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Dear Anthony

Submission on the Fisheries Management Strategy for the NSW Ocean Trawl Fishery

Ocean Watch Australia Ltd (Ocean Watch) makes the following submission in relation to the NSW Ocean Trawl Fishery Environmental Impact Study (EIS) and proposed Fisheries Management Strategy (FMS). Ocean Watch Australia Ltd. is an environmental, non-government organisation sponsored by the commercial seafood industry to represent the environmental interests of industry with respect to protecting and restoring fish habitats, improving water quality and promoting sustainable fisheries.

Ocean trawling, being non-selective and if poorly managed, is widely accepted internationally as damaging to the marine environment in terms of damage to/loss of habitat and through impacting/reducing species diversity and ecological assemblages. In light of this however, we also recognise that Australians demand fresh local seafood, available at a reasonable price and caught in a sustainable manner and that regional NSW is highly economically and socially dependent on the commercial fishing industry. As a result, and given the assessment of alternatives to trawling in Chapter C, Ocean Watch supports the conclusions drawn that the alternatives to trawling outlined are not viable either economically, due to inefficiencies in the methods, or would simply transfer the risks rather than reduce the risks, which would most likely lead to unsustainable fisheries. To this end, and until such time that economically and ecologically viable alternative fishing methods are identified, trawling needs to continue in NSW and every attempt made to address and mitigate the risks identified within the bounds of economic, social and ecological viability, using adaptive and cost-effective management and applying the principles of ecological sustainable development.

As stated in Chapter C Section 4, the key risk areas identified in this EIS can be summarised as overfishing and loss of economic viability, bycatch and habitat damage. Our submission is made providing comments relating to each risk area. As a general comment, we believe that the actions proposed in the FMS should seek to reduce risks across all key risk areas to at least a 'moderate' level. The present assessment suggests that proposed actions would most likely only provide a 'minor' reduction to the risks identified. This is generally unacceptable. It is imperative that there is further engagement of the industry in decision-

making and real co-management occurs following the completion of share allocation to ensure that more effective actions can be developed that will balance long term economic viability with improvements to managing environmental risks to ensure a sustainable fishery.

Overfishing and loss of economic viability

First and foremost it is imperative that any actions taken to manage this fishery do so to reduce overfishing and ensure the long-term sustainability of the fishery. The use of input controls is generally considered an effective method for reducing overfishing, however has been insufficient in restricting effort in the OTF. Input controls (MR 5.2(a)(ii)) will only be effective in the OTF with a reduction in overall effort across the fishery. Fishing efforts must be rationalised to increase returns to individual fishers and improve economic viability. The success of all proposed management actions in the FMS is dependent on the fishery remaining economically viable. The fishery will only be economically viable with a reduced effort. No environmental risk reduction will be gained through actions that attempt to reduce bycatch and other environmental impacts without balancing these against the need for a reduced effort within the fishery. Suggested actions such as closing trawl areas will simply result in a concentration of effort within smaller areas that will promote overfishing and the associated environmental issues in these areas.

The OTF is economically under performing and this is directly attributable to those risks outlined on page 209 of Volume 1. There is significant overcapacity in the OTF. The proposed management actions fail to provide any economic incentives to fishers to rationalise their activities and increase economic viability. The move to category 1 share management (MR 5.5(a)) will assist in this process, however management actions must go further than reducing latent effort (MR 5.2(a)(i)). Overall effort must be reduced and the management strategy reflected accordingly. In addition, the proposed mechanisms for reducing effort (through for example, structural adjustment) and improving long term viability must be determined with a high level of industry involvement in the decision making process (ie real co-management) and with adequate consideration and weighting given to socioeconomic factors. The management actions must be reflected accordingly in the context of the ability of industry to participate in full cost recovery.

We support the comment in Chapter C 4(d) that realistic indicators need to be developed to measure individual fishing business viability and a long term restructuring program introduced to reduce the number of fishing entitlements. These realistic indicators must factor in external influences and cumulative environmental risks on the OTF also impacting on economic viability such as the impact of drought, land based pollution, other fisheries etc on fish stock populations and the cumulative socioeconomic risks influencing operating costs etc. The EIS and proposed management actions fail to adequately incorporate these external influences and cumulative risks on the OTF.

Bycatch

As a means to ensure the long-term sustainability of the OTF it is imperative that bycatch reduction be the focus of management actions. We agree that management actions need to focus on reducing the volume of bycatch overall rather than being species specific. Obviously however, those species of low fecundity that are long lived, such as sharks must receive additional and adequate attention.

It must be noted however, that given the economic underperformance of the fishery, fishers have tended to focus on any species that can provide an economic return rather than fishing to meet market demand that maximises economic returns. To this end, and until such time that economic viability concerns have been addressed, any bycatch reduction actions implemented must consider the economic implications.

Research priorities must be determined with a high level of input from the industry and focus on identifying appropriate bycatch reduction devices (BRDs) (MR 1.1(c), MR 1.2(b)) and gear selection (MR 2.1(e)) that has the desired effect of reducing catches of sharks, juveniles and undersized fish etc, but can also adequately trade off significant economic impacts from the loss of other commercial species. Management options must consider combinations of all bycatch reduction methods available internationally for prawn and fish trawling including gear technology, hoppers/swim tanks (effective in shallow water prawn trawls and for improving quality), BRDs such as the "Fish box" and seasonal and spatial closures. In addition, the introduction of minimum size limits (MR 2.1(i)) without research on bycatch reduction being undertaken will do nothing to improve the sustainability of the fishery. Again, we reiterate that any closures, including day/night closures such as that proposed in MR 1.1 (b) and (c), MR 1.2(e) and MR 2.1(g) will have the opposite effect of reducing bycatch unless the economic viability issues of the OTF are addressed first through a reduction in overall effort.

Given the economic implications outlined in the EIS and *Chapter E Assessment of the Draft FMS*, the focus for reducing bycatch associated with fish trawls needs to be on alternate gear technologies such as bobbins and other devices, rather than just mesh size (MR 2.1(e)). Management actions suggested for reducing bycatch using the current BRDs available and through reducing mesh size will cause negative economic impacts associated with a loss of target and secondary species. Gear selectivity is a delicate issue and will take a lot of positive research before fishers are convinced to change their cod ends. Again it is imperative that there is a high level of involvement from fishers in decision-making and the research associated with gear selectivity.

Priority must be given to identifying an appropriate number of designated whiting grounds south of Barrenjoey Point (MR 2.1(e) and Appendices D3 and D5) that balances the environmental risks associated with juvenile commercial species and non-commercial bycatch species against economic viability. A precautionary approach must be enacted until such time that bycatch issues can be resolved from gear modification research for whiting given these designated areas have not been identified yet and poor gear selectivity is to continue.

Consideration should be given to including the use of hoppers in shallow water prawn trawls as an alternative handling practice to improve the survival of incidental species (MR 1.2(c)). Work undertaken by Ocean Watch to investigate the use of hoppers in Australian trawl fisheries indicates that many high value prawn fisheries have adopted the use of hoppers on the grounds of improvements to quality and handling of the catch. Research should be undertaken in the OTF to investigate the applicability and suitability of hoppers.

Discussion in the EIS and FMS suggests that bobbins do not provide an effective mechanism for reducing bycatch as it is implied that larger disks will result in greater areas of reefs being trawled. Inadequate consideration has been given in the EIS to international and other local research in this area. Where are these additional areas that DPI believes fishers will trawl over with an increase in size to bobbins and what do they look like? Trawlers cannot trawl over reef areas as nets can too easily become snagged etc.

Greater input from the industry is required to investigate the pros/cons associated with increasing the size of bobbins to a capped level greater than that proposed in the FMS. There is considerable scientific evidence to support the use of larger bobbins as they lift the net off the bottom reducing impacts to benthic and motile species. Commonwealth fisheries support the use of larger bobbins and fishers confirm anecdotally that bycatch is reduced when they are used.

Research must also focus on understanding the impacts existing bycatch reduction methods currently employed in the OTF are having on reducing bycatch. We understand that no research on bycatch levels in the OTF has occurred since the implementation of BRDs. We support an observer program (MR 1.2(a)) for this fishery, but have concerns as to how and whether an adequate program can be enacted given the level of resources required and current pressures on the Department of Primary Industries to reduce spending and operating costs. An observer program is fundamental to gaining a better understanding of the bycatch species and discarding patterns and to this end adequate resourcing should be allocated.

Ocean Watch supports the need for better cooperation and consistency in approach between fisheries managers in Queensland, Victoria and the Commonwealth and NSW (MR 6.3(b) and MR 4.2(a) and (c)). This will work towards reducing bycatch and impacts on juvenile commercial species.

Habitat damage

The impacts of trawling on benthic and motile invertebrate assemblages must be reduced. To this end, Ocean Watch supports Goals 1, 4 and 6 and the suggested management actions, however makes the following comments.

"Unless the distribution of habitats is known it will be impossible to accurately determine the spatial extent or magnitude of fishery-related impacts on habitats or to determine where reefs are" (pg 364). Broad scale mapping (MR 1.1(a) and 1.1(b)) is absolutely necessary to addressing the risks identified, however it must be understood that individual fishers regard their fishing grounds as intellectual property and the competitive nature of fishing does not allow or support the concept of detailed and 'accurate' mapping. To that end, proposed mapping actions are unachievable in their current form. Considering the historical relationship between fisheries managers and the fishing industry, and the current economic viability issues hanging over the OTF, it is fundamental that the industry is engaged in this process and adequate consultation takes place to determine how these objectives can be met and to ensure industry support for any idea exists before mapping takes place. Fishers need to be given absolute assurance of confidentiality and that broad scale mapping will not result in unnecessary and unscientifically based closures. It is also imperative that the mapping of substrata, assemblages and habitats takes place in conjunction with the mapping of fishing grounds and the intensity of use of these areas, as without this information any closures cannot be justified.

Every time a closure of any description is implemented, the effect is to condense the fishing effort within the remaining grounds. By closing 75% of state waters south of Barrenjoey (MR 1.1(b)), the strategy expects to reduce the risk of the effects of fishing. With the current number of players within the industry this will do nothing more than transfer effort. Overall effort must be reduced for this objective to be effective.

Repeated trawling removes/destroys entire assemblages quickly causing a loss therefore of sessile species such as sponges and gorgonians etc. that create habitat for fish species. These sessile species may be replaced by opportunistic faster growing species that may change habitats or encourage the establishment of 'marine pests'. To this end MR 1.4(a) should be expanded to include the use of the OTF as a monitoring mechanism to identify such changes to habitat.

Research focus (MR 1.1(d)) needs to be on understanding the interactions between species assemblages, species diversity and ecological processes and the impacts from trawling. The long-term sustainability of exploitable and non-commercial bycatch fish assemblages and the economic viability of the industry is at risk if these relationships are not understood. Area rotation (MR 2.1(g)) must be implemented as a priority, but only following appropriate structural adjustment to overall effort. It is important that refuge areas are known to close these to trawling on a rotation basis that is based on sound science that adopts adaptive management approach as more information becomes available. To this end any Code of Conduct (MR 1.2(d)) should include a voluntary agreement from the industry that trawl grounds will be given a suitable time to recover on a rotational basis. (It should also be noted that this is a practice already in place by most fishers).

The FMS currently does not reflect the responsibility of DPI to manage habitat as is required under Part 7 of the Fisheries Management Act. An additional objective should be added to the FMS to *"Manage the key habitats on which the Ocean Trawl Fishery depends"*. The FMS should stipulate the key habitats each species, particularly primary species, depend on. The FMS should also provide a brief overview of the condition of those habitats (much of which is available from existing NSWFisheries/DPI documents). The actions to address the goal should include:

- Implement a program to restore degraded habitats that would contribute to production in the Ocean Trawl fishery. This action would include the fishermen playing a role in identifying priority sites for the program to pursue.

- Monitor and report on trends in estuarine habitat condition.

- Improve the understanding by commercial fishermen and the community of the role estuarine habitats play in the Ocean Trawl fishery.

- Protect key fish habitats from degradation through implementation of the *Fisheries Management Act* (Part 7 provisions) and report regularly against actions taken by the Department.

With the move to category 1 share allocation, the industry must now take a more proactive approach to managing the OTF and actively seek effective co-management. The FMS in its current form will fail to deliver a long-term sustainable fishery. We believe the incorporation of the above comments will work to improve the economic viability and long-term management of environmental risks of the OTF. Please do not hesitate to contact me on (02) 9660 2262 should you require further information regarding the above comments.

Yours sincerely

Anissa Lawrence
Executive Officer
Ocean Watch Australia Ltd