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Australian Marine Parks Management Planning Comments
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Re: Submission from the Lord Howe Island Marine Park Advisory Committee regarding the draft Temperate East Commonwealth Marine Reserve Network

Background

The Lord Howe Island Marine Park Advisory Committees (LHIMPAC) provides a voice for local communities and stakeholders contributing to the management of the state's marine estate and the local marine park.

The LHIMPAC engage with local residents, community and stakeholders, and provide a forum for local communities to raise issues, and give valuable feedback to the government. They are also recognised by the NSW Government as an important avenue for valuable local knowledge. Marine Park Advisory Committees advise the NSW Department of Primary Industries (as lead agency), through the Manager of the marine park.

The Lord Howe Island Marine Park Advisory Committee has been in place since before the inception of the Lord Howe Island Marine Park (LHIMP) state and Commonwealth marine parks and members have provided comments and feedback to all stages of both the Commonwealth Marine Reserve Management Planning processes. The LHIMPAC currently has 11 members who represent all of the stakeholders of the LHMP.

Overview of Lord Howe Island Marine Park and World Heritage Area

Lord Howe Island Marine Park is internationally significant, and contains the world's southernmost coral reef and the only fringing coral reef lagoon in NSW. The convergence of the warm East Australia Current with the cool waters of the southern temperate Tasman Current off Lord Howe Island results in a unique mix of temperate and tropical species, many of which are endemic to the area (MPA, 2010).

In 1982, Lord Howe Island and the surrounding waters were declared a UNESCO World Heritage site, the first in NSW. To complement the island's World Heritage status, the NSW Government gazetted the Lord Howe Island Marine Park in February 1999. The Lord Howe Island Marine Park (Commonwealth Waters) was proclaimed in June 2000 (MPA, 2010).

Lord Howe Island Marine Park is NSW's only World Heritage Listed Marine Area and only one of 5 others within Australia. The LHIMP is geographically isolated, contains several ecologically unique habitats, has extremely high levels of species richness and diversity, is scientifically significant, is culturally important to a small resident island population and provides social, cultural and economic opportunities for residents and visitors. The "Rules for Activities" within the LHMP need to reflect,

enhance and protect those unique and valuable assets that provide for a wide range of sustainable uses.

General overview

The LHIMPAC do have concerns in regards to the “Proposed Rules for Activities” – this generic overview appears to have allocated activities within the Lord Howe Marine Park (LHMP) in with all Temperate East Network Marine Parks (and all those around Australia). This seems to be a very simplistic method, with potentially negative consequences, hence specific activities within the LHMP have been addressed within this submission.

The Committee believes that the suggestions following will ensure that the vision and objectives as outlined in 1.3 of the Draft Temperate East Commonwealth Marine Reserves Network Management Plan, 2017 will be achieved. The LHIMPAC stress the importance of ensuring that the LHMP continues to provide a balance between protection and conservation of biodiversity and natural and cultural values while providing for ecological and sustainable use and enjoyment of the Commonwealth Marine Park.

Please find below comments and submission information from the LHIMPAC members.

Key issues

By way of summary, the Lord Howe Island Marine Park Advisory Committee has the following key issues with the draft Lord Howe Marine Park (LHMP), within the Temperate East Marine Park Network Management Plan 2017.

1. Discharge of ballast water/industrial discharge

The LHIMPAC do NOT support the allowance of ballast/industrial discharge in any NPZ within the proposed Marine Parks. The Committee also have concerns about discharge within the Lord Howe HPZ (LHHPZ) and agree that there needs to be a Biosecurity Zone around Lord Howe Island and its associated islands and islets (Balls Pyramid and Elizabeth and Middleton reefs) of at least 3 or 12nm from all reef and/or land habitats.

- There are serious concerns from Advisory Committee members and local stakeholders, including the LHIB CEO and LHIB staff on this proposed activities within these zones and agreeance that ballast water/industrial discharge should not be allowed within any NPZ's or within 3nm of any of the reefs or islands within the LHMP.
- The Committee note that discharge is currently allowed in all zones following MARPOL regulations but do NOT support the proposed arrangements due to the significant biosecurity risk to the unique ecological communities within the LHMP.
- LHMP is currently free of marine pests (DPI, 2017 unpubl) and the introduction of marine pests, waste, pollution or disease through vessel ballast water, discharge and/or hull fouling is one of the Parks biggest threats.
- The plan undermines/negates all the proactive management arrangements of state Marine Estate Management Act & Regulations, biosecurity legislation and local management strategies to prevent introduction of marine and/or terrestrial pests and also proactive

waste management strategies with respect to waste reduction and minimising the spread of marine pests and disease.

- The Committee and associated stakeholders are very concerned about the potential impacts to the Park's WHA values, biodiversity conservation and world's southern-most coral reef.
- The discharge of any waste within the current state Marine Park is prohibited and hence the proposal is not in alignment with current state management arrangements. Currently where seawater that is obtained for ballast outside the marine park is prohibited from discharge within the marine park and this should be the case for the Commonwealth Marine Park also.
- The Advisory Committee support the initiation of a Biosecurity Zone of 3-12nm around LHI, Balls Pyramid and Elizabeth and Middleton Reefs and argue that this needs to be pursued by Parks Australia, in collaboration with NSW DPI, under the new Biosecurity legislation.
- The discharge of any waste within the NPZ is NOT supported and discharge within other zones needs to have legislative restriction such as being prohibited within a 3 or 12nm boundary around the reefs and islands within the LHMP.

2. Mining Operations, including construction of pipelines

The LHIMPAC do NOT support the allowance of mining operations and construction of pipelines within the HPZ, HPZ Lord Howe (LHHPZ), RUZ and NPZ's. This activity should be prohibited in all zones.

- Mining activities and the construction of pipelines should be prohibited, due to large potential impacts to benthos and the ecology and ecological processes within the World Heritage listed LHIMP.
- These activities should not be allowed within any zone of the LHMP due to the negative impact on ecological processes and habitats – specifically the interconnectedness of the unique Lord Howe and Tasman seamount chain.
- These operations will be detrimental to the interconnectedness of both seamount chains and compromise habitats for endemic and threatened/vulnerable species that are found within the LHMP.
- These activities could put World Heritage status (and values) at risk – as has occurred within other marine parks around Australia.

3. Aquaculture

The LHIMPAC do NOT support the allowance of aquaculture operations within the LHHPZ and HPZ zones

- Aquaculture should be prohibited in the LHHPZ and HPZ as this commercial activity is currently prohibited within LHIMP (state waters).
- The current prohibition of aquaculture within NPZ's and RUZ's is supported
- Aquaculture should only be allowed by authority in GUZ

- This is due to the large potential negative impacts of these industries on benthos, organisms in the water column and ecological habitats and processes within and surrounding the LHMP and the World Heritage values of LHIMP.
- These commercial activities would also potentially compromise and put pressure on the local artisanal fishery of LHI
- Aquaculture activities are NOT allowed within the state LHIMP and the Commonwealth Lord Howe Marine Park management arrangements needs to complement these regulations/management arrangements – for consistent management arrangements, ease of enforcement and to ensure adequate protection of LH World Heritage values.

4. Commercial Fishing

The LHIMPAC support the prohibition of the following commercial activities within the LHHPZ - hand collecting, hand netting, pelagic long lining, per seine fishing and mid water trawl. All which are currently allowed in the HPZ.

- These commercial fishing activities (above) are prohibited within the LHIMP (state waters) to minimise potential over-harvesting of the local artisanal fishery, to minimise potential impacts from gear loss/entanglement and to reduce the impact of the local fishery and shark populations.
- The zone activities surrounding the existing state LHIMP needs to complement these management arrangements.
- A proposed extension of the LHHPZ (refer below and to attachment1) will ensure adequate protection of the LHIMP values and local artisanal fishery.
- The prohibition of all forms of commercial fishing within the NPZ and RUZ is supported.
- These commercial activities that are proposed to be prohibited in the LHHPZ are supported within the LHIPPZ: hand collecting, hand netting, pelagic long lining, per seine fishing and mid water trawl. All which are currently allowed in the HPZ.
- The activities of this fleet of charter vessels need to be supported and the sustainable use of local fisheries needs to be ensued through future management arrangement. The LHIMP supports a small charter fishing and artisanal fishery that has a long-standing history and sustainable use within the waters of the state and existing Commonwealth marine park.

5. Propose an extension of LHHPZ in waters surrounding LHI and Elizabeth & Middleton (E&M) reefs, to increase adequate protection of ecological values, while allowing for sustainable use.

The LHIMPAC strongly support a proposed extension of the LHHPZ so that the above commercial activities (listed in 4 above) are prohibited from waters surrounding LHI and E&M reefs. Refer to Attachment 1

- This will ensure an adequate ecologically sound 'buffer zone' around LHI state MP and proposed NPZ and ensure destructive commercial fishing activities such as trawling are prohibited and not allowed around this World Heritage listed marine site.

- These commercial fishing activities (aquaculture, demersal setline and dropline, trawling, dredging, netting and trapping are all prohibited within the LHIMP (state waters) to minimise potential over-harvesting of the local artisanal fishery, to minimise potential impacts from gear loss/entanglement and to reduce the impact of the local fishery and shark populations.
- The LHPZ needs to complement these NSW state regulations, hence the extension of the LHHPZ will achieve this.
- The extension of the LHPZ to surround Elizabeth and Middleton Reefs will be an ecological buffer and should be extending to include the seamount to the north of Middleton Reef, while still allowing for commercial minor handlining and the existing Blue Fin Tuna Fishery that operates north of Middleton Reef.
- The extension of LHPZ will ensure an adequate buffer zone for marine biosecurity protection and prohibition from mining operations
- These commercial activities that are proposed to be prohibited in the LHPZ are supported within the LHIPPZ: hand collecting, hand netting, pelagic long lining, per seine fishing and mid water trawl. All which are currently allowed in the HPZ.
- Some Committee members would like to see stronger protection for the entire LHMP and are concerned that the current plan and the new proposed rules for each zone are a downgrade of protection and a shifting baseline of management standards
- Some Committee members strongly object to the proposed GUZ within the LHMP and want to see the GUZ changed to RUZ or LHPZ in this whole area, as well as extending the NPZ above Middleton Reef to its former position as per the draft 2012 plan.
- The proposed extension of the LHPZ (Attachment 1) is seen as an amenable compromise to ensure adequate protection of the LHMP values while allowing for certain sustainable/minimal impact activities and use. There are 2 options proposed – Option 1 has a slight extension of the LHPZ and option 2 has a larger extension of the LHPZ. These options will ensure adequate ecological buffer zones around the WHA LHMP.

6. Middleton Reef NPZ

The LHIMPAC argue that the seamount north of Middleton Reef needs adequate protection.

- The Committee strongly suggest to extend the proposed NPZ to the north of Middleton Reef to include the seamount as per original 2012 draft management plan or
- As an alternative, the proposed extension of LHPZ (as per above and Attachment 1) will ensure adequate protection while allowing certain small scale commercial fisheries such as the existing Blue Fin Tuna Fishery.

- The LHIMPAC note that the Independent Review Report suggested to include the northern seamount in NPZ so there is a strong case for increasing the NPZ to the north of Middleton reef or to implement the proposed LHHPZ around Elizabeth and Middleton Reefs.

7. Fish Attracting Devices (FADs)

The proposal to allow the use/installation of FADs within RUZ, HPZ and LHHPZ in the Commonwealth Lord Howe Marine Park is both supported and not supported by LHIMPAC.

- Over half the LHIMPAC members (7) were supportive of the allowance of FADs within the HPZ and LHHPZ, but these Committee members also strongly stress that only FADs that are environmentally sound (biodegradable) and manufactured and installed in ways that are suited to the challenging oceanic conditions of the LHI waters be allowed via permit/authorisation.
- For those that support the allowance of FAD's, see that FAD's will diversify recreational fishing opportunities and potentially diversify the recreation and charter fishing target species – currently dominated by kingfish (*Seriola lalandi*).
- Just under half of the Committee members (4) do not support the allowance of FADs due to their potential environmental pollution impacts and due to previous FAD's being installed inappropriately in the past.
- Previous FAD installed within the boundary of the LHIMP state waters disappeared within weeks of installation due to the challenging oceanic nature of the waters within the LHMP (strong currents, deep water, proximity to deep water trenches and shelf edge). These members argue that FADs introduce another source of marine pollution into the waters around LHI, providing increased source of marine debris for marine wildlife and seabird entanglement.

8. Prohibition of spearfishing

The majority of the LHIMPAC support the prohibition of spearfishing in the LHHPZ, although there is some support by a small number of members (2) to allow spearfishing within Commonwealth RUZ, HPZ and LHHPZ.

- The support of this prohibition supports the existing NSW state Marine Estate Management (Management Rules) Regulation 1999 that prohibit the use of spears, spear guns and spearfishing related activities within all areas of the current LHIMP.
- This regulation was established, due to the fact that a large number of fish species within LHIMP are vulnerable to spearfishing and this activity is not compatible with many of the aquatic activities that are significant to the tourism based economy of the Island (MPA, 2004)
- The Committee note that the number of spearfishers accessing Elizabeth Reef is minimal and allowing it there will make compliance challenging due to its remote location and, as it is prohibited within LHIMP state waters and most / all vessels stop at LHIMP on their way to/from Elizabeth and Middleton Reefs, the conflict of use with these activities are seen as a risk.

- The members who do not agree with this prohibition see the benefits of allowing this form of fishing within Commonwealth waters only, which provides for direct target of species, has small impact on local fishery and diversifies recreational fishing opportunities.

9. Partnerships (Section 1.8)

LHIMPAC strongly recommends using this existing LHIMPAC for all collaborative partnerships with the Commonwealth.

- The Australian Government needs to actively engage with Lord Howe Island community to promote understanding and participation in the management of Commonwealth marine reserves off NSW. Particular attention is required to work with the LHIMP Management staff and LHIMPAC on changes to current management arrangements for Lord Howe Island Marine Park and Elizabeth and Middleton Reef marine reserves.

10. Concerns over resourcing to manage the changes, manage the implementation and ensure compliance of proposed marine parks

- The Committee members expressed concerns over adequate resourcing, the ability to adequately undertake compliance and concerns over the on-ground implementation of the proposed LHMP, due to the large size, and current limited capacity and resourcing.

11. Boundary alignment

- The proposed extension of the NPZ adjacent to the existing LHIMP (state waters) East Coast Shelf Sanctuary Zone is supported.
- The Management Plan needs to ensure consistency with existing NSW state marine park boundaries and zones and ensure the LHMP community have a clear understanding of any proposed changes.
- The Committee suggest that the World Heritage Area Boundary needs to be re-aligned to be consistent with state and Commonwealth marine park.

12. Proposed name change

The LHIMPAC had little comment on the proposed Commonwealth marine reserve name change and zone names.

- It is recommended that an agreed outcome be reached between the NSW, other state and federal governments on a consistent name and colour for the proposed Commonwealth marine park network. It is very important that the Commonwealth Marine Park Network proposal is contiguous / complementary in colour and name with the well-established, highly used LHIMP (state waters).

Summary

The UNESCO World Heritage listed LHMP contains significant and unique ecological, social and economic values and importance and special consideration is required for all the proposed activities within the draft Lord Howe Marine Park. Unfortunately, the activities within the LHIMP has been allocated generically within the Temperate East Marine Park Network, hence the LHIMPAC strongly recommend consideration be taken into account for the proposed activity and zone changes as outlined above.

The LHIMP Advisory Committee sincerely hope the viewpoints and suggestion are taken into serious consideration before final management arrangement and plans are put into place.

Any questions or for further information, please contact me on 02 6563 2290

Kind regards,

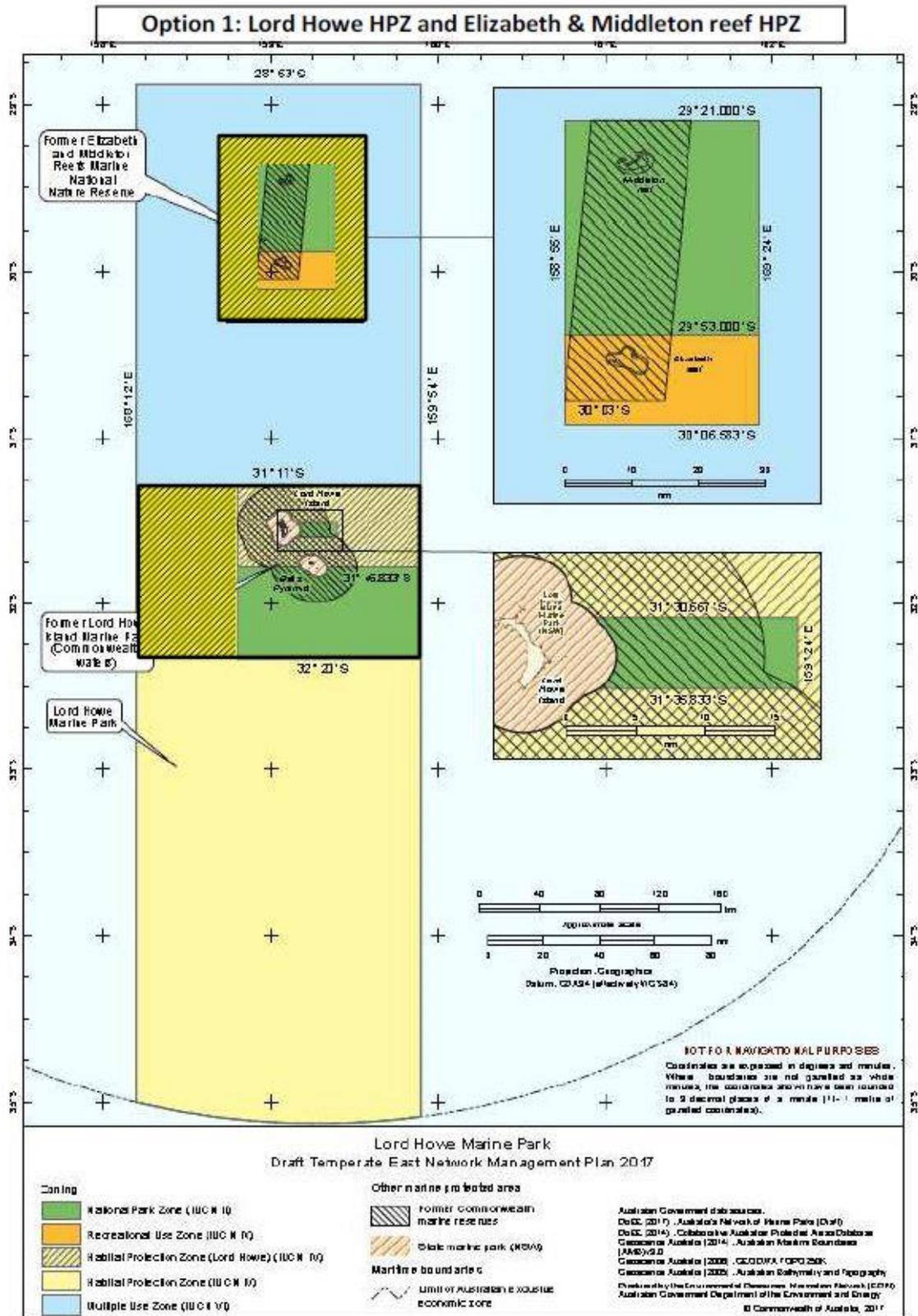
A handwritten signature in black ink, appearing to read "B. Busteed". The signature is fluid and cursive, with a large loop at the end.

Brian Busteed

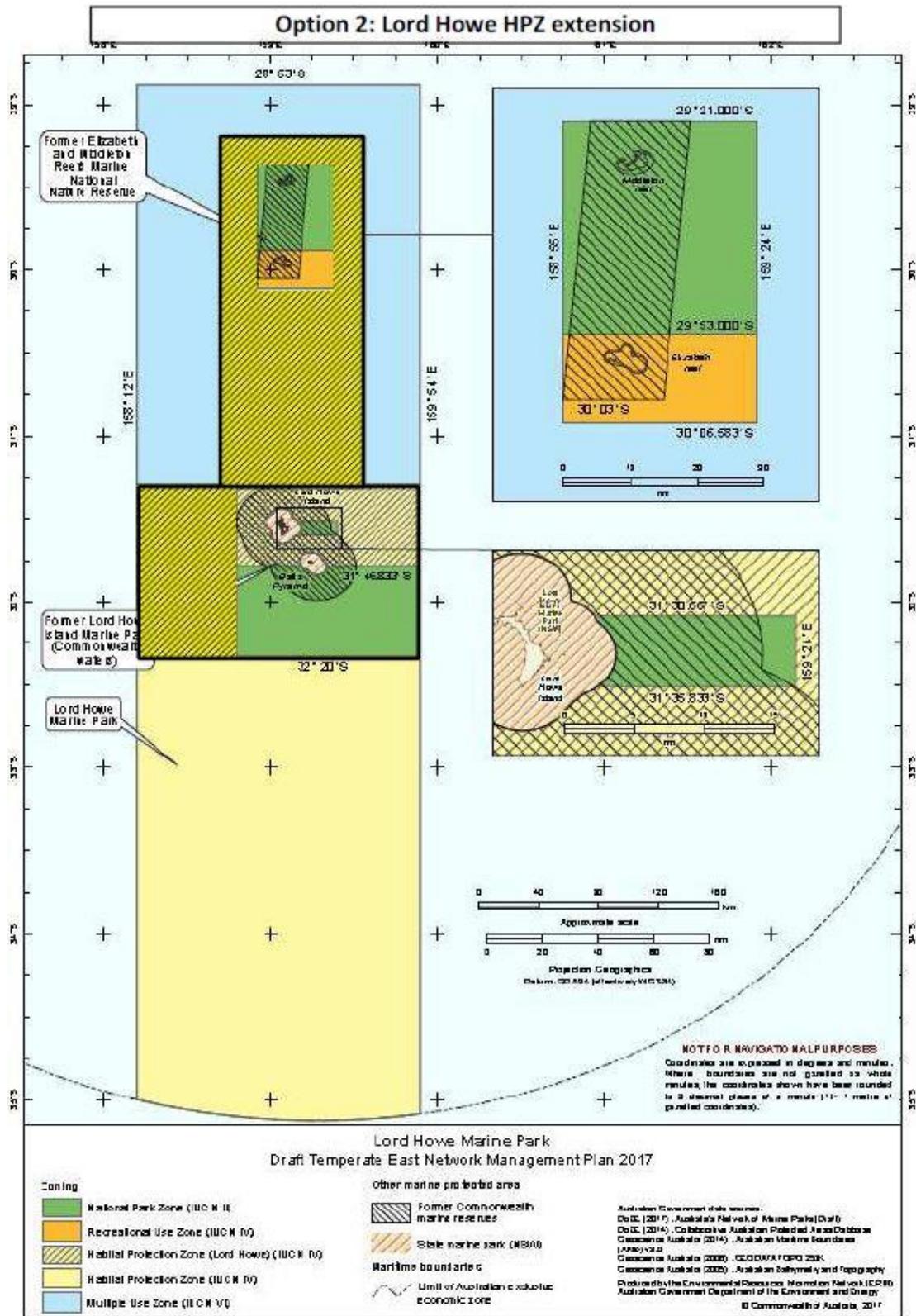
Chair
Lord Howe Island Marine Park Advisory Committee
Member since 1999

Attachment 1

Proposed extension of the LHPZ Option 1: a small extension of the LHPZ around LHI and Elizabeth and Middleton Reefs to provide increased protection and buffer zones.



Proposed extension of the LHPZ Option 2: a larger extension of the LHPZ around LHI and north to Elizabeth and Middleton Reefs to provide increased protection and buffer zones.



Attachment 2

References

Aquenal (2006) Exotic marine pests survey, Lord Howe Island, New South Wales. Report for the New South Wales Marine Parks Authority. Stuart-Smith RD, Edgar GE, Cooper AT, Gudge SA, Douglass T, (2015) Reef Biodiversity Monitoring at Lord Howe Island 2015. Report for the Lord Howe Island Marine Park and NSW Department of Primary Industries. The Reef Life Survey Foundation.

Marine Parks Authority (MPA) (2004) Users guide to the zoning plan, Lord Howe Island Marine Park; MPA 2012.

Marine Parks Authority (MPA) 2010, *Natural values of Lord Howe Island Marine Park*, MPA 2010

Marine Parks Authority (2017) Invasive Marine Pest Monitoring within Lord Howe Island Marine Park; Internal report (unpub), MPA 2017.