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VNPA submission into the Victorian Pipi Fishery Management Plan

The Victorian National Parks Association (VNPA) is a leading community conservation organisation and has been advocating for the protection of Victoria's biodiversity for over 60 years.

We welcome the Victorian Fisheries Authority for this opportunity to comment on the draft Victorian Pipi Fishery Management Plan and look forward to being engaged further in the roll out of the final plan.

General Comments

The VNPA recognises the challenges in managing the pipi fishery, particularly in the absence of a plan, and questions the ecological sustainability of the fishery.

Promoting new pipi fisheries zones for what could be an unsustainable fishery is premature, without a detailed understanding of the ecological health and sustainability of the fishery.

Cape Liptrap and Discovery Bay coastal parks have long been under pressure from recreational harvesting and in more recent years, new management arrangements for commercial pipi fishing. Pipi used to be known just for use as bait until the then Fisheries Victoria program *Pipi Now and Forever campaign*, which have been widely promoted as a tasty table addition, further driving catch and consumption.

Even if the fishery were judged to be healthy and ecologically sustainable, the draft plan would fail to appropriately manage the fishery's impacts to protect the social, environmental and economic values of coastal ecosystems.

VNPA is particularly concerned about the impacts the fishery has had and will continue to have within coastal parks. Coastal management legislation is in place to manage risks to coastal environmental values including the protection of threatened species. In addition to other conservation organisations, we are concerned with the broader ecological impacts of pipi harvesting not being adequately addressed and mitigated.

To avoid much of these concerns regarding ecosystem impacts, when there is inconsistencies between coastal park management plans and fisheries management plans – coastal park plans need to override fisheries management plans.

The draft plan largely covers concerns over “*managing the fishery to ensure pipi stocks are sustainable so as to support an ongoing industry*” however we believe this needs to be expanded to incorporate concerns to the wider ecological impacts from the fishery. It should not be about ‘sustained yield’, but rather the long term health and sustainability of the fishery.

Furthermore, the lack of research available on the status of pipi stocks at a state wide level to inform the sustainability of and management of the fishery is of concern – considering most of the coast is being subject to commercial fishing. There should be more rigorous consultation with conservation and Indigenous representatives across the state through the draft plan development. Continuing to promote the fishery with minimal consideration of the environmental impacts, are the cause for many of our concerns.

VNPA believes the following are gaps in the plan that need to be addressed:

- 1. Pipi harvesting is currently and poses future inappropriate uses of coastal parks**
- 2. Commercial pipi harvesting Victoria wide may not be ecologically healthy or sustainable**
- 3. Victoria’s proposed regulation is out of step with other State’s**
- 4. The draft plan is not reflective as a state wide plan as much of the consultation reflected is location specific, not replicated state wide**
- 5. Little ecosystem wide impacts taken into consideration and mitigated appropriately, particularly for species protected by coastal parks**

To elaborate on our concerns:

- 1. Pipi harvesting is currently and poses future inappropriate uses of coastal parks**

Pipi harvesting could take place both commercially and recreationally in many coastal parks across the state - two parks already identified under the draft plan – Cape Liptrap and Discovery Bay coastal parks. Harvesting not only impacts pipi, but also:

- impacts from trolleys or other vehicles that illegally operate within these fragile coastal parks to haul their huge catches up the beach i.e. commercial operation;
- other species such as shore birds that use the parks for feeding and breeding;
- damaging fragile coastal dune habitats from recreational harvesters accessing the beach;
- loss of food for shorebirds such as the pied oystercatcher;
- disturbance of beach nesting birds like the endangered hooded plover
- impacts of litter;
- recreational uses potentially used for commercial purposes

There is a long-standing policy of no private vehicle access to coastal Crown land and beaches in Victoria, which was re-stated in the Victorian Coastal Strategy 2014, with the

exception of accessing boat ramps and management vehicles that are authorised. We support Birdlife Australia statement: *“This has made Victoria’s coastal management superior to that of other states which are currently undergoing intensive reviews of vehicle impacts to coastal habitats, social and cultural values and coastal wildlife, and requiring high levels of investment of resources to mitigate these threats.”*

As outlined in the draft plan, access points have been developed for commercial fishers to more easily access the Discovery Bay fishery, and these have been abused by the illegal use of motorised vehicles on beaches, which is an inappropriate use under the reserves original purpose. The draft plan states that the VFA *will work to improve beach access points and methods across the state*. The illegal use of vehicles on beaches and in the case of Discovery Bay, sets a bad precedent for coastal management across Victoria - in which 96 per cent of the coast is publically managed land and vehicle use has been heavily restricted for decades. Furthermore this also creates issues regarding car parking, road access and increased litter.

The other issue that this raises is where does access for other uses stop. Our coasts are protected as coastal parks to protect coasts environments, many of which are representative across the state. As an example, The Cape Liptrap Coastal Management Plan states:

“The park is assigned the International Union for the Conservation of Nature Category II of the United Nations List of National Parks and Protected Areas. Category II areas are managed primarily for conservation and appropriate recreation.”

Some of the management aims for the park worth mentioning are consistent with the government accepted LCC recommendations and legislation, are as follows:

- *Preserve and protect the natural environment.*
- *Allow natural environmental processes to continue with the minimum of interference.*
- *Maintain biodiversity.*
- *Conserve features of archaeological, historical and cultural significance.*

Coastal parks were not set up to handle large amounts of commercial activity in the first place, and were not in operation at the time many coastal park management plans were created. For example at the time the management plan was completed for Cape Liptrap Coastal Park, there was no commercial fishery in operation and still the plan does not specifically address commercial pipi harvesting within the plan.

There doesn’t seem to be adequate consideration in the draft plan of how the fishery impacts will be managed in the current listed coastal parks where fishing takes place (Cape Liptrap & Discovery Bay), let alone other coastal parks around the state. Nor is there any consultation with other Native Title holders or Traditional Owner groups about the potential impacts on cultural values for areas other than Discovery Bay.

Further evidence to show there has been no adequate consideration of coastal parks is that there is no mention in the draft plan of the *Special Protection Area* within the Cape Liptrap Coastal Park - where no pipi fishing is permitted, see image below.

TABLE 2 SUMMARY OF RECREATIONAL ACTIVITIES

| ACTIVITY | MANAGEMENT ZONES | | OVERLAY |
|---------------------------------|--|--|---|
| | CONSERVATION ZONE (95% of the Park) | CONSERVATION AND RECREATION ZONE (5% of the Park) | SPECIAL PROTECTION AREA (0.3% of the Park) |
| Picnicking* | Yes | Yes | Yes |
| Camping: Bear Gully* | NA | Yes | NA |
| Camping: land-based, dispersed* | YC | No | No |
| Walking | | | |
| - Short nature walks | Yes | Yes | Yes |
| - Bushwalks | Yes | Yes | Yes |
| Scenic viewing | Yes | Yes | Yes |
| Bicycle riding | YC | YC | No |
| Horse riding | YC | No | NA |
| Fishing | Yes | Yes | Yes |
| Intertidal collecting of Pipis | YC | YC | No |

When there is inconsistencies between coastal park management plans and fisheries management plans – as there is in this instance, coastal park plans need to override fisheries management plans, which would avoid ecosystem impacts that conservation groups are concerned about.

Furthermore, reports from community members to VNPA are suggesting that recreational harvesters are moving further east to areas such as Nooramunga Coastal Park (McLoughlins Beach) and adding increased pressure on shellfish populations. Harvesters are also believed to be bagging large quantities up for sale commercially. Even though these are believed to be other species of cockle, what is occurring here is a concern of what could happen more with the pipi. See photo below:



Due to our concerns above VNPA recommends the following management actions:

- Establish a moratorium on the commercial harvesting of pipi in all coastal parks across Victoria including Cape Liptrap and Discovery Bay coastal parks where a history of fishing occurs. In the time of the moratorium commission an independent review on:
 - appropriateness of pipi harvesting in coastal parks;

- Research into coastal ecological impacts of pipi harvesting – recreationally and commercially on coastal parks and the species protected within them – such as Cape Liptrap and Discovery Bay.
 - This would include:
 - The importance of pipi to wildlife as a food source;
 - Ecology of beach systems in Victoria and the life they support which helps to recognise the values of beach environments, not just as a resource to be extracted;
 - Social, economic and environmental values that are impacted by harvesting.
- Ensure Parks Victoria is the sole manager of coastal park values and uses, with sufficient resources to ensure that values are protected, and at a minimum a veto over Fisheries plans.
- Develop a proposed management response to moderate risks identified in the draft plan including the impact on beaches, interactions with threatened and endangered species and cultural sites other than Discovery Bay.

2. Commercial pipi harvesting Victoria wide may not be sustainable

Commercial pipi harvesting is continuing to be opened up across the state (excluding the Venus Bay ‘recreational only’ area), when previously there has been little pipi harvesting done. Our concerns are that these unexplored areas will be promoted and remain open to commercial fishing, despite the lack of scientific biological baseline data to tell us if the fishery is sustainable or not.

A report from the Fisheries and Research Development Corporation (FRDC) ‘Status of key Australian fish stocks reports 2014’ and on their website, has classified pipi in Victoria as an **‘undefined stock’**, as there is insufficient information available to confidently classify the status of this stock. In South Australia on the other hand it has been classified as ‘sustainable stock’.

It is unclear as to how VFA can conclude that the pipi fishery is sustainable based on very limited research that has been done, even despite the above FRDC listing. There is only very limited completed research to date that tells us information about the stock status of pipi, and that suggest the pipi stocks are sustainable. Most has to do with recreational harvesting in Venus Bay, and none did a thorough ecosystem-based assessment of pipi harvesting to establish baseline data of the fishery.

There have been four field studies of pipis in Victoria. Three have focused on the pipis of Venus Bay, largely in response to concerns expressed by local residents about the impacts of pipi harvesting. The first was a 2009 study by Zac Lewis for his Honours thesis. The second was a Recreational Fishing Grants Program project by students Jacinta Early and Zac Lewis, with Dr Mark Scarr and Dr Carol Scarpaci, published in January 2013 and based on field surveys in 2011. The third was commissioned by the Venus Bay Community and carried out

by Dr Greg Parry, Director of Marine Ecological Solutions, in 2013. Versace et al conducted the fourth study at Discovery Bay in 2011 and acknowledged there had been pipi stock declines in Venus Bay and Discovery Bay.

When reviewing the two previous studies by students from Victoria University in 2013, Dr Greg Parry of Marine Ecological Solutions stated:

As neither Lewis (2010) nor Early et al. (2013) provide any analysis of temporal changes in population size, nor any estimate of the total recreational catch, it is unclear how they were able to conclude this fishery is sustainable. According to the Fisheries and Research Development Corporation (FRDC) website, the stock of pipis in Victoria is undefined i.e. it cannot be said to be sustainable under past, current or future fishing pressure because there is insufficient information on the stock.

It is also noted that Greg Parry's study was not mentioned in the draft plan.

A previous study that Early et al 2013 acknowledged that developing new access points in Venus Bay may have implications on stock levels, particularly in the abundance of mature pipis. Given that providing access to the commercial fishery seems to be a high priority for the draft plan, we would like to this risk looked at and addressed.

Listed in the appendix 1 for retained species, the draft plan acknowledges the risks to *commercial harvest and recreational harvest are unsustainable* as a moderate risk only (score 6-10). We suggest that these two risks are elevated to high risk, as we cannot know from the limited research of the sustainability status of the fishery. We acknowledge the Melbourne University study, however this is only looking at Venus Bay. If the rest of the state is going to continue to be open to commercial fishing, there needs to be baseline data to assess the sustainability of the fishery on.

VNPA recommendation:

Without knowing if the fishery is sustainable or not, there should be a precautionary management approach taken until known. There needs to be an ecosystem-based assessment of pipi harvesting to establish an historical ecological baseline, and an ongoing monitoring program to enable an ecological sustainability assessment of the fishery (commercial and recreational sectors).

3. Victoria proposed regulation is out of step with other State's

South Australia has set a minimum legal length of 3.5 centimetres for recreational pipi harvesting. New South Wales has a bag limit of 50 pipi in total. Victoria does not have any size restrictions on the harvest of pipi for recreational use, and the current bag limit is 2 litres in Venus Bay and 5 litres elsewhere. Given that:

- Pipi are already under pressure from both commercial and recreational harvesting;
- The absence of size at maturity estimates for Victoria,

There should be a review looking into the feasibility of:

- The current bag limits for recreational harvesting across the state (which would also help to reduce recreational harvest being used for commercial sale);
- Introducing a minimum size limit on recreational pipi harvest (in line with other states);
- Investigation into the number of recreational harvesters at Venus Bay which could feed into the ecological sustainability of pipi harvesting as mentioned earlier.

There have been reports of up to 2,000 recreational fishers in one day at one location at Venus Bay. If every harvester collects the maximum allowable limit, that is up to 4,000 litres per any one day that could be taken at a single beach.

4. The draft plan is not reflective as a state wide plan, due to much of the consultation reflected being highly location specific

The draft plan includes management strategies and actions for Discovery Bay, and to some extent Cape Liptrap, but lacks the management direction to guide actions across the rest of the state. How the pipi fishery be managed in coastal parks across the state and the range of impacts listed above, is a key question of concern.

5. Little ecosystem wide impacts taken into consideration and mitigated appropriately, particularly for species protected under coastal parks

Along with declining pipi stocks, the collateral impacts of pipi harvesting include damage to coastal dune habitats from recreational harvesters accessing the beach, the loss of food for shorebirds such as the pied oystercatcher, and the disturbance of beach nesting birds like the endangered hooded plover. These impacts have not been adequately addressed in the draft plan and they need to be.

We support the recommendation from Birdlife that:

The plan increase the risk assessment rating of the following risk to 'high' and include a proposed management response for this threat: Non-retained species: Commercial harvesting results in unacceptable interactions with threatened, endangered, protected (TEP) species

The interaction between pipi fisheries and threatened species such as Hooded Plover is significant and more common than most other fisheries. Pipi harvesting occurs directly within the zones where shorebirds and seabirds are breeding, foraging and roosting. See image below that outlines the key habitat zones of coastally dependent fauna (taken from Ehmke et al. 2016):

It also typically occurs, for example recreational harvesting within Venus Bay, at the time of year which is the peak nesting period for resident shorebirds and seabirds, and when Northern Hemisphere migratory shorebirds are present in these habitats.

It poses significant threat to these birds via:

- *Disruption to the sediment where the birds forage, causing short term loss of foraging opportunities and food availability. For species which are breeding on territories, this short term disruption can have lethal impacts on the survival of breeding birds and their flightless chicks, as they are spatially bound to these territories.*
- *Direct competition for resources (Purnell 2018). Pipsis are a food source for shorebirds, in particular a key prey item for Pied and Sooty Oystercatchers and species of knot.*
- *Direct crushing of the highly camouflaged eggs and chicks by harvesters on foot or in a vehicle during the breeding months of August to April. There are many breeding pairs of Hooded Plovers, as well as Pied Oystercatchers, Red-capped Plovers and terns which nest on Victorian beaches.*
- *Disturbance to nesting birds: If the nesting adult birds perceive a threat to their eggs and their young, they adopt the strategy of moving away from the nest or chick hiding location so as to lure away the threat. So, for example, if someone is walking along the beach, the adult birds are likely to move away from the nest and will only return once the person has gone. The eggs and flightless young are vulnerable during this disturbance period to lethal events of exposure, predation and starvation.*
- *Disturbance of feeding or roosting birds (Purnell 2018). Migratory shorebirds travel tens of thousands of kilometres around the globe to access the Victorian shoreline to feed and roost. Energy intake is critical to making a successful return journey to their breeding grounds to then mate, nest and rear chicks in a narrow window of time. The timing of arrival on the breeding grounds can have significant impacts on the birds' opportunity to breed and success of the attempt. Thus disruptions to the energy levels of these birds can have significant impacts on their survival and breeding, and impacts at the population level. Disturbance to flocks of these shorebirds generally operates in a cumulative manner to impact the energetic expenditure of the birds."*

Comments on the draft management plan

Executive Summary

On page 1 *'Improving information on the status of pipi stocks in Victoria is a key focus of the Plan'*

The VNPA acknowledges this is much needed, however what this statement lacks is the need to also improve information about ecosystem based knowledge and impacts that the fishery will have, not just on the status of pipi stocks alone, but on the surrounding ecosystem. Our suggestion is for this statement to say *"Improving information on the status of pipi stocks and the impacts the fishery has on key ecosystem processes in Victoria is a key focus of the Plan"* and then have this reflected as objectives, strategies and actions in the plan.

This draft plan is a single species plan. The final plan needs to have a broader ecosystem approach for our beaches and species, and be developed with or by Parks Victoria in coastal

parks. Pipi harvesting could be a potential component if deemed ecologically sustainable. Due to the VFA single species approach in this draft plan, there is not the expertise to prepare the needed ecosystem approach. The final plan needs to reflect the importance of the ecological role of pipi and beaches and not just be a single species plan.

Given that that improving information regarding the status of pipi stocks is a key focus of the plan, it is surprising that only one Melbourne University research project is being done – and only looking at Venus Bay. We acknowledge the mention of the proposal to study demography and stock structure of pipi in Victoria, however there is no mention if this will go ahead.

To assess the ecological sustainability of pipi harvesting requires an ecosystem-based approach, not a narrow single species approach. See our recommendations for further research further in this submission.

2.3 Legislative and policy framework

The draft plan states that Victoria has made a commitment along with all other states to manage fisheries according to the principles of ecologically sustainable development

‘Improving information on the status of pip stocks in Vic is a key focus of the plan’

‘adopting a precautionary approach to management, particularly for fisheries with limited data’

And *‘ensuring that fishing is carried out in a biologically and ecologically sustainable manner’*

To achieve ecologically sustainable development there needs to be ecosystem-based management - which is not reflected in the draft plan.

The new Marine and Coastal Act has as one of its purposes to establish objectives and guiding principles for ecologically sustainable planning, management and decision-making under this Act.

VFA must prove that pipi harvesting is ecologically sustainable and look at the interaction with threatened and species, damage to habitats; impacts of litter (including plastic), trophic impacts, and conflicts with other users.

2.4.3 The Indigenous fishery

VNPA supports the strategies to recognise and develop better opportunities for all Aboriginal people.

It is recognised in the plan of the presence of extensive pipi shell middens in Cape Liptrap Coastal Parks. Yet in the plan there is limited mention of working with Traditional Owners groups here and other parts of the state, (other than Discovery Bay) to ensure protection heritage sites from access to fragile dune environments.

3 Risk Assessment

The ESD risk assessment process that was completed for the draft plan identified four risks. One of those ‘*impact of ecosystems risk*’ identified as high risk - *the use of motorised vehicles results in disturbance of cultural values*. VNPA agrees that this risk is identified as high, however believe that impacts on natural values from the pipi fishery need to also be considered as high.

VNPA supports Birdlife Australia view regarding the risk assessment process:

The process did not rate the risk of “Non-retained species: Commercial harvesting results in unacceptable interactions with threatened, endangered, protected (TEP) species” highly enough and the plan needs to ensure that there is a risk management response for this risk given its significance.

The use of motorised vehicles will have significant risks on threatened species nesting success and given Discovery Bay and Cape Liptrap coastal parks both contain critical habitat and at least 1% of the entire national population of the vulnerable shore nesting bird, the Hooded Plover, this will impact on persistence of the population at a national scale.

“Some of the ‘moderate’ risks also identified an impact of the fishery on the ecosystem (i.e. interactions with threatened, endangered, protected (TEP) species, litter from the recreational fishery) and of external factors on the functioning of the fishery (i.e. PrimeSafe requirements, water quality and flow, Ramsar listing etc.). These risks are managed through advocacy and consultation with relevant authorities, where possible, although consultation on ‘high’ risks is the immediate priority for the fishery (Table 2).”

The risks of threats to wildlife are not moderate in our expert opinion based on 12 years of research in to the impacts of disturbance and vehicle impacts. This risk assessment process should have included shorebird experts in order to be accurate and inclusive of key coastal stakeholders. We would request that this impact is escalated to high risk and appropriate management responses are formulated.

4 Management objectives, strategies and actions

Strategy 1.1(iv). *Ensure that the harvest is consistent with the ecological sustainability of the resource*

VNPA has concerns about the ecological sustainability of the recreational harvest and the current Victorian bag limits and lack of minimum legal size limits for recreational catch. Given that pipi are already under pressure from both commercial and recreational harvesting, and given the following, there is an absence of size at maturity estimates for Victoria; other states have setting either minimum legal size limits for recreational catch,

and smaller bag limits, we recommend reviewing Victoria's current recreational regulations as mentioned above.

Strategy 2.2(i, ii). *“Allow fishing for pipi in a manner that has acceptable ecological impact”*

We welcome the actions “to work with the Gunditjmara native title holders and land managers (DELWP, PV) to reduce the disturbance to cultural values and to develop the Cultural Heritage Management Plan for Discovery Bay Coastal Park”

However, we would like ensure that the VFA has full consent with the Native Title holders and Traditional Owners for access to the fishery given the risk to cultural values.

Given the draft plan is a state wide plan, it lacks any detail about consultation with other Native Title holders or Traditional Owner groups across other areas of the state, which the fishery operates. We would like to see consultation with all necessary parties, including areas where there is a history of pipi fishing and where there is not.

Additionally, this strategy needs to consider actual ecological impacts as well as cultural impacts. There has been minimal effort to outline mitigation measures for threatened species or other coastal fauna dependent on onshore habitats. We support Birdlife Australia's' suggestions of *“mitigating risks through formulation of buffer zones and educational strategies.”*

VNPA also suggests an additional appropriate action would be to commission an independent study looking into the ecosystem impacts of the pipi fishery on species protected under coastal parks, as mentioned earlier; develop a proposed management response to moderate risks identified in the draft plan including the impact on beaches, interactions with threatened and endangered species and cultural sites other than Discovery Bay.

A further comment is what are the limits of acceptable change to the beach ecosystems in the case of pipi and what level of change is acceptable.

Strategy 2.3. *“Maintain access to the fishery for recreational, commercial and Indigenous fishers, taking regulations and legislation relating to access in coastal Crown land (including coastal parks) into account”*

Legislation in Victoria currently prevents driving on beaches with the exception of accessing boat ramps and management vehicles that are authorised.

Access points have been developed for commercial fishers to more easily access the Discovery Bay fishery, and have been abused by the illegal use of motorised vehicles on beaches, which is an inappropriate use under the reserves original purpose. Impacts from the illegal use of vehicles and trolleys on coastal reserves are not limited to:

- damaging fragile coastal dune habitats from harvesters, their trolley's and vehicles accessing the beach;
- disturbance of endangered shore birds that utilise the beach during nesting time and for feeding with huge number of people at Venus Bay (up to 2,000 reported in a single day at one beach at Venus Bay!) vicinity of nesting Hooded Plovers
- Venus Bay shows there have already been reported nest failure and abandonment of sites.

The draft plan states that the VFA will work to improve beach access points and methods across the state. The illegal use of vehicles on beaches sets a bad precedent for coastal management across the state, in which 96 per cent of the coast is publically managed land, where vehicle use has been heavily restricted for decades.

VNPA is concerned with opening up access, particularly within coastal parks. The control of and minimisation of access points is a critical element of coastal management. Poor access management has resulted in damage to many coastal locations. It is inappropriate for VFA to be developing access point to public land that for which there is a primary manager in Parks Victoria.

Coastal parks were not set up to handle large amounts of commercial activity in the first place, activities that were not being conducted at the time many coastal park management plans were created. There doesn't seem to be consideration in the draft plan of how the fishery impacts will be managed in other coastal parks around the state. Nor is there any consultation with other Aboriginal communities on impacts on cultural values for areas other than Discovery Bay. We would like to see this addressed in greater detail in the final plan.

Strategy 2.6(i). *“Promote the benefit of the fishery to the broader community”*

“The Risk Assessment identified ‘conservation organisations impact on social licence for commercial and recreational harvesting’ as a high risk issue. The VFA, in conjunction with SIV, will advocate for the commercial fishery, highlighting management arrangements including limited access and controlled sustainable harvest, benign harvesting methods and high-energy environments that quickly recover from disturbance.”

We agree that this is an issue, however it is only an issue as we feel that ecological impacts have not been taken into consideration at the appropriate level needed to ensure minimal impact. A suggested action here is as mentioned earlier in strategy 2.2. Until we see sufficient action to mitigate important ecological impacts, conservation groups such as the VNPA will continue to advocate for ecological impacts to be addressed and will oppose expansion of the fishery.

5.2 The future management of the commercial fishery

5.2.1 Target Species

The draft plan outlines that another species has previously been reported as catch for Pipi (*Donax deltoids*). We are interested in how this issue will be addressed.

5.2.2 Spatial management

Managing the fishery by spatial zones can be beneficial in areas along the coast which have previously been subject to pipi harvesting. We stand by our previous recommendation of the moratorium within coastal parks until more is known about the ecosystem impacts. We have concerns over the WZ and EZ zones to pipi harvesting when there has not been a history of pipi harvesting in many areas and there has been no scientific monitoring of the stocks to suggest ecological sustainability. Promoting these as areas for pipis harvesting – either commercial or recreational – is inconsistent with Victoria’s commitment to manage fisheries according to the principles of ecologically sustainable development:

“ensuring fishing is carried out in a biological and ecologically sustainable manner”

“adopting a precautionary approach to management, particularly for fisheries with limited data”

In our view, the precautionary approach would not involve allowing fishing in these areas when there is no stock sustainability assessment.

Similarly, the previous Fisheries Notice implemented in September 2017 to open up of all marine waters to commercial fishing (excluding recreational pipi fishing only in eastern Victoria) has overlooked the lack of scientific data to support the fishery across the state.

In regards to these zones being the basis for setting and managing the Total Allowable Commercial Catch (TACC) for the fishery, we would like to ensure the zone as a whole will be managed to the most conservative level accounting for the more depleted areas within that zone i.e. the draft plan states that areas within a zone (for example Venus Bay) have been more depleted than other areas within that zone. The TACC should be based on the more depleted area of the zone rather than the less depleted.

Figures 3, 4, & 5. Require more detailed maps of the management zones with landmarks to enable the general public to better determine zone boundaries. Indicating relevant land marks on the maps, particularly the access points would be helpful.

We are concerned that by promoting most of the coast for pipi fishing when lack of data is available on the ecological sustainability of the fishery, may cause possible depletion of the stocks.

5.2.3. Total Allowable Commercial Catch (TACC)

The use of a TACC to inform management of the fishery can be valuable if based on sufficient biological, economic and social information. However, of significant concern is the lack of biological data available on the abundance of pipi across all areas of the state, in particular those zones which will have heavy commercial and recreational harvesting. Our concern is how the TACC will be set at a conservative enough level to ensure it is ecologically sustainable.

EOI process

Opening up previously unexplored areas in the Western & eastern zones to an increased level in commercial pipi harvesting when there is no science estimating stock status in these areas is concerning.

Conducting an independent and ecosystem-based assessment of pipi harvesting to establish a historical ecological baseline and an ongoing monitoring program to enable an ecological sustainability assessment of the fishery (commercial and recreational sectors) would help to determine the areas of the coast where pipi harvesting may possibly be ecologically sustainable.

As mentioned earlier, the impacts this will have on coastal parks, and other cultural, social and natural values, which is barely addressed in the draft plan is our main concerns

5.2.6 Gear

In response to the draft plan that states *“The VFA supports an innovative approach to gear types and new equipment may be allowed, based on trials and criteria/assessment”* we urge that whole ecosystem impacts are included in this assessment to ensure minimal impacts within coastal parks and Ramsar areas.

5.2.8 Minimum size limit

The plan mentions that there is *“high genetic variation between populations of pipi on either side of Bass Strait suggesting at least two biological stocks (Miller et al 2013)”*. Furthermore, NSW and SA have different minimum size limits, and SA has a minimum size limit for recreational and commercial catch. If the Victorian minimum size limits are based on South Australia at 35mm, and NSW has set their minimum legal size limit as 45mm, we could be underestimating the size of commercial minimum size limits for part of the Victorian fishery.

It seems appropriate given this information that a review be done looking into the appropriateness of the one size limit for commercial pipi fishing across Victoria, and whether this should be different within different zones i.e. on either side of Bass Strait.

South Australia pipi minimum legal length -

PIPI - GOOLWA COCKLE



- Minimum legal length: 3.5 cm measures across the widest part of the shell.

5.2.9 Reporting requirements

The new real time reporting can be an effective tool to ensure compliance with the TACC. Our concern is how this will be managed for those that do not have smart phones, whether it is a requirement for commercial fishers to have the smart phone technology. We hope that this new technology does not replace traditional on-ground compliance activities.

5.3 The recreational fishery

Due to community concern over up to 2,000 people a day that could be at Venus Bay on any one day, see our recommendations for reviewing regulations into size and bag limit.

5.4 The Indigenous fishery

We Support the recognition of the importance of Aboriginal Victorians engagement in decision making processes and in use of the fishery, and believe this should be allowed to continue across all of Victoria. Our concerns in opening up the EOI process to those areas where Native Title holders or Traditional Owner consultation has not occurred and the impact this have on cultural values. Consultation needs to happen before the whole state is subject to commercial fishing – and it is not too late to do that now.

5.2.11 The Environment Protection and Biodiversity Conservation Act 1999

This plan needs to take into consideration the EPBC listed species that will be impacted by the operation of the pipi fishery such as the Hooded Plover for which Discovery Bay and Venus Bay form areas of critical habitat for the species. The Australian Government’s Conservation Advice for the Hooded Plover specifies “Manage the use of (and access to) key beaches for recreation when plovers are breeding – e.g. discourage or prohibit vehicle access, horse riding and dogs from beaches; implement temporary beach closures; erect fencing to prevent people entering” as key management actions required.

5.5 Managing ecosystem interaction

We support that the *“Ngootyoong Gunditj Ngootyoong Mara (NGNM) South West Management Plan, adopts measures to prevent impacts to Hooded Plovers and other threatened shorebirds, Aboriginal middens and safety of visitors on access tracks and beaches, such as access restrictions to areas and during the Hooded Plover breeding season from July-August to March-April.”*

Our concern is that the ecosystem impacts are still not being managed adequately, specifically within coastal parks shown by the use of vehicles still operating illegally on beaches as pointed out in the draft plan. *“In Discovery Bay, motorised vehicles have been utilised by some commercial fishers to transport the pipi catch along the beach and from the beach to the car park since 2012. Other commercial fishers have continued to use hand trolleys or to transport the catch in backpacks. In Venus Bay, fishers utilise hand trolleys. “*

However later in the plan mentions *“Vehicles also have the potential to damage Aboriginal cultural sites, although this is now mitigated in Discovery Bay as fishers can only access the beach via designated access points.”*

This later statements seems contradictory when illegal driving on beaches is still occurring.

Furthermore we support Birdlife views:

Vehicles driven above the high tide mark have a high likelihood of crushing eggs or the crouching, highly camouflaged chicks. Adult birds are also susceptible to being struck by vehicles as they typically run along the sand rather than fly, and are small and cryptic. In low visibility, at night and in inclement weather, the risks of striking the birds is increased (Weston 2003). Chicks are also known to shelter in vehicle ruts, leaving them more vulnerable to being run over.

For these reasons, it is very important to limit the use of vehicles along beaches and throughout sand dunes in coastal areas that are habitat to our beach-nesting shorebirds, like Discovery Bay, in line with legislation in Victoria that prevents driving on beaches. It is also important for people who do have limited rights to use a vehicle along the beach to understand the risks of doing so, and to follow Bird Life Australia protocols to limit the threats to nesting birds. Strategies to manage beach access by illegal vehicles are also important to limit impact on birds.

Cape Liptrap Coastal Park does have its own management plan, however in the plan it does not specifically mention commercial pipi fishing – in which part of the coastal park will be subject to. As stated earlier, there is no mention in the draft plan for the *Special Protection Area* within the Cape Liptrap Coastal Park - where no pipi fishing is permitted. This is an example which shows there has not been adequate consideration for coastal parks and the legislation throughout the draft plan.

Refer to earlier comments regarding our views on commercial pipi harvesting within coastal parks.

5.6 Scientific research to support fishery management

We refer to our views mentioned earlier of past and current research being undertaken.

See below for a list of recommended research.

To assess the ecological sustainability of pipi harvesting requires an ecosystem-based approach, not a narrow single species approach. In such an assessment, at least the following should be evaluated:

- Status of wild stocks: current population to unfished levels; the extent of overfishing; long-term trends; the habitat range of the species; the current and pre-fished age, size and sex distribution; the effectiveness of management (including management track record, monitoring and enforcement).
- Impacts of fishing on habitats and ecosystems: trophic impacts, physical effects on habitats, spatial and temporal scale of impacts; the effectiveness of management. This would include the physical impacts of beach access on sand dune habitats, the loss of food for shorebirds and the disturbance of beach nesting birds.
 - A good place to start is: research into coastal ecological impacts from pipi harvesting – recreationally and commercially on coastal parks and the species protected within them – such as Cape Liptrap and Discovery Bay.
- Estimate of total numbers of pipis harvested annually by recreational fishers. The TACC cannot be established without this level of harvesting being factored in.
- An investigation into the number of recreational harvesters at Venus Bay is completed.

Other comments

The plan lacks significant mention of compliance, and we are concerned that this does not seem to be a priority in the draft plan. We would like to see more strategies and actions addressing compliance activities, particularly with the potential for the increased pressure from the operation of the fishery.

Summary of VNPA recommendations:

Park Management Recommendations:

- Establish a moratorium on the commercial harvesting of pipi in all coastal parks across Victoria including Cape Liptrap and Discovery Bay coastal parks where a history of fishing occurs. In the time of the moratorium commission an independent review on:
 - appropriateness of pipi harvesting in coastal parks;
 - Research into coastal ecological impacts from pipi harvesting – recreationally and commercially on coastal parks and the species protected within them – such as Cape Liptrap and Discovery Bay.

- Ensure Parks Victoria is the sole manager of coastal park values and uses, with sufficient resources to ensure that values are protected, and at a minimum a veto over Fisheries plans.
- Develop a proposed management response to moderate risks identified in the draft plan including the impact on beaches, interactions with threatened and endangered species and cultural sites other than Discovery Bay, and impacts on social values of beaches

Fishery Ecological Sustainability Recommendations:

Without knowing if the fishery is ecologically sustainable or not, there should be a precautionary management approach taken until known. There needs to be an ecosystem-based assessment of pipi harvesting to establish historical ecological baselines, and an ongoing monitoring program to enable an ecological sustainability assessment of the fishery (commercial and recreational sectors).

- The current bag limits for recreational harvesting (to reduce recreational harvesting for commercial use).
- Introducing a minimum size limit on recreational pipi harvest (in line with other states)
- Investigation into the number of recreational harvesters at Venus Bay which could feed into the ecological sustainability of pipi harvesting as mentioned earlier.

Compliance

For this to be addressed more as strategies and management actions within the draft plan.

Further research recommendations:

To assess the ecological sustainability of pipi harvesting requires an ecosystem-based approach, not a narrow single species approach. In such an assessment, at least the following should be evaluated:

- Status of wild stocks: current population to unfished levels; the extent of overfishing; long-term trends; the habitat range of the species; the current and pre-fished age, size and sex distribution; the effectiveness of management (including management track record, monitoring and enforcement).
- Impacts of fishing on habitats and ecosystems: trophic impacts, physical effects on habitats, spatial and temporal scale of impacts; the effectiveness of management. This would include the physical impacts of beach access on sand dune habitats, the loss of food for shorebirds and the disturbance of beach nesting birds.
 - A good place to start is: research into coastal ecological impacts from pipi harvesting – recreationally and commercially on coastal parks and the species protected within them – such as Cape Liptrap and Discovery Bay.

Thank you again for the chance to comment on the draft plan. I would be happy to discuss any questions you may have. I may be contacted on the following details.

Regards,

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