

Draft Terms of Reference - Environmental Assessment of Torres Strait Crab Fishery

1 Description of the Torres Strait Crab Fishery

The assessment must include a comprehensive description of the Torres Strait Crab Fishery and its characteristics including (but not limited to) the agency responsible for management of the fishery, species caught, fishing methods, the area fished (including a map), the number of operators and historic and current fishing effort.

2 The environment likely to be affected by the Torres Strait Crab Fishery

The assessment must provide a detailed description of the environment likely to be affected by the Torres Strait Crab Fishery. This description must identify significant environmental characteristics of the area likely to be affected by the fishery: for example; marine protected areas, components of biodiversity, threatened and other protected species, a description of seagrass and benthic communities, important features such as coral reefs, seamounts, and other aspects of the biophysical environment potentially affected by the operation of the fishery.

3 Proposed management arrangements for the Torres Strait Crab Fishery

The assessment must include a description of legislation, and policies, that are relevant to the management of the Torres Strait Crab Fishery and its environmental impacts and the agencies that are responsible for administration of relevant legislation and the policies. International agreements that affect the management of the fishery should also be identified.

The assessment must set out the specific management arrangements that will be applied to the fishery. Accordingly, the assessment must identify (amongst other things) any management plan for the fishery, any bycatch action plan, relevant regulations and any strategic research plan for the fishery.

The assessment must specifically identify elements of the management regime for the fishery that are intended to ensure that the fishery operates in an ecologically sustainable manner (see item 5 below).

4 Environmental assessment of the Torres Strait Crab Fishery

The assessment must include a comprehensive analysis of the potential impacts of the Torres Strait Tropical Crab on the environment.

The assessment must specifically address all aspects of the Guidelines for the Ecologically Sustainable Management of Fisheries.

In particular, the assessment must demonstrate that the fishery is ecologically sustainable in terms of its impact on:

- a) target species;
- b) non-target species and bycatch: and
- c) the ecosystem generally (including habitat).

In particular, the assessment must include:

- d) a description of the potential impacts of the fishery on the environment (including, to the extent possible, information on the degree of confidence with which the impacts can be predicted and quantified);
- e) an analysis of the nature and extent of the likely environmental impacts including whether the impacts will be short term or long term impacts;
- f) an assessment of whether any environmental impacts are likely to be unknown, unpredictable or irreversible;
- g) an analysis of the significance of the potential impacts; and
- h) reference to the technical data and other information relied upon in assessing the environmental impacts of the fishery.

The assessment shall include consideration of impacts associated with the conduct of the fishery, such as the discharge of waste and other pollution risks (including lost gear).

5 Management measures and safeguards to ensure ecological sustainability

This section of the assessment must provide a detailed analysis of the specific elements of the proposed management regime for the Torres Strait Crab Fishery that are designed to ensure the fishery is ecologically sustainable. In particular, this section of the assessment must demonstrate that the management arrangements for the fishery are consistent with the requirements of the Guidelines.

The assessment must identify and describe the specific measures intended to prevent, minimise or compensate for the potential environmental impacts of the fishery, and any measures to rehabilitate damage to the environment. The assessment should include an analysis of the expected or predicted effectiveness of these measures. (The assessment should distinguish between those measures designed to protect target species, and those measures designed to protect the ecosystem generally including non-target species and habitat).

A consolidated list of relevant measures should be included.

The assessment should identify the basis (eg, statutory or policy) for implementation of each measure and the agency or authority responsible for ensuring implementation. The assessment must also identify how the relevant agency or authority will ensure compliance with these measures, and what steps will be taken in the event of non-compliance.

The assessment should identify the mechanisms for reviewing the environmental impact of the fishery during the life of the proposed management arrangements, and for adjusting the life of the proposed management arrangements, and for adjusting elements of the management arrangements as necessary in response to the outcome of these reviews.

The assessment must also identify any program that is proposed to be put in place to monitor the impacts of the fishery on the environment in the short and long term.

Any proposed independent environmental auditing mechanism should be identified.

The assessment should, to the extent reasonably practicable, describe any feasible alternatives to the proposed management arrangements (or elements of those arrangements). The alternatives should be discussed in sufficient detail to make clear the reasons for preferring certain options and rejecting others. Discussion should cover matters such as alternative fishing methods and technologies, increasing or reducing permitted levels of effort, alternative mechanisms for controlling effort, and other alternative measures for preventing or minimising environmental impact.

6 Information Sources

For information in the assessment, the assessment must state:

- a) the source of the information;
- b) how recent the information is;
- c) how the reliability of the information was tested; and
- d) what uncertainties (if any) are in the information.

[Generic Terms of Reference, approved by the Minister for the Environment and Heritage, November 2000]