

Draft TFIC Policy on Marine Protected Areas (V5)

Background:

At a State and Commonwealth level the planned establishment of new MPAs to add to the *National Representative System of Marine Protected Areas* (NRSMPAs) has highlighted the need for TFIC to develop a policy in relation to generic issues surrounding the MPA planning and establishment process. In addition, the new state Minister for Environment Judy Jackson recently announced that the State government plans to proceed with the further implementation of the *Tasmanian Marine Protected Areas Strategy* (Marine and Marine Industries Council 2001).

TFIC is not opposed to the establishment of MPAs *per se* however it is generally opposed to the establishment of MPAs that will impact on commercial fishing activities for fisheries which have been accredited against the EPBC Act or have otherwise been formally recognised as being sustainable fisheries. Recent research conducted by TAFI indicates that the establishment of large 'no-take' MPAs without a reduction in the TAC could have a detrimental impact on abalone and rock lobster fisheries depending on the MPA size and location. TAFI also believes that MPAs have little to offer as a fisheries management tool for these Tasmanian major fisheries (Buxton et al. 2004). Recent research investigating the impacts of MPA's on pelagic fish species also indicates that in fisheries operating under a TAC, economic efficiency will decline with negligible biodiversity conservation benefits.

TFIC recognises that there is a definite policy position that has been adopted by the Commonwealth and Tasmanian governments to add to the NRSMPAs and recognises the need to be actively involved in the process to promote and produce the best possible outcomes for TFIC members.

The TFIC Board at a meeting held on 17 May 2004 resolved '*... that our policy for State and Commonwealth MPAs is that they must be assessed on a scientific and not emotional basis and displaced effort compensation is a must*'. Further, TFIC believes that without adequate compensation the establishment of MPAs with a 'no-take' component is unfair, places a disproportionate burden on the fishing industry and is un-Australian.

Ongoing Fishing Industry Concerns regarding MPAs

1. The big four -
 - How **many**?
 - How **big**?
 - **Where**?
 - **How difficult** will it be to **change** the **boundaries**?
2. Given the uncertainty in relation to point 1 it is the **local adverse impact** of individual MPAs and the **cumulative affect** of MPA creation that is TFIC's major concern.
3. The effects will differ from fishery to fishery and from MPA to MPA. For example for the abalone fishery because of the zoning arrangements, and the relatively fine level of detail of catch information for Port Davey and the Kent Group an adjustment to the TAC particularly in the case of the Bass Strait Zone may be necessary. However, for the rock lobster fishery because of the coarse nature of the catch and effort data it is difficult to estimate the catch forgone. In addition the stock assessment model risk assessment process can only provide the risk associated within an estimate range of plus or minus 50 tonnes. Therefore it is difficult to establish at what point the establishment of an MPA will necessitate an adjustment to the TAC.

4. Leads directly to the issue of displaced fishing effort and the potential for a negative impact on fish stocks in the remaining productive waters.
5. TFIC has ongoing concerns in relation to compliance. Enforcement is already a problem in existing reserves, particularly those near population centers (e.g. the Tarooma Scientific Reserve and Governors Island).
6. Issues regarding carriage of gear, the carriage of caught fish and anchoring within MPAs.
7. Cross-jurisdictional issues, for example where the Commonwealth has responsibility for the management of a fishery (e.g. shark) within State territorial waters and visa-versa.

Proposed TFIC Position

Of primary concern for the fishing industry is the need for compensation where the establishment of an MPA has a deleterious effect on commercial fishing operations. Therefore the need to address this issue should be given the highest priority.

Ideally any additional MPAs will be sited in areas that deliver the intended conservation objectives but have a minimal impact on fishing activities.

Displaced Fishing Effort

1. The State policy in relation to displaced fishing effort as outlined in the strategy is totally inadequate. As outlined in its MPA Strategy the Tasmanian government has agreed to establish a process for providing special adjustment payments on a case by case basis (ex poste) to certain individuals affected by an MPA. This proposition that any compensation be addressed after the event is grossly inappropriate in that it obviously prevents a proper cost/benefit analysis being included in any decision for the creation of an MPA. The timing, lack of detail and the lack of a clearly defined process for the calculation and distribution of compensation payments are unacceptable to industry. Likewise the policy statement released by Senator Macdonald in January (DEH 2004) regarding fishing effort displaced by the establishment of Commonwealth MPAs while providing a framework within which any adjustment package (compensation) is considered is on specifics. The fishing industry needs to know:
 - whether the Commonwealth is prepared to adequately fund any restructuring / adjustment package and specifically how this will apply to State managed fisheries;
 - and how compensation payable will be calculated and applied;
 - and in relation to Commonwealth fisheries, will the State government compensate Commonwealth fishers if their operations are affected by the establishment of an MPA in State waters?
2. That a structural adjustment policy is given a legislative basis.

Note: At present the structural adjustment policy at State and Commonwealth level is just that, a policy only, with no legislative basis. Policy is easier to change than legislation!
3. ASIC has formed a subcommittee to prepare a response to the Commonwealths Policy Statement. ASICS MPA policy has been formulated with input from the affected sector groups in the SE Marine Region. The Commonwealth policy statement recognises that ‘...*impacts may vary greatly depending on the nature of the constraints within the MPA and the nature of the fishery*’. It is clear that a ‘one-cap fits all’ approach to structural adjustment is inappropriate. Metzner and Rawlinson (1998) reinforce this view in their report on fisheries structural adjustment.
4. An additional issue that has not been considered in any depth is the evaluation of ‘*pulse fisheries*’. Specifically, a calculation of a value for a fishery such as scallops where fishing operations vary over spatial and temporal scales will be difficult to obtain.

5. Despite the inadequacies of the current Commonwealth proposal as stated it provides a good framework within which structural adjustment can be considered. TFIC will lobby the State government to adopt the Commonwealth policy model and incorporate the structural adjustment policy in a revised *Tasmanian Marine Protected Area Strategy*. A review of recent changes to the GBRMP adjustment package will provide a good platform for negotiations on compensation in Tasmania.

Estimation of the Catch Forgone

The lack of fine scale information on catch inhibits the fishing industry's ability to provide an accurate estimate of catch foregone by the establishment of 'no-take' MPAs or the exclusion of some fishing operations within a multiple-use MPA. There is a need for an agreed methodology to estimate the catch foregone and TFIC will vigorously advocate that this issue is addressed as a matter of priority.

Of concern will be the lack of relevant area specific catch data necessitating reliance on estimates provided solely by industry members. If the estimates are too high and the effect of MPA establishment is overstated then TACs may have to be adjusted sooner rather than later, when there may be no pressing need to do so. If the estimates are too low and underestimate the effect of an MPA establishment, the effects of displaced fishing effort, particularly for sedentary species, will be real and not just theoretical and could contribute to serial depletion in some fisheries and any compensation paid would be inadequate.

Support for Multiple-use MPAs

TFIC supports the multiple-use concept. This does not exclude 'no-take' zones, however, where it is deemed appropriate to establish a 'no-take' MPA they should be embedded in larger multiple-use MPAs.

Support for the "Least Costs" Principle

Where different areas are being considered within the one bioregion, the area that is of the least economic importance (for the fishing industry) should be chosen. Or if none of the proposed areas can be supported then Industry should put forward its preferred options that will have the least impact and still address the selection criteria. For example while not supporting any proposal for the following areas, in the interim Bruny bioregion there may be a choice for example between Lagoon Bay, Fortescue Bay, Adventure Bay and Southport Beach. Industry must push for an option that has the least impact on commercial fishing operations irrespective of the classification of the MPA i.e. no-take or multiple use.

Support for Risk Assessments

The fishing industry requires an assessment for each proposed MPA of:

1. all activities (not just fishing) that may have a detrimental impact on a potential MPA;
2. A risk assessment for each type of fishing activity. In essence what 'risk' does each type of fishing activity pose to the marine environment? This should be related to habitat features. For example it may be proposed that scalloping be allowed in areas of sandy substrate within an MPA particularly in high-energy environments;

3. That the risk assessments for MPAs are essentially based on a more detailed extension of the process outlined in the *Guidelines for the Ecologically Sustainable Management of Fisheries* (Commonwealth of Australia 2001).

Assessment and establishment of future MPAs in Tasmania

1. Support for the RPDC process. There is a need for an open and transparent process that provides an opportunity for all stakeholders to have input into the assessment, selection and implementation of MPAs. TFIC will consider how the process could be improved and provide the appropriate advice to government. A major issue here is the Reference provided by the Minister to the RPDC to initiate the process and we should encourage the Minister to include a clause instructing the RPDC to minimise the economic impact on the commercial fishing industry and coastal communities.
2. A key priority for TFIC and the Tasmanian fishing industry is to establish a mutually agreed process for quantifying the individual and cumulative effects of MPAs.
3. Industry needs a high level of certainty and confidence in the process to ensure stability and to protect current and future investment.

Criteria for Closed Areas

'No-take' areas should only be established for ecological reasons based on the best available science and not for stock reallocation reasons. TFIC strongly opposes any proposal that excludes commercial fishing but would permit recreational fishing to continue in MPAs.

Compliance and Management

1. Because the principle rationale for the establishment is (1) the conservation and protection of biodiversity (2) the maintenance of ecological processes and systems, and is not for fisheries management purposes, the responsibility for the funding of compliance and management activities is that of the State / Commonwealth governments. The fishing industry should not be charged for any management or compliance activities within an MPA.
2. However, the fishing industry acknowledges that for MPAs to meet their objectives there must be adequate funding for these activities and we urge the government to ensure that adequate funding is costed and provided for these activities as part of the consideration for an MPA.
3. Support for the development of management arrangements including compliance and monitoring before new MPAs are formally established. These issues need to be addressed as part of the identification, selection and implementation process. Delays in the finalisation of management arrangements may lead to continued uncertainty for all stakeholders.

Habitat Mapping

Before commencing on a further rollout of the *Tasmanian Marine Protected Area Strategy* we advocate the need for habitat mapping of all bioregions. If that is not possible, the mapping of all potential sites within a bioregion must be completed before the commencement of the selection process. This can only enhance the assessment process. Stakeholders cannot evaluate what is being protected by the establishment of an MPA if there is inadequate or incomplete information on the extent of different habitat types within a given geographical unit.

Support for Long-term Monitoring and Scientific Research

1. The primary benefit from the creation of additional MPAs to Tasmania's wild capture fisheries is that they provide ideal locations to conduct research. Specifically the need to identify the ecosystem effects of fishing and the effects of the environment upon fisheries are becoming more prominent. Accreditation against the *Guidelines for the Ecologically Sustainable Management of Fisheries* and the EPBC Act 1999 highlight the need for additional research to address these issues.
2. Long-term monitoring is required to ensure that MPAs will meet the objectives for which they were established. TFIC supports the position that as with compliance and management this is a public good benefit and the government / s responsible for these activities should fund them from consolidated revenue.

Support for Accredited Fisheries

TFIC supports the position that fisheries that are accredited under Part13 & 13A of the EPBC Act 1999 and against the *Guidelines for the Ecologically Sustainable Management of Fisheries* have a demonstrated acceptable level of impact on the marine environment and are sustainably managed. Further the creation of additional MPAs may adversely impact on the future sustainability of that already accredited fishery.

TFIC Support for Tasmanian Fisheries

The principle role for TFIC is to provide a framework in which MPA issues can be considered by Tasmanian fishers and fishing industry bodies. First, TFIC with the agreement of the commodity groups will initiate, coordinate and support the position taken by individual Tasmanian commodity groups and encourage them to participate in the process with a consistent, whole of industry message. Second, TFIC will support the interests of members who operate in Commonwealth fisheries to the extent that their position is in line with the position adopted by State based fisheries. If there is a clear difference between Commonwealth and State fisheries, supporting the best interests of participants in Tasmanian managed fisheries will be the primary focus of TFIC.

Bibliography

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