



Guidance on key terms within the Blue Whale Conservation Management Plan

September 2021

This guidance on key terms within the [Conservation Management Plan for the Blue Whale](#) has been produced by the Department of Agriculture, Water and the Environment (DAWE) and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

The blue whale is listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as endangered, and the Blue Whale Conservation Management Plan has the status of a recovery plan under s269A(2) of the EPBC Act.

The Blue Whale Conservation Management Plan (the CMP) has been created to minimise the anthropogenic threats to the blue whale (*Balaenoptera musculus*), with the long-term objective of improving populations so that they are no longer listed as a threatened species under the EPBC Act. As a conservation and species recovery document, the plan is not specifically focused on environmental regulation, but does have ramifications for the assessment and approval of projects. As a result, this joint guidance document has been created to assist proponents in developing projects in areas where interactions with the blue whale and species habitats may occur.

There is a need to provide for clear and reasonable advice on the application of the Conservation Management Plan for the Blue Whale (2015-2025), a recovery plan under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) by regulators and proponents alike. Department of Agriculture Water and the Environment (DAWE) prepared the plan and is the policy agency.

The CMP needs to provide practical guidance enabling consistent application to facilitate the actions, outlined in the CMP, delivering on the plan's objectives.

Definitions of terminology in the CMP are needed to achieve this, these definitions should be considered in the context of the overarching recovery objectives for the species.

Element	Definition
Recovery Plans	The CMP was made under s269A(2) the EPBC Act – it is a legal requirement to ‘not act inconsistently’ with objectives and specific actions. The Conservation Management Plan for the Blue Whale conforms to the International Whaling Commission’s (IWC) ‘Conservation Management Plan’ (Plan) format, while also meeting the requirements of a recovery plan under the EPBC Act.
Recovery plan actions	Specific actions are designed to deliver tangible results against recovery plan objectives to minimise anthropogenic threats and allow for the conservation status of the blue whale to improve, so that they can be removed from the EPBC Act threatened species list.
Biologically important areas	<p>Through the development of Marine Bioregional Plans, Biologically Important Areas (BIAs) have been identified for blue whales. BIAs are not defined under the EPBC Act, but they are areas that are particularly important for the conservation of protected species and where aggregations of individuals display biologically important behaviour such as calving, foraging, resting or migration.</p> <p>BIAs have been identified using expert scientific knowledge about species’ distribution, abundance and behaviour. The CMP states that it is not currently possible to define habitat critical to the survival of blue whales. To date the best information relates to biologically important areas where foraging occurs. These foraging areas can be considered important to the survival of blue whales as they seasonally support highly productive ecosystem processes on which significant aggregations of whales rely.</p> <p>Foraging Areas are described on page 21 and mapped on page 17 of the CMP. These CMP mapped areas correspond to BIAs for the blue whale and pygmy blue whale (foraging of varying density and likelihood) mapped in the National Conservation Values Atlas (NCVA).</p>
Legal requirement - Action A.2.3. from the Blue Whale CMP:	The intent of this requirement is to ensure that any blue whale can continue to forage with a high degree of certainty in a Foraging Area, and that any blue whale is not displaced from a Foraging Area. In instances where a threat of environmental harm exists and there is scientific uncertainty as to the outcome, a precautionary approach must be taken.
“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”	<p>A precautionary approach should be taken to the management of industry activities proposed to occur in or adjacent to designated BIAs (Foraging Areas) due to the increased likelihood of whales foraging in those locations at critically important times.</p> <p>Activities proposed to occur outside designated Foraging Areas must adopt best practice adaptive management approaches in the event that indicators of whale foraging (such as aggregating in a particular area) are evident to ensure that impacts to whales are not unacceptable e.g. injury or displacement.</p>
Definition of ‘a foraging area’	<p>Foraging –verb (i) to wander in search of supplies. (Macquarie Dictionary 8th ed. 2020)</p> <p>Feeding - verb (i) to take food; eat; graze. (Macquarie Dictionary 8th ed. 2020)</p> <p>Noting the potential for whale foraging and feeding to occur in areas of high primary productivity outside of designated Foraging Areas, consideration also needs to be given to management of industry activities and underwater anthropogenic noise where opportunistic foraging potential exists.</p> <p>In areas other than those identified in the CMP or NCVA (described in points (i) and (ii) above), where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used during industry activities to prevent unacceptable impacts (ie, no injury or biologically significant behavioural disturbance) to blue whales from underwater anthropogenic noise. In-field observations of actual whale feeding are difficult to detect, so indicators of probable foraging should be used as a proxy.</p>

Element	Definition
Definition of 'displaced from a foraging area'	<p>The recovery plan requirement, Action A.2.3, applies in relation to BIAs. A whale could be displaced from a Foraging Area if impact mitigation is not implemented. This means that underwater anthropogenic noise should not:</p> <ul style="list-style-type: none"> - Stop or prevent any blue whale from foraging - Cause any blue whale to move on when foraging - Stop or prevent any blue whale from entering a Foraging Area <p>It is considered that a whale is displaced from a Foraging Area if foraging behaviour is disrupted, regardless of whether the whale can continue to forage elsewhere within that Foraging Area. Mitigation measures must be implemented to reduce the risk of displacement occurring during operations where modelling indicates that behavioural disturbance within a Foraging Area may occur.</p>
Definition of 'injury to Blue Whales'	<p>For the purpose of interpreting and applying Action Area A.2 of the Blue Whale CMP, injury is both permanent and temporary hearing impairment (Permanent Threshold Shift and Temporary Threshold Shift) and any other form of physical harm arising from anthropogenic sources of underwater noise.</p>