

Appendix 1 Terms of Reference for the Expert Panel on a Declared Commercial Fishing Activity

Background

On 26 April 2013, the then Minister for Sustainability, Environment, Water, Population and Communities made the *Final (Small Pelagic Fishery) Declaration (No. 2) 2013* (the second Final Declaration) which came into force on 27 April 2013.

This declaration provides that the following commercial fishing activities are declared commercial fishing activities for the purposes of Part 15B of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (the EPBC Act):

a. Mid-water trawl activity

This is a commercial fishing activity that:

- i. is in the Small Pelagic Fishery; and
- ii. uses the mid-water trawl method; and
- iii. uses a vessel which has a storage capacity for fish or fish products of 1600 tonnes or greater.

b. Fish processing activity

This is a commercial fishing activity that:

- i. is in the Small Pelagic Fishery; and
- ii. uses a vessel which has storage capacity for fish or fish products of 1600 tonnes or greater; and
- iii. consists of receiving or processing fish or fish products that are quota species that have been taken in the Small Pelagic Fishery.

The declared commercial fishing activities are prohibited for up to two years while an expert panel conducts an assessment and reports to the Minister on the activities.

The expert panel is established under section 390SH of the EPBC Act, as are the terms of reference for its assessment.

Terms of Reference

The expert panel will assess the declared commercial fishing activities, particularly the potential for the activities to result in adverse environmental impacts.

The expert panel will assess and advise on:

1. the likely nature and extent of direct interactions of the declared commercial fishing activities with species protected under the EPBC Act, particularly seals, dolphins and seabirds;
2. the potential for any localised depletion of target species (arising from the declared commercial fishing activities) to result in adverse impacts to the Commonwealth marine environment, including the target species' predators protected under the EPBC Act;
3. actions that could be taken by operators of the declared commercial fishing activities or relevant regulatory authorities to avoid, reduce and mitigate adverse environmental impacts of the activities;
4. monitoring or scientific research that would reduce any uncertainties about the potential for adverse environmental impacts resulting from the declared commercial fishing activities;
5. any other matters about the environmental impacts of the declared commercial fishing activities that the expert panel considers relevant to its assessment; and
6. other related matters that may be referred to it by the Minister.

Date for report

The expert panel must report to the Minister by 27 March 2015.

Manner of carrying out assessment

In carrying out its assessment, the expert panel will:

- a. examine existing scientific literature, other relevant information and any ongoing research or monitoring projects relevant to the impacts of the declared commercial fishing activities;
- b. consult with and seek submissions from experts in relevant scientific disciplines where the expert panel believes this is necessary to clarify areas of uncertainty about the environmental impacts of the declared commercial fishing activities;
- c. consider the fisheries management arrangements under which the declared commercial fishing activities are proposed to operate and the extent to which those management arrangements address the relevant environmental impacts and uncertainties;
- d. take account of the requirements of the EPBC Act as they relate to the operation and accreditation of Commonwealth fisheries;
- e. commission, through the Department of the Environment, new reviews, research projects, modelling or analyses which the expert panel believes are necessary to fill critical knowledge gaps and where the results of those projects and analyses will allow the expert panel to fulfil its terms of reference;
- f. consult with relevant experts and stakeholders, including in the operations of the declared commercial fishing activities, on the nature and effectiveness of measures available to reduce direct interactions with EPBC Act protected species and the potential ecological effects of any localised depletion resulting from the declared commercial fishing activities; and
- g. identify further necessary and practicable monitoring or research projects that would reduce critical uncertainties for decision making relevant to any future operations of the declared commercial fishing activities.

Appendix 2 Advice provided to the panel

The panel is very grateful to the many people that provided insights and inputs to inform the panel’s assessment. Those people and the nature of their input to the panel’s work are identified below. The panel also relied upon advice received during the development of its first declaration report (Expert Panel on a Declared Commercial Fishing Activity 2014, see Appendix 2).

Table A2.1 People who provided advice to the panel

NAME AND POSITION	EXPERTISE	NATURE OF CONSULTATION
Mr Crispian Ashby, Program Manager, Fisheries Research and Development Corporation	Fisheries research	Provision of research reports
Mr John Burgess, Executive Officer/Director, Australian National Sportfishing Association Ltd	Recreational fishing	Submission
Dr James Findlay, Chief Executive Officer, Australian Fisheries Management Authority (AFMA) Dr Nick Rayns, Executive Manager, Fisheries Management, AFMA Mr Steve Shanks, Manager, Scallop, Norfolk Island, Coral Sea and Small Pelagic Fisheries, AFMA	Fisheries management	Written responses to requests for information and questions Meeting
Mr Gerry Geen, Director, Seafish Tasmania Pty Ltd	Commercial fishing operations: mid-water trawl	Submission to Interim Declaration Written response to questions
Ms Rebecca Hubbard, Coordinator, Stop the Trawler Alliance	Conservation	Submission
Mr AK (Sandy) Morison, Fisheries Consultant, Morison Aquatic Sciences	Fisheries Science	Submission
Mr Grant Pullen, Manager, Wild Fisheries Management Branch, Tasmanian Department of Primary Industries, Parks, Water and Environment	Fisheries management	Phone meeting

Appendix 3 EPBC Act protected species in the SPF area

Protected species

GROUP/SCIENTIFIC NAME	COMMON NAME(S)	EPBC ACT LISTING STATUS	LEVEL 2 PSA RISK (MID-WATER TRAWL) (DALEY ET AL. 2007B)	LEVEL 2 PSA RESIDUAL RISK (MID-WATER TRAWL) (AFMA 2010B)	LEVEL 2 PSA RISK (PURSE SEINE) (DALEY ET AL. 2007A)	LEVEL 2 PSA RESIDUAL RISK (PURSE SEINE) (AFMA 2010A)
MARINE MAMMALS						
Pinnipeds						
<i>Arctocephalus forsteri</i>	New Zealand fur seal	Marine	Medium	Medium	Medium	Medium
<i>Arctocephalus gazella</i>	Antarctic fur seal	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Arctocephalus pusillus</i>	Australian fur seal, cape fur seal	Marine	High	High	High	High
<i>Arctocephalus tropicalis</i>	Subantarctic fur seal	Vulnerable Marine	Medium	Medium	Medium	Medium
<i>Hydrurga leptonyx</i>	Leopard seal	Marine	High	Medium	High	High
<i>Leptonychotes weddelli</i>	Weddell Seal	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Lobodon carcinophagus</i>	Crabeater seal	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Mirounga leonina</i>	Southern elephant seal	Vulnerable Marine	High	Medium	High	High
<i>Neophoca cinerea</i>	Australian sea lion	Vulnerable Marine	Medium	Medium	High	Medium
<i>Ommatophoca rossii</i>	Ross seal	Marine	Not assessed	Not assessed	Not assessed	Not assessed
Cetaceans: Baleen whales						
<i>Balaenoptera acutorostrata</i>	Common minke whale	Cetacean Migratory	Medium	Medium	High	High
<i>Balaenoptera bonaerensis</i>	Antarctic minke whale	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Balaenoptera borealis</i>	Sei whale	Vulnerable Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Balaenoptera edeni</i>	Bryde's whale	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Balaenoptera musculus</i>	Blue whale	Endangered Cetacean Migratory	Medium	Medium	Medium	Medium

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<i>Balaenoptera omurai</i>	Omura's whale	Not listed (all cetaceans protected in the Australian Whale Sanctuary)	Not assessed	Not assessed	Not assessed	Not assessed
<i>Balaenoptera physalus</i>	Fin whale	Vulnerable Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Caperea marginata</i>	Pygmy right whale	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Eubalaena australis</i>	Southern right whale	Endangered Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Megaptera novaeangliae</i>	Humpback whale	Vulnerable Cetacean Migratory	Medium	Medium	High	High
Cetaceans: Toothed cetaceans						
<i>Berardius arnuxii</i>	Arnoux's beaked whale	Cetacean	Medium	Medium	Medium	Medium
<i>Delphinus delphis</i>	Common dolphin, short-beaked common dolphin	Cetacean	Medium	Medium	Medium	Medium
<i>Feresa attenuata</i>	Pygmy killer whale	Cetacean	High	Medium	High	High
<i>Globicephala macrorhynchus</i>	Short-finned pilot whale	Cetacean	High	Medium	High	High
<i>Globicephala melas</i>	Long-finned pilot whale	Cetacean	High	Medium	High	High
<i>Grampus griseus</i>	Risso's dolphin, grampus	Cetacean	High	High	High	High
<i>Hyperoodon planifrons</i>	Southern bottlenose whale	Cetacean	High	Medium	High	High
<i>Kogia breviceps</i>	Pygmy sperm whale	Cetacean	Medium	Medium	Medium	Medium
<i>Kogia sima</i>	Dwarf sperm whale	Cetacean	Medium	Medium	High	High
<i>Lagenodelphis hosei</i>	Fraser's dolphin, Sarawak dolphin	Cetacean Migratory	High	High	High	High
<i>Lagenorhynchus cruciger</i>	Hourglass dolphin	Cetacean	High	High	High	High
<i>Lagenorhynchus obscurus</i>	Dusky dolphin	Cetacean Migratory	Low	Low	High	Medium
<i>Lissodelphis peronii</i>	Southern right whale dolphin	Cetacean	High	High	High	High
<i>Mesoplodon bowdoini</i>	Andrews' beaked whale	Cetacean	High	Medium	High	High
<i>Mesoplodon densirostris</i>	Blainville's beaked whale, dense-beaked whale	Cetacean	High	Medium	High	High
<i>Mesoplodon ginkgodens</i>	Ginkgo-toothed beaked whale	Cetacean	High	Medium	High	High
<i>Mesoplodon grayi</i>	Gray's beaked whale	Cetacean	High	Medium	High	High

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<i>Mesoplodon hectori</i>	Hector's beaked whale	Cetacean	High	Medium	High	High
<i>Mesoplodon layardii</i>	Strap-toothed beaked whale	Cetacean	High	Medium	High	High
<i>Mesoplodon mirus</i>	True's beaked whale	Cetacean	High	Medium	High	High
<i>Orcinus orca</i>	Killer whale, orca	Cetacean Migratory	Medium	Medium	High	High
<i>Peponocephala electra</i>	Melon-headed whale	Cetacean	Medium	Medium	Medium	Medium
<i>Phocoena dioptrica</i>	Spectacled porpoise	Cetacean	Not assessed	Not assessed	Not assessed	Not assessed
<i>Physeter macrocephalus</i>	Sperm whale	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Pseudorca crassidens</i>	False killer whale	Cetacean	High	Medium	High	High
<i>Sousa sahalensis</i> (formerly <i>Sousa chinensis</i>)	Australian humpback dolphin (formerly Indo-Pacific humpback dolphin)	Cetacean Migratory	Medium	Medium	High	High
<i>Stenella attenuata</i>	Spotted dolphin, pantropical spotted dolphin	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Stenella coeruleoalba</i>	Striped dolphin	Cetacean	High	High	High	High
<i>Stenella longirostris</i>	Long-snouted spinner dolphin	Cetacean Migratory	Medium	Medium	Medium	Medium
<i>Steno bredanensis</i>	Rough-toothed dolphin	Cetacean	Medium	Medium	High	High
<i>Tasmacetus shepherdi</i>	Shepherd's beaked whale	Cetacean	Medium	Medium	Medium	Medium
<i>Tursiops aduncus</i>	Indo-Pacific bottlenose dolphin	Cetacean Migratory	High	High	High	High
<i>Tursiops truncatus</i>	Common bottlenose dolphin	Cetacean	High	High	High	High
<i>Ziphius cavirostris</i>	Cuvier's beaked whale	Cetacean	High	Medium	High	High
Dugong						
<i>Dugong dugon</i>	Dugong	Marine Migratory	Medium	Medium	Medium	Medium
Seabirds [central place forager species bolded]						
<i>Anous minutus</i>	Black noddy	Marine	Low	Low	High	Medium
<i>Anous stolidus</i>	Common noddy	Marine	Low	Low	High	Medium
<i>Anous tenuirostris melanops</i>	Australian lesser noddy	Vulnerable Marine	Low	Low	High	Medium
<i>Apus pacificus</i>	Fork-tailed swift	Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Ardea alba</i> (listed Marine as <i>Ardea alba</i> and listed Migratory as <i>Egretta alba</i>)	Great egret, white egret	Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed

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<i>Ardenna carneipes</i> (listed marine as <i>Puffinus carneipes</i>)	Flesh-footed shearwater, fleshy-footed shearwater	Marine	Medium	Medium	High	Medium
<i>Ardenna tenuirostris</i> (listed Marine as <i>Puffinus tenuirostris</i>)	Short-tailed shearwater	Marine Migratory	Medium	Medium	High	Medium
<i>Botaurus poiciloptilus</i>	Australasian bittern	Endangered	Not assessed	Not assessed	Not assessed	Not assessed
<i>Calonectris leucomelas</i> (listed Migratory as <i>Puffinus leucomelas</i>)	Streaked shearwater	Marine Migratory	Medium	Medium	High	Medium
<i>Catharacta skua</i>	Great skua	Marine	Medium	Medium	High	Medium
<i>Daption capense</i>	Cape petrel	Marine	Medium	Medium	High	Medium
<i>Diomedea epomophora epomophora</i> (listed Marine and Migratory as <i>D. epomophora</i> [sensu stricto])	Southern royal albatross	Vulnerable Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea exulans amsterdamensis</i>	Amsterdam albatross	Endangered Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea exulans antipodensis</i>	Antipodean albatross	Vulnerable Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea exulans exulans</i> (listed Marine and Migratory as <i>D. dabbenena</i>)	Tristan albatross	Endangered Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea exulans (sensu lato)</i>	Wandering albatross	Vulnerable Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea exulans gibsoni</i> (listed Marine and Migratory as <i>D. gibsoni</i>)	Gibson's albatross	Vulnerable Marine Migratory	Medium	Medium	High	Medium
<i>Diomedea sanfordi</i>	Northern royal albatross	Endangered Marine Migratory	Medium	Medium	High	Medium
<i>Eudyptula minor</i>	Little penguin	Marine	Low	Low	High	Medium
<i>Fregetta grallaria grallaria</i>	White-bellied storm-petrel (Tasman Sea, Australasian)	Marine	Medium	Medium	High	Medium
<i>Fregetta tropica</i>	Black-bellied storm-petrel	Marine	Medium	Medium	High	Medium

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<i>Fulmarus glacialisoides</i>	Southern fulmar	Marine	Medium	Medium	High	Medium
<i>Garrodia nereis</i>	Grey-backed storm petrel	Marine	Medium	Medium	High	Medium
<i>Haliaeetus leucogaster</i>	White-bellied sea eagle	Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Halobaena caerulea</i>	Blue petrel	Vulnerable Marine	Medium	Medium	High	Medium
<i>Larus dominicanus</i>	Kelp gull	Marine	Low	Low	High	Medium
<i>Larus novaehollandiae</i>	Silver gull	Marine	Low	Low	High	Medium
<i>Larus pacificus</i>	Pacific gull	Marine	Low	Low	High	Medium
<i>Lugensa brevirostris</i>	Kerguelen petrel	Marine	Medium	Medium	High	Medium
<i>Macronectes giganteus</i>	Southern giant-petrel	Endangered Marine Migratory	Low	Low	High	Medium
<i>Macronectes halli</i>	Northern giant-petrel	Vulnerable Marine Migratory	Low	Low	High	Medium
<i>Morus capensis</i>	Cape gannet	Marine	Low	Low	High	Medium
<i>Morus serrator</i>	Australasian gannet	Marine	Low	Low	High	Medium
<i>Neophema chrysogaster</i>	Orange-bellied parrot	Critically endangered Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Oceanites oceanicus</i>	Wilson's storm petrel	Marine	Low	Low	High	Low
<i>Pachyptila desolata</i>	Antarctic prion	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Pachyptila belcheri</i>	Slender-billed prion	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Pachyptila salvini</i>	Salvin's prion	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Pachyptila turtur</i>	Fairy prion	Marine	Medium	Medium	High	Medium
<i>Pachyptila vittata</i>	Broad-billed prion	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Pandion haliaetus</i>	Osprey	Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Pelagodroma marina</i>	White-faced storm-petrel	Marine	Low	Low	High	Low
<i>Pelecanoides urinatrix</i>	Common diving-petrel	Marine	Low	Low	High	Low
<i>Phaethon rubricauda</i>	Red-tailed tropicbird	Marine	Low	Low	High	Medium
<i>Phalacrocorax fuscescens</i>	Black-faced cormorant	Marine	Medium	Medium	High	Medium
<i>Phoebastria fusca</i>	Sooty albatross	Vulnerable Marine Migratory	Medium	Medium	High	Medium

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<i>Phoebastria palpebrata</i>	Light-mantled sooty albatross	Marine Migratory	Medium	Medium	High	Medium
<i>Procellaria aequinoctialis</i>	White-chinned petrel	Marine Migratory	Medium	Medium	High	Medium
<i>Procellaria cinerea</i>	Grey petrel	Marine Migratory	Low	Low	High	Medium
<i>Procellaria parkinsoni</i>	Black petrel	Marine Migratory	Medium	Medium	High	Medium
<i>Procellaria westlandica</i>	Westland petrel	Marine Migratory	Medium	Medium	High	Medium
<i>Procelsterna cerulea</i>	Grey ternlet	Marine	Low	Low	High	Medium
<i>Pseudobulweria rostrata</i>	Tahiti petrel	Marine	Low	Low	High	Medium
<i>Pterodroma cervicalis</i>	White-necked petrel	Marine	Medium	Medium	High	Medium
<i>Pterodroma lessoni</i>	White-headed petrel	Marine	Low	Low	High	Medium
<i>Pterodroma leucoptera leucoptera</i>	Gould's petrel	Endangered Marine	Medium	Medium	High	Medium
<i>Pterodroma macroptera</i>	Great-winged petrel	Marine	Medium	Medium	High	Medium
<i>Pterodroma mollis</i>	Soft-plumaged petrel	Vulnerable Marine	Medium	Medium	High	Medium
<i>Pterodroma neglecta neglecta</i>	Kermadec petrel (western)	Vulnerable Marine	Low	Low	High	Medium
<i>Pterodroma nigripennis</i>	Black-winged petrel	Marine	Medium	Medium	High	Medium
<i>Pterodroma solandri</i>	Providence petrel	Marine	Medium	Medium	High	Medium
<i>Puffinus assimilis</i>	Little shearwater	Marine	Medium	Medium	High	Medium
<i>Puffinus bulleri</i>	Buller's shearwater	Marine	Medium	Medium	High	Medium
<i>Puffinus gavia</i>	Fluttering shearwater	Marine	Low	Low	High	Medium
<i>Puffinus griseus</i>	Sooty shearwater	Marine	Low	Low	High	Medium
<i>Puffinus huttoni</i>	Hutton's shearwater	Marine	Low	Low	High	Medium
<i>Puffinus pacificus</i>	Wedge-tailed shearwater	Marine	Medium	Medium	High	Medium
<i>Stercorarius antarcticus</i>	Brown skua	Not listed	Not assessed	Not assessed	Not assessed	Not assessed
<i>Sterna albifrons</i>	Little tern	Marine	Low	Low	High	Low
<i>Sterna anaethetus</i>	Bridled tern	Marine	Low	Low	High	Low
<i>Sterna caspia</i>	Caspian tern	Marine	Low	Low	High	Medium
<i>Sterna dougallii</i>	Roseate tern	Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Sterna fuscata</i>	Sooty tern	Marine	Low	Low	High	Medium
<i>Sterna hirundo</i>	Common tern	Marine	Low	Low	High	Medium

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<i>Caretta caretta</i>	Loggerhead turtle	Endangered Marine Migratory	Medium	Medium	Medium	Medium
<i>Chelonia mydas</i>	Green turtle	Vulnerable Marine Migratory	Medium	Medium	Medium	Medium
<i>Dermochelys coriacea</i>	Leatherback turtle	Endangered Marine Migratory	Medium	Medium	Medium	Medium
<i>Eretmochelys imbricata</i>	Hawksbill turtle	Vulnerable Marine Migratory	Medium	Medium	Medium	Medium
<i>Lepidochelys olivacea</i>	Olive Ridley turtle, Pacific Ridley turtle	Endangered Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Natator depressus</i>	Flatback turtle	Vulnerable Marine Migratory	Not assessed	Not assessed	Not assessed	Not assessed
Seasnakes						
<i>Acalytophis peroni</i>	Horned seasnake	Marine	Medium	Medium	Medium	Medium
<i>Aipysurus laevis</i>	Olive seasnake	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Aipysurus pooleorum</i>	Shark Bay seasnake	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Astrotia stokesii</i>	Stokes' seasnake	Marine	Medium	Medium	Medium	Medium
<i>Disteira kingii</i>	Spectacled seasnake	Marine	Medium	Medium	Medium	Medium
<i>Disteira major</i>	Olive-headed seasnake	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Hydrophis elegans</i>	Elegant seasnake	Marine	Low	Low	Low	Low
<i>Hydrophis ornatus/ Chitulua ornata</i>	Spotted seasnake, ornate reef seasnake	Marine	Medium	Medium	Medium	Medium
<i>Pelamis platurus</i>	Yellow-bellied seasnake	Marine	Medium	Medium	Medium	Medium
SHARKS AND RAYS						
<i>Carcharias taurus</i> (east coast population)	Grey nurse shark	Critically endangered	Medium	Medium	Medium	Low*
<i>Carcharias taurus</i> (west coast population)	Grey nurse shark (west coast population)	Vulnerable	Medium	Medium	Not assessed	Low*
<i>Carcharodon carcharias</i>	Great white shark	Vulnerable Migratory	Medium	Medium	High	Low*
<i>Centrophorus harrissoni</i>	Harrisson's dogfish, endeavour dogfish, dumb gulper shark, Harrisson's deepsea dogfish	Conservation dependent	Not assessed; not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed

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<i>Centrophorus zeehaani</i>	Southern dogfish, endeavour dogfish, little gulper shark	Conservation dependent	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Cetorhinus maximus</i>	Basking shark	Migratory	Not assessed	Not assessed	Not assessed	Not assessed
<i>Galeorhinus galeus</i>	School shark, eastern school shark, snapper shark, tope, soupfin shark	Conservation dependent	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Isurus oxyrinchus</i>	Shortfin mako, mako shark	Migratory	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Isurus paucus</i>	Longfin mako	Migratory	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Lamna nasus</i>	Porbeagle, mackerel shark	Vulnerable Migratory	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Manta birostris</i>	Giant manta ray	Migratory	Not assessed: not listed the time of ERA	Not assessed	Not assessed, not listed at time of ERA	Not assessed
<i>Pristis zijsron</i>	Green sawfish, dindagubba, narrow snout sawfish	Vulnerable	Not assessed, not listed at the time of ERA	Not assessed	Not assessed, not listed at the time of ERA	Not assessed
<i>Rhincodon typus</i>	Whale shark	Vulnerable Migratory	Medium	Medium	Medium	Low*
TELEOST FISH						
Syngnathids						
<i>Acentronura australe</i>	Southern pygmy pipehorse	Marine	Low	Low	Low	Low
<i>Acentronura tentaculata</i>	Shortpouch pygmy pipehorse	Marine	Low	Low	Low	Low
<i>Campichthys galei</i>	Gale's pipefish	Marine	Low	Low	Low	Low
<i>Campichthys tryoni</i>	Tryon's pipefish	Marine	Low	Low	Low	Low
<i>Choeroichthys suillus</i>	Pig-snouted pipefish	Marine	Low	Low	Low	Low
<i>Corythoichthys amplexus</i>	Fijian banded pipefish, brown-banded pipefish	Marine	Low	Low	Low	Low
<i>Corythoichthys ocellatus</i>	Orange-spotted pipefish, ocellated pipefish	Marine	Low	Low	Low	Low

GROUP/SCIENTIFIC NAME	COMMON NAME(S)	EPBC ACT LISTING STATUS	LEVEL 2 PSA RISK (MID-WATER TRAWL) (DALEY ET AL. 2007B)	LEVEL 2 PSA RESIDUAL RISK (MID-WATER TRAWL) (AFMA 2010B)	LEVEL 2 PSA RISK (PURSE SEINE) (DALEY ET AL. 2007A)	LEVEL 2 PSA RESIDUAL RISK (PURSE SEINE) (AFMA 2010A)
<i>Cosmocampus howensis</i>	Lord Howe pipefish	Marine	Low	Low	Low	Low
<i>Festucalex cinctus</i>	Girdled pipefish	Marine	Low	Low	Low	Low
<i>Filicampus tigris</i>	Tiger pipefish	Marine	Low	Low	Low	Low
<i>Halicampus boothae</i>	Booth's pipefish	Marine	Low	Low	Low	Low
<i>Halicampus brocki</i>	Brock's pipefish	Marine	Low	Low	Low	Low
<i>Halicampus grayi</i>	Mud pipefish, Gray's pipefish	Marine	Low	Low	Low	Low
<i>Heraldia nocturna</i>	Upside-down pipefish, eastern upside-down pipefish	Marine	Low	Low	Low	Low
<i>Hippichthys cyanospilos</i>	Blue-speckled pipefish, blue-spotted pipefish	Marine	Low	Low	Low	Low
<i>Hippichthys heptagonus</i>	Madura pipefish, reticulated freshwater pipefish	Marine	Low	Low	Low	Low
<i>Hippichthys penicillus</i>	Beady pipefish, steep-nosed pipefish	Marine	Low	Low	Low	Low
<i>Hippocampus abdominalis</i>	Big-belly seahorse, eastern potbelly seahorse, New Zealand potbelly seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus angustus</i>	Western spiny seahorse, narrow-bellied seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus breviceps</i>	Short-head seahorse, short-snouted seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus kelloggi</i>	Kellogg's seahorse, great seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus kuda</i>	Spotted seahorse, yellows seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus minotaur</i>	Bullneck seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus planifrons</i>	Flat-face seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus subelongatus</i>	West Australian seahorse	Marine	Low	Low	Low	Low
<i>Hippocampus whitei</i>	White's seahorse, crowned seahorse, Sydney seahorse	Marine	Low	Low	Low	Low
<i>Histiogamphelus briggsii</i>	Crested pipefish, Briggs' crested pipefish, Briggs' pipefish	Marine	Low	Low	Low	Low
<i>Histiogamphelus cristatus</i>	Rhino pipefish, Macleay's crested pipefish, ring-back pipefish	Marine	Low	Low	Low	Low
<i>Hypselognathus horridus</i>	Shaggy pipefish, prickly pipefish	Marine	Low	Low	Low	Low
<i>Hypselognathus rostratus</i>	Knifesnout pipefish, Knife-snouted pipefish	Marine	Low	Low	Low	Low

GROUP/SCIENTIFIC NAME	COMMON NAME(S)	EPBC ACT LISTING STATUS	LEVEL 2 PSA RISK (MID-WATER TRAWL) (DALEY ET AL. 2007B)	LEVEL 2 PSA RESIDUAL RISK (MID-WATER TRAWL) (AFMA 2010B)	LEVEL 2 PSA RISK (PURSE SEINE) (DALEY ET AL. 2007A)	LEVEL 2 PSA RESIDUAL RISK (PURSE SEINE) (AFMA 2010A)
<i>Kaupus costatus</i>	Deepbody pipefish, deep-bodied pipefish	Marine	Low	Low	Low	Low
<i>Kimblaesus bassensis</i>	Trawl pipefish, Bass Strait pipefish	Marine	Low	Low	Low	Low
<i>Leptoichthys fistularius</i>	Brushtail pipefish	Marine	Low	Low	Low	Low
<i>Lissocampus caudalis</i>	Australian smooth pipefish, smooth pipefish	Marine	Low	Low	Low	Low
<i>Lissocampus fatiloquus</i>	Prophet's pipefish	Marine	Low	Low	Low	Low
<i>Lissocampus runa</i>	Javelin pipefish	Marine	Low	Low	Low	Low
<i>Maroubra perserrata</i>	Sawtooth pipefish	Marine	Low	Low	Low	Low
<i>Micrognathus andersonii</i>	Anderson's pipefish, shortnose pipefish	Marine	Low	Low	Low	Low
<i>Micrognathus brevirostris</i> ¹⁷	Thorntail pipefish, thorn-tailed pipefish	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Microphis manadensis</i>	Manado pipefish, Manado River pipefish	Marine	Low	Low	Low	Low
<i>Mitotichthys meraculus</i>	Western crested pipefish	Marine	Low	Low	Low	Low
<i>Mitotichthys mollisoni</i>	Mollison's pipefish	Marine	Low	Low	Low	Low
<i>Mitotichthys semistriatus</i>	Halfbanded pipefish	Marine	Low	Low	Low	Low
<i>Mitotichthys tuckeri</i>	Tucker's pipefish	Marine	Low	Low	Low	Low
<i>Nannocampus subosseus</i>	Bonyhead pipefish, bony-headed pipefish	Marine	Low	Low	Low	Low
<i>Notiocampus ruber</i>	Red pipefish	Marine	Low	Low	Low	Low
<i>Phycodurus eques</i>	Leafy seadragon	Marine	Low	Low	Low	Low
<i>Phyllopteryx taeniolatus</i>	Common seadragon, weedy seadragon	Marine	Low	Low	Low	Low
<i>Pugnaso curtirostris</i>	Pugnose pipefish, Pug-nosed pipefish	Marine	Low	Low	Low	Low
<i>Solegnathus dunckeri</i>	Duncker's pipehorse	Marine	Low	Low	Low	Low
<i>Solegnathus hardwickii</i> ¹⁸	Pallid pipehorse, Hardwick's pipehorse	Marine	Not assessed	Not assessed	Not assessed	Not assessed
<i>Solegnathus lettiensis</i>	Gunther's pipehorse, Indonesian pipefish	Marine	Low	Low	Low	Low
<i>Solegnathus robustus</i>	Robust pipehorse, Robust spiny pipehorse	Marine	Low	Low	Low	Low
<i>Solegnathus spinosissimus</i>	Spiny pipehorse, Australian spiny pipehorse	Marine	Low	Low	Low	Low
<i>Solenostomus cyanopterus/paegnius</i>	Robust ghostpipefish, blue-finned ghost pipefish,	Marine	Low	Low	Medium	Low

17 The panel noted that this species is not valid in Australia. Now *M. pygmaeus*. (Codes for Australian Aquatic Biota (CAAB) Taxon code 37 282087).

18 The panel noted that this species is not valid in Australia. Current valid species likely to be *Solegnathus* sp. 1. (CAAB Taxon code 37 282099).

GROUP/SCIENTIFIC NAME	COMMON NAME(S)	EPBC ACT LISTING STATUS	LEVEL 2 PSA RISK (MID-WATER TRAWL) (DALEY ET AL. 2007B)	LEVEL 2 PSA RESIDUAL RISK (MID-WATER TRAWL) (AFMA 2010B)	LEVEL 2 PSA RISK (PURSE SEINE) (DALEY ET AL. 2007A)	LEVEL 2 PSA RESIDUAL RISK (PURSE SEINE) (AFMA 2010A)
<i>Solenostomus paradoxus</i>	Ornate ghostpipefish, harlequin ghost pipefish, ornate Ghost pipefish	Marine	Low	Low	Low	Low
<i>Stigmatopora argus</i>	Spotted pipefish, gulf pipefish	Marine	Low	Low	Low	Low
<i>Stigmatopora nigra</i>	Widebody pipefish, wide-bodied pipefish, black pipefish	Marine	Low	Low	Low	Low
<i>Stipecampus cristatus</i>	Ringback pipefish, Ring-backed pipefish	Marine	Low	Low	Low	Low
<i>Syngnathoides biaculeatus</i>	Double-end pipehorse, double-ended pipehorse, alligator pipefish	Marine	Low	Low	Medium	Low
<i>Trachyrhamphus bicoarctatus</i>	Bentstick pipefish, Bend stick pipefish, Short-tailed pipefish	Marine	Low	Low	Low	Low
<i>Urocampus carinirostris</i>	Hairy pipefish	Marine	Low	Low	Low	Low
<i>Vanacampus margaritifer</i>	Mother-of-pearl pipefish	Marine	Low	Low	Low	Low
<i>Vanacampus phillipi</i>	Port Phillip pipefish	Marine	Low	Low	Low	Low
<i>Vanacampus poecilolaemus</i>	Longsnout pipefish, Australian long-snout pipefish, long-snouted pipefish	Marine	Low	Low	Low	Low
<i>Vanacampus vercoi</i>	Verco's pipefish	Marine	Low	Low	Low	Low
Other teleost fish						
<i>Hoplostethus atlanticus</i>	Orange roughy	Conservation dependent	Not assessed, not listed at the time of ERA	Not assessed	Not assessed	Not assessed
<i>Rexea solandri</i>	Gemfish	Conservation dependent	Not assessed, not listed at the time of ERA	Not assessed	Not assessed	Not assessed
<i>Thunnus maccoyii</i>	Southern bluefin tuna	Conservation dependent	Not assessed, not listed at the time of ERA	Not assessed	Not assessed	Not assessed

*Level 3 SAFE assessment

Rationale for not assessing direct interactions of the Fish Processing Activity with species groups

Dugong *Dugong dugon*

The panel did not assess the possible impact of direct interactions on dugong specifically, due to the very marginal overlap of the species' distribution with the area of the Small Pelagic Fishery (SPF) and noting that no interactions with dugong in the mid-water trawl or purse seine sector of the SPF had been recorded in the period 2002–2013 (Tuck *et al.* 2013, AFMA 2014e). Finley *et al.* (2015a) considered that while purse seine interactions with dugong in the SPF were possible they were unlikely given the species distribution and behaviour. The distribution of dugong in relation to trawl and purse seine effort in the SPF (2000–2013) is mapped in Figures A3.1 and A3.2 respectively.

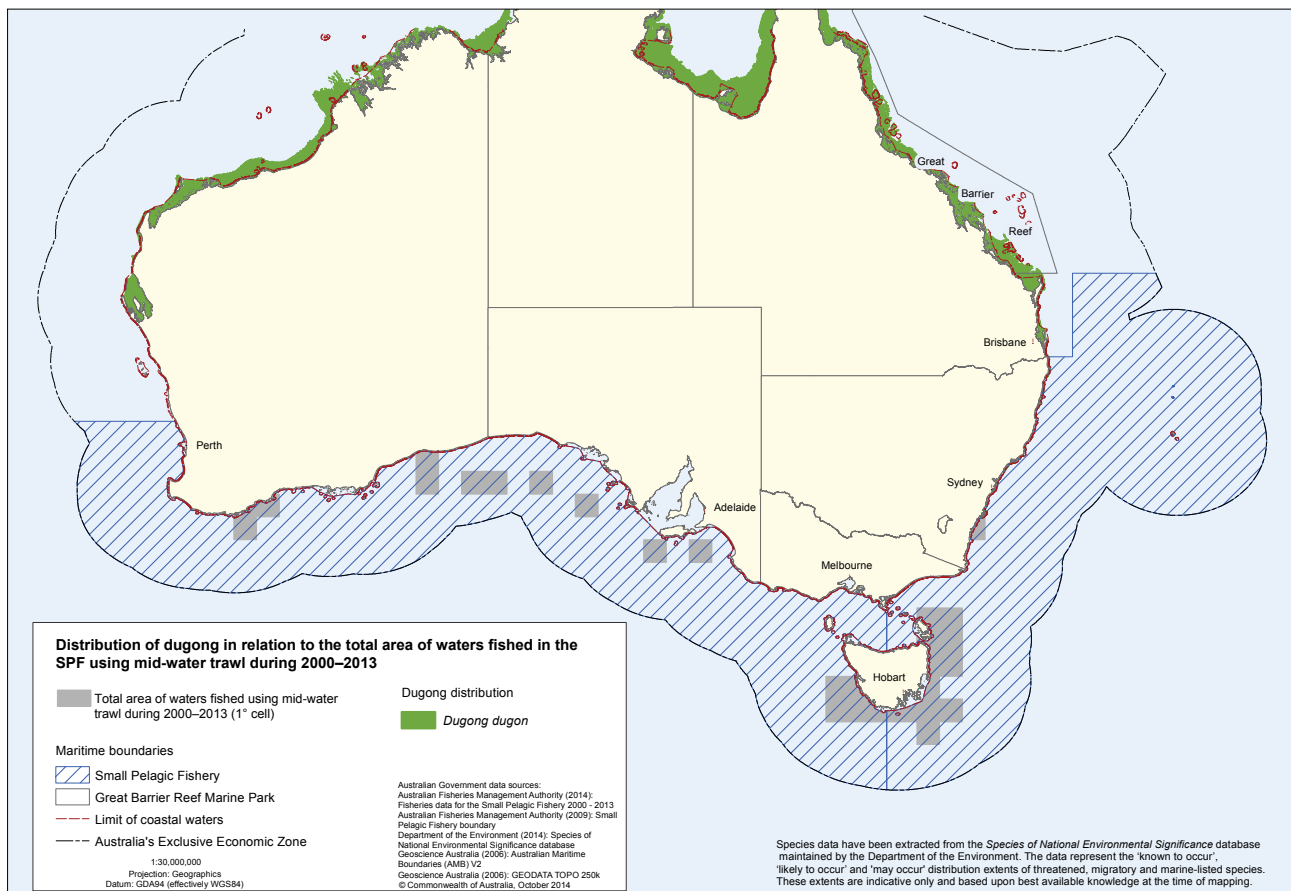


Figure A3.1 Distribution of dugong in relation to the total area of waters fished in the SPF using mid-water trawl during 2000–2013. Source: Map produced by the Environmental Resources Information Network (ERIN), Department of the Environment using unpublished AFMA data.

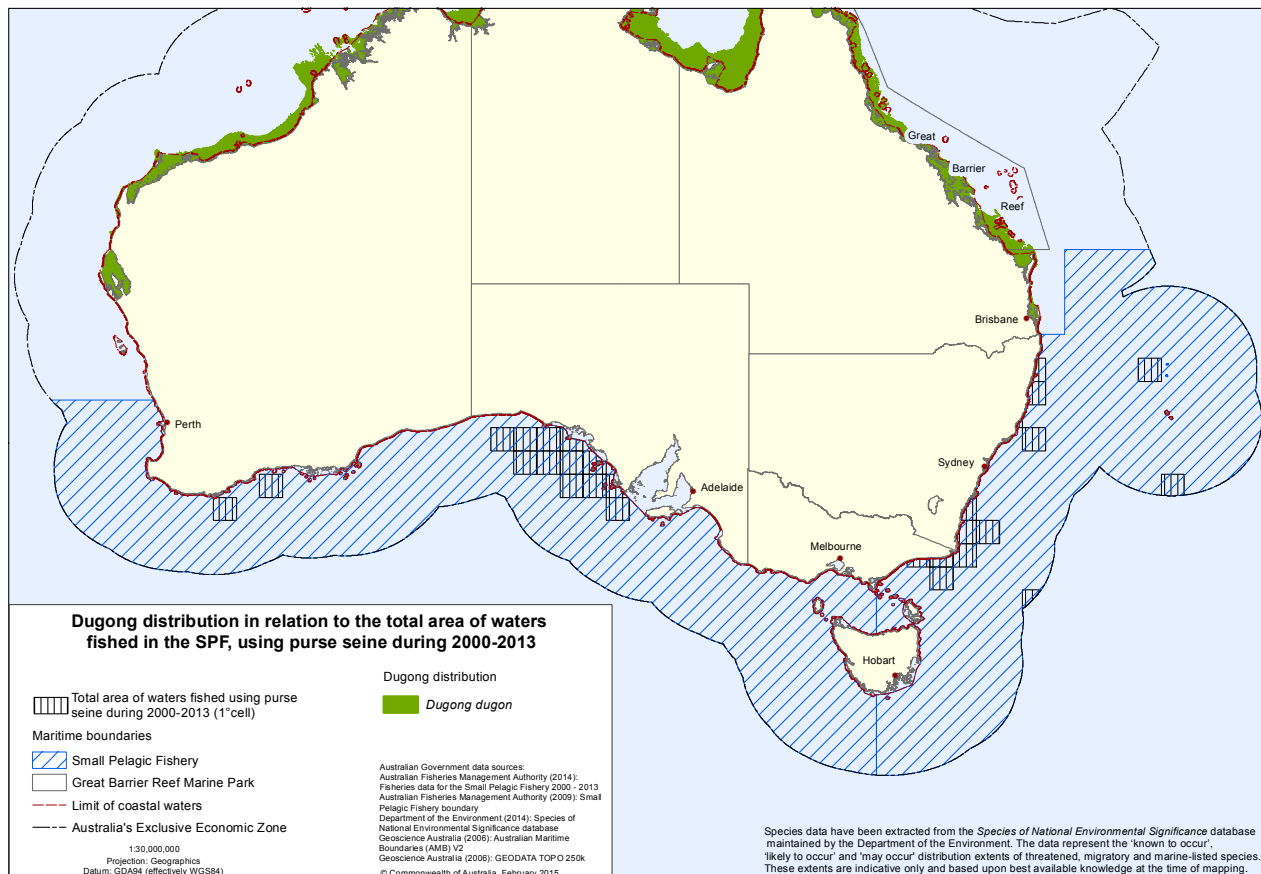


Figure A3.2 Distribution of dugong in relation to the total area of waters fished in the SPF using purse seine during 2000-2013. Source: Map produced by ERIN using unpublished AFMA data.

Turtles

Finley *et al.* (2015b)¹⁹ found that the likelihood of interaction of mid-water trawl gear with turtles in the SPF was low to moderate. The panel noted that no interactions with turtles in the mid-water trawl sector of the SPF had been recorded in the period 2002-2013 (Tuck *et al.* 2013, AFMA 2014e). As a result, the panel did not assess the possible impact of direct interactions of mid-water trawl gear with turtles specifically.

Finley *et al.* (2015a) found that interactions between loggerhead turtles *Caretta caretta*, green turtles *Chelonia mydas* and leatherback turtles *Dermochelys coriacea* and purse seine gear were moderately likely. However, no interactions with turtles in the purse seine sector of the SPF had been recorded in the period 2002-2013 (Tuck *et al.* 2013, AFMA 2014e). As a result, the panel did not assess the possible impact of direct interactions of purse seine gear with turtles specifically.

The distribution of protected species of turtles in relation to mid-water trawl and purse seine effort in the SPF (2000-2013) is mapped in Figures A3.3 and A3.4 respectively.

¹⁹ Cited in Expert Panel on a Declared Commercial Fishing Activity (2014) as Elgin Associates unpublished (a).

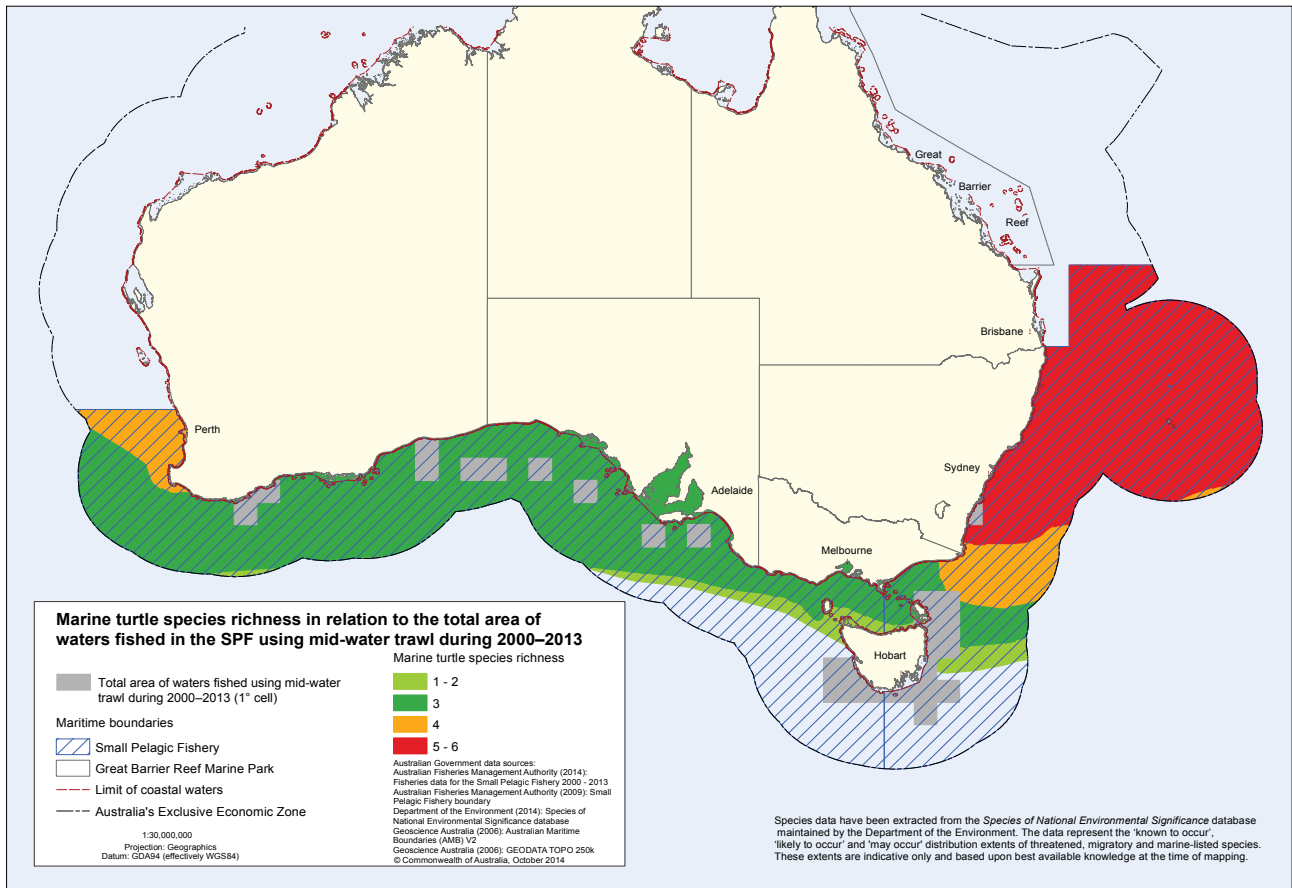


Figure A3.3 Marine turtle species richness in relation to the total area of waters fished in the SPF using mid-water trawl during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

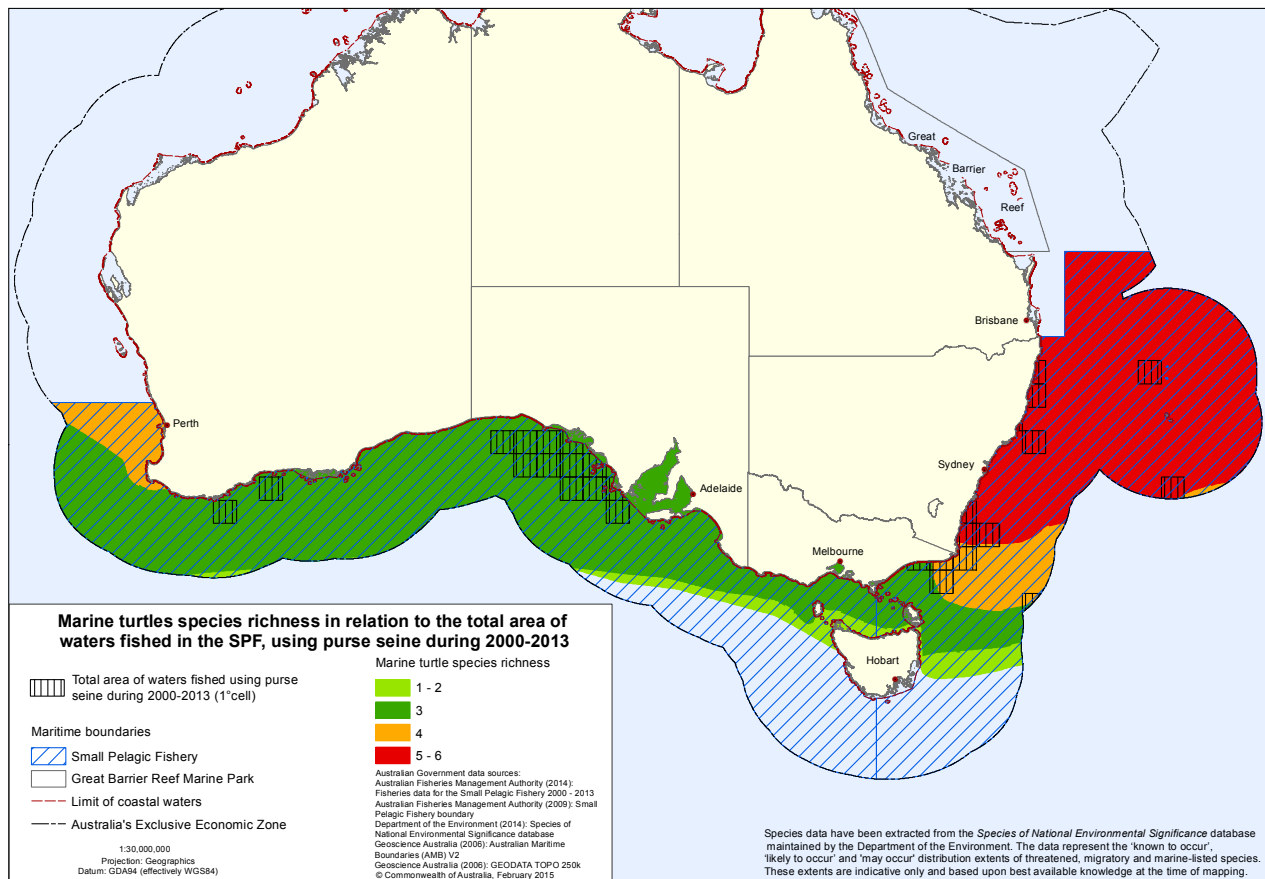


Figure A3.4 Marine turtle species richness in relation to the total area of waters fished in the SPF using purse seine during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

Seasnakes

The panel did not assess the possible impact of direct interactions on protected species of seasnakes specifically, due to the generally low overlap of the species' distribution with the area of the SPF and noting that no interactions with seasnakes in the mid-water trawl or purse seine sectors of the SPF were recorded in the period 2002–2013 (Tuck *et al.* 2013, AFMA 2014e). Finley *et al.* (2015a) found that interactions with seasnakes by purse seine gear in the SPF were unlikely.

The distribution of protected species of seasnakes in relation to mid-water trawl and purse seine effort in the SPF (2000–2013) is mapped in Figures A3.5 and A3.6 respectively.

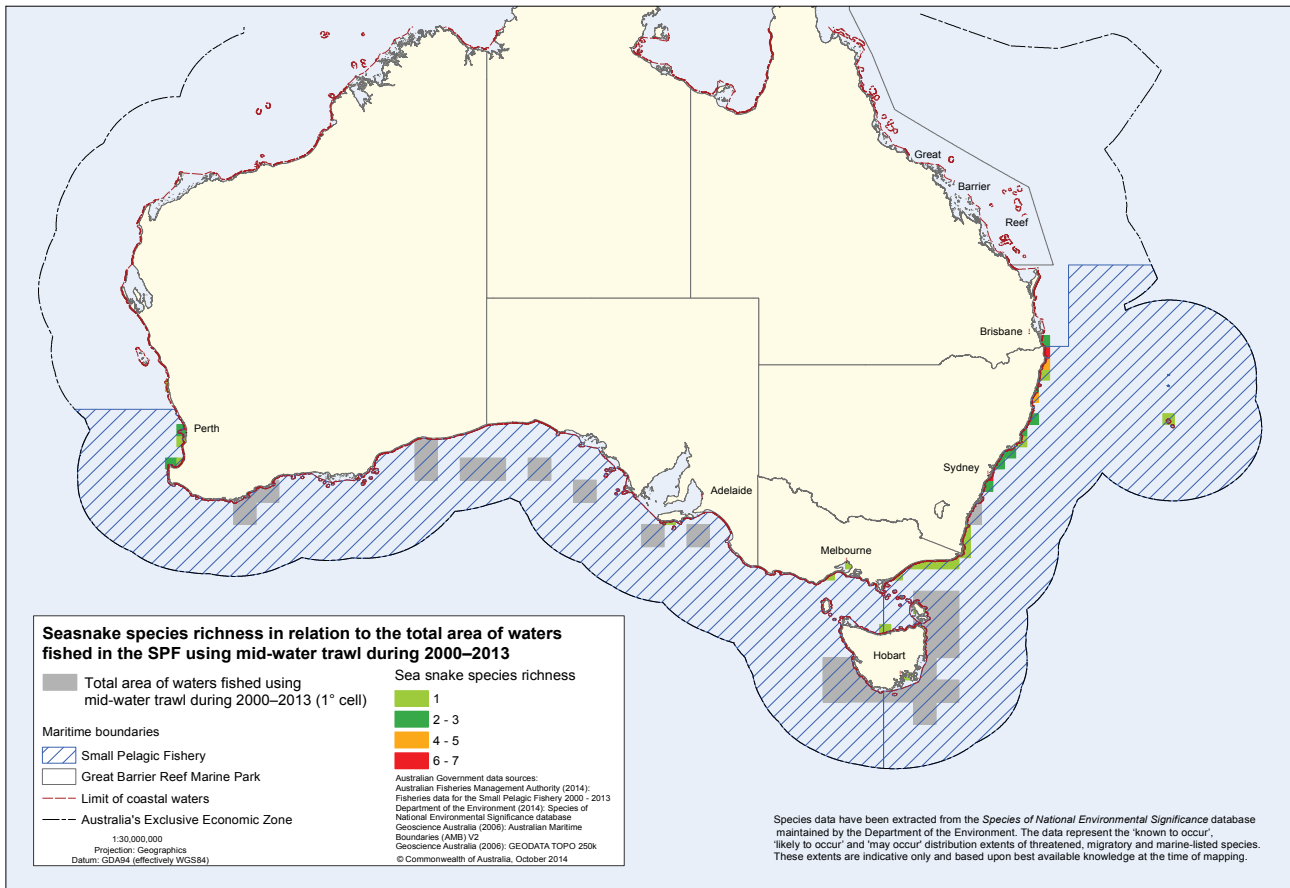


Figure A3.5 Seasnake species richness in relation to the total area of waters fished in the SPF using mid-water trawl during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

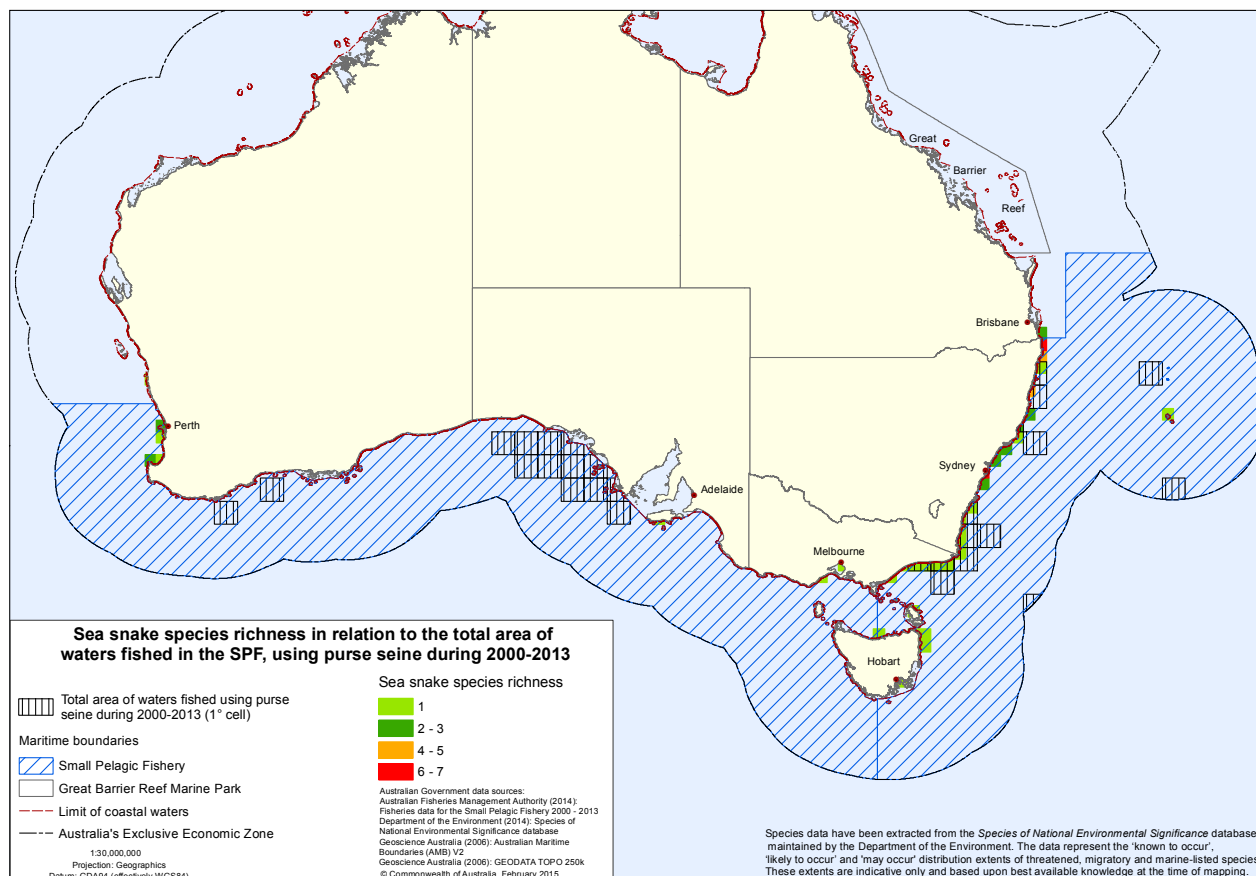


Figure A3.6 Seasnake species richness in relation to the total area of waters fished in the SPF using purse seine during 2000-2013. Source: Map produced by ERIN using unpublished AFMA data.

Sharks and rays

Of the 13 protected species (including separate east and west stocks of grey nurse shark *Carcharias taurus*) of sharks and rays occurring in the area of the SPF, only four (grey nurse shark east and west stocks, great white shark *Carcharias carcharodon* and whale shark *Rhincodon typus*), were assessed in the SPF mid-water trawl ecological risk assessment (ERA) (Daley *et al.* 2007b). Each of these was assessed at medium risk by both the ERA and subsequent residual risk assessment. The ERA did not assess basking shark *Cetorhinus maximus* and the remaining species were not protected species at the time the ERA was conducted.

The panel noted that there are only two records of protected shark species being captured in the SPF mid-water trawl sector in the period 2000 to 2011 (Tuck *et al.* 2013). In each case a single individual of great white shark and of shortfin mako shark *Isurus oxyrinchus* was captured. Further, of the other protected shark species occurring in the SPF, the panel considered that Harrison's dogfish *Centrophorus harrissoni*, southern dogfish *C. zeehaani* and school shark *Galeorhinus galeus* are generally likely to be out of the depth range of mid-water trawl gear. Finley *et al.* (2015b) found that it was unlikely that the mid-water trawl sector of the SPF would interact with grey nurse shark or longfin mako *Isurus paucus*. While Finley *et al.* (2015b) found that it was possible that interactions could occur with porbeagle *Lamna nasus* and basking shark, no interactions with these species were recorded in the mid-water trawl sector of the SPF in the period 2002-2013 (Tuck *et al.* 2013, AFMA 2014e). Similarly, there are no records of interactions with the giant manta ray *Manta birostris* and extremely low records of catch of any skates or rays in the mid-water trawl sector of the SPF (Tuck *et al.* 2013).

Finley *et al.* (2015a) found that of the protected species of sharks and rays in the SPF the giant manta ray was 'likely' to interact with purse seine vessels and interactions with basking shark, great white shark and shortfin mako shark were possible. However the panel notes that no interactions with protected species of sharks and rays have been reported in the purse seine sector of the SPF (Tuck *et al.* 2013, AFMA 2014e).

As a result, the panel has not assessed the possible impact of direct interactions with protected species of sharks and rays specifically. The distribution of these species in relation to mid-water trawl and purse seine effort in the SPF (2000-2013) is mapped in Figures A3.7 and A3.8 respectively.

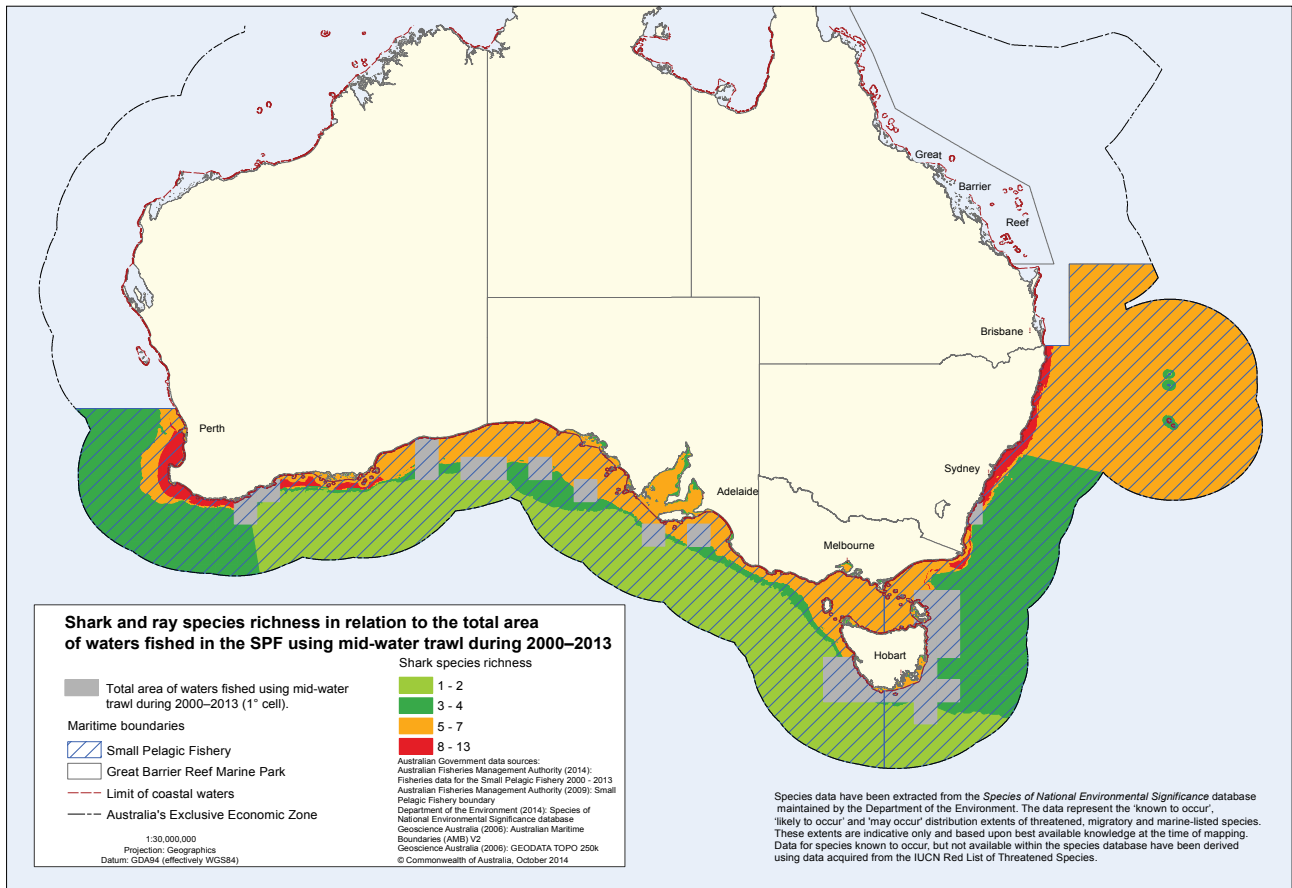


Figure A3.7 Shark and ray species richness in relation to the total area of waters fished in the SPF using mid-water trawl during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

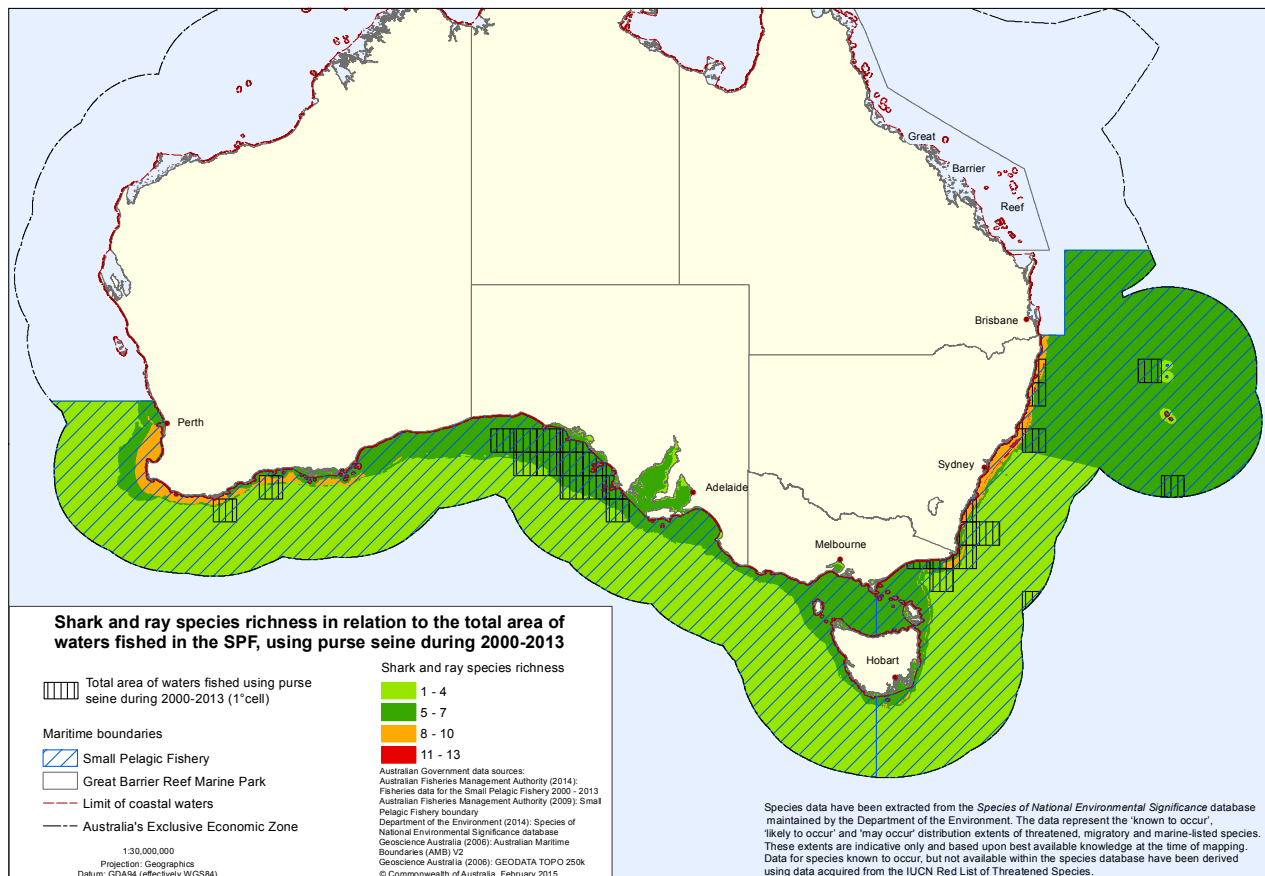


Figure A3.8 Shark and ray species richness in relation to the total area of waters fished in the SPF using purse seine during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

Teleosts

Sixty-six species of syngnathids occur within the area of the SPF. Sixty-four of these were rated as low-risk in the mid-water trawl sector ERA (Daley *et al.* 2007b). This rating largely reflects a low susceptibility of these species to the fishing gear/method. The remaining two species were not assessed in the ERA but the panel considered that these two species had limited overlap with the area of the SPF and that it was reasonable to assume these species were unlikely to be more susceptible to the fishing gear/method than the other 64 syngnathid species assessed in the ERA. The purse seine sector ERA (Daley *et al.* 2007a) found all species to be at low risk except for *Syngnathoides biaculeatus*, which was assessed as medium risk. Finley *et al.* (2015a) found that it was unlikely that the purse seine gear would interact with this species.

The panel noted that there were no reported interactions between syngnathids and mid-water trawl or purse seine gear in the period 2002–13 (Tuck *et al.* 2013, AFMA 2014e). The distribution of protected species of syngnathid in relation to mid-water trawl and purse seine effort in the SPF (2000–2013) is mapped in Figures A3.9 and A3.10 respectively.

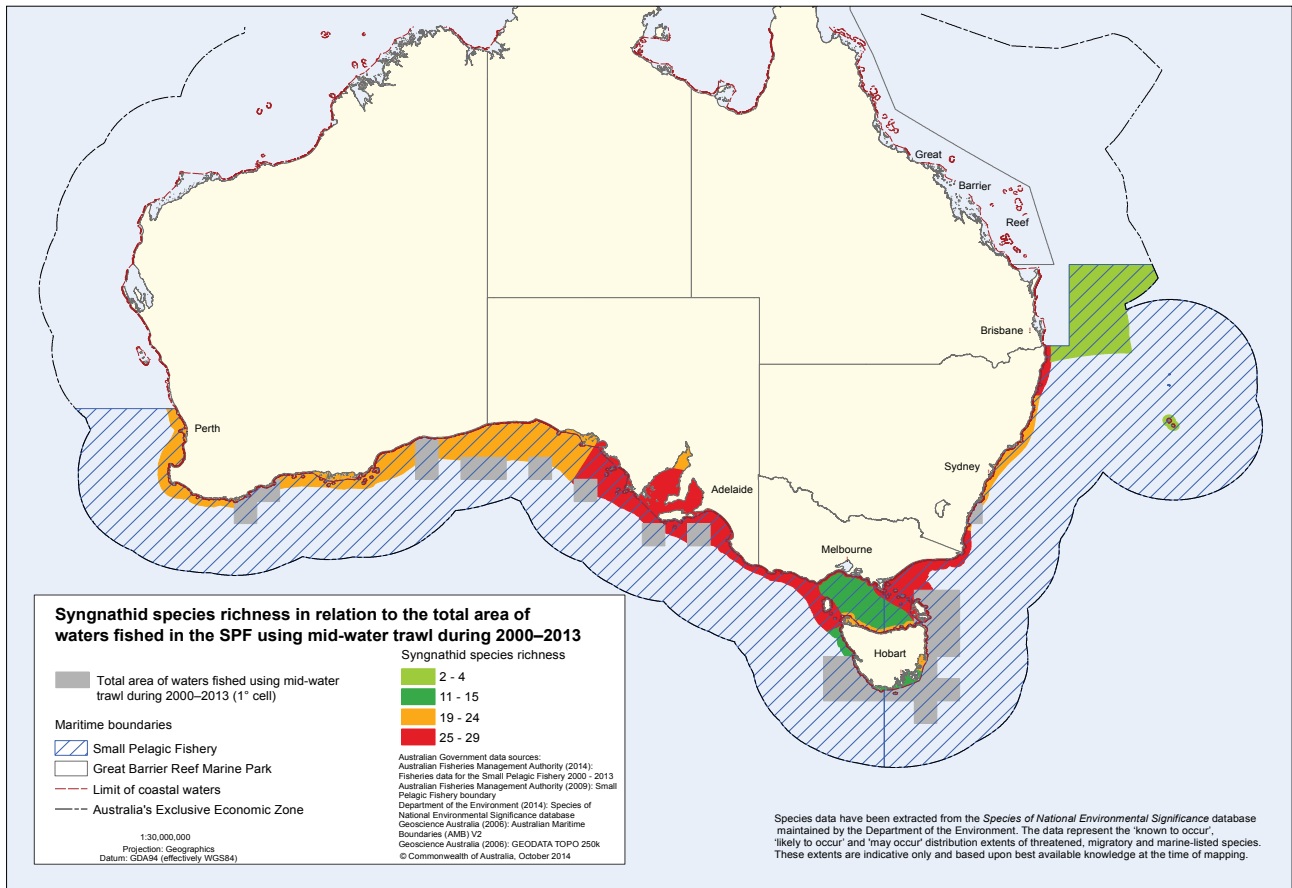


Figure A3.9 Syngnathid species richness in relation to the total area of waters fished in the SPF using mid-water trawl during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

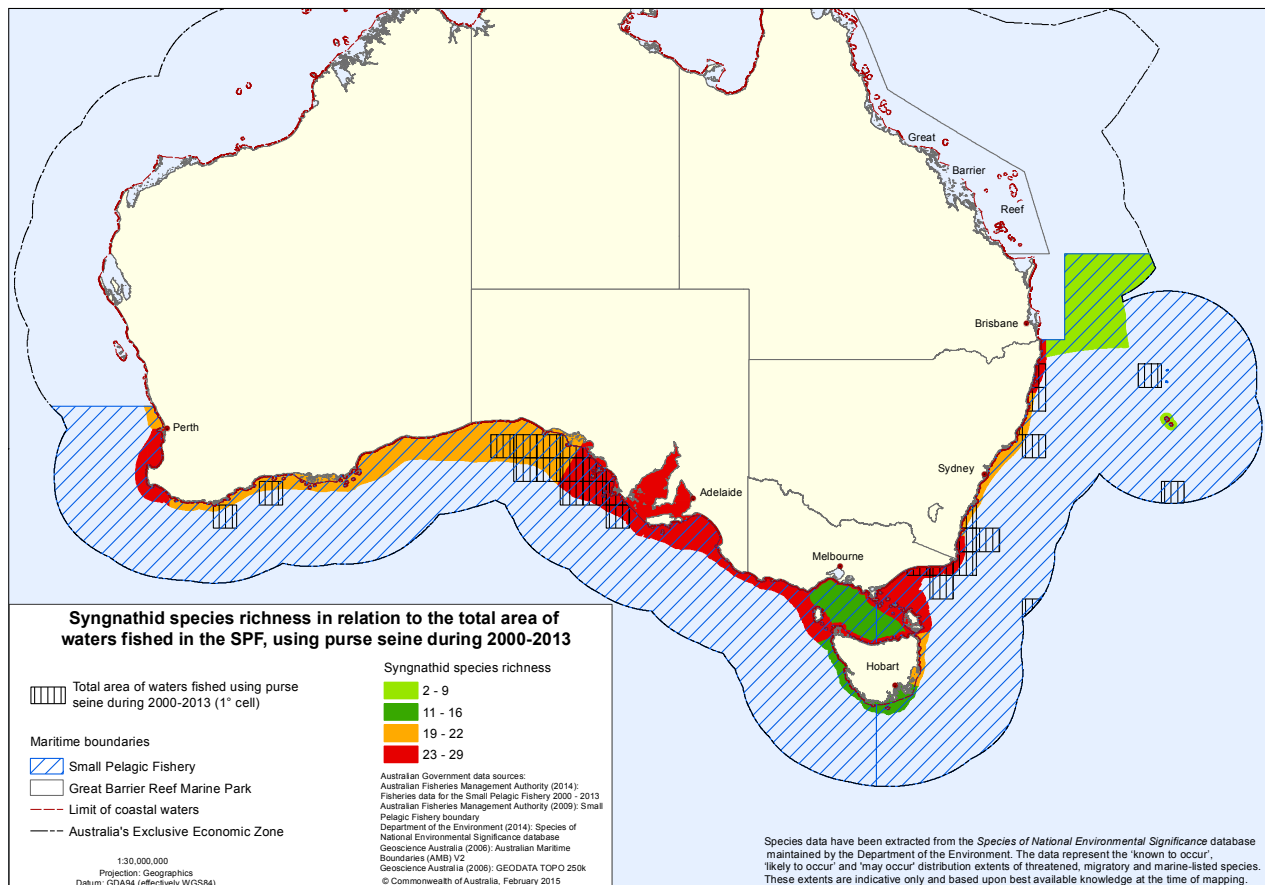


Figure A3.10 Syngnathid species richness in relation to the total area of waters fished in the SPF using purse seine during 2000–2013. Source: Map produced by ERIN using unpublished AFMA data.

In addition, there are three protected species of teleost fishes occurring in the area of the SPF (gemfish *Rexea solandri*, orange roughy *Hoplostethus atlanticus* and southern bluefin tuna *Thunnus maccoyii*). The panel considered that orange roughy is likely to be out of the normal depth range of mid-water trawl and purse seine gear. Very small quantities of gemfish and no southern bluefin tuna or orange roughy were recorded in the SPF mid-water trawl sector in the period 2002–2011 (Tuck *et al.* 2013). Neither of these species was reported in the purse seine catch over the same period. As a result, the panel has not assessed the possible impact of direct interactions with these protected species of teleosts specifically.

Shortened forms

ABARES	Australian Bureau of Agricultural and Resource Economics and Sciences
ACAP	Agreement on the Conservation of Albatrosses and Petrels
AFMA	Australian Fisheries Management Authority
AIDCP	Agreement on the International Dolphin Conservation Program
CI	Confidence interval
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
Cwlth	Commonwealth of Australia
cm	centimetre
CoP	Code of Practice
CPF	Central place forager
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CTS	Commonwealth Trawl Sector
CV	Coefficient of variation
DAFF	Department of Agriculture, Fisheries and Forestry (Commonwealth) (former)
DCFA	Declared Commercial Fishing Activity
DCFA1	Declared Commercial Fishing Activity of the first declaration
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (Commonwealth) (former)
DML	Dolphin mortality limit
EEZ	Exclusive Economic Zone
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth)
EPI	Ecological Performance Indicator
ERA	Ecological risk assessment
ERAEF	Ecological risk assessment for the effects of fishing
ERIN	Environmental Resources Information Network
ETBF	Eastern Tuna and Billfish Fishery
FPA	Fish processing activity
FRDC	Fisheries Research and Development Corporation
GAB	Great Australian Bight
GBR	Great Barrier Reef
GHAT	Gillnet, Hook and Trap (Fishery)
IATTC	Inter-American Tropical Tuna Commission
IOTC	Indian Ocean Tuna Commission
ISSF	International Seafood Sustainability Foundation
ITQ	Individual transferable quota
IUCN	International Union for Conservation of Nature and Natural Resources
JMF	Jack Mackerel Fishery
kg	kilogram

km	kilometre
km ²	square kilometre
m	metre
mm	millimetre
MTA	Mid-water trawl activity
NMFS	National Marine Fisheries Service (USA)
nm	nautical mile
NPF	Northern Prawn Fishery
NRM	Natural Resource Management
NSW	New South Wales
PIRSA	Primary Industries and Regions, South Australia
PSA	Productivity-susceptibility analysis
RBC	Recommended biological catch
RFMO	Regional fisheries management organisation
SA	South Australia
SARDI	South Australian Research and Development Institute
SASF	South Australian Sardine Fishery
SASIA	South Australian Sardine Industry Association
SBT	Southern bluefin tuna
SBTF	Southern Bluefin Tuna Fishery
SCPSMF	South Coast Purse Seine Managed Fishery (Western Australia)
SCAR EGS	Scientific Committee for Antarctic Research Expert Group on Seals
SED	Seal excluder device
SESSF	Southern and Eastern Scalefish and Shark Fishery
SFR	Statutory Fishing Right
SPF	Small Pelagic Fishery
SPFRAG	Small Pelagic Fishery Resource Assessment Group
SST	Sea surface temperature
t	tonne
TAC	Total allowable catch
TACC	Total allowable commercial catch
TEPS	Threatened, endangered and protected species
US	United States of America
VMP	Vessel management plan
WA	Western Australia
WAFIC	Western Australian Fishing Industry Council
WCPO	Western and Central Pacific Ocean
WCPFC	Western and Central Pacific Fisheries Commission

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