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Submission for the Proposed Zoning Scheme for Ningaloo Marine Park and the Proposed Additions to the Marine Conservation Reserve.

Dear Stuart

Recfishwest was established in 1997, replacing the Western Australian Recreational Fishing Council, as the peak body representing the interests of the estimated 645,000 recreational fishers in Western Australia. It is formally recognised and funded by the government in that role and has regular meetings with the Minister for Fisheries and with the Minister for the Environment. It is a member of more than 70 formal committees as part of its interaction with Ministers and government agencies.

The habitat in which fishing is carried out and access to those areas are of particular importance to Recfishwest and we place the highest priority on preserving the future of recreational fishing and the resource it depends on.

Marine Conservation in Western Australia

Recfishwest is very dissatisfied with the current system of marine conservation in Western Australia. The views of Recfishwest on this matter have been well documented through verbal and written submissions to the Marine Parks and Reserves Authority (MPRA) and the Department of Conservation and Land Management (CALM). We do not propose to revisit our views in detail at this stage but we must assert that our fundamental concerns have been strengthened rather than reduced by the Ningaloo process. The principal issue is the failure of the Western Australian government system (over successive governments) to amicably integrate the responsibilities and contributions of the two appropriate departments, CALM and the Department of Fisheries (DoF) and secondly, the lack of an encompassing marine plan for Western Australian coastal waters that uses the principle of triple bottom line reporting.

Recfishwest believes there is an over-concentration of marine conservation effort by CALM on Marine Parks. Nonetheless, we recognise the unique values of the Ningaloo Reef and agree that the Marine Park status is appropriate.

The MPRA/CALM Marine Reserve Planning Process

Since the *Acts Amendment (Marine Reserves) Act 1997*, action has been taken on a number of marine reserve issues under that legislation. The first action was the consideration of a marine reserve at Jurien Bay. The process of considering this marine reserve by the advisory committee did not work at all well. The Park was not proclaimed until 2003 and even then it was vigorously opposed by the two largest stakeholder groups, being recreational fishers and conservation interests.

The reasons for the problems included the nature of some of the committee representatives and issues of compensation. Unfortunately, at the time the problem was interpreted as being a result of having stakeholder representation on the advisory committee. Any objective observer would appreciate that if you have stakeholder representation you will obtain differences of opinion that can be hard to resolve. But that is what community consultation is all about. To do it well you must have good representatives who realise they have to reach an optimum compromise between the aspirations of the different interest groups.

The MPRA and CALM have now opted for a process in which they endeavour to recruit enthusiastic local supporters of a proposed reserve or park, with strong philosophical support for the CALM process, and do not engage in general consultation on the wider issues which arise if there is formal stakeholder representation. The recreational fishing sector will be impacted upon by the proposals in this and other proposed parks in Western Australia to the greatest extent, yet Recfishwest has been excluded from the formal process due to dogmatic adherence to 'local only' philosophy.

While Recfishwest recognises the need for significant local community involvement, the Marine Park is a resource for the entire community and the importance of a strategic, state-wide outlook must not be overlooked especially when visitor interests are extremely important as at Ningaloo.

The lack of a state-wide context and strategic consideration by the committees has resulted in a great weakening of the process.

The Ningaloo Marine Park Review Process

In using the Coral Coast Parks Advisory Committee (CCPAC) as the principal community consultation mechanism for the Ningaloo Review, CALM has followed the impractical process described above. Recfishwest is concerned with the current membership of the CCPAC; particularly the conspicuous lack of recreational fishing representation. The MPRA is considering recommendations by the CCPA without proper input of key stakeholders due to the unbalanced composition of the committee.

The Premier Dr Geoff Gallop through the publication "Consulting Citizens; A Resource Guide" has given his commitment to consultation with community groups in relation to policy and decision making issues. The intention of this initiative is to include, in particular, representatives of those whose rights and entitlements are likely to be affected by an issue, whose absence from participation would detract from the final results, and who are likely to mobilise for or against the issue. The exclusion of recreational fishing representation on the body of the CCPAC fails to meet the intention of this policy.

It is acknowledged that the chairman of the CCPAC is knowledgeable regarding recreational fishing; but he has a specific responsibility in the committee to see that all interests are given balanced consideration. He cannot at the same time represent one of those interests. Recfishwest nominated for membership to the CCPAC and was rejected. This result considerably affected the objective assessment of the considerable impact to recreational fishers by the proposed extensions to the Marine Park Sanctuary Zones.

The draft paper recognises on several occasions that recreational fishing continues to be a major attraction to the Marine Park (Ref: p.6, table 2; p.7, para.6; p.8, para.2) but apparently does not consider its input as essential to the planning process. The reference to Wood and Dowling (2002) (Ref: p.8) does nothing to challenge the fact that recreational fishing continues to be an important recreational activity in the Park. The number of people fishing has not decreased but there has been an increase in other forms of tourism to the area.

Recfishwest strongly supports the decision to release this proposed zoning scheme for public comment prior to preparation of the formal draft plan for formal public consultation. However, Recfishwest believes that consideration of public comment to the *Proposed Zoning Scheme* must be made by a new and more broadly representative advisory committee that includes input from both local and visiting recreational fishing representatives. It would also be very useful to have input from fisheries management and fisheries research. Recfishwest believes that a better plan would result from constructive interaction with fishers.

The current lack of interaction with the Department of Fisheries is exemplified by the way that the *Proposed Zoning Scheme* has ignored the recent changes to fishing regulations in the West Coast and Gascoyne regions which have effectively halved the daily bag limits for many targeted species (Ref: p.8, para.5). Recfishwest is greatly concerned by the continual lack of acknowledgement by CALM of the Department of Fisheries' legal responsibility to conserve fish and fish habitat while ensuring sustainable exploitation of fish in the context of Ecological Sustainable Development Policy as per the *Fish Resources Management Act 1994*.

Recfishwest believes that there should be a separate Marine Park Management group to examine and assess fishery management issues for the marine park. The CCPAC can then focus more appropriately on areas where it has expertise.

Absence of Information to Support Management Changes

A limitation in the review process is the notable absence of scientific data as a base for any alterations to current zoning and management. The changes proposed in the draft zoning plan are certainly not supported by scientific information. The *Ningaloo Marine Park Management Plan 1989-1999* emphasised the need for research and monitoring as a basis for proper management of the Park (Ref: pp 34-35 & pp.69-70).

The results of any such research have not been made available to stakeholders and are notably absent in the *Framework for the Review of Ningaloo Marine Park Management Plan* or the *Proposed Zoning Scheme*.... Recfishwest is familiar with the work of Westera, Lavery and Hyndes (2003) but believes that unsubstantiated inferences were drawn from this work in the presentation to the CCPAC.

The study does not provide any evidence of “overfishing” in terms of recruitment overfishing, that is, there is no evidence to suggest that current levels of fishing are causing adult stocks to be reduced to the extent that recruits produced are insufficient to maintain current populations. The quotation from this study (Ref: pp.7-8 of the *Proposed Zoning Scheme*) is quite objectionable to the extent that it infers to lay readers that something bad is happening! A quantum leap in logic of this nature is inexcusable in professional sciences and its misapplication is inexcusable and offensive.

Furthermore if it were established that Lethrinids required additional protection, further to the recently introduced regulations for the Gascoyne region, Recfishwest would welcome direct management suggestions aimed at alleviating pressure on those fish species. The MPRA Position in the *Framework for the Review of Ningaloo Marine Park Management Plan* was that “current management arrangements for recreational fishing in NMP be reviewed, including the option of seasonal closures during spawning periods for selected species”. There is no indication that this has occurred other than to push for increases in no-take areas without consideration of this statement.

It appears to Recfishwest that the opinions of a limited group (i.e. including the CCPAC) have been used in lieu of good scientific information. This is particularly apparent in Section 3.9 of the *Framework for the Review*.

Comments on the Proposed Zoning Scheme

Overview of response to proposed zoning scheme

- Zoning in itself is not the solution. There is a need to recognise that zoning is only one of the management tools available for natural resource management and that other fisheries management tools have been successful and strongly supported where there has been meaningful input into their development.
- There is a critical need to establish a memorandum of understanding between the Department of Fisheries and CALM regarding marine parks in general and Ningaloo in particular.
- Zone changes have been proposed in the absence of scientific data to support those extensions. Information from the few scientific papers referred to have largely been taken out of context and do not justify the seaward extensions of sanctuary zones into deeper waters.
- Fourteen years after the establishment of the Park a second precautionary approach has been adopted without use of the intervening experience.
- There is urgent need for strategically planned ongoing scientific evaluation to become part of the process.
- The CALM planning process continues to wilfully ignore fisheries management as a tool to maintain ecological sustainability.
- It is imperative that fisheries management be involved as a component in the planning and management process.

- There is a need to put the Townsville Declaration on Coral Reef Research and Management into context as being largely concerned to address problems associated with subsistence fishing in underdeveloped islands of the Indo/Pacific region that are predominantly void of any realistic recreational and/or commercial fishery management.
- Boundaries need to be clearly marked and readily identifiable for compliance reasons.

Specific responses to proposed zoning changes and additions

1. Muiron Islands

Recfishwest does not support the designation of the area surrounding the Muiron and Sunday Islands as a Marine Management Area. We believe that the existing no-take area on the northern shore of South Muiron Island is adequate.

We strongly object to addition of the proposed North Muiron Conservation Area. This area is used by local and visiting recreational anglers and includes unique shore fishing experiences not available on the mainland. This practice has been established for years and there is no indication that fishing in the immediate area has suffered. In the context of overall marine planning processes, we need to ask; what are the risks and; what are we protecting?

It is stated (*Proposed Zoning Scheme* p.16) that the zoning incorporates feedback from key stakeholders. Recfishwest would like to know what recreational fishing stakeholder groups were involved in feedback in relation to this proposal as RFAC and the Regional RFAC has expressed similar concerns. Were the recreational fishing values and threats considered fairly when this proposal was made?

2. Point Murat

Recfishwest has no strong objection to this proposed extension. However, if protection of filter feeding communities is the main purpose, the prescription should involve the banning of anchoring in this area.

3. Bundegi

Recfishwest supports this proposal on the proviso that no anchoring is allowed in the area and that an adequate mooring system is installed for commercial operators and recreational boaters to allow minimal impact.

4. Lighthouse Bay

The proposal to establish a sanctuary zone closed to fishing in Lighthouse Bay is strongly opposed. This would have a high social cost as there are a variety of users of this area; it is popular for shore-based fishing due to the proximity to a major caravan park (Lighthouse Caravan Park) patronised annually by many Western Australian, interstate and overseas visitors. Most importantly the bay provides a safe fishing area for small boats during the frequent periods of strong southerly winds. There is concern that this proposed sanctuary zone is designed for privileged access to dive boats which have the potential to cause anchor damage.

5. Jurabi

This proposal is opposed. It is an area of the park which is close to visitor accommodation and boat ramps and has high amenity value for recreational fishers. It is used by divers, shore fishers and small boats and there is an inherent lack of scientific justification for this proposal.

6. Tantabiddi

Recfishwest is strongly opposed to this proposal. It is extremely close to the boat ramp at which quite small boats are launched to fish optimistically in the safe area near the boat ramp. There does not seem to be any logic in proposing this area as a sanctuary zone, particularly in the absence of any scientific justification. Perhaps this is really a Special Purpose Zone for snorkelling. If so this should be stated outright as a shift in amenity values from recreational fishers to ecotourism. Is it proposed that there will be a ban on anchoring within the zone to protect the coral? We believe damage from anchors to be just as significant with snorkellers as with recreational fishing. A more specific explanation is required.

7. Mangrove Bay

The proposed extension of Mangrove Bay is supported with the condition that the boundary of the extension is only to the eastern wall of the reef and not into deeper water. The westward side of the Ningaloo reef in this area is a highly prized recreational fishing ground for boats which do not anchor but approach the reef and cast towards it.

8. Lakeside

This proposed addition was at first not supported by Recfishwest. The area is close to a highly used camping ground and it was thought the sanctuary would result in antagonising visitors that have patronised the camping ground in the past. Furthermore the scientific value for such a small area to be locked up as a sanctuary zone was questioned. What conflict exists here? (Ref: p.7, para. 4) *Manage human uses within the park by separating conflicting uses...* has there been conflicts of usage on a scale that requires such drastic cuts to the rights of recreational anglers.

However, further investigation by Recfishwest with the aid of more accurate maps/charts than those supplied with the *Proposed Zoning Scheme* revealed that the area identified was further away from the caravan park and is used by the local high school and local enthusiasts for educational purposes and represents an exceptional snorkelling location also used by the school. On this basis Recfishwest has no objection to this proposal. Perhaps this area should be zoned "Special Purpose for Research and Education"

9. Mandu

The Mandu sanctuary zone seaward extension is not supported. There is a lack of evidence to suggest that such a sanctuary zone is required. The seaward area adjacent to the Mandu region makes up part of a prime sport and game fishing area that is frequented not only by local, but state, Australian and international recreational anglers. Fishers come to this region to experience the world class fishing the area has to offer, in particular the abundant pelagic species: marlin, sailfish, yellowfin tuna, northern bluefin tuna, striped tuna, broadbill swordfish, wahoo, mahi mahi, shark mackerel, spanish mackerel and the various trevally species.

Recently several awards were announced by The Billfish Foundation, a non-profit organization with a very clear objective: the conservation and enhancement of billfish

populations worldwide through scientific research, education, and advocacy. These awards were won by Western Australian fishers for the quantity and size of tagged and released black and blue marlin in the Indian Ocean for 2003 in acknowledgement of the importance of their contribution to this program. All these fish were tagged off Ningaloo reef.

There is little justification for the expansion of current sanctuary zones seaward. Using the paper by Westera & Hyndes (2001) as one of the reasons for the extensions is ludicrous. To suggest that areas would provide the “potential” to protect a single genus of demersal fish by closing an area that may represent habitats “often” associated with spawning sites does little to justify the extension. If evidence were to point to recruitment overfishing of Lethrinids, and there would be an obvious need to protect spawning areas utilised by them. A case could be made to seasonally close the areas in question (to the taking of Lethrinids) to coincide with spawning times. Or alternatively examine the suit of other aquatic resource management tools available to achieve desired outcomes.

10. Osprey

Recfishwest does not support the seaward extension across the reef of the Osprey Sanctuary Zone. There is no evidence presented to suggest that such an extension is required. The same argument applies as per the proposed extension to Mandu Sanctuary Zone. The extension of the sanctuary zone inside the reef to the eastern side of the reef platform is considered acceptable. This extension should extend only to the northern-most part of the mouth of Yardie Creek and the northern-most part of the passage through the reef to allow fishing of the passage. The beach fishing zoning as suggested is accepted.

11. Winderabandi

The proposed boundary of the Winderabandi sanctuary zone is not easily interpreted from the map provided. Recfishwest supports the concept of protecting the unusual double reef feature by closing the area between the reefs to fishing. Is it correct to presume that the intention is only to protect the southern double reef feature or are both to be protected?

To give adequate protection to this feature it would be necessary to prohibit anchoring between the two reefs because anchoring on sand is not practical in this area. Recfishwest believes that an alternative shape to the sanctuary zone would be more practical and acceptable. The reef top itself could be used as the boundary.

12. Cloates and Dugong

Recfishwest does not support in principle the seaward extension of these two sanctuary zones. We are not convinced of the value or the need for sanctuaries outside the reef. However we agree that more information on this topic is required. The region in question is considered a game fishing area of repute where a multitude of pelagic species can be targeted from waters close to the coast line.

Before such a sanctuary is even considered, a guarantee must be given from the government that appropriate research would be undertaken and CALM must outline the program of research. The need for other sanctuary areas outside the reef could depend on the findings of this research plus subsequent monitoring. This area is remote from commercial fishing which could make it an appropriate site for research.

13. Bateman

Recfishwest does not accept the bland statement that the proposed Bateman Sanctuary Zone is professed to protect a representative example of lagoonal *Porites* coral communities and areas close to the shore that are popular for snorkelling. Presumably the proposal is to ban recreational fishing? What threats or damage have been identified? Are there frequent conflicts? Perhaps this is really a Special Purpose Zone for snorkelling. If so this should be stated outright. Is it proposed that there will be a ban on anchoring within the zone to protect the coral? More information is required.

The coastline along this proposed sanctuary zone is a popular with shore-based recreational anglers. Recfishwest sees no reason why the low impact activity of beach fishing with a rod and line should be excluded from this area given the low catch rates and limited range of species caught.

14. Maud

Recfishwest notes there is no change proposed for Maud. More damage is evident in the Maud Sanctuary Zone than anywhere else that Recfishwest members know of along the whole length of the Ningaloo Reef. Much of this damage occurred before the Park was established and much of it had natural causes. However, the area is still suffering the impact of waste water from Coral Bay. The Maud Sanctuary zone is a clear example that sanctuary zoning provides inadequate protection.

Recfishwest was astonished with the proposal for a new boat launching facility south of Coral Bay at Monks Head rather than at Point Maud. Recfishwest believes this will contribute to continuing degradation, without any action plan to address what are clear and identifiable threats.

15. Pelican

Due to the ongoing issues with access to this area we are not in a position to comment further on this area. At present there is no land access to this area although this may change with time.

16. Southern Extension

Recfishwest has already raised the possibility that part of any southern extension of the Ningaloo Marine Park could be designated a fishing wilderness area. This concept was proposed during the Gascoyne recreational fishing review. Wider input is needed but some of the characteristics could be:

Recfishwest believes that CALM must convene a meeting between themselves, the Department for Planning and Infrastructure, the Department of Fisheries and pastoral stations etc to integrate a proposal for management of the southern extension.

- Fish only to be caught for consumption, not for taking away.
- To support the first criterion a possession limit could be imposed of one fish or three kilograms of whole fish, whichever was the greater.
- Boat launching would not be allowed (except at Gnarraloo Bay, where fishers and surfers have beach launched for many years).
- Access of vehicles to the beach would be prohibited and access points limited.
- Dispersed camping for limited periods would be allowed back from the beach.

Conclusion

Although Recfishwest opposes the marine conservation strategy currently pursued by MPRA / CALM we agree that the unique characteristics of the Ningaloo Reef warrant protection by Marine Park status. However, Recfishwest is discontented by this review process, which has excluded proper recreational fishing representation. The process has not been neutral because members of the CCPAC have been openly antagonistic to recreational fishing.

This review of Ningaloo Marine Park has ignored or belittled the potential contribution of fishery management to the objectives of the Park. It is suggested that the integration of a contribution from the Department of Fisheries would undoubtedly lead to a better outcome. Recfishwest believes the government should ensure that such integration is effected.

Recfishwest has made a number of specific comments on the proposed zoning changes. In making these comments we are aware that many recreational fishers would not agree with what they would see as concessions on our part. Nevertheless we have made these suggestions towards producing what we believe to be a reasonable outcome for the whole community and at the same time avoiding any risk at all to biodiversity in the long term.

Recfishwest requests that a different committee, which properly represents the range of stakeholders, be asked to consider the submissions to the *Proposed Zoning Scheme* and to assist in completing the Draft Management Plan for formal public consultation.

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

Yours sincerely

Frank Prokop
Executive Director

4th February, 2004

cc. Hon Kim Chance, Minister for Agriculture, Forestry and Fisheries.
Hon Dr Judy Edwards, Minister for the Environment.