



WAFIC submission

Commonwealth Marine Reserves Review

31 March 2015

Introduction

This submission has been developed based on the outcomes of the fishing industry meeting held by WAFIC on 10 March 2015 in Fremantle. It is submitted in good faith, attempting to meet the terms of reference (TOR) of the review and the stated requirements of Government, such as the *Goals and Principles* of Commonwealth Marine Reserve (CMR) design. Notwithstanding this submission, all previous submissions from the fishing industry, including the comprehensive proposals for SW and NW networks, management issues and Fishing Gear Risk Assessment (FGRA) concerns in the NSIA and other submissions, should be considered in the review process.

The fishing and aquaculture industry reiterates its clear understanding that fisheries management is neither a goal nor principle for the CMR networks¹. We note the government's commitments to not only minimising, but ensuring that marine reserves have the least possible impact on existing fishing operations, and to implementing a system of secure and tradable fisheries access entitlements to maximise the value from, and conserve fisheries resources. We also note the management principles also seek to minimise adverse impacts and include socioeconomic context considerations.

In this context, WAFIC stresses the need to ensure that CMRs are not implemented, or seen to be implemented, as a fisheries management measure. As repeated by Government since at least 2005, the CMRs are for the broader public good of marine biodiversity conservation, not fisheries management² nor resource reallocation based on political considerations. Fisheries are well managed under legislation and regulations by State and Commonwealth Governments³. Claims that CMRs will be of direct benefit to well managed fisheries in Australia are largely unfounded and unproven, as recently revealed by a number of studies, including one recently completed on Australia's Great Barrier Reef Marine Park⁴.

Areas of Contention

As per the Terms of Reference for the Bioregional Advisory Panels, WAFIC highlights the following "Areas of Contention" and presents solutions to address the areas of contention:

- Objectives/values
- Simplified zoning
- Demersal trawling
- Deepwater "green" zones
- Risk assessment
- Wellbeing of regional communities
- Reserve specific solutions

¹ Commonwealth Marine Planning *Goals and Principles*

² <http://www.environment.gov.au/topics/marine/marine-reserves/overview>

³ <http://fish.gov.au/foreword/Pages/default.aspx>

⁴ <http://news.sciencemag.org/environment/2015/02/cautionary-fish-tale-australia-s-great-barrier-reef-marine-reserve>

WAFIC understands that a number of individual commercial fishers, joint group and fishing industry associations are also providing submissions to the current review process. This WAFIC submission needs to be considered alongside these submissions and solutions to the areas of contention.

Objectives/values to be clearly specified by reserve

The objectives of the SW and NW CMRs, not just at a network level, but at a reserve and zone level, need to be more clearly articulated. This should include management objectives and conservation values being protected in each zone. For example, it is unclear why such large, deepwater “Marine National Parks” have been declared, and what they are protecting (let alone how they will be monitored or indeed if they will be monitored). Such zoning is supported by WAFIC as part of a representative system of marine protected areas, but in our view, should be used only where backed by science and as reference sites for biodiversity conservation (with a commitment to fund credible monitoring programs).

Clear articulation of objectives on this basis will also make threat/risk assessment processes possible, robust and transparent, so that resource uses that can be shown to be compatible with specified conservation values will be permitted in Multiple Use or other relevant zones.

Simplified zoning

Within the SW and NW regions, both Multiple Use and Special Purpose Zones (IUCN Cat VI) have been proposed. The only difference between the two is that a generic (across all reserves) ban on demersal gillnet and demersal longline applies in the multiple-use zones. Ironically, most multiple use zones occur off the shelf, where these methods are not used due to being in water too deep to fish with these methods.

Our solution is to simplify zoning arrangements by allowing demersal gillnet and demersal longline in multiple use zoning arrangements and removing the “Special Purpose Zones”. Through the Class Approval arrangements and ongoing monitoring, if either of these methods unacceptably threaten specified conservation values at the reserve level, conditions, including banning such method(s), can be implemented at the reserve level, following a transparent risk assessment process that identifies serious threats to specified conservation values. In addition, fishery specific concerns are dealt with appropriately as they arise, through *EPBC Act* assessment requirements and fisheries management legislation and regulations.

This is consistent with the approach to, for example mining, in multiple use zones. It also better aligns and makes more consistent zoning and allowed methods between the existing SE and SW and NW regions.

The fishing industry rejects the current proposed arrangements for zoning and allowed resource use findings for “Multiple Use”, which place a blanket ban on demersal gillnet and demersal longline. This finding appears to be management by prejudice, not science, whereby Government is perpetuating the mistruth that demersal gillnet, demersal longline (and small scale trawling in defined areas; see below) are perceived to be so bad, they are deemed worse than any type of mining operations. This is simply not borne out in the scientific literature or logic.

Geographe Bay; an example of the need for change

Another example of the need for changes to the zoning and allowed gears is Geographe Bay. As proposed, inconsistent arrangements between existing WA State marine parks and the proposed CMR network are unworkable and nonsensical. WAFIC highlighted this with the Co-Chairs and Panel on 12 March 2015.

Demersal trawling in specified areas of IUCN Cat VI

The fishing industry in the SW were the “first cab off the rank” in terms of Commonwealth Bioregional Marine Planning, after the SE was completed years before. Government representatives made it very clear from the outset and throughout the consultation processes in the SW that demersal trawling would never be deemed compatible with IUCN Cat VI zoning. The fishing industry consistently submitted that this was not consistent with appropriate risk assessment at the reserve level, nor with how other marine resource users were being treated (eg mining). Notwithstanding, the fishing industry consistently engaged in good faith and tried to implement boundaries and zoning that did not significantly impact demersal trawl operators.

The reserves proclaimed do impact (eliminate fishing grounds) relatively small areas of sandy bottom demersal trawl areas (mainly for the targeting of sustainable scallop fisheries).

Our solution, consistent with:

- IUCN Cat VI reserve management principles;
- the treatment, in terms of risk/impact, of other marine resource users in CMRs;
- the science on small scale demersal trawl fisheries on soft-bottom/sandy habitats⁵;
- multiple use zones of the Commonwealth Solitary Islands Marine Park (and many state marine reserves);
- the allowance of demersal trawling in IUCN Cat VI areas of the Temperate East CMR network; and
- the proposed General Use Zone (IUCN Cat VI) in the North,

is to designate small “demersal trawl allowed” zones (IUCN Cat VI) in specific areas of Eastern Recherche, Bremer and Geographe CMRs (possible solutions submitted on the maps provided by WAFIC on 12 March 2015). Finalising the actual zoning boundaries of such special purpose trawl zones will require further consultation with impacted parties such as One Sea, Far West Scallops Industries and NW shelf fishers.

This solution will allow sustainable demersal trawl fisheries to access productive grounds, mainly for scallop, without impacting negatively on the stated conservation values for these zones. This is particularly the case, given very high conservation “Marine National Park” (IUCN Cat II) zones, still very large relative to shelf Marine National Park zones in other regions, will remain in each of the proposed areas of change.

Further, our solution proposes that a clear process and set of criteria be developed for assessing the risk of small scale demersal trawl operations to specified conservation values at the reserve level, for consistency and transparency across regions. This will ensure any decisions by Government to ban or allow demersal trawl operations will be transparent and understood by stakeholders. Whether the

⁵ <http://www.scp.org/news/2015/02/17/49867/bottom-trawling-not-as-bad-for-california-sea-life/>

decision is made based on scientific evidence, socio-economic, political considerations or any combination of these, the decision making process needs to be transparent.

Deepwater “green” zones

It is not clear to WAFIC what benefit there is to closing very large areas of deepwater in offshore “Marine National Park” zones, in waters so deep that the chances of any benthic or unacceptable impacts on conservation values from marine resource users are negligible to non-existent in the foreseeable future.

As described by pelagic fisheries such as the Commonwealth Western Tuna and Billfish Fishery (WTBF), the impact of these zones is significant to existing fishing operations in some cases, and limits potential development in other cases. The drift of pelagic longline gear can be significant (more than 90nm in one set), thereby presenting a very real management, compliance and enforcement problem. Further, we contend that no specified conservation values will be unduly threatened by pelagic fishing methods that do not interact with benthic species, habitats or communities.

Our solution is twofold. Firstly, we propose that the deepwater “Marine National Park” zones that cause significant concern to pelagic fishery operations should be re-classified as “Habitat Protection Zones” (HPZ, IUCN Cat IV).

Secondly, the significant level of conservation and protection of conservation values provided by HPZs should be better recognised visually on CMR maps. Rightly or wrongly, the green colour scheme is seen as more desirable by many stakeholders. We therefore propose the HPZ should be shaded green with black lines (similar to the blue with stripes for Special Purpose Zone – Oil and Gas exclusion) on any CMR maps produced, to reflect the very high level of protection afforded to these zones.

Risk assessment, and inconsistent FGRA approach

In the context of the various and in many cases inconsistent and confusing IUCN Cat VI zones across CMR networks, it remains unclear to industry why it is being treated separately to other marine users. In the former proposed management plans, certain specific fishing activities are prohibited explicitly as a blanket ban in Management Plans for 10 years. For other users, they are either allowed, or subject to Class Approval or permits under Plans, recognising existing assessment and management regimes.

Our solution is that the Class Approval should be the instrument under Plans specifying what gears are allowed in what zone. This change is fundamental to allow science based reviews (as discussed with Government on many occasions) to be undertaken formally through a transparent process recommended in this and previous NSIA submissions⁶. The Fishing Gear Risk Assessments (FGRAs) are strongly contested⁷ on a number of facts, omissions and inconsistencies, including that they were completed based on “potential” rather than “actual” risk.

Where certain fishing methods can be proven to be applied specifically, without compromising conservation objectives or values in a specific reserve, these methods should be allowed to operate in IUCN Cat VI reserves.

⁶ Fishing gear risk assessment review documents provided to the Co-Chairs on 12 March 2015

⁷ See NSIA submissions and attached 29 Nov 2013 letter to Senator Colbeck

As detailed in NSIA submissions on the draft Management Plans, the Plans should allow for explicit review and assessment of allowed activities, based on a clear, transparent process and sound science. This review framework, or reference to it, needs to be built into the Plan.

In addition, we note with concern that assessment of risk has been undertaken within the context of fishing activities and not in relation to all risks, either in isolation or cumulative, resulting from the identified pressures. Risk assessments for other activities, if conducted, are not publicly available. This is of serious concern to the fishing industry, given the strong regulatory (*FMA Act, EPBC Act, State fisheries and environment legislation*) backdrop and long history of substantial industry funds (tens of millions of dollars) contributed to fisheries and environmental management and research.

Wellbeing of Regional Communities

WAFIC wishes to emphasise that whilst the Government is seeking to honour a global commitment in regard to a representative marine reserve network, there is also an equally, if not more important consideration. The Government also has the responsibility to ensure that regional communities and their well-being and aspirations are given full consideration and respect in this process. Many rural communities are already suffering economic and population declines with associated social problems.

The resilience and viability of rural families and small businesses are clearly irrelevant to the well-funded city centric green advocates who are largely disconnected from regional communities and their struggles. Already, youth suicides are disproportionately higher in rural areas compared to cities, in part due to reduced economic and employment opportunities. Further reducing these opportunities through persisting with or expanding poorly placed reserves, unnecessarily restrictive zoning or biased treatment of the fishing industry will only exacerbate regional decline and associated social problems.

We urge the review panel to weigh this matter very carefully in its deliberations towards reaching a position on amended SW and NW marine reserve networks.

Reserve specific solutions and next steps

At its meeting with the Co-Chairs and panels on 12 March 2015, WAFIC handed the SW and NW review panels reserve specific potential solutions to deal with a number of areas of contention from a zoning, zoning boundary and allowed fishing gears perspective. These proposed solutions also took account of other resource users, social and economic considerations.

WAFIC undertook to facilitate consideration by impacted fishing sectors of potential changes to the green zone immediately north of the Abrolhos Islands. As advised at the meetings on 10 and 12 March 2015, this area is highly productive and important for a number of fisheries and gear types. No one solution was able to be reached for this area. Based on the consultations facilitated by WAFIC, Appendix 1 summarises the different preferences of the fisheries impacted in this area.

Over the review period and in an ongoing capacity, we look forward to working further with the Co-Chairs, review panels, Government and other stakeholders to achieve the Government's commitment to a National Representative System of Marine Protected Areas. For the fishing industry and WAFIC, this process will not stop once boundaries and zoning have been finalised. Workable network, reserve and fishery specific management arrangements will need to be developed and implemented.

In this context, WAFIC stresses the need for marine resource user buy on and confidence in the reserves and their objectives, management and monitoring. The SE region is a good example of Government and the fishing industry working well together to maximise management and conservation outcomes, through stewardship, education, engagement and the building of trust over time. This relationship is also critical for the effective finalisation of the reserves and ongoing management processes in the SW and NW regions. WAFIC continues to support the conclusions and recommendations made by the NSIA in its previous submissions, including proposed arrangements for fishing gear review process, finalisation of management arrangements and Class Approvals, ongoing consultation and input to research, monitoring and review of the SW and NW CMR networks⁸.

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⁸ NSIA submissions of 18 Dec 2012 and 14 Feb 2013 are most relevant to the review

Abrolhos green zone options

Please find below our comments on the Commonwealth's green zone located just north of the Abrolhos Islands. We are putting forward two alternative zones (one from the North Island Rock Lobster community and one from the West Coast Demersal Scalefish and Mackerel Fisheries) as we were unable to get agreement on one zone due to the significance of this area to all of these fisheries:

North Island Rock Lobster Community alternative zone:

113°14.700'E

27°48' S

113.34' E

27°52'S

The rationale for moving the Commonwealth's green zone considerably northwards is that it is located directly over Shallow Bank, which is of very high importance to North Island fishermen and directly in the middle of their main operating area. Rock Lobster fishermen have indicated that their alternative zone would provide bank representation by including Kelly's Bank and the eastern end of Dogger Bank.

WC Demersal Scalefish/Mackerel alternative zone:

113°14.700'E

28°00'S

113°34'E

28°03'S

The rationale for moving this zone 2 mile northwards, but still overlapping the Commonwealth's green zone is to allow for fishing access to the southern side of Shallow Bank, noting the northern end is of very high importance to the Mackerel Fishery. It also allows for the alignment of the northern boundary of the zone at 28°00'S, with the West Coast Demersal Scalefish Fishery (Midwest Zone). The WC Demersal Scalefish representatives did not support the North Island fishermen's alternative zone as it would result in two green zones within the Kalbarri zone of the fishery.

Attachment – the two Abrolhos proposals (map)