

Submission from Environs Kimberley to the Draft North-west Marine Park Network Management Plan

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Environs Kimberley is the peak environmental organisation for the Kimberley region in north-west Australia. We have been a strong voice on environmental matters for 20 years, working collaboratively with others to achieve biodiversity protection, environmental awareness, sustainable land management and appropriate development in the region.

Environs Kimberley welcomes the proposed change to the expansion of the marine national park zones in the Kimberley marine reserve. This change will make a real difference to conservation outcomes around the Beagle and Mavis Reefs. The expansion of habitat protection zones around Adele Island and Cape Leveque are also welcomed and will add to the long-term conservation outcomes of these areas.

However, we completely reject the changes, or lack of, in the remaining areas of the reserves in the Northwest region. Please see below more details on how the Northwest reserves can be substantially improved before the release of the final management plan.

1. Argo-Rowley Terrace Commonwealth Marine Reserve

Recommendation 1 - That a Habitat Protection zone (IUCN IV) be created in all waters south of the recommended special purpose zone

Twice the federal government has withdrawn the exploration permits adjacent to the Rowley Shoals. In 2013 the former resource minister, Martin Ferguson, withdrew permit W11-5 citing "community concern regarding potential environmental impacts of petroleum exploration and development in this permit as a result of its proximity to the

Rowley Shoals”¹. Again in 2016 plans to drill within 6km of the shoals was blocked by federal resource minister, Josh Frydenberg, who withdrew the W16-7 exploration permit for the same reason.

Any oil spill in this area would be particularly devastating to the Rowley Shoals for two reasons, 1) Large 6 meter tidal movements exist, thus the shoals are exposed at low tide meaning oil would directly contaminate the coral. 2) Large tides also mean strong currents which would carry oil very quickly onto the shoals before containment booms could be deployed. The shoals are very isolated, being 170 nautical miles from Broome. Containment crews would take around 20 hours just to reach the location. Considering the nearby Phoenix south-1 well has acquired light crude oil at 5 km below the seabed², drilling depths are extreme and the potential for spills is high.

The most permanent way of preventing this from happening is through placing a habitat protection zone over all waters surrounding the shoals below the newly recommended special purpose (trawl) zone. This would enhance Parks Australia’s core goal of promoting tourism and create a buffer zone around what is arguably one of the best dive sites in Australia. Environs Kimberley strongly urges that the final plan includes this option.

Recommendation 2 – The Argo Rowley Terrace Special Purpose zone (trawl) be removed

The draft plan proposes opening up the globally significant Rowley Shoals ecosystem to trawling. Despite the fact that the Rowley Shoals is an iconic area for marine life, a key Australian tourism asset and contains recreational fishing values. The review proposes compromising these values for a maximum economic benefit to fishers estimated by ABARES to be \$36,900 per annum or \$5,271 per annum to each license holder in the North-west Slope Trawl Fishery³. A far greater economic return can be achieved by preserving this area and promoting the exceptional marine wildlife values which would bolster the growing Kimberley cruise industry. For example, a single customer visiting the Rowley Shoals will pay in the order of \$5000-\$10,000 per trip and expect an untouched wilderness experience considering the area is protected by both state and commonwealth marine reserves.

The ESP report did not consider a fishing gear risk assessment for this fishery and data is severely lacking. As the fishery is so small it is highly likely the impacts of this fishery will never be properly assessed. Environs Kimberley strongly urges that the final plan removes this zone until it can be proven to have no impact on the exceptional values of the surrounding waters of the Rowley Shoals.

Recommendation 3 – The Argo-Rowley Terrace marine national park zone be reinstated to the BAP recommendations.

¹ Calls to buffer Rowley Shoals from Oil and Gas exploration, The Australian 23/4/16

² Asian Oil and Gas, 1/6/15

³ ABARES, 2011

The Argo-Rowley Terrace marine national park zone is the largest in the Northwest network and is essential to achieve representation of all habitat types. Restoring this zone to its original size will have no effect on recreational fishing and very little effect on commercial fishing.

If this zone is restored to its original size greater protection is afforded to both baleen and toothed whales, in particular, endangered Blue whales that frequent the area.

2. 80-Mile Beach Commonwealth Marine Reserve

Recommendation 4 – The 80-Mile CMR be changed to Special Purpose Zone (Pearling) (IUCN IV)

It is astounding that a major Australian fishery that has a deep historical connection to the Australian psyche, has undergone Marine stewardship certification and proven to be sustainable, is afforded little protection and no certainty from this draft plan. Almost the entire Australian pearling industry relies on the 80 Mile reserve for the capture of wild caught shell to supply broodstock to hatcheries and for farm production. The draft plan recommends the 80 Mile reserve remains as a general use zone, allowing oil and gas companies to seismic test, drill and develop this area. This is a very real possibility with the Bilby 2D⁴ and Capreolus 3D seismic testing programs occurring adjacent to the reserve. Polarcus Seismic Limited claim that the area has been tested for a decade before the recent surveys with no evidence of changes to the pearl fisheries catch rates⁵. Firstly, if a decade of seismic testing has occurred in the area and nothing noteworthy to the oil and gas industry has been found, why continue? Secondly, the pearling industry has just been through a period of major decline, thus the demand for more wild caught shell has tapered. Fishing effort has been kept at low levels thus cannot be used to argue that Seismic testing has no effect on the fishery.

New research is showing the dangers of seismic testing to small marine invertebrates such as scallops and zooplankton in Tasmania^{6,7}, given time and more research these findings will very likely be expanded to pearl oyster larvae. To add to this risk is the possibility of deteriorating water quality conditions when drilling and production commences. Pearl oysters become diseased and die in poor water quality conditions.

Surely a long-established industry that has been operating for over 140 years, that provides employment both indirectly and directly to thousands of people in the

⁴ Bilby 2D Multi-Client Marine Seismic Survey, 2015, Environment Plan Summary

⁵ Capreolus 3D Multi-client Marine Seismic Survey 2015: Environment Plan Summary

⁶ McCauley et al 2017, Widely used marine seismic survey air gun operations negatively impact zooplankton, Nature ecology and evolution, v1, article 0195

⁷ ABC, 21/10/16. Scallop deaths linked to seismic surveys being carried out on seabed, Tasmanian report finds.

Northwest and has been proven to be sustainable, has the right to certainty and protection from other damaging activities.

A special purpose zone covering the 80 mile CMR would fit the advice given by the expert scientific panel (pg 110) “The ESP considers that there is a high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities”. The 80 Mile reserve is unique in that the benthic habitat contains areas of “garden bottom” and “potato bottom”. Both benthic habitat types are dominated by *Pinctada maxima*, and are ideal for hand collection within the fishery.

Environs Kimberley completely reject the statement in the BAP report (pg 80) “The option of changing the zoning in this reserve from MUZ to HPZ was considered and canvassed with stakeholders. The potential impacts on both the oil and gas industry and existing commercial fishing activities were impractical, so this option was not progressed”. There are no potential impacts to the oil and gas industry otherwise mining companies would have already applied for permits over the area. The only commercial fishing interests which could impact the reserve are the NDSF (area 1) which lay fish traps on the seafloor. The WA Department of Fisheries state the only habitat damage likely to occur is on coral bottom⁸. The 80 Mile reserve has extremely limited areas of coral bottom. This impact can be managed allowing for the special purpose option to be progressed. We strongly urge the final plan to include this option.

3. Roebuck Commonwealth Marine Reserve

Recommendation 5 – That the Roebuck CMR be changed to Recreational Use Zone (IUCN IV)

With the gazettal of the state Roebuck Bay Marine Park as predominately a recreational use zone, the adjacent Roebuck CMR should reflect this. This area is heavily used by recreational and charter fishers in Broome as it contains a variety of habitats, is easy to access from the Broome port and offers many exciting fishing opportunities.

The Western Australian government has successfully negotiated with Buru Energy to withdraw exploration leases within the state Roebuck Bay Marine Park. The commonwealth government can engage exploration lease holders within the Roebuck CMR and achieve the same result. The BAP report states (pg 80) “This option was not progressed due to the potential impact on the oil and gas industry”. What potential impact? There has not been any high prospectivity finds in the area, this is particularly pertinent when the nearby Browse basin, with vast identified oil and gas fields, is yet to be developed. How can zoning the relatively tiny (304 km²) Roebuck CMR impact on Australia’s energy security?

The Broome community would never allow oil and gas development so close to the town and its beloved bay. The risk from oil spill accidents due to the very large tides and

⁸ WA Dept of Fisheries, State of Fisheries report 2014/15

the destruction of the visual amenity of the area would result in any proposed oil and gas venture never receiving a social license to operate. Environs Kimberley completely rejects the statement in the BAP report (pg 80) “a better balance of interests for stakeholders impacted by the proclaimed zoning could not be found”. We strongly urge you to rectify this zoning recommendation.

4. Kimberley Commonwealth Marine Reserve

Recommendation 6 – That a new Marine National Park zone (IUCN II) be established from 125’26” E to 126’26”E to the WA boundary

The northern section of the Kimberley CMR adjacent to Cassini Island and the Holothuria Reefs is considered the most diverse marine area in the Kimberley.⁹ The Indonesian flow-through current brings eggs, larvae and fish to the area from the Coral Triangle, which is considered to have the highest marine biodiversity *in the world*.

The WA Marine Parks and Reserves Working Group, CSIRO and the WA Premier have all recommended that a Marine National Park Zone be created in this area¹⁰, which would include the Commonwealth waters adjacent to Long Reef, Cassini Island and the Holothuria Reefs. The recently proposed North Kimberley marine park contains the proposed Long Reef and East Holothuria Reef sanctuary zone. If a Marine National Park Zone was created adjacent to the proposed sanctuary zone a huge improvement in connectivity between inshore and oceanic waters would be the result. The ESP report (pg 121) states “Connectivity is integral to the functioning of marine ecosystems” highlighting the need for better connectivity in zoning arrangements. This would strengthen protection for 12 biologically important areas that have no, or inadequate, representation within Marine National Park Zones.¹¹ Management arrangements could also be simplified if state and commonwealth IUCN II areas are connected. The Wunambal-Gaambera people hold native title over much of this area and their views should be paramount in zoning and management decisions.

This part of the North Kimberley has no existing or proposed oil and gas leases, unlike the Browse and Bonaparte Basins, and the levels of recreational and commercial fishing are very low.¹²

The former Western Australian premier, Colin Barnett, has shown an exceptional commitment to preserving this spectacular area of Australian waters by implementing the Great Kimberley Marine Park. This park has 17 proposed and existing sanctuary (green) zones, while the Kimberley reserve has only one. Environs Kimberley strongly urge the commonwealth government to follow the vision of the former West Australian premier and the WA Liberal party and include a marine national park zone in the northern section of the Kimberley reserve.

⁹ WA Museum.

¹⁰ CCGS, 6/15; Proposed North Kimberley marine park, zoning recommendations

¹¹ Commonwealth of Australia, 2011.

¹² Larcombe et al 2006; National Native Title Tribunal, 2014.

Recommendation 7 – That the remainder of the Kimberley CMR be changed to Habitat Protection Zone (IUCN IV)

The enormous 11 meter tidal movements and the prevalence of violent cyclones in the Kimberley reserve make mining a risky activity. The 2009 Montara oil spill, the Chevron drilling-rig accident near Barrow Island and the grounding of the Westsea Tripet rig tender are examples of recent oil and gas accidents in the North west. Luckily the Montara spill was far enough away from the coast to not impact the Kimberley reserve. If a Montara like spill occurred within the reserve the damage would be extensive due to the prevailing ocean currents and tides drawing the spill southwards and onto the coast. As evidenced by the Montara incident these spills cannot be contained.

The Kimberley marine tourism industry has been operating for 30 years, is steadily growing and is estimated to be worth \$63 million p.a. in 2015¹³. The product this industry sells is a pristine wilderness experience to customers globally. Development of oil and gas in the Kimberley reserve will have a profoundly negative effect on the ability of the Kimberley cruise industry to market their product as it will erode the very reason international travellers are willing to pay high prices (up to \$30,000 per head) for a Kimberley cruise. Already this wilderness experience is being eroded by oil and gas rig tenders unnecessarily anchoring inshore in full view of tourists. Of particular importance to the tourism industry is the Lacepede islands and the waters of the Dampier peninsula. All cruise boats traverse these waters, with many offering wildlife viewing at the Lacepede islands.

A habitat protection zone will not affect the Broome Prawn Fishery, Kimberley Prawn Fishery or the Kimberley Mackerel Fishery¹⁴ resulting in a very low impact on commercial fisheries. Environs Kimberley strongly urge the final plan to include a habitat protection zone over the most spectacular and unspoilt wilderness area within Australia's marine reserve network.

¹³ Carlsen 2015; The economic benefits of creating a world class GKMP.

¹⁴ WA Department of Fisheries, state of Fisheries report 2014/15

