

13 October 2006

Draft Zoning Plan for Batemans Marine Park
Marine Parks Authority
Via email: batemans@mpa.nsw.gov.au



HEALTHY CATCHMENTS
HEALTHY OCEANS

Dear Sir or Madam

Submission re: Draft Zoning Plan for Batemans Marine Park

This letter sets out the comments of OceanWatch Australia Ltd (OWA) in relation to the Draft Zoning Plan for Batemans Marine Park. OceanWatch Australia is a national environmental, not-for-profit company that works to achieve sustainability in the Australian seafood industry through protecting and enhancing fish habitats, improving water quality and advancing the sustainability of fisheries through action based partnerships with the Australian seafood industry, government, natural resource managers, private enterprise and the community.

OWA supports efforts to conserve marine biodiversity, acknowledging that the seafood industry relies on the productivity and sustainability of the marine environment to supply fish sustainably to the community. OWA recognises that the establishment of marine protected areas such as marine parks is one tool in achieving this. However, to date, this process has often been conducted in NSW without sufficient integration of science and local knowledge, inadequate assessment of the real costs of the marine park, and has left many key stakeholders, including the fishing industry feeling isolated from the entire process.

The NSW Government has had ample opportunity to learn from previous MPA planning experience within NSW, nationally and internationally about the most effective way to implement a marine park. However, the NSW Government has failed to adopt learning's, or even consider past shortcomings with respect to the planning processes for the Batemans Bay Marine Park. The MPA planning process for Batemans Bay has been driven by political agendas and as a consequence has been rushed through without appropriate incorporation of local knowledge and most recent science. More specifically the process has been marked by the inability of government to communicate with stakeholders in a timely and transparent way and to look to science rather than "those that yell loudest" in determining where suitable zones should be placed. As a result, the proposed zoning plan does not necessarily protect the right areas and has disengaged a cross-section of stakeholders, creating much confusion and anger. Marine Park planning is not about votes! It is about conserving the biodiversity of our marine environment for future generations.

OWA would like to express our views and concerns regarding the marine protected area planning process in relation to the establishment of the Batemans Marine Park, the production of the Draft Zoning Plan, and the socio economic assessment. We make the following comments and suggestions.



1. Cooperative approach to marine protected areas.

Cooperation between conservation and fisheries agencies and industry is recognised as a key requirement for the successful development of MPAs (Baelde, 2005). Facilitating more effective participation from commercial fishers into MPA planning processes would not only help increase their support and compliance, but also take advantage of their specific expertise and knowledge of the marine environment (Neis, 1995; Baelde, 2001; Williams and Bax, 2001). A more cooperative approach would address the current period of unknown between marine park announcement and initiation of planning process which creates a fear and scepticism amongst commercial fishing operators. In order to achieve/promote a far more cooperative approach with the commercial fishing industry, some key aspects need to be considered such as:

- A firm commitment from government to sustain and secure the future of the industry during and beyond implementation/ establishment of marine protected areas (access).
- Reimbursement/subsidy for industry members involvement in the marine protected area planning process including time spent at and traveling to meetings, travel costs, related administration such as telephone bills. Unlike Government Agency personnel, time spent in meetings, is lost time fishing. i.e. fishers are not paid for participating in meetings, moreover lose income for lost days fishing (including travel time).

The above aspects must be addressed in further consultation/planning for Batemans Marine Park and for planning of further Marine Protected Areas.

2. The commercial fishing industry needs to be recognised as an integral stakeholder in the marine protected areas planning process and needs to be valued for the core services it provides which aid in the conservation of the marine environment.

The commercial fishing industry needs to be recognised for their:

- invaluable intimate knowledge of the marine environment, integral to the marine protected area planning process;
- provision of information which assists stock evaluation i.e. catch landings.
- role as “stewards of the ocean”/environmental watchdogs. Fishers detect anomalies in day-to-day conditions, identify and report on environmental problems, disasters; and
- role in reducing illegal fishing activity:
 - with the closure of commercial fishing to certain areas, black-marketing and imports of seafood often increase due to the inability to legally obtain fresh local produce; and
 - some fishers such as estuary mainly work at night and thus can provide a deterrent.

Thus the industry is central to the marine park planning process.

3. There needs to be spatial and temporal alignment (stream-lining processes) between land-based planning, planning for marine protected areas and fisheries management.

Landuse planning is often in conflict with fisheries management (fisheries management strategies/ EIS) and marine protected area planning; as noted by Baelde (2005), “the principles and legislation governing biodiversity conservation and fisheries management are inconsistent with each other and lack coordination.” For example, all NSW fisheries have undergone rigorous assessment of their environmental sustainability through the EIS process. Subsequent management regimes have been modified to ensure greater sustainability through proposed Fisheries Management Strategies (FMSs). Despite such a process, further reduction in effort is being proposed through the marine protected area process, losing some of the core services that fishermen provide which aid in the conservation of the marine environment (noted above in point #2).

Marine protected area planners should have the right to comment on landuse plans. This is particularly important given that a key objective of MPAs is “the protection of the marine and coastal environment from further damage by human encroachment” (p 28 of the Socio Economic Assessment of the Batemans Marine Park).

MPAs need to consider the compatibility of certain zones with surrounding existing and future landuse in the MPA and external marine influences such as ocean outfall discharge. The Bioregional Assessment for Batemans Marine Park does to some extent consider the impacts of adjacent land-uses, other external threats including ocean outfall discharges, within the criteria for determining the conservation value of a particular area. However, OWA cannot comprehend how certain areas such as McLeods Creek have been zoned into a sanctuary zone, given the incompatibility with adjacent land-uses i.e. McLeods Creek, a small saltmarsh and tributary of the Clyde River is surrounded by an industrial precinct which is being further developed such that it will encircle most of the saltmarsh area.

OWA requests further justification for the zoning of such areas (sanctuary zone) in terms of their vulnerability to adjacent landuses/ocean outfalls.

4. Marine protected area planning needs to be backed by and to incorporate rigorous scientific information and local knowledge at the onset of planning (high level equitable consultation).

In relation to the Batemans Marine Park, local knowledge was not integrated at initial planing stages and the most recent, rigorous science was not fed into the bioregional assessment, (eg seagrass, saltmarsh and mangroves areas were determined from maps dating back to 1985; commercial catch reported from 1997/98 etc). Furthermore, public consultation to the Batemans Marine Park process has been inadequate in certain respects, including a lack of response to points and comments raised at public meetings (posted on the MPA website). The commercial fishing industry representative on the Batemans Marine Park Advisory Committee has advised OWA that he rarely received agendas for meetings, minutes etc.

OWA recommends that further MPA processes follow the alternate approach as suggested. OWA recommends that public consultation be more transparent, with proceedings recorded, minutes circulated to participants, and issues raised acknowledged and responded to. Communication needs to be improved to stakeholders and general public. Further to this, scientific evidence on the importance of MPAs is abundant, however this information has not been adequately communicated and disseminated to the community. Education is vital to the

MPA planning process in order to gain community and stakeholder support. The Marine Parks Authority needs an Education Department dedicated to producing and distributing information and material of this nature.

OWA proposes an alternate MPA planning process to ensure that the right areas are being protected:

1. Initial planning for marine protected areas requires collation of the most recent relevant science (including high resolution habitat mapping – side scan sonar) and formal integration of local knowledge and values into the planning process as early as possible (Ardron, 2005). Commercial fishers need to be recognised as a key stakeholder and information resource in this process and consulted in an inclusive and equitable manner. *“The lack of input from commercial fishers, fisheries scientists and fisheries managers into MPA planning processes had led conservation agencies to assess inadequately the potential negative impacts that MPAs can have on commercial fisheries.”* (Baelde, 2005) Industry and the local community needs to be engaged at the commencement of the MPA in discussion to identify the commercial fishery activities and other tourism/industries they propose to restrict in each zone type.
2. Announcement of Marine Park, Bioregional Assessment of Park produced incorporating local knowledge.
3. Further engagement with key stakeholders to determine draft zones.

There needs to be a clear justification of proposed actions in each individual zones proposed including (wrt fishing industry):

- the need for the restriction on commercial fishing activity (backed by data);
- the size of the sanctuary zones/habitat protection zones and the data to justify it; and
- the rationale for prohibition of each particular commercial fishing activity, particularly:
 - i. pelagic highly migratory species harvesting; and
 - ii. habitat interactions of each gear type.

Currently the onus is on the fishing industry to produce this information, this information should be collected as part of the marine park planning process.

4. Release of Draft Zoning Plan.
5. Further open and transparent engagement with stakeholders to determine final zones.
6. Final Zoning Plan produced together with socio-economic assessment.
7. Adequate (as opposed to tokenistic) compensation packages for fishing industry finalised etc.

Currently, OWA does not have confidence that the right areas are being protected as illustrated by the McLeods Creek example. OWA believes that there needs to be better incorporation of local knowledge and science in identifying the best areas, and how to protect these eg investigating seasonal closures for fisheries as opposed to complete lock out.

5. Adequate protection of habitat types within MPAs

OWA understands that the most recent science suggests that between 20 and 50% of each marine habitat type within a MPA should be protected i.e. as a sanctuary zone in order to meet conservation objectives of the MPAs. OceanWatch Australia supports the implementation of such zones, provided that they are identified using the best available science integrated with local knowledge and provided that they are implemented with adequate compensation for industry, i.e. in relation to the fishing industry, not only for fishing businesses yet on-shore businesses dependent on the viable operation of the fishing industry such as fishing Cooperatives and retailers (more detail provide in point # 7 below). To date compensation to the fishing industry has been highly inadequate and tokenistic in nature, as has not reflected the true value of the industry or the real costs to industry nor related onshore businesses, associated with the implementation of the MPA.

6. Adequate assessment of the environmental-socio-economic and environmental impact of the Marine Protected Area

The economic impacts of the removal of commercial fishing activities in the MPA needs to consider not only local impacts, but also the impacts on businesses that are directly related to fishing activities within the marine park area, yet they reside outside the immediate area. The Socio Economic Assessment of Batemans Marine Park only goes so far as to assess the “backward linkages” associated with expenditures in the local area (and only in Eurobodalla) not outside the local area. It also fails to assess the “forward linkages” associated with Commercial Fishing Cooperatives etc. This needs to be addressed. (OWA acknowledges that the Socio Economic Assessment of Batemans Marine Park identifies that a separate confidential study is being commissioned to identify and report on the co-operatives and fish markets likely to be affected by the establishment of marine parks within NSW).

Furthermore, the assessment of the “backward linkages” for commercial fishing need to include: landed fish prices, as well as all flow-on expenditures which contribute to the local and regional economy (food fuel, services etc.), boats, nets, and associated equipment provided by local industry (welders, diesel/outboard and refrigeration mechanics etc.) in order to calculate the true value of the fishing activity (in consultation with the fishing industry and fisheries managers). It is not clear if this has been accounted for in the Socio Economic Assessment of Batemans Marine Park.

The creation of the Batemans Bay Marine Park will result in a further concentration of effort in other areas. Many NSW fisheries are currently assessed by DPI as fully fished (and therefore there is little or no potential for other areas to absorb displaced effort if access to current fishing grounds is removed. “Major impacts include biological impacts on fish stocks and habitats because of the displacement of fishing effort and concentration within smaller fishing areas...” (Baelde, 2005). Thus it is critical to assess and address this displacement of effort to ensure that remaining fishing grounds are not over-exploited. (the creation of Recreational Fishing Havens in 2002, resulted in this scenario o the South Coast as there was not a commensurate level of buyout for the remaining fishers).

The implications of relocating this effort will have socio-economic impacts on those fishers remaining in industry and need to be considered, including:

- increased travel costs associated with increased travel to access remaining fishing grounds, remaining viable coops, markets;
- de-valued fishing licences
- an increase in the number of days spent fishing in order to make a profit. The Socio Economic Report for Batemans Marine Park noted that on average that number of days fished per year was only 82. With the projected increase of fishing effort in remaining areas, fishers will be forced to work harder in these areas, at the expense of sustaining fish stocks; and
- less time spent with families.

The above issues need to be addressed and further considered, particularly in the “*strategies required to limit the socio-economic costs and enhance benefits for 1) Commercial fishing industries and 2) The households that earn income from commercial fishing*” identified for further consideration in the Socio-Economic Assessment of the Batemans Marine Park.

7. Structural re-adjustment package with adequate compensation (taking into account above socio-economic consequences)

- Re-training of displaced industry personnel
- Social impacts to industry and their families (eg following the implementation of Great Barrier Reef Marine Park, fishing families experienced extreme depression and higher rates of suicide.)
- Ensure a commensurate level of licence buyout in other areas where effort is likely to be displaced. The Socio-Economic Assessment of Bateman’s Marine Park stated that “it was not possible to accurately forecast the level of commercial fishing effort that will be displaced...” due to a number of unknown factors. This needs to be immediately addressed and issues relating to active vs. latent effort resolved (it has come to our attention from industry that only latent effort has expressed interest at this stage in being bought out).
- Ensure adequate compensation package for industry members/ fishing businesses that are bought out and those that remain in business (given the socio economic impact on fishers remaining in industry identified above in point #6). Adequate compensation also needs to be directed to related core on-shore businesses and associations including Fishing Cooperatives, markets, retailers, transport businesses and organisations such as OWA (OWA receives a voluntary levy for some crates of fish that enter Sydney Fish Market i.e. \$0.05 per crate).

8. Management of established marine protected areas (research)

Little research has been conducted on identifying threats and assessing risks to the areas where they are implemented (Baelde, 2005). The impacts of the marine park need to be monitored (environmental, social and economic) and research conducted and collected throughout the life of the marine park and communicated to stakeholders and the community.

- Core services that the fishing industry provides which aid in the conservation of marine parks that will be lost in certain areas when industry is removed, need to be provided

by the Marine Parks Authority. This includes compliance, (as well as other services outlined in point #1).


- With regard to moorings in the MPA, OWA recommends designated mooring sites provided by the Marine Parks Authority to discourage anchoring in high value sensitive habitat areas and areas infested with *Caulerpa Taxifolia*.

Conclusion

OWA strongly recommends that the Marine Park Authority takes into consideration the above expressed views and concerns in relation to the Draft Zoning Plan For Batemans Marine Park and in relation to the planning of future Marine Protected areas in NSW. This will ensure far more superior outcomes for the conservation of the marine environment and reduce the detrimental social and economic impacts experienced by key stakeholders such as the commercial fishing industry as a result of this process.

Please do not hesitate to contact me on (02) 9660 2262 should you require further information.

Yours sincerely



Anissa Lawrence
Chief Executive Officer
OceanWatch Australia Ltd

References

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