

Ms Liesl Jonker  
Plan Coordinator  
Ningaloo Marine Park Management Plan  
Marine Conservation Branch  
Department of Conservation and Land Management  
1<sup>st</sup> Floor, 47 Henry St  
Fremantle WA 6160

## **Submission for the Ningaloo Marine Park Draft Management Plan**

Dear Liesl

Recfishwest is the peak body representing the interests of the estimated 643,000 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.

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

Recfishwest recognises 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 Western Australia.

### **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 including 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 to the greatest extent by the proposals in this and other proposed parks in Western Australia, 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 significant 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 CCPAC 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.

The Draft Management Plan recognises on several occasions that recreational fishing continues to be a major attraction to the Marine Park but apparently does not consider its input as essential to the planning process. The reference to Wood and Dowling (2002) 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 and there has been an increase in other forms of tourism to the area.

Recfishwest believes Marine Parks can play an important role in conservation of marine ecosystems, but the development of management strategies must happen within an agreed framework that has equitable representation from all stakeholder groups. The marine park planning process also needs to recognise the frameworks already in place for the management of sustainable fisheries. Any controls developed in marine parks need to be complimentary rather than seeking to replace existing management.

In this regard, Recfishwest believes a more integrated approach to marine planning that encompasses all relevant Government agencies is urgently required. Specifically, CALM and the Department of Fisheries must work more closely together so that the most appropriate combination of management tools available to Government are used to ensure the sustainable use of natural resources in the Ningaloo Marine Park, while maintaining its ecological and biodiversity values. This will ensure the planning process is credible with outcomes that have understanding and acceptance among all stakeholders.

The current lack of interaction with the Department of Fisheries is exemplified by the way that the Draft Management Plan 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.

Recfishwest believes that there should be an independent Marine Park Management group to examine and assess management issues for the marine parks in Western Australia. In the context of Ningaloo, the CCPAC could 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 Management Plan (DMP) 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 DMP. Recfishwest is familiar with the work of Westera, Lavery and Hyndes (2003) but believes that unsubstantiated inferences have been drawn from this work.

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.

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.

Recfishwest believes the major weakness in the Draft Management Plan is the lack of substantive data and justification for what is effectively a major shift in marine park management policy toward an increasing emphasis on the establishment and expansion of sanctuary zones as a generalized management approach, rather than the identification and management of specific key threats.

In particular, this new philosophy fails to acknowledge the fisheries management controls already in place in the Ningaloo Marine Park, including the prohibition of commercial fishing in most parts of the Park. This is not acceptable.

What Recfishwest perceives as an overly enthusiastic prescription of a one-dimensional solution (Sanctuary Zoning) to marine resource management has resulted in an increase in divergence of interests that in the end threatens genuine development in marine conservation in Western Australia.

The blanket application and promotion of empirically unsubstantiated motherhood statements such as “30-50% Sanctuary zoning” in Marine Parks creates anguish among those that are most impacted through their exclusion. This places pressure on scientists and managers by further polarising the views of conservation minded anglers and conservationists.

There is purported to be a growing number of “scientific literature” supporting a push for 30-50% sanctuary zoning. However all of the papers Recfishwest has reviewed, including the paper recommended by the Chair of the MPRA (as an example of the growing literature supporting 30-50% no-take zones) by Bellwood and Hughes, 2004, 'Confronting the coral reef crisis,' are merely reviews and interpretations of other papers. There has been no substantiated research based on or characterized by observation and experiment that supports the need for prescribed 30-50% no-take areas in the Ningaloo Marine Park or anywhere else for that matter.

In the International Conference World Congress on Aquatic Protected Areas, Cairns 2002, John Day, Director of Conservation Biodiversity and World Heritage unit of the Great Barrier Reef Marine Park Authority, said in his paper “we conclude that despite the fact what needs to be done is well recognised few Marine Protected Areas in Australia or around the world are adequately evaluating their effectiveness”.

Recfishwest strongly supports the priority establishment of a research and monitoring program to assess the impacts of existing sanctuary zones in all marine parks. The results must be evaluated.

Zoning in itself is not the only solution. There is a need to recognise that zoning is only one of the management tools available for natural resource management and that other management tools have been successful and strongly supported where there has been meaningful input into their development.

## **Specific Responses to Zoning Changes and Extensions**

Recfishwest insists that our complete and unedited submission is provided to the CCPAC and the MPRA.

### **1. Proposed Muiron Islands Marine Management Area**

The zoning within the Proposed Muiron Islands Marine Management Area is inconsistent with the governments New Horizons in Marine Management strategy. Recfishwest believes that excluding recreational fishers by establishing the three proposed conservation areas (equivalent sanctuary zones) is against the Governments multiple-use policy in marine management areas. New Horizons in Marine Management states that *“Fishing in marine conservation reserves will continue to be managed under fisheries legislation”*.

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 do not see the need in this change as it discriminates against recreational fishers whilst still allowing other extractive activities including mineral and petroleum exploration.

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. Perhaps more importantly I believe a report from CSIRO to the MPRA supported the sanctuary zoning on the basis that this area had high conservation values. It has these values after being used as a prime fishing spot for decades. It seems this use is not prejudicial to those values.

### **2. Proposed Sunday Island Conservation Area**

Recfishwest strongly objects to the proposed Sunday Island Conservation Area. This area is used by local and visiting recreational anglers. This practice has been going on for many years and there is no indication that fishing in the immediate area has suffered. It is also noted that other extractive activities are permitted whilst again targeting recreational fishers. To protect this area we believe that no anchoring should be allowed and that an adequate mooring system be installed for commercial operators and recreational boaters to limit the impact to reef systems.

### **3. Point Murat**

Recfishwest objects to this proposed extension. If protection of filter feeding communities is the main purpose, the prescription should involve the banning of random anchoring in this area not a ban on recreational fishing. To protect this area we believe that anchoring should be restricted to an adequate mooring system for commercial operators and recreational boaters to limit the impact to reef systems.

### **4. Bundegi**

Recfishwest supports this proposal on the **proviso** that random anchoring is not permitted in this area and that an adequate mooring system is installed for commercial operators and recreational boaters to minimise impact to reef systems. New boundaries must also be designed in a manner easily identified by users.

## **5. Lighthouse Bay**

The proposal to establish a sanctuary zone prohibiting recreational 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.

A no anchoring policy would benefit this area and could include moorings put in place to protect fragile corals in this area from the numerous dive charters using this area and anchoring daily.

## **6. 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. With closures to many access roads and the establishment of specific user beaches, eg. Hunters – surfing, Mauritius – clothing optional and the new turtle interpretation area, there is limited access for family groups to safely fish with children. This is a safe family fishing area with close proximity to amenities.

## **7. Tantabiddi**

Recfishwest is strongly opposed to this proposal. It is extremely close to the boat ramp from which 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 as there does not seem to be any logic in proposing this area as a sanctuary zone, particularly in the absence of any scientific justification.

## **8. Mangrove Bay**

The proposed extension of Mangrove Bay is not supported, however if the boundary of the extension is only to the eastern edge of the reef platform and not into deeper water it could be supported. 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 fish the reef edge. A no anchoring policy may benefit this area.

## **9. 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 (8 Ha) to be locked up as a sanctuary zone was questioned.

However, further investigation by Recfishwest revealed that the area identified was further away from the caravan park and represents an exceptional snorkelling location. The area is frequently used as an educational tool for local school children and already includes a small dive trail.

On this basis Recfishwest has no objection to this proposal. Recfishwest believes this area should be zoned “Special Purpose for Research and Education” as we do not believe there is any scientific value for such a small area to be designated as a sanctuary zone but see the value in preserving it for future generations of children to learn more about their marine environments.

## **10. 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.

The Department of Fisheries is currently investigating spawning areas for Lethrinids and will implement additional management strategies if there is found to be a need for them. Many of the species targeted are pelagic, they are not residential fishes, they are transitory and inhabit a different section of the water column than Lethrinids. To ban recreational fishing in these areas to “potentially” protect Lethrinids is not a valid basis for this proposal. With boundary marking in deeper water impossible, enforcement of this type of extension would be extremely difficult to achieve.

## **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**

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**

We do not support the seaward extension of Cloates sanctuary zone. There is no evidence to suggest that such an extension seaward is required and 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. We do not support the extension of the sanctuary south to Point Cloates. The beach fishing zoning as suggested is supported. To protect this area we believe that no anchoring should be allowed and that an adequate mooring system be installed for commercial operators and recreational boaters to limit the impact to reef systems.

### **13. Dugong**

Recfishwest does not support in principle the seaward extension of Dugong sanctuary zone. 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.

A sanctuary zone in this situation, remote from commercial and most recreational fishing, would enable the necessary studies to be carried out to obtain this information. Before such a sanctuary was established, some guarantee would be expected from the government that this research would be commenced. Again we do not agree with any seaward extension of sanctuary zones but if there is a strong belief that this is necessary then this is the only area we can give limited support to. We trust you can understand our position in this regard and only give limited support if the above conditions are met. We are willing to forfeit this area if we can maintain access to more important fishing areas to the north. To further protect this area we believe that no anchoring should be allowed and that an adequate mooring system be installed for commercial operators and recreational boaters to limit the impact to reef systems.

### **13. Bateman**

Recfishwest does not accept the statement that the *“The proposed Bateman Sanctuary Zone ...is proposed to protect a representative example of lagoonal Porites coral communities and areas close to shore that are popular for nature based tourism.”* Presumably the proposal is to ban recreational fishing. Has a risk analysis identified recreational fishing as a threat to biodiversity in this area requiring total exclusion? Are there frequent conflicts with nature-based tourism? 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? We believe that random anchoring should not be allowed and that

an adequate mooring system be installed for commercial operators and recreational boaters to limit the impact to the corals.

The coastline along this proposed sanctuary zone is 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**

We note there is no change proposed for the Maud Sanctuary Zone. More damage is evident in the Maud Sanctuary Zone than anywhere else 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. The area is still suffering the impact of waste water from Coral Bay. The Maud Sanctuary Zone is a clear example that sanctuary zoning alone 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. The south passage from Coral Bay is extremely dangerous for inexperienced boaters and has caused many emergencies over recent years. Even with DPI proposing to mark the channel to the North passage we believe this will contribute to continuing degradation of the area. The establishment of the new boat launching facility at Monck Head rather than at Point Maud shows clearly the extent to which all government actions in the Ningaloo area are driven by emotive campaigns based on unscientific scaremongering (eg the Brad Norman Shark pupping argument) supported by a well meaning but ignorant public. The beach fishing zoning as suggested is supported.

#### **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. Due to this limited access we see no benefit in a sanctuary zone in this location at present as there is very few visitors to this area to protect it from however we are willing to forfeit this area if we can maintain access to more important fishing areas to the north.

#### **16. Southern Extension**

Recfishwest has already raised the possibility that part of any Southern Extension to Ningaloo Marine Park could be designated a “**wilderness fishing area**” not dissimilar to the World Conservation Union (IUCN) Category 1B Wilderness Area. This concept was proposed during the Department of Fisheries Gascoyne Recreational Fishing Review. Catch and release fishing would be allowed with visitors only permitted to keep one fish for immediate consumption at their campsite. A possession limit of zero would be enforced for all parties leaving this area. Wider input is needed but some of the characteristics could be:

- 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 is 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.

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.

## **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 has consistently expressed concerns regarding this review process, which has excluded proper recreational fishing representation. To date our concerns have not been addressed there has not been adequate engagement of recreational fishers consistent with the Premiers "Consulting Citizens; A Resource Guide" where commitment was given to consultation with community groups in relation to policy and decision making issues. 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 Marine 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.

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

Yours sincerely

Frank Prokop  
Executive Director

29<sup>th</sup> October, 2004

CC. Hon Dr Geoff Gallop, Premier  
Hon Kim Chance, Minister for Fisheries.  
Hon Dr Judy Edwards, Minister for the Environment.  
Mr Peter Rogers, Executive Director, Department of Fisheries.  
Hon Bruce Donaldson, Shadow Minister for Fisheries.  
Drendon Grylls, Shadow Minister for the Environment.  
David Hatt, Chief Policy Advisor, Department of Premier and Cabinet.