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.

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 w:th 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 cont3ct 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 0f 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: <u>Great Barrier Reef Marine Park Authority permits</u>

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 <u>http://www.environment.gov.au/biodiversity/wildlife-trade/permits#need</u>





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.

Minutes

Hours **D**

Department of Agriculture, Water and the Environment

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/ applicalions/biodiversitv/spraU	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 Co ¹ '.Imn3 EW Extinct in the wild EX Extinct CE Criticallyendangered 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
Humpback Whale	Men::intera novaeana/iae	vu	120	ТА
- Antarctic Blue Whale	Balaenoptera musculus intermedia	EN	5	TA
Sperm Whale	Physeter microceohalus	No Conservation Advir.P.	5	TA
Southern Right Whale	Eubalaena austra/is	EN	5	ТА
Sei Whale	Balaenoptera borealis	vu	5	TA
Fin Whale	Balaenoptera ohvsa/us	vu	5	ТА
Antarctic Minke Whale	Balaenoptera bonaerensis	No Conservation Advice	5	ТА
Southern Bottlenose Whale	Hvneroodon nfanifrons	No Conservation Advice	5	ТА
Killer Whales Type A & B1/2	Orcinus orca	No Conservatioil /dvice	5	TA
Arnoux's Beaked Whale	Berardius arnuxii	No Conservation Advir.e	5	ТА

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

167

Degrees	Minutes	Seconds
55	43	48
67	47	42
68	57	38
78	05	03

66	28	56
68	27	30
90	33	53

49

23

Degrees Minutes Seconds

Southern tip of South America to the Ross Ice Shelf

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

Department of Agriculture, Water and the Environment

6 Will the action involve invasive techniques?

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)

Yes -+ Go to next question

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

Antarctica and its whales are under increasing pressure from climate change, krill fishing and a growing tourism industry. Conservation International in partnership with Ponant Foundation, aims to conduct science to inform the conservation and management of whales, ultimately contributing to the design of new marine protected areas in Antarctica and the monitoring and minimizing impacts of Antarctic tourism operations as they grow in coming years. Protection of the Antarctic ecosystem is not only critical for the adaptation of marine life to climate change, but also as the resource on which Polar tourism relies.

The project is an international collaboration of whale researchers working closely with national Antarctic programs to deliver science in data deficient areas of the Southern Ocean from tourism ships as platforms of opportunity. The project will use genetics, acoustics, distance sampling, and photographic matching to assess distribution and population genetics, generate density estimates, and asses impacts of ship noise on humpback whales.

Department of Agriculture, Water and the Environment

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.

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

Photographic Identification of Cetaceans:

With modern equipment and experienced vessel crew, undertaking photographic identification of Cetaceans can be done safely with little to no impact (disturbance to the animals).

Acoustic Monitoring:

The acoustic device (hydrophone) is a passive acoustic device it does not transmit or make any ooise which may disturb the animals.

Biopsy Sampling of Large Cetaceans:

Non-lethal biopsy sampling of large Cetaceans, using either a cross-bow or PAXARM (purpose built modified firearm) to deliver a dart for the purpose of taking a small blubber and skin sample, have been used by researchers for over 30 years.

Impact (disturbance) to the animal can occur from both the close approach of the vessel (15-20m), which is required in order to be in effective range, and also from the impact of the dart itself.

When undertaken by an experienced research crew (skipper and technician), in accordance with best practice, including behavioural observations of the animal, any impact will be minimal and incidental to the task. **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 proposed action is being undertaken from and in accordance with the operations of an Expedition Cruise Ship *(Le Commandant Charcot)* with paying passengers, which will follov, a rough itinerary.

Our ability to undertake any small vessel research is secondary to these operations and very much opportunistic, with limited time in any one location and dependant on weather conditions and zodiac availability.

As highlighted in the research proposal, and indicated in Q.1, our primary target species are Humpback whales, which, along with being one of the most targeted animals for global whale watching operations, are known to be extremely inquisitive around vessels and are fairly robust. Interactions with other species of Cetaceans, although listed, are incidental.

The numbers highlighted in Q.1 are purely subjective and based upon best-case scenario. However, given our limited period at sea (26 days) it is unlikely we will see all of these species, yet alone interact with the numbers listed whilst undertaking research activities from the zodiac.

In addition to the above, the geographical range is enormous, extending from Southern Argentina to the Ross Ice shelf, with the majority of time spent at sea on the mother ship in transit and not on zodiacs.

It should also be reiterated that one of the objectives of this research is to identify and monitor any impacts on cetaceans from Antarctic tourist operations.

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Department of Agriculture, Water and the Environment

11 Describe how the proposed action will be con;:;istent 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: <u>http://www.environment.gov.au/cgibinlsprat/public/publicshowallrps.pl</u>

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

The proposed action (research) will be undertaken by an international team of researchers, on an international ship in international waters.

Commonwealth recovery and wildlife conservation plans are in place for two of the species listed as part of the proposed action. These being the Antarctic Blue Whale and the Southern Right Whale.

Antarctic Blue Whale

The proposed action is consistent with identifying threats for this species including:

- o Climate variability and change
- o Noise interference
- o Vessel disturbance

The proposed action is consistent with priority actions under the plan for this species including:

- Assessing and addressing anthropogenic noise- High
- Understanding impacts of climate variability and change - High
- o Minimising vessel collisions High
- Describing the spatial and temporal distribution of blue whales and further define Biologically Important Areas - High

Southern Right Whale

The proposed action is consistent with identifying threats for this species including:

- o Climate variability and change
- o Noise interference
- o Vessel disturbance

The proposed action is consistent with priority actions under the plan for this species including:

- Assessing and addressing anthropogenic noise - Very High
- Impacts of climate variability and change -High
- o Addressing vessel collisions High

- o Investigating two population model High
- Understanding offshore distribution and migration - High
- Characterising behaviour and movements
 High

In addition, this proposed action (research) will assist existing management actions as outlined in the recovery and wildlife conservation plans through improving understanding and management of all southern hemisphere whale populations. This includes identifying important habitats for species, which are to be considered in the establishment of marine conservation areas and reserves.

Department of Agriculture, Water and the Environment

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

How will this be carried out?

General

- When conducting small vessel (zodiac) operations around whales for the purpose of photo identification or acoustic monitoring, the vessel will be operated in a way to minimise any disturbance to the animals in accordance with the EPBC Regulations, IAATO
 - (International Association of Antarctica Tour Operators) Cetacean Watching Guidelines and the Australian National Guidelines for Whale and Dolphin Watching 2017.
- If there is any sign of disturbance evident, including avoidance behaviour, changes in direction of travel, surface interval etc. that appear as a consequence of our vessel, we will disengage and withdraw from that animal/s.

Close Approaches

- Close approach to 15m (cross-bow) or to 20m (PAXARM) will only be undertaken according to best practice and for the purpose of obtaining a biopsy sample.
- Whale behaviour will be monitored for a period of time prior to any close approach.
- o. If there is any sign of disturbance evident, including avoidance behaviour, changes in direction of travel, surface interval etc. that appear as a consequence of our vessel, we will disengage and withdraw from that animal/s.
- No biopsy samples will be taken from calves.
- Any reaction from the whale as a consequence of the biopsy dart will be recorded.
- 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. A

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?

Yes =+Complete the following details

Card:

Card number

Expiry date (month/year)

Card holder's name as shown on card

Amount

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 $\ensuremath{\textit{question}}$
 - What steps will be taken to minimise impacts on cetaceans. See *question 4*
 - The objectives and purposes of the action. See question 4
 - Copy of research proposal. See question 5 X
- Names of researchers and institutions. See question 5 X
 - 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 X

List all additional documents below D

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

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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: Anthony Muyt

Date 9 December 2021

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