Australian Government

Department of the Environment and Water Resources

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 5 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 following information 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). 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 exports contact International Wildlife Trade Section on 02 6274 1900.

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
Cetacean Policy and Recovery Section
Department of the Environment and Water Resources
GPO Box 787
CANBERRA ACT 2601
Fax: 02 6274 1542

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
Blue whale	Balaenoptera musculus	EN	50	IC
Fin whale	B. physalus	VU	5	IC
Sei whale	B. borealis	VU	5	IC
Humpback whale	Megaptera novaeangliae	VU	5	IC
Sperm whale	Physeter macrocephalus	CD	5	IC
Common dolphin	Delphinus delphis	CD	25	IC
Bottlenose dolphin	Tursiops sp	CD	25	IC
Dusky dolphin	Lagenorhynchus obscurus	CD	25	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

Degrees	Minutes	Seconds
32	00	00
34	00	00
38	30	00
41	00	00

Longitude

Degrees	Minutes	Seconds
131	00	00
131	00	00
145	00	00
145	00	00

Locality

Bonney Upwelling & adjacent waters; Sub-tropical Convergence; breeding areas

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 ☐ ⇒ *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 ☐ ⇒ *Go to 9*

Yes ☒ ⇒ *Go to next question*

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

Satellite tagging will provide detailed data on whales' foraging movements in and between feeding areas such as the Bonney Upwelling, the GAB, the Sub-tropical Convergence or the Perth Canyon. A better understanding of such movements will enable improved population estimates, and better understanding of whales' foraging ecology in relation to large-scale oceanographic changes in the context of climate change. Tagging will also show us migration routes to unknown tropical winter breeding areas. Until these routes and destinations are known we have no idea what problems the whales may face in these areas.

Suction-cup tagging: by integrating 3-D dive data with simultaneous prey and oceanographic data we obtain unique ecological data and refine our understanding of fine-scale critical feeding habitat and predator-prey relationships, important information for an endangered species.

Biopsy sampling will enable understanding of population genetics of Southern Hemisphere blue whales. While it is now likely that 'Australian' pygmy blue whales are from a single genetic population, further sampling will help define appropriate genetic markers for stock and subspecies delineation.

Photo-ID is a never-ending process, allowing better mark-recapture estimates of population size, as well as providing data on individual movement and life history data, ranging from short-term residence periods to long-term calving intervals, individual associations etc.

All these methods are widely used worldwide and are recognised as essential tools in cetacean conservation biology and ecology.

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 Cetacean Policy and Recovery Section at epbcwild@environment.gov.au, or call (02) 6274 1111.

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

All of the proponents are very experienced in these methods and are motivated by concern for the whales' welfare and longterm conservation.

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?

All of the methods proposed have minor or negligible effects on the welfare of individual whales or populations. Disturbance is likely to be brief and transitory, and there is no evidence of long-term physical harm.

Even the most invasive method proposed, satellite tagging, has minimal short-term effects on blue whale behaviour, and there is no evidence of long-term physical effects of tagging.

Suction-cup tagging and biopsy have only transitory effects related to close approaches by the research vessel.

Photo-ID does not involve close approaches and is considered to have the least impact on the animals.

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 the Environment and Water Resources web site: *www.environment.gov.au/biodiversity/threatened/recovery/index.html*

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

The proposed work conforms with Recovery Actions described in the Recovery Plan for Blue, Fin and Sei whales. Satellite tagging, photo-ID and biopsy allow population estimation, delineation and recovery assessment. Satellite tagging, suction-cup tagging, biopsy and photo-ID contribute to understanding of habitat use, and enable habitat to be defined so it can be protected. Understanding migration routes from tagging and photo-ID helps us understand whether and where whales are vulnerable to threats including whaling. Understanding of habitat and movements can be integrated with growing understanding of climate change effects.

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

How will this be carried out?

See attachment for Question 4.

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* ☒

The equipment and methods used to comply with the EPBC Act Regulations. *See question 4* ☒

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* ☒

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)*

See attached list of supporting documents

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

Peter Gill

Date

3 March 2009