



The Hon. Troy Buswell MLA
Minister for Fisheries
3rd floor, The Atrium
168 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Western Australian West Coast Deep Sea Crustacean Managed Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In March 2013, the Western Australian Department of Fisheries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Western Australian West Coast Deep Sea Crustacean Managed Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Western Australian Department of Fisheries in response to the conditions and recommendations made in the 2010 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/wa/deep-sea-crab/index.html>.

The management regime for the Western Australian West Coast Deep Sea Crustacean Managed Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in March 2013. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I consider that the Western Australian West Coast Deep Sea Crustacean Managed Fishery operates in line with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.' Given the management arrangements and precautionary measures for the fishery, including limited entry, gear restrictions, minimum size limits, quota management and the protection of egg bearing female crabs, I have decided to amend the list of exempt native specimens to allow export of product from the Western Australian West Coast Deep Sea Crustacean Managed Fishery to continue for a period of five years, until 3 May 2018.

While there are some environmental risks associated with the Western Australian West Coast Deep Sea Crustacean Managed Fishery, I believe that the Western Australian Department of Fisheries has in place measures to address these issues. Officers from the Western Australian Department of Fisheries and this department have discussed and agreed to five recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1**.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes legislated amendments and operational changes that may affect the impact of the harvest in relation to target species, byproduct, bycatch, protected species or the ecosystem.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'G' followed by a horizontal line.

Geoff Richardson

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

29 April 2013

Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the Western Australian West Coast Deep Sea Crustacean Managed Fishery, April 2013

1. Operation of the fishery will be carried out in accordance with the *West Coast Deep Sea Crustacean Management Plan 2012* in force under the *Western Australian Fish Resources Management Act 1994*.
2. The WA Department of Fisheries to advise the department of any intended material change to the fishery's legislated management regime and management arrangements that could affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The WA Department of Fisheries to produce and present reports to the department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'
4. The WA Department of Fisheries to finalise performance indicators for the fishery and implement the proposed performance measures.
5. That an Ecological Risk Assessment be undertaken for the fishery, either through the Marine Stewardship Council accreditation process or by the WA Department of Fisheries. The ERA should include:
 - a review of risk levels and updating or developing new objectives, performance measures, management responses and information requirements as appropriate, and
 - consideration of target species, byproduct, bycatch (including protected species) and impacts on the marine environment.