

**APPLICATION TO THE DEPARTMENT OF THE ENVIRONMENT AND
WATER RESOURCES ON THE
SOUTH COAST TRAWL FISHERY**

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

May 2008



Department of Fisheries
Government of Western Australia



Fish for the future

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1. BACKGROUND

The purpose of this report is to update the Department of the Environment, Water, Heritage and the Arts (DEWHA) on changes in the South Coast Trawl Fishery (the Fishery) to enable the re-assessment of the Fishery against the *Guidelines for Ecologically Sustainable Management of Fisheries*, for continued listing on section 303DB of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Previous Assessment

In July 2005, the WA Department of Fisheries (DFWA) submitted an application to the Department of the Environment, Water, Heritage and the Arts (DEWHA) (then the Department of Environment and Water resources) for assessment of the Fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries*, seeking continued listing on section 303DB of the EPBC Act.

In November 2005, Andrew McNee, as delegate of the (then) Minister for the Environment and Heritage, approved a Wildlife Trade Operation (WTO) in respect to the harvesting of 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 Fishery.

The WTO was initially granted for a short period of three months and was subject to four recommendations. In February 2006 the period was extended for a further two and half years to 31 August 2008 with four condition and 14 recommendations placed on the approval.

A copy of DFWA's application and DEW's assessment are available on the DEW website at:

<http://www.environment.gov.au/coasts/fisheries/wa/south-coast-crustacean/index.html>

DFWA's responses to each of the condition and recommendations of the original assessment and annual reports detailing catch and effort are set out below. Further to this, and in accordance with recommendation four please find attached a copy of the Draft Management Plan for the South Coast Trawl Fishery recognising that this is a draft document and supplied to the DEWHA in Confidence that it will not be duplicated or published. Should any changes be made to the draft management plan in progressing through the legislative process the DFWA, under condition one of the WTO approval, is obligated to inform DEWHA.

Overview of the Fishery

The SCTF is principally a scallop fishery, however in low scallop catch years, licensees may use other gear to target finfish species. Scallop landings for the fishery have varied considerably over the last 17 years depending primarily on the strength of recruitment. In 2000, the SCTF had its highest catch of scallop's 2,722 tonnes whole weight, which was also the highest single fishery catch of scallops for the State in that year. In subsequent years, catches have returned to historically low levels.

Access to the south coast trawl fishery is limited, with only four fishing boat licences with the necessary conditions to use trawl gear in the area of the fishery (Figure 1). Condition 73 provides for the use of trawl nets off the south coast of Western Australia in State waters east of 115° E longitude (Cape Leeuwin). Condition 79 provides for the trawling of scallops within the Recherche Archipelago.

The annual effort expended in this fishery is largely dependant on initial searching activity by operators to estimate scallop abundance in commercial quantities. As a consequence, the level of effort utilised each year closely follows stock abundance and catch levels/rates.

The level of fishing activity and quantity of catch within the SCTF is highly variable (Figure 1) with very high catches observed in 2000 and higher than average catches in 2001 and 2002. The variability in catches has largely been driven by the level of scallop recruitment to these grounds and also by the beach price of scallops in the State.

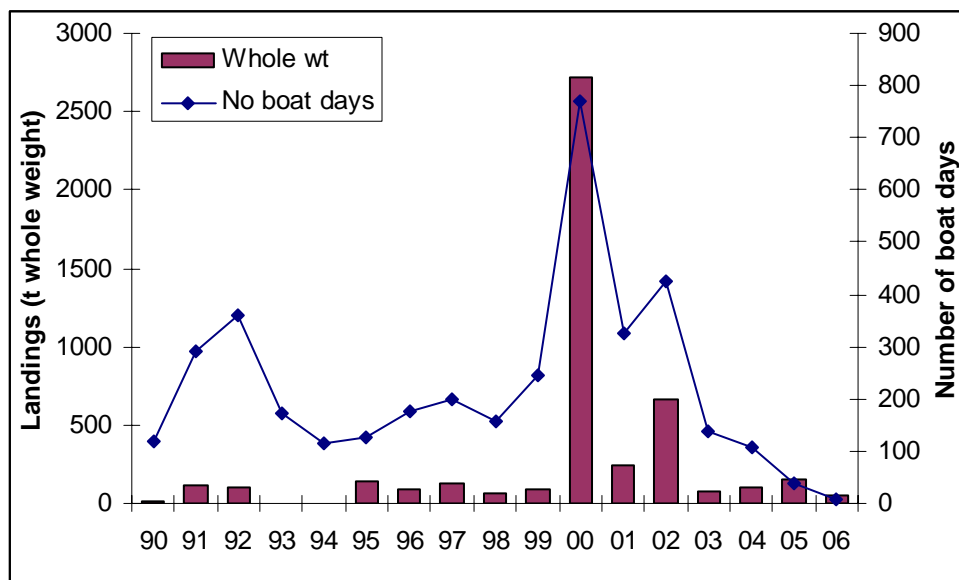


Figure 1 Scallop catch (tonnes whole weight) and effort rate (number of boat days) history of the SCTF, 1990 to 2006

2. PROGRESS IN IMPLEMENTING RECOMMENDATIONS

Condition 1. *Within one year, Department of Fisheries, Western Australia to develop and implement a formal interim management plan for the South Coast Trawl Fishery that includes the management commitments contained within the Discussion Paper Management of the Proposed South Coast Trawl Fishery – a Discussion Paper, and improves the ecological sustainability of the fishery.*

Completion of the draft plan has regrettably been delayed due to DFWA resources being committed to addressing concerns over the sustainability of fisheries on the West Coast. Action by the Minister to limit access to demersal fish stocks on the west coast has meant drafting priorities have been concentrating on restricting access to a large section of the WA coast. This has been further hampered by our department's inability to recruit and retain policy and legal drafting personnel and has resulted in our being unable to achieve the tight timelines to which we agreed.

The DFWA does recognise the importance of meeting the conditions set by DEWHA and will progress the management plan through drafting at the first opportunity. A copy of the draft management plan is included with this submission.

Condition 2. *Operation of the fishery will be carried out in accordance with the management regime in force under the Western Australian Fish Resources Management Act 1994.*

In the absence of the management plan being drafted for the trawl fishery, the fishery is still managed under the *Fish Resource Management Act 1994* (FRMA) and associated regulations through two notices issued under the FRMA. The first notice limits all forms of trawling throughout the state and the second notice is in regard to trawling for scallops on the south coast. These two notices in effect limit the fishery to four licenses, these licenses still need to comply with all the requirements relevant to their operation that are contained within the FRMA and *Fish Resource Management Regulations 1995*.

Condition 3. *The Department of Fisheries, Western Australia to advise the Department of the Environment and Heritage of any material change to the South Coast Trawl Fishery's legislated management regime that could affect the criteria on which Environment Protection and Biodiversity Conservation Act 1999 decisions are based, within three months of that change being made.*

There have been no material changes to any legislation that would affect the criteria on which the WTO approval was originally given. As mentioned previously should any changes occur to the attached draft management plan then the DFWA will inform the DEWHA within the specified time frame.

Condition 4. Annual reporting on the following:

- progress on implementation of the recommendations;
- annual catch and catch-per-unit-effort trends and data;
- performance against objectives, performance indicators and measures once developed; and
- research undertaken or completed relevant to the fishery.

The DFWA has met its obligation under this condition with all fisheries that hold a WTO approval in the state.

Recommendation 1. *DFWA to advise the Department of the Environment and Heritage of any material change to the SCTF's legislated management regime that could affect the criteria on which Environment Protection and Biodiversity Conservation Act 1999 decisions are based, within three months of that change being made.*

There have been no material changes to any legislation that would effect the criteria on which the WTO approval was originally given. As mentioned previously should any changes occur to the attached draft management plan then the DFWA will inform the DEWHA within the specified time frame.

Recommendation 2. *The Ecologically Sustainable Development Report for the SCTF, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.*

DFWA reports against the performance measures for the Fishery in the annual *State of the Fisheries Report*. DFWA liaises with Industry on an annual basis to determine the fishing arrangements and catch rate thresholds for the coming year. This regular review ensures management arrangements are conducive with maintaining resource sustainability.

Recommendation 3. *DFWA to ensure, where appropriate, that any relevant indigenous, conservation and recreational interests in the SCTF are considered through consultative mechanisms.*

Indigenous people, conservationists and recreational fishermen were all given an opportunity to comment on the publicly released discussion paper that proposed how the trawl fishery would be managed into the future. Sections of the discussion paper specifically address conservation and indigenous issues. All discussion papers pertaining to the management of a fishery are forwarded to peak groups in the recreational sector of WA.

To ensure that relevant indigenous, conservation and recreational interests are considered, a summary of the issues discussed at management meetings will be forwarded to the relevant groups.

Recommendation 4. *DFWA, within 1 year, to incorporate into the management regime for the SCTF specific objectives, performance indicators and performance measures for major byproduct species or species groups, and to review the existing performance measures and indicators for target species. DFWA, within 1 year, to also incorporate into the management regime, an objective to minimise protected/listed species interactions, to minimise or maintain at sustainable levels the take of other non-retained species and to minimise impacts on the marine environment.*

The South Coast Trawl Fishery is a gear specific fishery and is a multi-species fishery and therefore there are no 'by-product species' recognised, as the 'target species' is dependent on the gear used. The existing performance measure of total catch for scallops is considered to be appropriate due to the high variable nature of scallop recruitment and low effort (i.e. 4 licenses) in the fishery.

The implementation of grids into the fishery will become compulsory as can be noted in part nine of the draft management plan and with specific details given in schedule three of the draft plan. The multi-species nature of the fishery precludes the use of secondary devices to reduce fish catches.

The implementation of area closures (including the seasonal closure of the Recherche Archipelago and the proposed closures around regional centres (in the draft Management plan) will assist to reduce impacts on the marine environment. In addition the total 'fishery area' is large and the actual areas trawled are small (<10%) minimising overall environmental impacts. In addition, after a few years of collection of mandatory logbook data on spatial catch and effort, DFWA may delineate traditional trawl areas for scallop trawling and a protocol put in place for exploratory trawling outside these areas.

Recommendation 5. *By mid 2007, DFWA to conduct a compliance risk assessment for the SCTF paying particular attention to compliance with seasonal and area closures and effort restrictions. DFWA to also develop a compliance strategy for the fishery to address these risks.*

A compliance risk assessment has been carried out for this fishery this will be updated with the introduction of the new management arrangements and the DEWHA will be informed of this as per condition three.

Recommendation 6. *From 2007, DFWA, in its Annual State of the Fisheries Report, to report on the performance of the SCTF against performance measures that relate to the sustainability of the fishery, once developed.*

Once developed these performance measures will be reported against in the State of the Fisheries report, currently overall catch and effort is reported.

Recommendation 7. *DFWA to work with relevant jurisdictions, particularly the Australian Fisheries Management Authority, to actively pursue consistent and/or complementary management arrangements for, and research into, shared target and byproduct species stocks.*

DFWA currently participates in various cross-jurisdictional activities in order to ensure sustainability of the State's fish stocks. For example, DFWA regularly engages DEW regarding interaction with protected species and also consults with the Department of Agriculture, Forestry and Fisheries regarding the Offshore Constitutional Settlement and with the Australian Fisheries Management Authority (AFMA) on cross-jurisdictional fishery issues.

The DFWA did consult with the Australian Fisheries Management Authority (AFMA) in the development of the management plan for the SCTF and will continue to consult with AFMA should any changes need to be made that may impact on the federally managed trawl fishery.

Recommendation 8. *Within one year, DFWA to review the current logbook recording requirements and ensure that catch and effort data for target and byproduct species is collected at an appropriate spatial and temporal scale and differentiated for each fishing method permitted in the SCTF.*

In 2007 the voluntary logbook became mandatory. The logbook requires fishers to complete on a daily basis shot by shot details of catch, effort and shot location (latitude/longitude) for both target and other species kept for sale.

Recommendation 9. *DFWA to develop and implement a robust system to validate catch and effort logbook data in the SCTF.*

Logbook catch estimates will be validated against processor unloads. Processors are required to provide catch unload information to the DFWA.

Due to the infrequent and remote nature of this fishery independent validation of logbooks is not possible.

Recommendation 10. *Within one year, DFWA to undertake a risk assessment for target and byproduct species and bycatch that provides a basis for management decisions which are precautionary and recognise the uncertainty and level of risk. DFWA will then develop a strategic research plan for the SCTF that identifies research information needs and priorities to meet the management information, stock assessment and performance needs of the fishery in keeping with the small size and low risk of the fishery. DFWA to regularly review the status of target and byproduct stocks and develop appropriate management responses to reduce risks as necessary.*

A strategic research plan has been developed for the SCTF (see attached) and the risk levels in this fishery are considered to be negligible to low due to the few licences, the extent of area actually fished (<10% of the fishery) and the short duration of the fishery.

Recommendation 11. *Within one year, DFWA to develop a harvest strategy for scallops taken in the SCTF that is adequately precautionary in terms of spatial management.*

The draft management plan has spatial closures around major population centres and the Recherche Archipelago. These closures combined with the limited area of the available fishery ever being fished (<10%) and the short duration of the fishing season provide an adequately precautionary harvest strategy. With the collection of sufficient spatial catch and effort data fishing protocols should be established for traditional fish grounds and areas outside of these grounds.

Recommendation 12. *Within two years, DFWA to develop and implement a system capable of monitoring changes in the composition and quantity of bycatch in the SCTF.*

Due to the low risk involved in this fishery and the high resource requirements for this recommendation the DFWA is not able to monitor changes in the composition and quantity of bycatch in the SCTF. Currently a Marine Futures project funded by NHT will sample a few areas, which are trawled in the SCTF (on a commercial boat using trawl gear). This will provide limited baseline information on bycatch composition in the area. This is scheduled to be completed in late 2007 or early 2008.

Recommendation 13. *Within eighteen months, DFWA to develop a system to allow for the collection of data on protected/listed species interactions by fishers in the SCTF. DFWA to develop and implement an education program for fishers to promote the importance of protected species protection and accurate incident reporting.*

The logbooks completed by fishers within the Fishery include provisions to report any interactions with protected species. Fishers' are given a Protected Marine Species Identification Guide that contains:

- pictures and a brief description of relevant protected species; and
- specific details to include in interaction reports.

Recommendation 14. *Should new information determine that the fishery is having significant interactions with any endangered, threatened or protected species, DFWA to develop appropriate measures to mitigate those interactions. Measures should be implemented within 12 months of the information becoming available.*

There is no evidence that the SCTF is having significant interactions with endangered threatened or protected species. The Department will continue to monitor this through logbook records.

3. CONCLUSION

DFWA believes that this report should provide 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. However, should any clarification or further information be required, please contact Mr Noel Chambers on (08) 9841 7766 or e-mail noel.chambers@fish.wa.gov.au