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## **Developing a Zoning Plan for the Proposed Capes Marine Park**

Dear Jessica

Recfishwest is the peak body representing the interests of over 600,000 recreational fishers in Western Australia. We are formally recognised and funded by the Government in this 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 priority on safeguarding the future of recreational fishing and the resource it depends on in Western Australia. The habitat in which fishing is carried out and access to that habitat is of particular significance to Recfishwest. 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.

Recfishwest continues to disagree with the current system of marine conservation in Western Australia. We emphasize that our fundamental concerns, raised with the Department for Conservation and Land Management (CALM) and the Marine Parks and Reserves Authority (MPRA) on several occasions, have again been reinforced by the Capes process. The primary concern 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 and secondly, the lack of an encompassing marine plan for Western Australian coastal waters that uses the principle of triple bottom line reporting and recognises existing marine natural resource management.

## **The Capes Marine Park Review Process**

Recfishwest is disappointed by the Capes Marine Park advisory process. Recfishwest expresses particular concern, as we have made CALM aware of on several occasions, of the exclusion of appropriate recreational fishing representation on the Capes Marine Parks Advisory Committee that would have resulted in a more sensible draft zoning plan. As the major stakeholder, recreational fishers are again the group most affected by these proposals. The dismissal by the chair of the Capes Marine Parks Advisory Committee of recreation zones as a suitable tool in the proposed Capes Marine Park and CALM's clear preference for applying sanctuary zones has resulted in committee members not being clearly aware of their responsibilities.

Recfishwest believes CALM ignores the plethora of marine natural resource management processes that are available instead focusing principally on sanctuary zoning in marine parks. Management options other than sanctuary zoning can lead to outcomes more acceptable to recreational anglers than the use of sanctuary zones as the primary or sole management tool.

CALM has pushed sanctuary zoning for representative purposes alone with little or inconclusive justification to do so. What evidence is there to suggest that recreational fishing is a threat to the representativeness of each of the proposed sanctuary areas?

## **Absence of Information to Support Sanctuary Zoning**

Recfishwest believes the justification behind the proposed sanctuary 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.

There seems to be little justification on the basis of threat, scientific or otherwise, for the proposed sanctuary areas in the proposed Capes Marine Park. The Interim Marine and Coastal Regionalisation of Australia (IMCRA) process requires that "no-take" areas are based on a known level of threat. 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 research, then at least the threats should be identified so that the most appropriate strategies can be used to minimise those threats. If benthic structure is at risk from anchor damage, 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 again indicative of bias towards diving interests.

The introductory letter "*Developing a zoning plan for the proposed Capes Marine Park*", discusses three guiding principles that zoning MUST provide. The first is *Protection that is comprehensive*...there has been an abject failure to identify the threats that CALM wishes to protect the area's ecological values from! By predominantly applying sanctuary status that is invariably biased against recreational fishers and is certainly not "*Equitable*",

which happens to be the second guiding principle for zoning, the process has alienated recreational anglers. It unfairly excludes them from areas where their impact has no relevance to any perceived threats.

CALM can not continue to recommend and guide committees, with limited knowledge of fish biology, ecology and management, on the premise that it is endeavouring to protect fish stocks by imposing sanctuary zones. The size of areas CALM is proposing to close as no-take areas will have no effect whatsoever on recruitment of salmon, herring, tailor, whiting, skipjack, snapper, dhufish, samson fish, bonito, southern bluefin tuna etc. the species predominantly targeted by recreational anglers in the Capes region.

There is scant justification for most of the proposed sanctuary zones. Why are the sanctuary areas the sizes they are? How are sanctuary areas protecting that which is threatened by excluding recreational fishing? What is CALM trying to protect? Are there alternative natural resource management strategies that can be applied through the Department of Fisheries?

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

Recfishwest continues to express alarm about the serious problems with the Capes Advisory Committee (CAP) process that ultimately determined the proposed no-take zones. Observers of the CAP meetings believe that discussions showed considerable inconsistency.

Despite clear directions from the MPRA regarding compensation issues, the CAP used input from commercial fishing interests to modify boundaries of proposed sanctuary zones to seemingly minimise or remove the question of compensation. The process simultaneously disregarded inputs from recreational anglers expressing concern regarding the importance of some of the proposed areas to recreational anglers and the lack of justification that recreational fishing was at all a threat to the representativeness that the areas were purported to be protecting.

Recfishwest is principally concerned by the chaotic voting process used by the CAP to decide on the zoning types and boundaries. CAP members were not given the opportunity prior to voting to express their opinions, rather their views were given concurrently with their votes. The result was that reasonable discussion of “new” information was unfortunately absent or resulted in the voting process being carried out several times on the same proposal. Discussions were rarely focused on the objectives of the meeting and lacked any regular reviews of the overall zoning.

Recfishwest is concerned the information made available to the public for comment is lacking in both quality and quantity. The wider community has not been adequately informed about the reasoning for each proposed zone area. Descriptive documents themselves did not contain enough information regarding the reasons for or threats to the representative areas proposed for zoning.

### **No Take Zones.**

Recfishwest believes that small no take areas are not a suitable way to manage fish such as salmon, herring, tailor, mulloway, skipjack, snook, pike, and whiting etc, which move through these areas on a regular or seasonal basis. Appropriate fisheries management has a far greater potential for the long term conservation of these fish, than closing insignificant

areas (relative to the distribution of these species) to line fishing. CALM must be considerably more prescriptive regarding the risks that threaten the representativeness of the particular area that it purports to be protecting.

Recfishwest insists that research be undertaken to quantify the impact recreational fishing for pelagic species will have on the representativeness that is proposed for protection. The justification for banning recreational fishing needs to be dealt with, as it is currently absent.

Recfishwest does not have any fundamental objection to closing limited explicit areas to the taking of specific species of resident fish, eg blue groper, but these areas would have to be explained and justified and would be better instituted through traditional fisheries management.

Recfishwest believes the CAP should consider what objectives are realistic and socially acceptable for this area, and to prescriptively assess activities that threaten the representativeness that is under question to achieve those objectives. Other pressures on these areas need to be taken into consideration, particularly those activities such as eutrophication from terrestrial sources that may have considerably greater impact than the activities proposed to be banned. Only then can the CAP effectively attempt to appropriately manage those threats.

## **Geographe Bay**

### **1. Eastern Geographe Bay - Potential Sanctuary Zone**

Recfishwest believes there to be negligible benefit in banning recreational line fishing for finfish from the shore or by wading, etc. in this area and proposes that a 200m buffer from the shore line be included to allow line fishing from shore. The intended sanctuary zone is professed to be representative of mixed perennial seagrass and we contend that shore based line fishing will have minimal impact on that which the zoning is proposed to protect. As previously discussed in this submission, Recfishwest also considers that fishing for pelagic species will pose negligible risk to benthic structure and related communities that this area is proposed to protect.

Recfishwest would like to see some form of anchoring management if the primary target of protection for this area is the sea grass and associated limestone reef system.

### **2. Busselton Jetty - Potential Sanctuary Zone**

Recfishwest agrees that the end of the iconic Busselton jetty is of considerable importance to recreational fishers allowing the unique opportunity to fish the jetty during the prevailing strong southerly and south easterly winds. We agree that the end of the jetty also provides the unique opportunity to fish for migratory pelagic species such as bluefin tuna, yellowfin tuna, yellowtail kingfish, samson fish etc. that do not frequent the main length of the jetty, but more frequently sweep around the end of the jetty.

The end of the jetty is one of the very few fishing platforms on our entire coastline that offers a deep water fishing opportunity for the many anglers who do not have access to a boat and would thus generally not have exposure to this type of fishing. The end of the Busselton jetty has been fished by recreational anglers for over 100 years with little impact on the coral and/or invertebrate communities.

Recfishwest accepts that some area free from recreational fishing may be required for safety of divers and to preserve resident fish and the environment in an area around the observatory so that users get a good experience from visiting the observatory or diving in the area. Recfishwest has, and will continue to support, a 50 metre radius exclusion zone around the underwater observatory. However recognition of the importance of the end of the jetty to shore bound recreational anglers must not be ignored.

Interestingly, the Shire of Busselton carried out extensive public consultation and ultimately decided to support a 50 metre radius exclusion zone around the underwater observatory. The CAP has effectively ignored the Shire's measurement of the public's opinion by proposing to extend the no-take area to the end of the jetty and beyond. This decision is not in tune with the opinions of the greater community.

The jetty is an asset which belongs to the whole community. Recreational fishers, both individuals and clubs have played a significant role over the past twenty years ensuring the Busselton jetty was preserved and maintained at a level that allowed the whole community to enjoy what it has to offer. Considerable contributions were also made toward the repair of the jetty from taxpayers' funds through the Government's Regional Infrastructure Fund. Recfishwest believes the CAP should respect community preferences by accepting the 50 metre radius exclusion zone around the observatory and allowing fishing at the end of the jetty.

### **3. Central Geographe Bay - Potential Sanctuary Zone**

Notwithstanding previous comments regarding identification of perceived threats to the representativeness of an area, Recfishwest in general supports the proposed zone, under the proviso that its boundaries are adequately identified to ensure recreational anglers do not inadvertently enter the zone whilst drift fishing. It is noted that this may be problematic whilst attempting to maintain the aesthetic vista of the bay.

Once more Recfishwest notes the absence of, but encourages the establishment of an anchoring plan to protect the estimated 5.3km<sup>2</sup> area of seagrass and limestone reef structure the proposed zone is alleged to be protecting.

### **4. Elmore St - Potential Special Purpose Zone – Fish Nursery**

Recfishwest in general supports the special purpose zoning of this area for the intention of a fish nursery. Recfishwest agrees that further input from the Department of Fisheries is required not only to confirm the precise location of the proposed area, but also identify the threats to the area to ensure that activities that do pose a risk are proscribed in the management plan. The merits of this proposed zone must be clearly stated.

### **5. Eagle Bay / Meelup - Potential Sanctuary Zone**

Recfishwest agrees that the area concerned is important to a range of stakeholders. We believe that the proposed area was initially smaller and surrounding the wreck of the HMAS Swan. Recfishwest does not oppose expanding the fishing prohibition zone around the wreck to a one kilometre diameter, and zoning this area as a sanctuary zone to give the many recreational divers an increased buffer zone around this unique and popular dive structure.

It is difficult to comprehend how the popular form of boat fishing in this area, predominantly trolling and drifting for salmon, bonito, southern bluefin, whiting herring,

skipjack and squid could possibly impinge on the benthic habitats that the proposed zoning implies to protect. Surely a sensible anchor management program will do far more to protect this habitat.

Notwithstanding these issues, Recfishwest in general supports the boundaries if they allow shore based recreational fishing. We point out that the Meelup beach area is regarded as an important location for those people (predominantly young children and the infirm) who cannot fish from rocks.

## **The West Coast: Cape Naturaliste to Cape Mentelle**

### **6. Cape Naturaliste - Potential Sanctuary Zone**

Recfishwest is disappointed that the CAP ignored important safety issues concerning the frequent need for small boats to take cover from the strong prevailing east and south easterly winds by shelter on the western side of the Cape, and still be able to fish in the area while waiting.

The majority of boats fishing the area are small in size and are launched from the Dunsborough boat ramp. A considerable distance is travelled to reach this area which provides the unique opportunity of allowing small boats to access deeper water for species of fish not so prevalent in the shallows of Geographe bay itself.

Recfishwest strongly believes that the southern boundary of the proposed sanctuary zone should be moved north to a point level (in an east –west direction) with Cape Naturaliste and that the northern boundary be moved south by one kilometre to allow access to the very popular boat fishing area of Wright Bank. In compromising these boundaries it is suggested that the western boundary be expanded by a further one and a half kilometres westward.

Recfishwest sees little gain in disallowing shore based fishing in the proposed sanctuary zone for the reasons made earlier in this submission and based on the limited number of people that make the effort to fish in such remote locations.

### **7. Yallingup Reef - Potential Sanctuary Zone**

Reef trampling especially by surfers was identified as the major issue in this area, and although Recfishwest will make some concessions as part of the re-allocation of existing access rights, we feel that too many areas of easy access frequented for many years by anglers are set out as closed “no-take” areas. This zone boundary will result in a significant loss of social amenity to an area of protected water in an otherwise high energy shoreline.

While Recfishwest supports the no-take zone within Yallingup lagoon to allow adults and children to dive and snorkel we also recognize that the area at the southern end of Yallingup beach is of great significance to holidaying and visiting recreational anglers. The southern corner of Yallingup beach has for many years provided protection from persistent swells, allowing children and adults to fish for salmon, herring, skipjack and whiting. Recfishwest proposes that the sanctuary zone be confined to the inner lagoon area. Also note that the Yallingup lagoon area is protected as a Fish and Fish Habitat Protection Area.

## **8. Injidup - Potential Sanctuary Zone**

Recfishwest agrees that the Injidup area is of importance to recreational fishing and local Aboriginal communities

This area has special value to a few dedicated shore based anglers who are prepared to make the considerable effort to get there. This area is one of the few locations that provides access to deep water from the shore. It can only be fished under very calm conditions. During storms the area is pounded by very big seas and the fish can be expected to disperse. The sanctuary zone should not take the entire headland, and should leave at least 50 metres off shore from the first headland described in your text, around the northern most point until halfway to the southern boundary, and exclude the small bay at the southern end from the sanctuary zone.

We have received little feedback regarding offshore fishing and are consequently are unable to make comment with respect to boat fishing in the proposed area.

## **9. Cowaramup Bay - Potential Special Purpose Zone (Recreational activity)**

Recfishwest strongly believes that the proposed special purpose zone (recreational activity), should be a recreation zone, after all that is what recreational zones were intended for, recreational activities only. Note also that Cowaramup Bay is already protected under Fish and Fish Habitat Protection as the Cowaramup Reef Protected Area.

Despite this we do generally support the zoning. Recreational line fishing has occurred for many years in this popular bay, it represents the only protected fishing location for a considerable distance and is patronised annually by many families that take advantage of the protection and fish from shore or boat for the likes of herring, squid and free diving for lobster and abalone.

## **10. Kilcarnup - Potential Special Purpose Zone**

Recfishwest in general supports the need for special purpose zoning of this area. We agree that there is a need to manage activities in this area, and that prescription of appropriate activities will need to be identified through further consultation. Additionally Recfishwest believes that some proviso for recreational fishing should be maintained in the area. Without specific proposals no further comment is possible at this time.

## **11. Gnarabup - Potential Special Purpose Zone (Recreational activity)**

Recfishwest in general agrees with the zoning of this area, noting that it should be a recreation zone and that further consultation needs to be undertaken with the Shire of Augusta Margaret River and stakeholders to identify appropriate management strategies for the area. The area in question is in proximity to residential and holiday accommodation and as such, prescribed activities must include provision for recreational fishing from shore.

## **12. Cape Freycinet - Potential Sanctuary Zone**

Recfishwest supports the proposed 200 metre offset where recreational fishing will be allowed. We believe that shore based fishing should continue in the area as it is in close proximity to CALM camping areas. The area, including Bob's Hollow and Contos, represents a popular family shore based fishing location.

### **13. Hamelin Bay - Potential Special Purpose Zone (benthic protection and management of multiple use)**

Recfishwest in general supports the need for special purpose zoning of this area. We agree that there is a need to manage activities in this area, and that prescription of appropriate activities will need to be identified through further consultation. Recfishwest maintains that prescribed activities must include provision for recreational fishing in this area.

Recfishwest does accept that boat traffic in the area needs to be managed to reduce conflict between boat and snorkellers and other usage. Using boat channels and speed limits in a boating management plan would be useful since the boat ramp is situated in the middle of many activities and is clearly the responsibility of another government authority.

### **14. Hamelin Bay - Potential Sanctuary Zone**

Recfishwest agrees in principle to the protection of the intertidal areas and inshore reefs around Hamelin Island.

### **15. Cosy Corner - Potential Sanctuary Zone**

Recfishwest strongly objects to the proposed sanctuary zoning at the headland at Cosy Corner. Specifically, we hold concerns over the means by which the area was proposed. The CAP changed the proposed boundaries from an area which had some acceptance by recreational fishermen to the current proposed arrangement after input from professional abalone fishermen and issues regarding potential compensation. The end result is a zone which will effectively exclude recreational fishing from a very popular fishing location.

The area is easily accessible and used by many recreational anglers who take advantage of this area that can be fished during strong winds. The headland area has long been renowned for the large fish that can be caught from shore. Recfishwest would generally support the rest of the sanctuary zone if recreational fishing were allowed from the headland's rocks and the shore.

### **16. Cape Leeuwin - Potential Sanctuary Zone**

Recfishwest has no strong objection to this potential sanctuary zone other than our previously stated views regarding identification of threats to the representative biota that is purported to be targeted for protection.

### **17. Flinders Island - Potential Sanctuary Zone**

Recfishwest broadly supports this amended zoning.

### **18. East Flinders Bay - Potential Sanctuary Zone**

Recfishwest supports the eastward movement of the potential zone to its current proposed location in recognition of the strong recreational values of this area.

## **Hardy Inlet**

A discussion paper “*The Hardy Inlet Estuarine Fishery - Management Issues and Options*” recently released by the Department of Fisheries is presently open for public submissions. The paper deals with serious resource sharing issues in Blackwood River and Hardy inlet that has yet to be resolved. The outcomes derived from public consultation of the paper could have a significant impact on the use of Hardy inlet from a recreational and commercial fishing point of view.

Recfishwest insists that no decisions should be made regarding zoning until these significant resource sharing issues are resolved. In reality the proposed sanctuary zone within the estuary (Point Pedder) will force the one commercial fisherman to target black bream which would result in an enormous escalation in local conflict. A range of fisheries management measures is required for Hardy Inlet and simplistic closures would be no substitute. This proposal must not proceed in its current form.

## **19. Dead Water / Swan Lake - Potential Sanctuary Zone**

The Deadwater is becoming progressively smaller as the river mouth moves further east. Swan Lake can be an important area for local recreational anglers, especially people from East Augusta, who fish for crabs, whiting, cobbler and occasional black bream. The area has poor access and can be accessed only at high tide without risk of stranding and waiting for the next tide. One suggestion is a ‘no power boat-electric motors only’ zone so people could still go and get crabs at least. Recfishwest believes this zone should be further negotiated.

## **20. Point Pedder / Central Hardy Inlet - Potential Sanctuary Zone**

The proposed sanctuary zone shallow water area is of particular importance to catch and release sportfishing and fly-fishing anglers targeting black bream and other estuarine species. Recfishwest believes the CAP should consider the insignificant impact of catch and release fishing within sanctuary areas, or more suitably, assign zones which would allow catch and release fishing within no take zones.

## **Conclusion**

Recfishwest is disappointed by the obvious dismissal of recreation zones as a suitable tool in the proposed Capes Marine Park. For example, the recent conflict over Easter indicates that a shore based recreation zone between Eagle Bay and Bunker Bay would provide significant social dividend to the community, without affecting the overall viability of commercial fishing.

Recfishwest continues to be bewildered by CALM’s discounting of the suite of marine natural resource management processes available, instead focusing principally on sanctuary zoning in marine parks. Recfishwest strongly believes that management options other than sanctuary zoning can lead outcomes more acceptable to recreational anglers.

Recfishwest believes the justification behind the proposed sanctuary 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 is concerned the information made available to the public for comment is lacking in both quality and quantity. The wider community has not been adequately informed about the reasoning for each proposed zone area. Descriptive documents themselves did not contain enough information regarding the reasons for, or threats to, the representative areas proposed for zoning. The other major threats to biodiversity conservation are terrestrially derived and outside of the influence of the CAP process.

Recfishwest believes the ecological impact of recreational fishing for the commonly targeted pelagic, migratory, non-residential fish species in these areas is insignificant when taking into consideration their biomass and distribution. Fish such as salmon, herring, tailor, mulloway, skipjack, snook, pike, and whiting etc, move through these areas on a seasonal or constant basis. There is no justification for prohibiting the fishing for these species in proposed sanctuary/no-take areas.

Appropriate fisheries management has a far greater potential for the long term conservation of these fish, than closing insignificant areas to line fishing. CALM must be considerably more prescriptive regarding the risks that threaten the representativeness of the particular area that they purport to be protecting.

Recfishwest insists that, as part of the management plan for the proposed marine park that research be undertaken to address what impact recreational fishing for the pelagic species will have on the representativeness that is under protection. The justification for banning recreational line fishing needs to be dealt with, as it is currently absent.

Recfishwest does not have any fundamental objection to closing limited explicit areas to the taking of specific species of resident fish, but these areas would have to be explained and justified.

Recfishwest believes substantial resolution of the concerns we have raised is necessary to avoid a public reaction similar to that seen following the Jurien Bay Marine Park process.

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.  
Peter Rogers, Executive Director, Department of Fisheries.  
Doug Bathgate, Chair, Recreational Fishing Advisory Committee