Australian Government

Department of Agriculture, Water and the Environment

Supplementary Form A — Whales and Dolphins (cetaceans)

Application under section 238 of the Environment Protection and Biodiversity Conservation Act 1999.

TIME SAVER

If the person completing this form is representing a small business (i.e. a business having less than 20 employees), please provide an estimate of the time taken to complete this form.

Please include:

- the time taken spent reading the instructions, working on the questions and obtaining the information; and
- the time spent by all employees in collecting and providing this information.

Hours ☐ Minutes ☐

This form has two purposes:

1. To apply for a permit to undertake an action which will contribute significantly to the conservation of whales and dolphins such as research on whales and dolphins.
2. To apply for a permit to interfere with whales and dolphins, where that interference is incidental to and not the purpose of the action, for example, building an underwater structure where you may come into contact with whales or dolphins.

Please supply the information requested in this form if you will interfere with, injure, take, keep, move, possess or treat (cut up/divide) a cetacean or part of a cetacean in the Australian Whale Sanctuary or waters beyond the Australian Whale Sanctuary (overseas).

This form should be completed in conjunction with The General Permit Application form.

If you need more space

If there is insufficient space on this form to fully address any of the questions please attach additional pages and list these attachments at question 16.

When using additional documentation to answer individual questions in this application, please refer to the document title, the specific section(s) and the page number(s) on which the information appears.

Application fee

There is a $25 fee for permits where the action will contribute significantly to the conservation of cetaceans. There are some fee exemptions in certain circumstances, details of which can be obtained from the Department at the below address.

Where to send the forms and the application fee

Please send the completed General Permit Application **and this form** and any accompanying attachments to:

Director
Migratory Species Section
Department of Agriculture, Water and the Environment
GPO Box 787
CANBERRA ACT 2601

If you wish to carry out activities within the Great Barrier Reef Marine Park, you may need to apply to the Great Barrier Reef Marine Park Authority for a permit. For information please follow this link: Great Barrier Reef Marine Park Authority permits

If your activity will be undertaken in an Australian Marine Park then you may need to apply to the Director of National Parks for an authorisation. For more information please follow the link below:

https://onlineservices.environment.gov.au/parks/australian-marine-parks

If you are proposing to send specimens out of Australia you will need an export permit. Import permits will be necessary for bringing parts or products of cetaceans into Australia. For more information on imports and http://www.environment.gov.au/biodiversity/wildlife-trade/permits#need

1 Details of species that will be affected by the action. Use the following codes to enter details in columns 3 and 5.

Column 1 Common name of species. Common and scientific names are available at the Departmental website: http://www.environment.gov.au/erin/applications/biodiversity/sprat/	**Column 2** Scientific name of species	**Column 3** Conservation status of threatened species under EPBC Act (e.g. the blue whale is endangered EN) **Codes for Column 3** EW Extinct in the wild; EX Extinct; CE Critically endangered; EN Endangered; VU Vulnerable; CD Conservation dependent	**Column 4** Estimated number that will be affected.	**Column 5** Type of effect **Codes for Column 5** IC Interfering with a cetacean; IN Injuring; TA Taking; KE Keeping; MO Moving; TC Treating; PO Possessing
Southern Right Whale	*Eubalaena australis*	EN	0	IC
Blue Whale	*Balaenoptera musculus*	EN	0-10	IC
Humpback whale	*Megaptera novaeangliae*	VU	0	IC
Antarctic minke whale	*Balaenoptera bonaerensis*	-	0	IC
Killer whale	*Orcinus orca*	-	0	IC
False killer whale	*Pseudorca crassidens*	-	0	IC
Sei whale	*Balaenoptera borealis*	VU	0	IC
Fin whale	*Balaenoptera physalus*	VU	0	IC
Dusky dolphin	*Lagenorhynchus obscurus*	-	0	IC
Bottlenose dolphin	*Tursiops truncates s. str.*	-	50-100	IC
Common dolphin	*Delphinus delphis*	-	50-100	IC
Pygmy right whale	*Caperea marginata*	-	0	IC
Pygmy sperm whale	*Kogia breviceps*	-	0	IC
Cuvier's beaked whale	*Ziphius cavirostris*	-	0	IC
True's beaked whale	*Mesoplodon mirus*	-	0	IC
Sperm whale	*Physeter macrocephalus*	-	0	IC
Arnoux's beaked whale	*Berardius arnuxii*	-	0	IC

Andrew's beaked whale	*Mesoplodon bowdoini*	-	0	IC
Blainville's beaked whale	*Mesoplodon densirostris*	-	0	IC
Gray's beaked whale	*Mesoplodon grayi*	-	0	IC
Hector's beaked whale	*Mesoplodon hectori*	-	0	IC
Southern right whale dolphin	*Lissodelphis peronii*	-	0	IC
Dwarf sperm whale	*Kogia sima*	-	0	IC
Bryde's whale	*Balaenoptera edeni*	-	0	IC
Long-finned pilot whale	*Globicephala melas*	-	0	IC
Strap-toothed beaked whale	*Mesoplodon layardii*	-	0	IC
Risso's dolphin	*Grampus griseus*	-	0	IC
Short-finned pilot whale	*Globicephala macrorhynchus*	-	0	IC
Minke whale	*Balaenoptera acutorostrata*	-	0	IC

2 Provide the latitude and longitude of where the action will be conducted. Latitude and longitude references should be used instead of AMG and/or digital coordinates.

Where the project area is less than 1 square km, provide a single pair of latitude and longitude references.

Where the project area is greater than 1 square km or any dimension is greater than 1 km, attach a list of coordinates to enable accurate identification of the location of the project area.

Latitude			Longitude		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
40	23	04	148	30	20
40	36	36	148	12	42
40	19	10	149	08	24
40	50	56	149	04	01

Locality name or description

Banks Strait to Cape Barren

3 ***Attach an A4 sized map to show the boundaries of the area in which the action will be conducted.***

4 Provide an attachment describing the action addressing the following points.

A. The equipment and methods used to comply with the EPBC Act Regulations.
B. What steps will be taken to minimise impacts on cetaceans.
C. The objectives and purposes of the action.

5 Attach a description of any research relevant to the affected species or community that will be carried out in the course of or in conjunction with the proposed action, including:

A. A copy of the research proposal.
B. The names of the researchers and institutions involved in or supporting the research.

C. Relationship of the researchers to the permit applicant, including any funding being provided by, or to, the permit applicant

6 Will the action involve invasive techniques?

No **X** ⇒ ***Go to next question***

Yes ☐ ⇒ Attach application and approval from an Animal Ethics Committee.

7 Are you applying on the basis that the action will contribute significantly to conservation of cetaceans? (**Please note**, a fee of $25 is required for this type of permit — see Question 21)

No **X** ⇒ ***Go to 9***

Yes ☐ ⇒ ***Go to next question***

8 Why do you believe that the action will contribute significantly to the conservation of cetaceans?

Now go to 13

9 Are you applying on the basis that the effect on cetaceans will be incidental to, and not the purpose of, the action?
You must also answer questions 10, 11 &12 to apply for this type of permit.

No ☐ ⇒ You are not able to apply for a permit using this form, please contact the Migratory Species Section at EPBC.Permits@environment.gov.au, or call (02) 6274 1111.

Yes **X** ⇒ Why do you believe that the impact of the action will be incidental to and not the purpose of the action?

The purpose of the project is to conduct seafloor mapping to update nautical charts. The methods used are non-invasive and the multibeam sonar will be operated at high frequencies above the hearing range of any cetaceans likely to be encountered. Marine mammals will be avoided whenever possible and mitigation measures will be implemented to reduce the potential for impacts.

The results of this survey will help to improve safety of vessels and people and provide better information for seafarers to use when navigating the area.

10 Why do you believe that the proposed action will not adversely affect the conservation status of a species of cetacean or population of that species?

The overall number of cetaceans expected to be encountered is low and implementation of mitigation measures will reduce risks to ensure the survey will not adversely affect any species at a population level.

A Protected Matters Search suggested the main threatened species likely to be encountered in the project area are large whales. Searches of the National Marine Mammal Database showed records mainly of humpback and southern right whales and few other cetacean species records in the vicinity of the project area. A similar survey adjacent to the current survey conducted from March to July 2020 did not encounter any whales and only intermittently sighted dolphins. As the proposed survey is due to be completed from December to April, this is outside of the main migration season for humpback and southern right whales and the probability of these species being present in the area is low. Although the survey is within the Biologically Important Area for blue whales, it is not in an area where feeding is known to occur and is at the eastern edge of the possible foraging area, with most feeding occurring west of the Furneaux Group of islands.

The main project activity will involve conducting multibeam sonar (MBES) surveys, but the frequencies at which the MBES is operated (200-400kHz) are well above the blue whale hearing range. Vessel disturbance of whales will be mitigated by maintaining watch for animals, adhering to minimum approach distances, surveying at slow speeds, and avoiding animals whenever possible.

11 Describe how the proposed action will be consistent with any *recovery plans* or *wildlife conservation plans* in force for the species of cetaceans that may be affected by the action.

Commonwealth recovery and wildlife conservation plans that are in force are available from the Department of Agriculture, Water and the Environment web site: http://www.environment.gov.au/cgi-bin/sprat/public/publicshowallrps.pl

State and territory recovery plans will be available from state and territory environmental agencies.

The main recovery plan of relevance to the survey is the *Conservation Management Plan for the Blue Whale*. Action Area A.2 of the plan requires: "*Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area*"

Noise from project activities will be managed to reduce the potential for impacts on blue whales and ensure they are not injured or displaced as follows:

- Noise outputs from the MBES are well above blue whale hearing range.
- The use of Dynamic Positioning thrusters will be minimised to short periods at the start and end of the survey.
- Vessel speeds will be limited to less than 12 knots during transits in good visibility conditions and to less than 8 knots during survey activities and in low visibility conditions to reduce the potential for impacts.
- One Dedicated MMO and two trained bridge crew will maintain watch for blue whales and other marine mammals throughout daylight hours.
- Minimum approach distances for all cetaceans will be as per the National Whale and Dolphin Watching Guidelines, with the distance extended for blue whales to 500m in all directions around the whale.

12 *The applicant is required to take all reasonable steps to minimise interference with cetaceans.*

How will this be carried out?

The following procedures will be implemented to minimise interference with cetaceans:

1. One Dedicated MMO and two trained bridge crew will observe for marine mammals during daylight hours at all times the survey equipment and vessel is operating within the Biologically Important Area for blue whales.
2. Bridge crew will complete a project-specific Marine Mammal Observer training course prior to the survey commencing.

   N.B. Some bridge crew have already completed Marine Fauna Observer inductions delivered by marine mammal experts for previous projects.
3. Adhere to the minimum approach distances set out in Part 8 Division 8.1 of the *EPBC Regulations 2000* and the *Australian National Guidelines for Whale and Dolphin Watching*. The minimum approach distance will be extended to 500 m in all directions around blue whales.
4. Operate at speeds of less than 8 knots while completing survey activities and during periods of low visibility and at less than 12 knots while in transit during good visibility conditions.
5. Use of Dynamic Positioning thrusters will be minimised or eliminated where possible. DP will only be required for short periods at the start and end of the project.
6. Maintain communications between vessels, as well as contacting any other vessels in the vicinity, to warn of any cetacean sightings.
7. Alter course to avoid cetaceans whenever practical.
8. Adhere to conditions based on and adapted from section *A.3.6 Night-time and low visibility procedures* of EPBC Act Policy Statement 2.1:
   a. At night-time or at other times of low-visibility (when observations cannot extend to 3km from the vessel, e.g. during fog or periods of high winds), the following measures apply for start up of survey equipment and operations:
      i. Start up may be commenced:
         • provided that there have not been 3 or more whale instigated mitigation actions (i.e. the vessel needing to shut down or alter course to maintain minimum approach distances) during the preceding 24 hour period; or
         • if operations were not previously underway during the preceding 24 hours, the vessel (and/or a spotter vessel or aircraft) has been in the vicinity (approximately 10km) of the proposed start up position for at least 2 hours (under good visibility conditions) within the preceding 24 hour period, and no whales have been sighted.
      ii. Operations may proceed provided that there have not been 3 or more whale instigated mitigation actions during the preceding 24 hour period.
      iii. During low visibility, where conditions allow, continuous observations to spot whales should be maintained with a particular focus on the

area 500m around the vessel. If whales are detected then the survey will cease until visibility conditions allow MMOs to observe to 3km from the vessel and no whales are detected.

iv. If sightings of whales have been frequent or are higher than were anticipated during the planning of the survey, iXblue will contact the Department to discuss appropriate night-time provisions and whether additional management measures should be employed for day and/or night-time operations.

MMOs and trained bridge crew will be provided with reticle binoculars that allow them to estimate distances up to 5.3 km from the bridge of the OFFSHORE SOLUTION (12m above sea level).

13 Attach details of any proceedings against the proposed permit holder under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources.

14 Fees

The following fees apply:

- If you answered **yes** at question 7, for an action which will contribute significantly to the conservation of cetaceans - $25 (there are fee exemptions in some circumstances).
- An incidental action relating to cetaceans - nil

15 Are you paying by credit card?

No ☐ ⇒**Attach a cheque, *go to next question***

Yes ☐ ⇒Complete the following details

Card: Visa ☐ Bankcard ☐ MasterCard ☐

Card number

Expiry date (month/year)

Card holder's name as shown on card

Amount

Cardholder's signature

16 Attachments

Indicate below which documents are attached.

Attach a map. ***See question 3***	X
The equipment and methods used to comply with the EPBC Act Regulations. ***See question 4***	X
What steps will be taken to minimise impacts on cetaceans. ***See question 4***	X
The objectives and purposes of the action. ***See question 4***	X
Copy of research proposal. ***See question 5***	☐
Names of researchers and institutions. ***See question 5***	☐
Relationship of researcher to permit applicant. ***See question 5***	☐
Ethics committee approval. ***See question 6***	☐
Details of any proceedings against the permit holder under a Commonwealth, State or Territory law. ***See question 13***	☐
Cheque for payment of fee. ***See question 14***	☐
List all additional documents below	☐

Titles of all attached documents *(include the document title, the specific section(s) and the page number(s) on which the information appears)*

Attachment 1: Survey Map pg 1

Attachment 2: Survey Plan

1. Participants list pg 1
2. Survey map pg 2
3. Equipment list pg 2-3
4. Impact statement pg 6
5. Objectives and Purpose pg 6

17 Declaration

I declare that the information contained in this application is correct to the best of my knowledge.

Signature of applicant

Name of person signing

Dr. Elizabeth Johnstone

Date

5/11/2021