of five years until 20 May 2010 and was subject to 9 recommendations.

A copy of the Department's application and DEWHA's assessment are available on the DEWHA website at
<http://www.environment.gov.au/coasts/fisheries/wa/shell/submission.html>

Further information on the Specimen Shell Managed Fishery can be obtained from the Department's *State of the Fisheries* reports. *State of the Fisheries* reports published since the current Exemption was declared are attached at appendix 4 (2004-05, 2005-06, 2006-07, 2007-08 and 2008-09) or can be downloaded from <http://www.fish.wa.gov.au/docs/sof>.

Re- Assessment Process

The documentation attached to enable the re-assessment of the Fishery consists of:

1. a summary of the key changes in the Fishery since 2005;
2. an update report addressing the progress of the Fishery against each of the recommendations;
3. a copy of the voluntary update report submitted in September 2007 (Appendix 1);
4. a copy of the current monthly sightings, catch and effort return logsheet (Appendix 2);
5. a copy of the current exemption instrument (Appendix 3); and
6. a copy of the last 5 State of the Fisheries reports (Appendix 4).

2. SUMMARY OF KEY CHANGES IN THE FISHERY SINCE 2005

- In September 2006, a Ministerial exemption was granted allowing licence holders to fish for specimen shell using up to two boats of any size provided only one boat is used at any one time and using up to two assistant fishers provided only two people operate in the water at any one time. This change in management addresses safety concerns.
- In March 2009, the Ministerial exemption (above) was revoked and a new one granted to include the previous provisions but also to allow the collection of dead shells of non-commercial species of abalone and collection of shells of the genus *Pecten* outside of the Abrolhos Islands and Shark Bay scallop fishing grounds subject to conditions. A copy of the Exemption is at appendix 3.
- In November 2006, an exemption was granted for one licensee to trial the use of a remote operated vehicle (ROV) to collect shells in water depths of 60 to 200 metres. In November 2009, this Exemption was extended until November 2012.
- A new specimen shell logsheet has been on trial by a few operators and includes whether vulnerable species were sighted but not taken and whether all species taken were alive or dead. A copy of the logsheet is at appendix 2.
- In 2007 the number of licensees dropped from 33 to 32 licensees through non-renewal of a licence. However, the number of active licences and fishing days is relatively stable with six regularly active fishers and a five year average of around 1,100 fishing days.
- An amendment to clause 5 of the Specimen Shell Management Plan to improve the ability of the Department of Fisheries to successfully prosecute cases of black market sale and purchase of fish has had approval and is imminent.

3. UPDATE AGAINST THE RECOMMENDATIONS WHICH INCLUDES ANY DEVELOPMENTS SINCE THE LAST REPORT (Sept 2007)

One voluntary report was submitted to DEWHA in September 2007 (see appendix 1) to provide an update against the recommendations since the last assessment. Below is an update from the previous report.

Recommendation 1:

DFWA to advise DEH of any material change to the SSMP's management arrangements that could affect the criteria on which the EPBC Act decisions are based, within three months of that change being made.

Current Status: Ongoing

There have been no legislative changes to the management plan since accreditation. However, an amendment to clause 5 of the management plan has received approval and is due for gazettal shortly. This amendment will improve the ability of the Department of Fisheries to successfully prosecute cases of black market sale and purchase of fish.

DEWHA was previously advised of two Exemptions that were granted relating to the use of two boats, assistant fishers and a ROV. In 2009, these exemptions were extended and for the most part are the same except for the following changes.

- (a) Licensees are permitted to collect dead shells of non-commercial species of abalone and the genus *Pecten* (see current exemption instrument at Appendix 3). Licensees collect these shells on an opportunistic basis in low numbers. The Department's mollusc scientists have no sustainability concerns with regard to this permitted collection.
- (b) Use of the ROV has been changed from a maximum water depth of 200 to 300 metres.

Recommendation 2:

Where appropriate the Dept to ensure that any relevant conservation and recreational interests in the fishery are considered through consultative mechanisms.

Current status: Ongoing

All exemption applications and proposed changes to the management of the Specimen Shell Managed Fishery are distributed for comment to relevant internal and external stakeholders.

Recommendation 3:

The ESD Report, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.

Current Status: Completed

Legislative instruments (the *Fish Resources Management Regulations 1995*, *Specimen Shell Management Plan 1995* and Exemption subject to conditions) establish the management rules for the Fishery, but do not include the performance measures and management responses. All of the available information is considered in the management regime which is reviewed annually and the status of the Fishery is recorded in the annual State of the Fisheries Report. If required (eg. performance measure exceeded) the management plan or exemption can be amended to respond to the issue.

Recommendation 4:

In the annual SoF report, the Dept, to report on the performance of the fishery against performance measures that relate to the sustainability of the fishery, once developed.

Current status: Ongoing

The Department reports on the performance of the fishery including catch and effort information in the annual State of the Fisheries Report. A performance measure of a total annual catch range from 10,000 to 25,000 shells was presented in the original ESD report. Since the initial assessment, five annual reports have been published and reported the following catch and effort levels.

Year	Number of days fished (effort)	Total specimen shells landed (commercial)
2004	1,125	17,122
2005	1,274	16,324
2006	1,027	19,074
2007	1,135	23,000
2008	1,037	13,355

Effort is relatively stable and catch remains within the set performance measure.

Performance measures for high risk target species have also been developed in line with recommendation 5.

Recommendation 5:

Within 18 months, DFWA to develop precautionary performance indicators and performance measures, linked to the existing objectives, for high-risk target species based on the best available information.

Current status: Completed

Eight high-risk target species were identified by Environment Australia in 1998 and then analysed by Enzer Marine Environmental Consulting in 2002. Specific performance measures based on catch data for the high-risk species have been

developed based on the catch from 2001 – 2005. These performance measures and recent annual catches are presented below.

Species name	Performance measure - Total annual shell catch	2005 catch	2006 catch	2007 catch	2008 catch
<i>Amoria damoni</i>	<500	223	419	218	350
<i>Cypraea friendii</i>	<900	654	744	605	863
<i>Cypraea friendii vercoi</i>	<650	435	391	406	244
<i>Cypraea marginata</i>	<1300	789	807	598	553
<i>Cypraea reevei</i>	<250	105	80	168	88
<i>Cypraea rosselli</i>	<600	246	280	321	210
<i>Cypraea venusta</i>	<1500	826	668	697	624

The catch levels are within the set performance measures and are relatively stable. Catch numbers of these species will be monitored carefully.

Recommendation 6:

Within two years, DFWA to develop and implement a compliance strategy, which includes clear management actions to address compliance risks identified in the 2003 compliance risk assessment undertaken for the SSMF.

Current status: Completed

Compliance strategies identified in the 2003 compliance risk assessment workshop were reviewed in a workshop held on the 9 August 2006. As a minor fishery with minimal sustainability concerns there is no requirement for an ongoing compliance program but rather complaints are investigated on a case-by-case basis. Tightening of clause 5 of the management plan to include the purchase of shell (as well as the taking and dealing) should assist in prosecution cases should they arise.

When the ROV is in use, notification of the fishing trip is required to assist in the planning of compliance inspections using this method of collection.

Recommendation 7:

DFWA to implement the recording of specimen shell status (alive/dead) in logbook returns.

Current status: Completed

DFWA has amended the logbooks to allow for alive/dead recording of all shells (see example of the logsheet at Appendix 2).

Recommendation 8:

DFWA to review the research information needs and priorities to meet the management information and performance measurement needs of the fishery. Analysis of research needs should take into account any gaps in the basic biological parameters required for the ecologically sustainable management of specimen shell species. DFWA to develop a research strategy to address identified priority areas and explore ways to cooperatively share in or take advantage of research done in other specimen shell fisheries.

Current status: Completed

Research staff of DFWA (Western Australian Fisheries and Marine Research Laboratories, Hillary's) held a workshop on Tuesday 20 June 2006 to discuss the research needs for all minor fisheries and identify research priorities. A Resource Assessment Framework (Risk Matrix) assessed factors such as inherent vulnerability, current risk to wild stock (the most heavily weighted variable) and ecological significance of various fisheries and species. Specimen shell harvest was given a very low weighted total compared to other fisheries.

WA has experienced mollusc scientists based at the Departments Research Division and at the Museum and Universities. Biological and ecological information for some species can be obtained as required. With over 550 species of shells being collected in the SSMF, data cannot be obtained for most of the species. To survey a small targeted area would be very expensive and the SSMF is a non-cost recovered fishery. Licensees "contribute" but do not directly cover all management, research and compliance costs (they pay only for annual renewal of their Managed Fishery Licence, Fishing Boat and Commercial Fishing Licences).

Recommendation 9:

Within 6 months DFWA to undertake and document:

- a. a risk assessment to assess the likely extent and impact of the recreational and 'shamature' harvest of specimen shells in Western Australia and factor results of this assessment into the future management of the SSMF; and***
- b. a recreational shell collecting data workshop to assess the data needs, economic availability of data and funding required to provide reliable estimates of the recreational harvest of specimen shells in Western Australia.***

Current status: Completed

A workshop on recreational shell collecting and a risk assessment workshop to identify the likely extent and impact of the recreational and 'Shamature' harvest of specimen shells in Western Australia were held in June and August respectively and reported on in the previous report (refer to appendix 1).

4. CONCLUSION

The Department believes that this report provides adequate information to allow DEWHA to re-assess the fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries* under Part 13 and 13A of the EPBC Act and grant another 5 year Exemption. However, should any clarification or further information be required, please contact Ms Sascha Brand-Gardner on (08) 9482 7387 or e-mail Sascha.BrandGardner@fish.wa.gov.au.