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Rowley Shoals Marine Park Draft Management Plan and Indicative  
Management Plan  
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Department of Conservation and Land Management  
47 Henry Street  
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**Rowley Shoals Marine Park Draft Management Plan and Indicative  
Management Plan for Extensions to the Existing Marine Park 2004**

Dear Melissa

Recfishwest is the peak body representing the interests of the estimated 645,000 recreational fishers in Western Australia. We are formally recognised and funded by the Government in that role and have regular meetings with the Minister for Fisheries and with the Minister for the Environment as well as interaction with other Ministers and Government agencies on a range of topics.

Recfishwest places the highest precedence on preserving the future of recreational fishing and the resource it depends on. The habitat in which fishing is carried out and access to that habitat is of particular importance to Recfishwest. Recfishwest acknowledges that a marine park is a resource for the entire community and although there is a need for local community involvement, the importance of a strategic, state-wide viewpoint is essential but sadly lacking in the Western Australian context.

**The Rowley Shoals Marine Park Review Process**

Recfishwest believes the Department for Conservation and Land Management's (CALM) endeavours to accomplish its objectives by focussing primarily on sanctuary zoning in marine parks instead of the whole range of marine natural resource management processes that are available. Management options other than sanctuary zoning can achieve better outcomes than CALM's preoccupation with power and its "lock up everything" mindset as clearly evident in the Rowley Shoals Marine Park Draft Management Plan (Management Plan).

An example is the outright dismissal by CALM of the willingness of recreational fishers to restrict all finfish take from the entire Rowley Shoals Marine Park area to "no-take" except for immediate consumption within the Marine Park boundary. That is, no fish are removed from the Marine Park area.

Recfishwest is disappointed by the review process, in particular the exclusion of proper recreational fishing representation that would have resulted in a more realistic draft plan had it been actively involved in the consultative process.

Recfishwest has not been consulted on this plan even though recreational fishers are a major stakeholder and once again the group most impacted by these proposals. The process has been biased because representatives of dive/ecotourism operations have been openly antagonistic towards the future of recreational fishing at Rowley Shoals, for no other reason than to enhance their vested interest by excluding recreational angling from the Marine Park augmented in some cases by outright prejudice.

Recfishwest views with considerable concern the noticeable bias against recreational fishing by imposing sanctuary zones which effectively exclude recreational anglers from the shoals whilst allowing unfettered access by dive/ecotourism based operations. Recfishwest believes that due to the minimal impact of recreational anglers by virtue of; the isolation of the shoals, the small climatic window of opportunity for access and the minimal number of anglers fishing the area annually, other management tools should be selected in order to uphold the values of the Marine Park.

### **Absence of Justification for Sanctuary Zoning**

Notwithstanding these serious concerns, Recfishwest supports the need for a marine park in the Rowley Shoals reef system. However the justification behind the proposed zoning needs far more transparent exposure to assure recreational fishers that CALM is able to equitably implement a marine park proposal that is able to meet clearly defined objectives.

The Recfishwest scrutiny of sanctuary zones remains unchanged. That is; what are the identified threats? What is it you are trying to protect? How will you know if you have succeeded? What other marine natural resource management mechanisms are available to achieve the desired level of protection required?

Recfishwest believes there is little justification on the basis of threat, scientific or otherwise, for the proposed sanctuary areas. The driving force behind the Interim Marine and Coastal Regionalisation of Australia (IMCRA) process requires that “no-take” areas are based on a known level of threat. Furthermore, under the auspice of the Australian and New Zealand Environment and Conservation Council (ANZECC) process, Australia has agreed to general principles that should be followed when marine parks are established. One of the points in this process is that “no-take” areas should be established and sized based upon the level of threat.

If it is proposed that areas are designated as no-take areas solely as a precautionary approach based on little or inconclusive scientific research, then at least identify the perceived threats and employ management strategies with the minimisation of those threats as the objective. For example, if soft coral reef structure is at risk from anchor damage from the relatively large anchors necessary for the size of vessel required to access the shoals, then restrict anchoring to designated areas/moorings and prohibit anchoring in areas that are perceived to be at risk. The lack of anchoring restrictions in the plan is indefensible and again indicative of bias toward diving interests.

Recfishwest is disappointed with the incapacity of CALM to implement a vision for the Management Plan without recognition of the importance that the shoals play for the recreational fishing sector.

Non-anthropogenic events such as tropical cyclones and adverse ambient water temperatures will compromise the practicality of the vision statement. Evidence of coral bleaching and drastic declines in flora and fauna were evident at Scott and Serengapatam Reefs following exposure to higher than normal water temperatures during April and May of 1998. What of

the effects of severe tropical cyclones that invariably pass the area between December and March? Dive tour operators blaming the absence of a particular species of fish on fishing pressure is not only naive but ridiculous given the physical areas/habitat involved. For these reasons, the vision statement is narrow-sited in suggesting that *the marine flora and fauna.....will be in the same or better condition than in the year 2004.*

Recfishwest believes that the three reefs, Mermaid, Clerke and Imperieuse need to be viewed as a single system. Although Mermaid Reef Marine National Nature Reserve comes under Commonwealth jurisdiction, it effectively operates as a sanctuary zone itself by not permitting any extractive practices including recreational fishing. The Mermaid Reef Reserve covers an area in excess of 500km<sup>2</sup> and is listed as 1a ; Strict Nature Reserve under the International Union for the Conservation of Nature (IUCN) categorisation system. It is important to point out that this represents approximately 30% of the Rowley Shoals already gazetted as a marine nature reserve. What additional representation could possibly be required?

## **Specific Comments on the Management Plan**

Recfishwest agrees that it would be useful to inform all user groups of the unique social and ecological values of the Rowley Shoals Marine Park area. However, with the exception of anchoring, which is not addressed with any degree of conviction, the human risks are very small compared to those arising from natural phenomena.

## **Ecological Values (7.1)**

### **Geology & Geomorphology (7.1.1)**

Recfishwest supports the paper's strategy to ensure that development activities do not have significant impact on the geomorphology of the area and to educate Marine Park users about the importance of maintaining the Marine Park's geomorphologic state.

### **Water Quality (7.1.2)**

Recfishwest supports the preservation of the pristine nature of the water quality at the Rowley Shoals and the strategies outlined to ensure there is no change in background water quality due to anthropogenic activities. Recfishwest encourages the implementation of guidelines to ensure that there are no adverse impacts on biodiversity and the intrinsic values of the Marine Park from black-water.

### **Intertidal Coral Reef Communities (7.1.3)**

Recfishwest in general supports the management objectives and strategies as outlined. In particular, the education of user groups will act as the best tool for preservation of the intertidal reef communities. Recfishwest does however strongly object to the zoning strategies as outlined in Section 8.1 and will address these strategies in detail later in this submission.

Recfishwest believes that making 95% of the lagoon area a sanctuary zone will not decrease the existing and potential pressures as outlined on page 19. A sanctuary zone does not restrict the use of amphibious vehicles and boats, propeller and anchor damage and illegal fishing from foreign vessels. Bearing in mind that the majority of boats operators are staff of licensed charter boats, all of which have marine qualifications, one would assume that their level of skill would ensure that minimal damage occurs to their boats and the reef communities. Although a sanctuary zone may have some benefit in decreasing specimen collecting, note that live coral and mollusc collection is already prohibited by the Department

of Fisheries under Fishing Notice 238 of the Fish Resources Management Act 1994. Making an activity illegal twice will not create for additional benefit. A clear definition of what is considered a “specimen” is also noticeably absent from the management plan.

#### **Subtidal Coral Reef Communities (7.1.4)**

Recfishwest supports all of the recommendations proposed to reduce damage to the coral communities caused by mooring and anchoring activities.

#### **Invertebrate Communities - Excluding Corals (7.1.5)**

In general Recfishwest supports the strategies (excluding zoning as detailed in section 8.1) proposed to control recreational invertebrate collection. In particular we commend strategy 2 (page 23) provided that relevant stakeholders are consulted prior to legislation being passed.

#### **Finfish (7.1.6)**

Recfishwest supports strategies 2, 3, 4, 5, and 6 outlined on page 26 as positive application of resources to develop an understanding of the finfish diversity and abundance in the Marine Park. Recfishwest is of the opinion that Strategy 1, (zoning 95% of the existing Shoals area a sanctuary zone), would have limited (if any) benefit to the finfish population, for the following reasons:

- The high number of finfish species already protected under Fishing Notice 238.
- The pre-existence of fisheries management regulations including possession limits that act to substantially limit the recreational finfish catch. Possession limits were introduced by the Department of Fisheries after extensive consultation and with the support of recreational fishers.
- The recreational fishing sector has been pro-active in initiating species protection and actively promoting total protection for barramundi cod and Queensland groper in Western Australia. These positive measures are never acknowledged by CALM.
- Most of the fish targeted in the lagoon areas of the Shoals are targeted for sport only and are in most cases released in very good condition.
- Limiting recreational fishing to one small pocket of Clerke Reef would only serve to concentrate the impact of recreational fishing into one area, to a level whereby the local sustainability would be compromised.
- The current low level of extraction of finfish in the Marine Park over an average usage period of three months a year. Additionally the presence of recreational anglers and their charters at the shoals during periods where access is possible has in the past added the value of extra eyes for surveillance of foreign fishing vessels in the area.
- The Marine Park has a significant period of no human impact by virtue of; the isolation of the shoals, the small climatic window of opportunity for access and the minimal number of anglers fishing the area annually.

#### **Turtles (7.1.7)**

Recfishwest supports management objective and strategies outlined to preserve the ecological value of Turtles at the Shoals. However the threats to turtles, which are already protected, are unlikely to be addressed via sanctuary zoning.

### **Seabirds (7.1.8)**

Recfishwest supports management objective and strategies outlined to preserve the ecological value of Seabirds at the Shoals. However the threats to seabirds, which are already protected, are unlikely to be addressed via sanctuary zoning.

### **Cetaceans (7.1.9)**

Recfishwest supports management objective and strategies outlined to preserve the ecological value of Cetaceans at the Shoals. However the threats to cetaceans, which are already protected, are unlikely to be addressed via sanctuary zoning.

## **Social Values (7.2)**

### **Scientific Research (7.2.1)**

Recfishwest supports the management objectives for scientific research. Recfishwest does not however believe that the zoning strategy as proposed in section 8.1 will benefit scientific research in the area. Using the current marine park status as an example Recfishwest believes, in terms of scientific research, there is excellent representation of differing levels of human usage and pristine environments.

Mermaid Reef already provides significant protection, effectively functioning as a sanctuary zone itself. The Mermaid Reef Reserve covers an area in excess of 500km<sup>2</sup> and is listed as a Strict Nature Reserve under the IUCN categorisation system. It is important reiterate that this represents approximately 30% of the Rowley Shoals already gazetted as a marine nature reserve.

### **Water Sports (7.2.2)**

Recfishwest supports management objectives and strategies outlined to preserve the social value of water sports at the Shoals, providing that consultation with user groups is entered into before any zoning restrictions are implemented, and “incompatible” activities are established.

### **Seascapes (7.2.3)**

Recfishwest supports management objectives and strategies outlined to preserve the social value of seascapes at the Shoals.

### **Nature-Based Tourism (7.2.4)**

Recfishwest generally supports management objectives and strategies outlined to preserve the social value of nature-based tourism at the Shoals.

### **Recreational Fishing (7.2.5)**

Recfishwest supports the management objectives in relation to the social value of recreational fishing. Recfishwest accepts that strategies 3 to 7 would be beneficial in ensuring that fishing in the park remains at an ecologically and socially sustainable level. In particular Recfishwest supports the recommendation that the Rowley Shoals be a “no take away” zone. All recreational fishing should be of a catch and release nature or catch for “on-site consumption” only.

Finfish communities at the Rowley Shoals appear to be in a “generally undisturbed condition” (Rowley Shoals indicative plan), after 12 years of recreational, research & charter use.

Recfishwest believes that the recreational fishing community, as a user group, will be unfairly affected if the zoning recommendations of the draft management plan are enforced. Not only will recreational fishers be discriminated against, financial loss for numerous charter operators will occur and there will be an increased potential for over fishing in the one insultingly token lagoon site where fishing is permitted.

For the following reasons Recfishwest believes that the zoning strategies need to be reviewed so that the social and ecological values of the shoals are maintained.

- Increasing the sanctuary zone to 95% of the existing Marine Park effectively leaves little area for recreational fishing, especially in the lagoon area. The sizes of the proposed closures are unwarranted and inappropriate.
- The 5% of lagoon area set aside for recreational fishing will inevitably lead to an unsustainable localized fishing impact. This would no doubt lead to future research showing an exaggerated impact of recreational fishing on the shoals.
- The proposed zoning structure does not meet with the requirement outlined on page 38 of “equitable access to fishing grounds within the marine park”. For example, does the proposed recreational zone in the lagoon area of Clerke reef provide habitat for the major target species of recreational fishers?
- Sanctuary zones that propose “no fishing at all”, neglect to recognise that the majority of fishing carried out at the Rowley Shoals is of a catch and release nature and supervised by marine qualified and experienced anglers.
- Sanctuary zones also do not differentiate between the different styles of fishing and the advancement in equipment and tackle that is now available that allow for improved release techniques and less damage to the caught fish. The enormous changes in recreational fishing attitude continues to be disregarded by CALM.
- The comment in paragraph two page 38 “There is a need to review the merit of allowing catch and release fishing given that the rate of survival of fish released is currently unknown”, is particularly offensive to recreational fishers. The management plan fails to recognise the merits of catch and release practices. Although availability of data on survival rates of fish is limited, most studies actually show that the survival rates of catch and release fish are actually quite high. The table entitled “Documented Fish Survival Supports Catch and Release” from the Marine Resource Bulletin, vol. 32 # 3 shows that out of 16 species tested, six species had survival rates higher than 95%, seven species had survival rates between 85%-95%, two species had a survival rate between 65%-85% and only one species had a survival rate lower than 65%. In Western Australia, tailor have shown to have survival rates of 97% and the early figures for the Fisheries Research Development Corporation (FRDC) tagging project show good levels of survival in all species out of relatively shallow waters.
- Although species located in the lagoon area are not the primary target species at the Rowley Shoals, restricting recreational fishing for these species to an area of only 5% of the existing Marine Park will not allow anglers equitable access to these species, particularly as this would be the only practical area for fishing during extended periods of high winds and rough seas.

- Education, gear restrictions, minimum and maximum size limits and bag limits are all part of the suite of tools employed by the Department of Fisheries to ensure sustainability of recreational fishing. Apart from education, the Management Plan neglects to address the multitude of other processes available or options to introduce Rowley Shoals specific size limits or bag limits for target species, or encourage the use of fish release friendly gear such as barbless hooks and circle hooks. Indeed there is no acknowledgement of the significant recreational fisher driven management reforms such as possession limits that are likely to provide greater benefit than unenforceable autocratic management by an agency that appears to actively seek the alienation of recreational fishers.
- Recfishwest has received comment from a prominent Rowley Shoals charter boat operator, Gary Fortescue of Broome Fishing and Dive Charters (One of the first charter operators to use the Rowley Shoals as a fishing charter destination) that “the fishing at the Shoals is better today than it was 10 years ago”.

### **Petroleum Exploration and Production (7.2.6)**

Should the proposed extension to the Marine Park boundary occur, Recfishwest would oppose any petroleum drilling occurring within the marine park boundary, regardless of whether it is in a general purpose zone as it would significantly affect the overall values of the Marine Park.

### **Wilderness (7.2.7)**

Recfishwest in general supports the requirements and management objectives proposed to maintain the social value of the wilderness experience at the Rowley Shoals as outlined on page 41/42. However Recfishwest believes that the short-term target strategies of restricting visitation to no more than four vessels and 120 people at any one point in time as too prescriptive. The level of access should be considered through consultation with key stakeholders and based on not only “Wilderness” values, but the overall social and ecological values of the shoals.

### **Development of a Zoning Scheme (8.1.1)**

Recfishwest feels that it is inappropriate to apply operational principles from the “Great Barrier Reef Marine Park Authority Representative Areas Program (GBRMPA)” due to the unique nature of the Rowley Shoals and the low human usage of the area (due to location & weather restrictions). The high level of human usage and easy access characterized by the Great Barrier Reef is entirely inconsistent with human usage at Rowley Shoals. Agricultural run-off also typifies the anthropogenic impact on the Great Barrier Reef and is entirely inconsistent with human impacts at Rowley Shoals. Using the GBRMPA program is construable as a soft option to implement a “lock-up” philosophy through a remote area which will then be applied broadly.

Recfishwest supports the notion that the zoning scheme be simple for users to understand and therefore comply with. However, with particular reference to Clerke Reef proposed zoning, we do not feel that compliance would be easy, particularly with the proposed recreation zone in the lagoon area being an obscure shape that is impossible to define on the ground and which is very difficult to enforce without community support given the remoteness of the area.

## Summary Key Points

Recfishwest places the highest priority on preserving the future of recreational fishing and the resource it depends on. Recfishwest acknowledges that a marine park is a resource for the entire community, the importance of a strategic, state-wide viewpoint is essential but sadly lacking in the Western Australian context.

Recfishwest believes CALM erroneously endeavours to accomplish its objectives by focussing primarily on sanctuary zoning in marine parks instead of the whole range of marine natural resource management processes that are available.

Recfishwest has not been consulted on this plan even though recreational fishers are a major stakeholder and once again the group most impacted by these proposals. We are disappointed by the exclusion of proper recreational fishing representation that would have resulted in a more pragmatic draft plan had we been actively involved in the consultative process at an earlier stage.

Recfishwest views with considerable concern the noticeable bias against recreational fishing by imposing sanctuary zones which effectively exclude recreational anglers from the shoals whilst allowing unfettered access by dive/ecotourism based operations. Recfishwest believes that due to the minimal impact of recreational anglers by virtue of; the isolation of the shoals, the small climatic window of opportunity for access and the minimal number of anglers fishing the area annually, other management tools should be selected in order to uphold the values of the Marine Park.

The justification behind the proposed zoning needs far more transparent exposure to assure recreational fishers that CALM is able to equitably implement a marine park proposal that is able to meet clearly defined objectives. Recfishwest believes there is little or inconclusive justification on the basis of threat, scientific or otherwise, for the proposed sanctuary areas.

Recfishwest believes that the three reefs, Mermaid, Clerke and Imperieuse need to be viewed as a single system. Mermaid Reef Marine National Nature Reserve effectively operates as a sanctuary zone itself covering an area in excess of 500km<sup>2</sup> representing approximately 30% of Rowley Shoals gazetted as a marine nature reserve. What additional representation could possibly be required?

Recfishwest believes the zoning proposals for the Management Plan are outrageous. The Management Plan has not provided an equitable resource sharing base such as the process for the Barrow Island/Montebello Island Marine Park, a similarly remote and relatively unused location. Why such a different approach? The Barrow/Montebello Marine Park contains large sanctuary zones but they were supported.

**Recfishwest does not agree with the following key recommendations proposed by the Management Plan and seeks to have them reviewed and changed.**

- Allowing petroleum exploration in general use zones of the proposed marine park extension.
- The proposed zoning in the Marine Park, as it does not allow for equitable use of the park with different user groups.

**Recfishwest seeks to put forward the following recommendations in relation to maintaining the vision set out for the Rowley Shoals for the next ten years.**

- Proposed zoning be reviewed for the lagoon areas of Clerke & Imperieuse reef systems so they are left as they are presently zoned.
- Gear restrictions (i.e. barbless hooks / circle hooks).
- Rowley Shoals become a “No Take Away Zone”, fish may only be kept for immediate consumption within the Marine Park boundary.
- Limitations set on the numbers of visitors allowed to the Marine Park each year. (This to be established in consultation with authorities and user groups and reviewed on a regular basis).
- A closed season for access to the Marine Park is established, most probably between January and June each year. To be established in consultation with authorities and stakeholders and reviewed on a yearly basis.
- Establish monitoring programs in conjunction with charter operators to increase knowledge of the Rowley Shoals ecology and better establish user impact. The cost of such research should be borne by CALM and not from the Department of Fisheries.

***Recfishwest supports the following key recommendations proposed by the Rowley Shoals Draft Management Plan.***

- Increasing the Marine Park Boundary to the three nautical mile limit.
- Maintaining visitation at a level whereby the values of the Marine Park are maintained.
- Establishing specific mooring and anchoring sites and ensuring moorings meet environmental standards and guidelines.
- Restrictions to the release of effluent inside the lagoon areas of the Marine Park.
- Education of Marine Park users of the unique nature of the Marine Park and conduct appropriate to maintaining this uniqueness.

Please do not hesitate to contact our office should further information or clarification be required.

Yours sincerely,

Frank Prokop  
Executive Director

8th April, 2004

cc. Hon Dr Judy Edwards, Minister for the Environment.  
Hon Kim Chance, Minister for Agriculture, Forestry and Fisheries.  
Mr Peter Rogers, Executive Director, Department of Fisheries.