



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
King Island Cast Bull Kelp Fishery

August, 2011

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Disclaimer

This document is an assessment carried out by the Department of Sustainability, Environment, Water, Population and Communities of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for Sustainability, Environment, Water, Population and Communities on the fishery in relation to decisions under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for Sustainability, Environment, Water, Population and Communities or the Australian Government.

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This section contains the department’s assessment of the King Island Cast Bull Kelp Fishery performance against the Australian Government’s *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* and outlines the reasons the department recommends that the fishery be included in the list of exempt native specimens.

Table 4: King Island Cast Bull Kelp Fishery Assessment– Summary of Issues and Recommendations August 201113

Table 4 contains a description of the issues identified by the department with the current management regime for the King Island Cast Bull Kelp Fishery and outlines the proposed recommendations that would form part of the delegate’s decision to include the fishery in the list of exempt native specimens.

Acronyms16

Table 1: Summary of the King Island Cast Bull Kelp Fishery

Publicly available information relevant to the fishery	<ul style="list-style-type: none"> • <i>Tasmanian Living Marine Resources Management Act 1995</i> • The Department of Environment and Heritage Assessment Report of the Tasmanian Kelp Fishery, 2005. • Department of the Environment, Water, Heritage and the Arts, Assessment Report of the King Island Cast Bull Kelp Fishery 2008. • Submission from Kelp Industries Pty Ltd, 2011
Area	<p>King Island, Tasmania. The fishery is permitted to harvest cast bull kelp, from the following areas:</p> <ol style="list-style-type: none"> a. the west coast of King Island between Cape Wickham and approximately five kilometres due south of Ettrick Beach; b. the south coast of King Island from Surprise Bay to the east of Stokes Point; and c. the south-east coast of King Island from three areas around Red Hut Point, Grassy Harbour and City of Melbourne Bay.
Fishery status	There is no fishery status assessment for kelp, however the current scale of the fishery is small and kelp is considered unlikely to be overharvested.
Target species	Cast bull kelp, <i>Durvillaea potatorum</i> . Cast kelp refers to kelp plants that have been detached from the substrate and carried shoreward by water movement. As the plants cannot reattach, once they are cast onto the shore, they die. In most cases more than 50 per cent of kelp biomass is left at each harvesting site as other species and smaller kelp pieces are not picked up.
Byproduct species	As this operation collects cast bull kelp which has already washed ashore, there are no byproduct species harvested.
Gear	Hand collection, which is sometimes assisted by winches and in some instances a mechanical harvester with a mechanical grab may be used.
Season	Harvest occurs year round but is dependent on prevailing weather conditions. Harvesting and transporting of kelp is prohibited from September to March (inclusive) on sandy beach areas except the north end of British Admiral Beach and any other sandy beach which would not be detrimental to nesting <i>Thinornis rubricollis</i> (hooded plovers).
Commercial harvest	<p>The total dry tonnes of bull kelp that have been harvested from 2007 to 2010 are;</p> <p>2007 – 2223.0 tonnes (t)</p> <p>2008 – 1922.0 t</p> <p>2009 – 1605.5 t</p> <p>2010 – 1900.0 t</p>

Value of commercial harvest	The small number of operators in the fishery currently prevents the public release of this data.
Take by other sectors	The amount of cast bull kelp harvested by the recreational and Indigenous sectors is considered negligible.
Commercial licences issued	Collection is permitted through the use of 100 registered licenses. Four of the licenses are full-time collectors, 40 are part time collectors and the remainder are inactive.
Management arrangements	<p>Kelp Industries Pty Ltd is the only licensed processor of kelp on King Island. All kelp collectors must apply for harvesting licenses annually and abide by all restrictions listed on harvesting licenses. Kelp Industries works to a collector's code of conduct as well as the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p> <p>In 2000 the then Tasmanian Department of Primary Industries and Water drafted a discussion paper titled <i>Management Options for the King Island Cast Bull Kelp Fishery</i> which set out policy objectives and management strategies as well as options for future management of the fishery. A preliminary draft policy paper on the management of marine plants in Tasmania has since been written by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). This paper outlines the possible management approaches to marine plants in Tasmania, including King Island and will soon be circulated for public consultation.</p>
Export	The majority of retained product is exported to the United Kingdom.
Bycatch	As this operation collects cast bull kelp which has already washed ashore, there are no bycatch species harvested.
Interaction with protected species ¹	There is the possibility of interactions with <i>Thinornis rubricollis</i> (hooded plover) and other migratory birds in the area. Harvesting is restricted to areas where it is considered that it will not be detrimental to migratory birds, i.e. harvesting and transporting of kelp and/or equipment is prohibited from September to March (inclusive) on sandy beaches, except the north-end of British Admiral Beach and any other sandy beach for which a representative from the Department of Primary Industries, Parks, Water and Environment had verified in writing that harvesting would not be detrimental to nesting hooded plovers.
Ecosystem impacts	The collection of bull kelp by hand and assisted by winches and mechanical grabs are unlikely to have any impacts on the ecosystem. In addition, conditions four, five and six of the previous wildlife trade operation have been added to the harvesting licence. A code of conduct has also been put in place to ensure that the impacts to the ecosystem are minimal.

¹ 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.

Table 2: Progress in implementation of recommendations and conditions made in the previous assessment of the King Island Cast Bull Kelp Fishery in 2008

Condition	Progress	Recommended Action
<p>Operation of the fishery will be carried out in accordance with the Fishing Licence and Fishing Certificate and made under the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p>	<p>Kelp Industries has advised that they work closely with the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to ensure compliance under the <i>Tasmanian Living Marine Resources Act 1995</i>. In addition DPIPWE has expressed its satisfaction with the company's environmental management.</p> <p>The department is satisfied that the requirements of this condition have been met.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 1, Table 4).</p>
<p>The Tasmanian Department of Primary Industries and Water (DPIW) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the management arrangements for the harvesting of cast bull kelp on King Island that could affect the criteria on which EPBC decisions are based.</p>	<p>There have been no changes to the management plan. The department is satisfied that the requirements of this condition have been met.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 2, Table 4)</p>
<p>A report to be produced and presented to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>	<p>Due to miscommunication between the department and Kelp Industries, annual reports have not been sent. Instead the department has regularly received quarterly yield reports from Kelp Industries as per previous conditions. Kelp Industries has now been made aware of this issue and will in future ensure that annual reports are completed as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>	<p>The department considers that this condition has been partially been met.</p> <p>The department recommends that this action be continued (see Recommendation 3, Table 4)</p>

	The department is satisfied that the requirements of this condition have partially been met.	
Harvesting of shore-cast <i>Durvillaea potatorum</i> is restricted to: <ul style="list-style-type: none"> the west coast of King Island between Cape Wickham and approximately five kilometres due south of Ettrick Beach; the south coast of King Island from Surprise Bay to the east of Stokes Point; and the south-east coast of King Island from three areas around Red Hut Point, Grassy Harbour and City of Melbourne Bay. 	<p>Kelp Industries has informed the department that all harvesting of shore cast bull kelp is restricted to the areas specified. These restrictions have also now been added to all fishing licenses. This ensures that the harvesting of cast bull kelp is only undertaken in these areas.</p> <p>The department is satisfied that the requirements of this condition have been met.</p>	The department considers that this condition has been met.
The harvest of <i>Durvillaea potatorum</i> is restricted to a maximum of 50% of available cast material at each harvesting site.	<p>Kelp Industries has confirmed that the harvest of bull kelp is restricted to a maximum of 50% of the available cast material at each harvesting site. This condition has also been added to fishing licenses, ensuring that all licensed kelp collectors are aware of this requirement.</p> <p>The department is satisfied that the requirements of this condition have been met.</p>	The department considers that this condition has been met.
Harvesting and transporting of kelp and/or equipment is prohibited from September to March (inclusive) on sandy beaches, except the north-end of British Admiral Beach and any other sandy beach for which a representative from DPIW has verified in writing that harvesting would not be detrimental to nesting <i>Thinornis rubricollis</i>	<p>Kelp Industries has advised that sandy beaches are rarely harvested due to the risk of bogging in the sand. The only exception is the north end of British Admiral Beach where most bull kelp is winched from the formed car park rather than on the sand.</p> <p>Kelp Industries has informed the department</p>	The department considers that this condition has been met.

<p>(hooded plovers).</p>	<p>that the prohibition on harvesting and transporting of kelp and/or equipment between September and March (inclusive) has been implemented. This restriction has also now been added to all fishing licenses. The prohibition now extends from August to March.</p> <p>The department is satisfied that the requirements of this condition have been met.</p>	
Recommendation	Progress	Recommended Action
<p>DPIW to pursue a strategic approach to the management of marine plants in Tasmania by developing a formal policy paper that among other things, considers management of the harvest of cast bull kelp on King Island.</p>	<p>DPIPWE has informed the department that the development of a formal policy paper is progressing well. A preliminary draft copy has been provided to the department. The draft paper has addressed the management of cast bull kelp harvesting on King Island along with other relevant issues.</p> <p>DPIPWE has notified the department that in September 2011 the paper will be distributed to stakeholders. DPIPWE aim to have a formal management plan in place by 1 July 2012.</p> <p>In light of this the department believes that this recommendation has partially been met and should be considered as ongoing.</p>	<p>The department considers that this recommendation has been partially met and is ongoing.</p> <p>The department recommends that this recommendation be continued (see Recommendation 4, Table 4)</p>
<p>DPIW to continue to work with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species. DPIW to also take into account relevant research to assist in the management</p>	<p>DPIPWE has stated that it continues to work closely with Tasmanian Parks and Wildlife to monitor any possible impacts cast bull kelp harvesting may have on protected bird species. The draft policy paper provided to the</p>	<p>The department considers that this recommendation has been met</p> <p>The department recommends that this recommendation be continued (see Recommendation 5, Table 4)</p>

<p>arrangements of harvesting kelp on King Island.</p>	<p>department by DPIPWE considers this issue. The paper has identified a requirement to have applications to harvest cast bull kelp assessed by land owners and managers (including Parks and Wildlife Services and Crown Lands) prior to the issuing of a new fishing licence.</p> <p>Kelp Industries has also informed DPIPWE that they have had meetings with the president of Birds Tasmania and they have not received any request to alter the current arrangements.</p> <p>The department is satisfied that the requirements of this recommendation have been met.</p>	
<p>DPIW to amend fishing licences for harvesting cast bull kelp on King Island to implement the WTO conditions four, five and six.</p>	<p>DPIPWE has provided the department with copies of fishing licences for the harvesting of cast bull kelp which have now been amended to include wildlife trade operation conditions four, five and six.</p> <p>The department is satisfied that the requirements of this recommendation have been met.</p>	<p>The department considers that this recommendation has been met.</p>

Table 3: The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) assessment of the King Island Cast Bull Kelp Fishery against the requirements of the EPBC Act related to decisions made under Part 13A.

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13A. A complete version of the EPBC Act can be found on the DSEWPaC website.

Section 303DC Minister may amend list	DSEWPaC assessment of the King Island Cast Bull Kelp Fishery
<p>(1) Minister may, by instrument in published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The public comment period on the DPIPWE submission sought comment on the submission for the King Island Cast Bull Kelp Fishery and provided sufficient opportunity for consultation with other persons and organisations.</p> <p>A letter to the Hon Bryan Green advises him of the intention to declare the fishery exempt from the export provisions of the EPBC Act.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the King Island Cast Bull Kelp Fishery made under section 303DC will be gazetted and made available on the DSEWPaC website.</p>

Section 391 Minister must consider precautionary principle in making decisions	DSEWPaC assessment of the King Island Cast Bull Kelp Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle has been considered when making a decision to include specimens in the list of exempt native specimens.
(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.	

Objects of Part 13A

- (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

Final recommendations to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) for the King Island Cast Bull Kelp Fishery

The material submitted by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) indicates that the King Island Cast Bull Kelp Fishery operates in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

The Department of Sustainability, Environment, Water, Population and Communities (the department) considers that the fishery is well managed and unlikely to have an unacceptable or unsustainable impact on the environment in the short to mid term. Overall, the department recognises that the restrictions put in place, such as limiting the harvest of cast bull kelp to a maximum of 50 per cent at each harvesting site, the limiting of harvesting to specific areas and the prohibition on harvesting and transportation of kelp and/or equipment from September to March (inclusive) on sandy beaches (except for those where harvesting would not be detrimental to nesting *Thinornis rubricollis* (hooded plovers)) are conservative and suggest that the fishery is being managed in an ecologically sustainable way.

In making its assessment, the department considers that the range of management measures are sufficient to ensure that the fishery is conducted in a manner that does not lead to over-harvesting and that stocks are not currently over-harvested. Taking into account that harvesting is done mainly by hand, the limiting of harvesting to specific areas and the restrictions on harvesting and transportation from September to March (inclusive), the department considers that fishing operations are being managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

The department believes that product taken in the fishery should be exempt from the export controls of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), with that exemption to be reviewed in 5 years. To contain and minimise the risks in the longer term the recommendations listed in Table 4 have been made. Unless a specific time frame is provided in the recommendation each recommendation should be addressed during the five year period.

Table 4: King Island Cast Bull Kelp Fishery Assessment– Summary of Issues and Recommendations August, 2011

Issue	Recommendation
<p><u>General Management</u> Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any changes that are made to the management regime 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 operational and legislated amendments that may affect sustainability of the target species or negatively impact on by-product, bycatch, protected species or the ecosystem.</p>	<p>Recommendation 1: Operation of the fishery will be carried out in accordance with the management regime in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>.</p> <p>Recommendation 2: Department of Primary Industries, Parks, Water and Environment to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the assessment of the King Island Cast Bull Kelp Fishery against the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>
<p><u>Annual Reporting</u> It is important that reports be produced and presented to the department annually in order for the performance of the fishery and progress in implementing the recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should include: a description of the fishery; management arrangements in place; research outcomes; recent harvest yield data for the fishery; interactions with protected species; impacts of the fishery on the ecosystem in which it operates; and information outlining progress in implementing recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the Guidelines available from the department’s website</p>	<p>Recommendation 3: Department of Primary Industries, Parks, Water and Environment to present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

<p>at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html.</p> <p><u>Strategic Approach to the Management of Marine Plants in Tasmania</u></p> <p>In the 2005 assessment of the fishery, the then Department of Environment and Heritage included a recommendation for the then Tasmanian Department of Primary Industries and Water (DPIW) to pursue a strategic approach to the management of marine plants in Tasmania. DPIW advised that a formal policy paper would be developed to ensure greater control over the kelp industry by government authorities and increased certainty and security for all industry stakeholders.</p> <p>In the 2008 assessment the then Department of Environment, Water, Heritage and the Arts again included a recommendation for DPIW to pursue a strategic approach to the management of marine plants in Tasmania.</p> <p>The Department of Sustainability, Environment, Water, Population and Communities understands that a shift in priorities impacted the progress of a formal policy paper, however the department still considers a strategic approach to the management of marine plants across Tasmania to be important, as it ensures a cohesive and managed approach to marine plants and ecological sustainability in Tasmania.</p> <p>DPIPWE has informed the department that the development of a formal policy paper is progressing well and has stated that the formal policy paper will be distributed to stakeholders in September 2011. DPIPWE aims to have a formal management plan in place by 1 July 2012.</p> <p>The department welcomes this progress and recommends that DPIPWE continue pursuing the finalisation of the formal policy paper with a strategic approach to the management of marine plants in Tasmania and King Island.</p>	<p>Recommendation 4:</p> <p>Department of Primary Industries, Parks, Water and Environment to:</p> <ul style="list-style-type: none"> • pursue a strategic approach to the management of marine plants in Tasmania by developing a formal policy paper that considers harvest management for the King Island Cast Bull Kelp Fishery; and • provide the Department of Sustainability, Environment, Water, Population and Communities with regular progress updates and the final policy paper.
<p><u>Protected Birds</u></p> <p>In both the 2005 and 2008 assessments of the King Island Cast Bull Kelp Fishery, a recommendation was included for DPIW to work with Tasmanian Parks and Wildlife to monitor the impacts of the harvesting of cast bull kelp on protected bird species such as the hooded plover. In 2011 the operator and the Marine Resources Division of DPIPWE reported that they are in regular contact with Tasmanian Parks and Wildlife Division of DPIPWE and will continue working collaboratively on assessing harvesting levels and practises. The department considers that ongoing monitoring should be pursued and as</p>	<p>Recommendation 5:</p> <p>Department of Primary Industries, Parks, Water and Environment to continue to work with the operator, to help facilitate studies and monitor the impacts of the harvesting of cast bull kelp on protected bird species as required. Department of Primary Industries,</p>

<p>such, has continued the recommendation for the operator to work with Tasmanian Parks and Wildlife Division of DPIPWE.</p> <p>Since the 2008 assessment, DPIPWE has implemented conditions four, five and six of the 2008 wildlife trade operation on all fishing licenses. These conditions covered season closures, maximum harvesting amounts and the restriction of harvesting to certain beaches. These restrictions should ensure that there is a limited impact on protected birds.</p> <p>Although there is some information on the protected bird species on King Island, a comprehensive long term survey or study on protected bird species would help provide more detailed data on the status of these birds. The department is aware that Kelp Industries is in regular contact with Birds Tasmania in regards to the protected bird species which is supported by the Marine Resources Division of DPIPWE.</p> <p>It is also essential that DPIPWE take into account any relevant research and survey results to continually improve the management arrangements for harvesting cast bull kelp on King Island.</p>	<p>Parks, Water and Environment to take into account relevant research to assist in the management arrangements of harvesting cast bull kelp on King Island.</p>
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Acronyms

DPIPWE	Department of Primary Industries, Parks, Water and Environment
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
DEH	Department of the Environment and Heritage
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities
DPIW	Tasmanian Department of Primary Industries and Water