

# Blue Mountains Conservation Society Inc



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## Nature Conservation Saves for Tomorrow

The Hon Tara Moriarty MP

Minister for Agriculture, Minister for Regional NSW, Minister for Western Sydney

Parliament House

6 Macquarie Street

Sydney NSW 2000

[tara.moriarty@parliament.nsw.gov.au](mailto:tara.moriarty@parliament.nsw.gov.au)

26 March 2024

Dear Minister,

### **Requested action**

- The Department of Primary Industries is stocking Wentworth Falls Lake in the Blue Mountains with trout, an aggressive, non-native predator of native fish and frogs.
- An environmental impact statement prepared for the Department identified fish stocking as a serious threat to the Blue Mountains National Park, a key component of the Greater Blue Mountains World Heritage Area.
- The threat posed by fish stocking has crystallized as trout are escaping the Lake and swimming downstream into the Blue Mountains National Park.
- I am writing to ask you to direct the Department to stop stocking the Lake with trout.

### **Reasons for request**

The reasons for this request are:

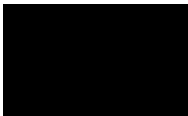
1. Fish stocking is a serious threat to the World Heritage Values of the World Heritage Area (for more detail please see Attachment A);
2. The threat posed by fish stocking has crystallized as trout are escaping the Lake and reaching the World Heritage Area (Attachment B);

3. New science indicates that the threat posed by trout is greater than appreciated when the environmental impact statement was prepared in 2003 (Attachment C);
4. The fishery is a of low value when compared to the threat it poses to the World Heritage Values (Attachment D);
5. Commonwealth Government approval to stock trout adjacent to the World Heritage Area has not been obtained (Attachment E);
6. Proper implementation of threat mitigation measures should have resulted in fish not being stocked in Wentworth Falls Lake and/or the issue of trout escaping the Lake being identified and addressed earlier (Attachment F).

The Society has had cordial and helpful meetings with officers of the Department, and a representative of local fishers with a view to finding a solution that did not require your action. However, a common position was unable to be reached and therefore we are requesting your urgent assistance.

Please feel free to contact me if you wish to discuss this further.

Yours sincerely,



Mrs Annette Cam

President

Blue Mountains Conservation Society

[president@bluemountains.org.au](mailto:president@bluemountains.org.au)

CC. Ms Trish Doyle MP

Member for Blue Mountains

## Attachment A

### The Department's environmental impact statement identifies stocking as a serious threat to the World Heritage Values of the World Heritage Area

Trout are being stocked in Wentworth Falls Lake pursuant to the *NSW Freshwater Fish Stocking Fishery Management Strategy 2004*:

<https://www.dpi.nsw.gov.au/dpi/bfs/aquatic-biosecurity/aquaculture/stocked-fish/freshwater-fish-stocking-eis-and-fms>.

The Strategy was developed in response to an environmental impact statement\* which found that fish stocking poses a serious threat to World Heritage Values:

*... [World Heritage] values ... include endemic species\*\* , relict species\*\*\* , species with restricted ranges and rare or threatened species. Any of those species that are aquatic, primarily fish and frogs, are likely to be affected by fish stocking, although as discussed previously, the extent and magnitude of this impact is as yet unknown. The potential for an impact in the absence of evidence to the contrary suggests that stocking is likely to undermine ... [World Heritage values] ... (environmental impact statement, page 182, emphasis added)*

Despite this finding in the environmental impact statement in 2003, trout stocking has occurred annually to our knowledge and no further environmental impact statement has been prepared during that 20-year period.

\* *Freshwater Fish Stocking in NSW Environmental Impact Statement Public Consultation Document 2003*: <https://www.dpi.nsw.gov.au/dpi/bfs/aquatic-biosecurity/aquaculture/stocked-fish/freshwater-fish-stocking-eis-and-fms>

\*\* Endemic species = species found only in that location.

\*\*\* Relic species = ancient species that were once widespread but are now found only in a much smaller area; AKA 'living fossils'.

## **Attachment B**

### **The threat foreshadowed in the environmental impact statement has crystallized as trout are escaping the Lake and reaching the World Heritage Area**

Wentworth Falls Lake has been created by weir built across Jamison Creek. Four kilometres downstream of the weir Jamison Creek enters the World Heritage Area.

Trout are escaping the Wentworth Falls Lake by jumping or being washed over the weir and then swimming downstream into the World Heritage Area.

Trout have been observed by members of the Blue Mountains Conservation Society in the pool at the base of Wentworth Falls waterfall (which is inside the World Heritage Area). From that pool they can swim down the continuation of Jamison Creek further into the World Heritage Area.

## Attachment C

### **New scientific knowledge shows that the threat posed by trout is greater than previously appreciated**

Present-day scientific knowledge shows that the threat posed by trout is greater than was appreciated when the environmental impact statement and Strategy were prepared 20 years ago.

This new scientific knowledge is recorded in publications by the CSIRO and other eminent scientists including the following:

- Jackson JE, Raadick TA, Lintermans M, Hammer M. *Alien salmonids in Australia: impediments to effective impact management, and future directions*. New Zealand Journal of Marine and Freshwater Research, 2004, Vol. 38: 447–455;
- Kaminskas S. *Alien fish ascendancy and native fish extinction: ecological history and observations on the Lower Goodradigbee River, Australia (2021)* <https://www.publish.csiro.au/pc/fulltext/PC21048>;
- Lintermans M, Geyle HM, Beatty S, Brown C, Ebner BC, Freeman R, et al. *Big trouble for little fish: identifying Australian freshwater fishes in imminent risk of extinction*. Pac Conserv Biol. 2020 <https://www.publish.csiro.au/pc/pc19053>;
- Stuart L. *Trout and trout stocking: acknowledging the harm, finding the balance (2023)* <https://finterest.au/trout-and-trout-stocking-acknowledging-the-harm-finding-the-balance/>;
- Ward M, Carwardine J, Yong CJ, Watson JE, Silcock J, Taylor GS, et al. *A national-scale dataset for threats impacting Australia's imperilled flora and fauna*. Ecol Evol. 2021 <https://onlinelibrary.wiley.com/doi/full/10.1002/ece3.7920>.

The new scientific knowledge in relation to 'invasive species' is reflected in the findings of the most recent version of the *NSW State of Environment Report 2021*, the premier NSW government environmental stocktake report:

<https://www.soe.epa.nsw.gov.au/>

The *State of Environment Report 2021* identified trout and other 'invasive species' as one of the three greatest threats to native animals, plants and ecosystems in NSW:

<https://www.soe.epa.nsw.gov.au/all-themes/biodiversity/invasive-species>

The Report also noted that the threat to native fish is particularly severe with native fish species at threat of dying out in record numbers with one of the main reasons being competition from non-native fish: <https://www.soe.epa.nsw.gov.au/all-themes/biodiversity/native-fauna-2021#listing-of-key-threatening-processes-pressures>

## **Attachment D**

### **The fishery is a low value activity when compared to the threat it poses to the World Heritage Area**

The environmental impact statement recommended a review of existing fisheries to determine whether the fishery was of sufficient value to warrant continuing.

A review of the Wentworth Falls Lake fishery does not appear to have been undertaken.

If a review was undertaken the following facts would (in the opinion of the Society) be relevant to the review:

- Very few people fish at Lake;
- No jobs or industry depend on the Wentworth Falls Lake fishery;
- For those who wish to fish for trout, there is ample opportunity to do so at Lithgow a 45-minute drive or a 60-minute train ride west. Lithgow is not located within five kilometres of the World Heritage Area;
- The Lake is poor habitat for trout (which is why it needs to be restocked every year).

These facts suggest that the fishery is not high value, certainly when compared to the threat it poses to World Heritage Values

## Attachment E

### Commonwealth Government approval to stock trout adjacent to the World Heritage Area has not been obtained

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* requires approval of activities likely to degrade, damage or diminish the World Heritage values of a World Heritage property: *Environment Protection and Biodiversity Conservation Act 1999*, section 12:

<https://www.legislation.gov.au/C2004A00485/2014-03-27/text>; Australian Government, Department of the Environment, *Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999*:

<https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>

Approval has not been granted to stock trout adjacent to the Blue Mountains World Heritage Area.

The Blue Mountains Conservation Society requests that stocking of Wentworth Falls Lake with trout be referred to the Commonwealth Minister for the Environment before any further stocking events take place.

## Attachment F

### **Proper implementation of threat mitigation measures should have resulted in fish not being stocked in Wentworth Falls Lake or the issue of trout escaping the Lake being identified and addressed earlier**

To mitigate the potential impact of fish stocking, the environmental impact statement recommended the adoption of mitigation measures for World Heritage Areas (B2.4.4, page 181-3), and similar ones for Wilderness Areas (section B2.4.3, pages 180-181) and threatened species (section B2.2, pages 127-158).

Table 1 below is the Society’s assessment of the adoption of each of the threat mitigation measure recommended in the 2003 environmental impact statement.

<b>Table 1: Recommended threat mitigation measures and whether they were implemented in the Strategy</b>	
<b>Recommended threat mitigation measures</b>	<b>Adopted in the Strategy?</b>
A. No stocking in the World Heritage Area	<b>Adopted</b> (section 3.3, page 13, ‘All waters within the 47 declared Wilderness areas and 3 declared World Heritage areas (as at December 2003)’)
B. No stocking within five kilometres of a confirmed sighting of threatened species	<b>Adopted generally; <u>not adopted for Wentworth Falls Lake</u></b> (section 3.4, pages 13-17; and see Table 2 below)
C. Review existing fisheries to determine whether the fishery was of sufficient value to warrant continuing to stock the waterway	<b>Not adopted for Wentworth Falls Lake</b>
D. Undertake a local environmental assessment as part of a Stocking Review prior to stocking events (see Attachment G)	<b>Not adopted/implemented for the last 10 years at Wentworth Falls Lake</b> as no local environmental assessments or Stocking Reviews were produced in response to the Blue Mountains Conservation Society’s <i>Government Information Public Access (GIPA) Act</i> request in 2023



Table 2: major watercourses flowing into to the World Heritage Area (excerpt of section 3.4, Waters with restricted stocking, page 16).

<i>Euastacus australasiensis</i>	Wentworth Falls Dam, waters above Horseshoe and Bridal Veil Falls, Leura Falls Creek, Kedumba Creek, Yosemite Creek (above Minnie Ha Ha Falls), Grose River, Morong Creek (tributary of Boyd River), Gambenang Creek and tributaries	With the exception of Wentworth Falls Dam where stocking will continue, these waterways have not been previously stocked and are not proposed to be stocked. Also protected by the provision in this table not to stock within wilderness or world heritage areas
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Proper implementation of the threat mitigation measures (B) and (C) above should have resulted in trout not being stocked in Wentworth Falls Lake either because the Lake is located within five kilometres of the World Heritage Area (mitigation measure B above) or because a review would have identified the Lake as a low value fishery when compared to the threat it poses to the World Heritage Area (mitigation measure C above).

Proper implementation of the threat mitigation measures (D) should have resulted in the issue of trout escaping the Lake being identified and addressed earlier.

## Attachment G

### Part 3 of Stocking Review Guidelines

#### (Appendix 1 of the Freshwater Fish Stocking Strategy)

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2.7 Will the consignment be reliably certified free of undesirable and non-target species under the Hatchery Quality Assurance Program?	Yes/No	If "No", stocking cannot proceed	Another source of stock must be nominated
2.8 Are any non-target species, diseases or parasites likely to escape, and if so at what scale?	Yes/No		
2.9 In the event of an escape, what life stages (eg. gametes, fertilised eggs, juveniles, adults etc) are likely to escape?			
2.10 Based on the outcomes from the above is there a likelihood of escape?	Yes/No		
2.11 Is further assessment of translocation issues required?	Yes/No	<i>If yes, refer to the National Translocation Assessment Guidelines (stocking open waters) before proceeding to Part 3</i>	
Comments regarding issues raised in Part 2:			

#### **Part 3: Local Environmental Issues**

Issue	Response	Significance of potential impacts	Comments – Action required to mitigate impacts (e.g. further assessment required; special conditions; consideration of threatened species)
3.1 Is the nominated site subject to any local management plan or action that would preclude stocking?	Yes/No	If "Yes", stocking cannot proceed	Another waterway area must be nominated
3.2 Are any terrestrial threatened species recovery plans in force in the area?	Yes/No		
3.3 Are any aquatic threatened species recovery plans in force in the area?	Yes/No		
3.4 Is the recovery of a threatened species likely to be adversely impacted by the stocking event?	Yes/No	If "Yes", stocking cannot proceed	Event must be amended
3.5 Is the possible distribution of the species following stocking of concern?	Yes/No	If "Yes", stocking cannot proceed	Another waterway and/or species must be nominated
3.6 Is the event likely to impact on cultural, heritage or aesthetic values?	Yes/No		

3.7 Are the waters suitable for stocking the nominated species in terms of climate and location?	Yes/No	If "No", stocking cannot proceed	Another waterway and/or species must be nominated
3.8 Will the activity impact on adjoining land use?	Yes/No		
3.9 Are any endangered or vulnerable species listed under the TSC Act or FM Act known to be present within 5km of the release site?	Yes/No	If "Yes", stocking cannot proceed	Another waterway and/or species must be nominated for harvest stocking
3.10 Is a loss of the aesthetic, cultural, recreational or other environmental quality of the locality likely?	Yes/No		
3.11 Is the release site either upstream or downstream of a barrier to fish passage where, according to official records, the species has not been previously stocked?	Yes/No		
3.12 Does the nominated site provide suitable access to anglers?	Yes/No		
3.13 Is the area subject to and compliant with a NPWS Plan of Management	Yes/No		
Comments regarding issues raised in Part 3:			

#### **Part 4: Review of the Stocking Proposal and Permits**

4.1 Taking into account information under Part 1 and Part 2 of this review, is the event consistent with the Fish Stocking FMS?	Yes/No
4.2 Taking into account information under Part 3 of this review and proposed permit conditions, is the event likely to have unacceptable impacts on the local environment given the expected benefits to the angling public?	Yes/No
4.3 Does the event require further review? (e.g. an eight part test for threatened species) (If yes, provide details and course of action in the 'Conditions' box below)	Yes/No
4.4 Having weighed up all the factors, in the delegated officer's opinion should the stocking event proceed?	Yes/No
4.5 Are special conditions required to mitigate any potential negative impacts and ensure the event satisfies the requirements of FMS? (If yes, provide necessary conditions)	Yes/No