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Dear Dr Vogel,

**Re: Seabed Mining in the Northern Territory - Environmental Impacts and Management, Draft report**

On behalf of the Amateur Fishermen's Association of the Northern Territory (AFANT), I thank you for the opportunity to comment on the Review of Seabed Mining in the Northern Territory - Environmental Impacts and Management draft report (the draft report). This brief response will highlight key elements of the draft report that our organisation considers NT policymakers need to pay particular attention to. Further, it is proposed that the potential impacts to recreational fishing should be given greater visibility in the final version of the report. Finally, noting that all feedback received will be collated and forwarded to the Government it is argued that given that the draft report highlights a range of serious potential social, ecological and economic impacts, and that identifies impediments to regulating many forms of seabed mining, the Northern Territory Government should keep the Moratorium in place either permanently, or continue the moratorium for an extended period.

**Recreational fishing and the report**

As the peak body for recreational fishing in the Northern Territory, it is AFANT's role to represent the interest of all recreational fishers, including our individual members, fishing clubs, fishing associations and related businesses. For thousands of Territorians fishing is an important part of their culture, social life, and well-being, and for many, life in the NT is simply unimaginable without reliable, high-quality fishing experiences. Recreational fishing supports a range of benefits for Territory individuals, families, and businesses. In addition to the 30,000 locals who go fishing each year, the Northern Territory welcomes tens of thousands of visitors who travel to the Top End just for fishing. Sustainable, inclusive, and world-class; NT recreational fishing contributes millions of dollars to our local economy annually.

The draft report has identified that many forms of seabed mining have the potential to impact permanently on marine ecosystems and coastal processes. Current applications for seabed mining (and the adjacent areas) that would be impacted, include areas of reefs, seagrass, and sandy and muddy benthic habitats. The health of these habitats, and surrounding areas, including mangroves and estuaries which will also be impacted, are essential to supporting NT recreational fishing experiences. If important fish habitats are removed or degraded by seabed mining, there will be significant detriment to recreational fishing.

The NT's unique, healthy ecosystems and intact coastal processes underpin the productivity of our world class fishing and fishing experiences. While the report does briefly note the potential for seabed mining to impact upon recreational fishing, and lists possible economic detriments to the recreational fishing tourism sector, this should be expanded to include the retail and service sectors that depend on recreational fishing. Further, it is simply not possible to measure impacts to recreational fishing without also considering the potential loss of cultural, social, health and wellbeing benefits that would also occur should important fishing areas, or fish stocks, be negatively impacted by new activity in the form of seabed mining.

## **No Go Zones**

AFANT has previously advocated for a permanent or long-term ban on seabed mining, and while this remains our considered position, given we are not the decisionmakers, we acknowledge that it is important to engage with the content of the report; with a view to informing relevant recommendations in the final version. One of the first recommendations in the draft report is that should any form of seabed mining be considered in the future, then marine environment protection 'no go' areas for areas with high biodiversity, economic, recreational and/or cultural value, should be established to prevent harm (p.64).

It is our contention that relevant lessons can be learned from The Hydraulic Fracturing Implementation Plan, whereby the regulatory approach to establishing no go zones, has arguably not fully met community expectations. The Onshore Shale Gas regulatory process for identifying no-go zones is flawed and especially unsuited for application to the marine environment for the following reasons:

- The fracking no-go zones were largely based upon internal government feedback (in the case of tourism areas) or existing databases such as the now somewhat dated and limited Sites of Conservation Significance database. These criteria/databases do not cover all areas that require protection.
- There is still no pre-agreed and transparent process to nominate potential no go areas, nor to assess their nomination. Instead, the default position is that a proponent must make the case to the Minister responsible.
- The EPA's seabed mining draft review finds that data on coastal and marine environments and systems is comparatively much more limited than for terrestrial sites. Highlighting the need for stakeholder and specialist input, as well as an ability to evolve as information becomes available.

For the above reasons, it is argued that should any seabed mining be permitted, the regulator should work with the community on a transparent and fair process for the identification, nomination and criteria for assessment of No Go Zones for seabed mining, to inform recommendations to the Minister for a formal declaration.

## **Recommendations and Conclusions**

It must be noted that the EPA have produced a high-quality report, bound somewhat by the Terms of Reference. As an organisation with a great stake in the marine environment, AFANT is pleased that the authors of the draft report have been able to clearly identify and explain the risks that need to be managed, as well as highlighting a range of anticipated risks that either cannot be reasonably managed through regulation, or that cannot be managed due to the prohibitive cost of collecting the information required to inform suitable assessment. Furthermore, the report finds that that impacts from seabed mining will likely extend well beyond the activity footprint due to connectivity of the marine environment, meaning that localised projects may have far ranging impacts.

The potential impacts to the environment and existing values (including recreational fishing) are not commensurate with any impact to an industry that does not currently exist, especially one that is certain to be very difficult to regulate effectively. It is AFANT's position that that it would be inappropriate for the EPA or the NTG to give equal weight to the recommendations for best practice management, and the conclusions in the report that clearly raise major concerns with seabed mining, including:

- That currently, the lack of adequate environmental information and knowledge about the existing condition of environmental values and the potential impacts from seabed mining is a major barrier to the robust environmental impact assessment, approval, and appropriate conditioning of seabed mining in the Northern Territory;



- That there is difficulty in applying known management measures to poorly understood marine environments. This contributes to uncertainty about the effectiveness of management and mitigation measures;
- That the NT EPA considers that environmental offsets cannot currently be readily or easily applied to seabed mining proposals in NT coastal waters; and
- Effective rehabilitation and biological recovery is unlikely to be feasible where seabed mining removes or alters extensive areas of the seafloor or for seabed mining proposals greater than five years duration.

Given the above, it is AFANT's recommendation that final report strengthens its language around the doubtful potential for seabed mining to be satisfactorily managed at this time. Further to this, and with the knowledge that this submission will be forwarded to the Northern Territory Government; that the following occur (in order of preference):

1. The NTG declare a permanent moratorium on all seabed mining, in all waters and intertidal zones, in acknowledgement of the unacceptable risks to existing values including recreational fishing and the likelihood that according to the NT EPA, in most cases such risks cannot be practicably mitigated to satisfactory levels.
2. The NTG declare a 10 year extension to the moratorium noting that future improvements in data availability and technology may allow for a reassessment as to whether some risks may be mitigated to satisfactory levels at a time in the future.
3. If the NTG decides to allow the development of seabed mining, it must begin with a moratorium for all areas until a comprehensive process for establishing No Go Zones and the completion of Strategic Regional Baseline Assessments, undertaken by independent researchers and overseen by representative stakeholders, is completed for each area being considered for development.

Should you require any further information, please do not hesitate to contact me directly.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Ciaravolo".

David Ciaravolo  
Chief Executive Officer

09/11/2020