

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 9 February 2007
Update on Fisheries Management Notice 81 and upcoming US Accreditation Visit	Agenda Item No. 5.1 and 5.2

RECOMMENDATIONS

1. That the TSPMAC NOTES:

- a) That a US led TED certification team will be in Australia in late March/early April 2007 and they will visit the TSPF to evaluate whether vessels have implemented the changes to TEDs to meet export certification.
- b) That it is unclear whether the United States will accept the changes in the use of TEDs in the TSPF, contained in Fisheries Management Notice 81 (FMN81), as the requirements of FMN81 do not fully meet US import requirements, due to industry reluctance to make the use of floatation devices mandatory.
- c) If negotiations are successful, the TSPF will retain certification to export prawns for a period of two years, at which time a US team will return to the TSPF to review the fishery.

2. That the TSPMAC restates its position on the inclusion of flotation devices in fishery regulations to be discussed at meeting.

BACKGROUND

Fisheries Management Notice No. 81 (FMN81)

The new specifications in FMN81 provide for a size of TED (frame and opening) that would satisfy the US import regulations which are one of two requirements the Industry must meet to achieve import accreditation for the United States market. The new dimensions were agreed to by the TSPMAC at its meeting on 19 – 20 September 2006.

The TSPMAC also agreed to a US requirement regarding floatation devices in relation to TEDs. However at the twentieth meeting of the Protected Zone Joint Authority (PZJA) on October 26 2006, concerns were raised by the Torres Strait Prawn Entitlement Holders Association on this matter. In light of these concerns the PZJA agreed to implement the new TED dimensions but refer the matter of floatation devices and US import accreditation back to the TSPMAC for advice prior to the commencement of the 2007 season.

On this basis the Chair of the PZJA approved FMN81 on 19 December 2006. This new notice revokes Fisheries Management Notice No. 60 and specifies the requirements for TEDs that must be met to fish in the TSPF in 2007. A copy of FMN81 is attached to this paper for convenience and AFMA will update the 2007 Torres Prawn Handbook accordingly.

US Accreditation Visit

Biennial visits are mandated by US Congress and are required by all countries exporting wild caught prawns to the US. A US-led TED certification team will be in Australia in late March/early April 2007 and will visit the TSPF to evaluate whether TSPF vessels have implemented the changes to TEDs as required under FMN81 and may raise the issue of

floatation devices on TEDs. The US team will also be assessing TED implementation in the NPF and Exmouth Gulf Prawn fisheries. In addition, the QDPIF is holding discussions with the Queensland East Coast Trawl Fishery (QECTF) regarding proposed changes in the use of TEDs in the fishery. The Australian Government is awaiting the outcome of these discussions before deciding whether to reopen negotiations with the US on QECTF's compliance with the US Standards.

DISCUSSION

1. The US assessment team will be visiting the Torres Strait fishery in late March/early April 2006. Exact dates and an itinerary are yet to be confirmed. AFMA will be in contact when details are available.
2. We will not know the US position on floatation devices until we provide FMN 81 to the US authorities but previous advice from the US on this issue was as follows:
“In the US Regulations a TED oriented as a bottom shooter still must have enough floatation to get it up off the bottom to allow a turtle to pass through it. This is a minimum of 2 nine inch soft float or around 20lbs of floatation all together. Only the bottom shooter requires floatation. In a practical sense the addition of floats helps to minimize the amount of chafing on the flaps and the hangings around the grid. The US does not require marking the floats. At times it is a judgment call. The norm has been to use two soft 9 inch floats. If the TEDs are pulled down below 60 feet they tend to get crushed and loose their buoyancy. If we find soft floats that are crushed and wrinkled they may not be acceptable. A single 11" or two 8" hard plastic floats (or cans) are the best way to go, especially if the depth of where you are fishing exceeds 60'. Again a minimal of 20lbs of floatation is required only for a bottom shooting TED.”
There is therefore a strong possibility that US will require the use of floatation devices on TEDs in order for the TSPF to be certified as compliant or else the US may decide to close their market to Australian imports.
3. The TSPMAC should therefore consider the following Strategy Options for the US Assessment Team Visit:
Option 1 Discuss openly with US team and attempt to negotiate a compromise.
Option 2 Recommend an amendment to FMN 81 specifying the use of floatation devices.
Option 3 Provide the US team with FMN 81 and see whether the US team raises the issue of floatation devices.
4. AFMA sent a survey to all licence holders on 12 January 2007 to gauge industry views on US market access and the use of floats. Responses to this survey are not due until 18 February 2007 but preliminary data may be provided by AFMA for discussion at the TSPMAC meeting.

Historical Information

In 1996, the United States banned all imports of prawns from fisheries not utilising TEDs as a conservation measure. This effectively banned all Australian exports of 'wild caught' prawns to the US. The Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) in conjunction with State Governments and AFMA has been negotiating with the US Government regarding access to the US prawn market for the past 6 years, following Australian industry representations.

In 2005, five Australian trawl fisheries, including TSPF were certified by the US as compliant with their import regulations regarding the use of TEDs. This allowed catch from these fisheries to be exported to the US market. In late 2005, the US notified all wild caught prawn exporting countries of its intention to amend its TED regulations following US research that showed that large turtle species could not escape from the current US legislated TEDs. The so called 'leatherback requirements' required TEDs to be enlarged and the hole in the net for the turtle to escape lengthened.

The NPF, TSPF and Exmouth Gulf Prawn Fishery (EGPF) decided to make the required modifications to TEDs, trawl nets and associated fisheries management legislation, whilst the Queensland Government, on behalf of the QECTF, made a submission to the US Government to seek an exemption to the 'leatherback requirements' based on limited interactions with large turtles in their fishery. The US rejected the exemption and requested changes in fishing practices to maintain US market access. The industry elected not to make the US required amendments and have foregone US market access as of 1 May 2006.

US Prawn Market Information

In 2005, the United States imported prawns valued at US\$3.6 billion and prawn imports accounted for 30% of edible seafood imports for the US.