



Department of  
**Primary Industries and  
Regional Development**

# MID WEST AQUACULTURE DEVELOPMENT ZONE MANAGEMENT FRAMEWORK

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## 1 INTRODUCTION

The Western Australian Government is committed to the development of a sustainable marine aquaculture industry. A key element of that commitment is establishing and managing investment-ready aquaculture development zones that have been environmentally assessed as strategic proposals under Part IV of the *Environmental Protection Act 1986* (EP Act). Approval of such strategic proposals allows early consideration of the identified potential environmental impacts and potential cumulative impacts of operations within the zone as a whole. Existing and future operators can then refer project proposals to the Environmental Protection Authority (EPA) as **derived proposals**, which incorporate the already-assessed environmental management and mitigation measures assessed under the strategic proposal. This results in a more streamlined assessment and regulation process for aquaculture operators and provides an investment-ready platform for investors.

The Mid West Aquaculture Development Zone (MWADZ) is located within the southern part of the Abrolhos Islands Fish Habitat Protection Area (FHPA), between the Southern and Eastern groups of the Abrolhos archipelago, approximately 65 kilometres west of Geraldton. The MWADZ is the second aquaculture zone to be established in Western Australia: the Minister for Fisheries (Minister) declared the Kimberley Aquaculture Development Zone in August 2014. The MWADZ is located in a part of the Western Australian coast where there is a confluence of both temperate and tropical sea life, forming one of the State's unique marine areas. This location presents a rare opportunity for the development of any of a range of marine finfish aquaculture species that occur naturally within the West Coast Region of the State.

The purpose of this document is to give an overview of how the documents associated with the MWADZ relate and an overarching description of how the Department of Primary Industries and Regional Development (Department) will manage the MWADZ.<sup>1</sup>

## 2 MANAGEMENT ARRANGEMENTS

### 2.1 The Management Framework

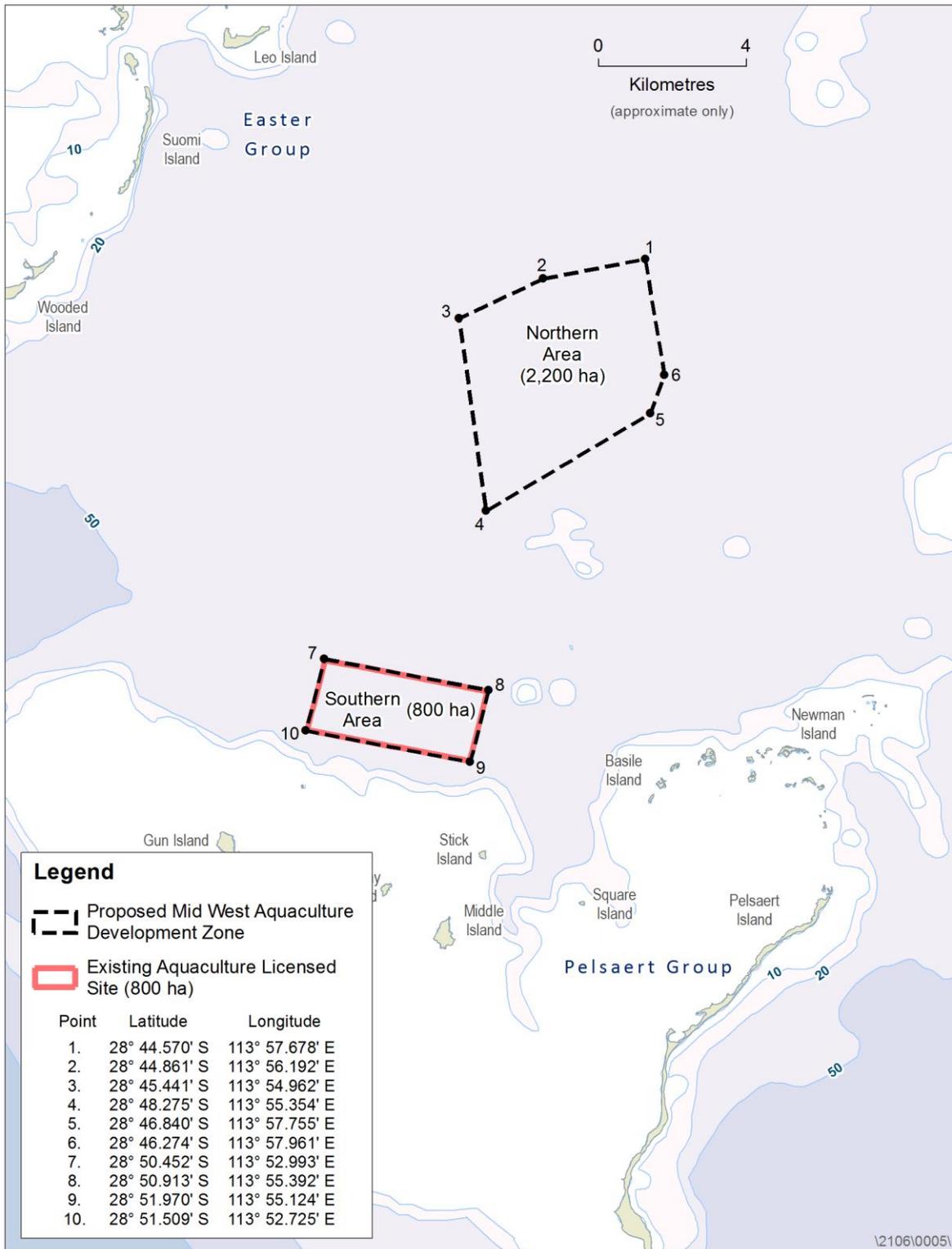
The Department will manage the zone within an integrated management framework, which encompasses the Department's relevant internal processes and approvals and the overarching strategic approval documents related to the environmental assessment under the *Environmental Protection Act 1986* (EP Act). **Figure 2** illustrates the overarching management framework and responsible agencies.

The purpose of the MWADZ management framework is to:

- establish an overarching, integrated structure for managing the aquaculture activities;
- provide clear, efficient and effective processes for monitoring, evaluating and reporting;
- continuously improve the approach being used to manage the zone;
- guide the development of marine finfish aquaculture; and
- ensure adaptive management occurs as part of a process of continuous improvement.

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<sup>1</sup> As part of the Machinery of Government changes the departments of Fisheries, Agriculture and Regional Development have been amalgamated to form the Department of Primary Industries and Regional Development (DPIRD). The functions of the individual agencies will be retained by the new agency, so DPIRD will be responsible for managing the MWADZ.



**Figure 1:** Location of the Mid West Aquaculture Development Zone.

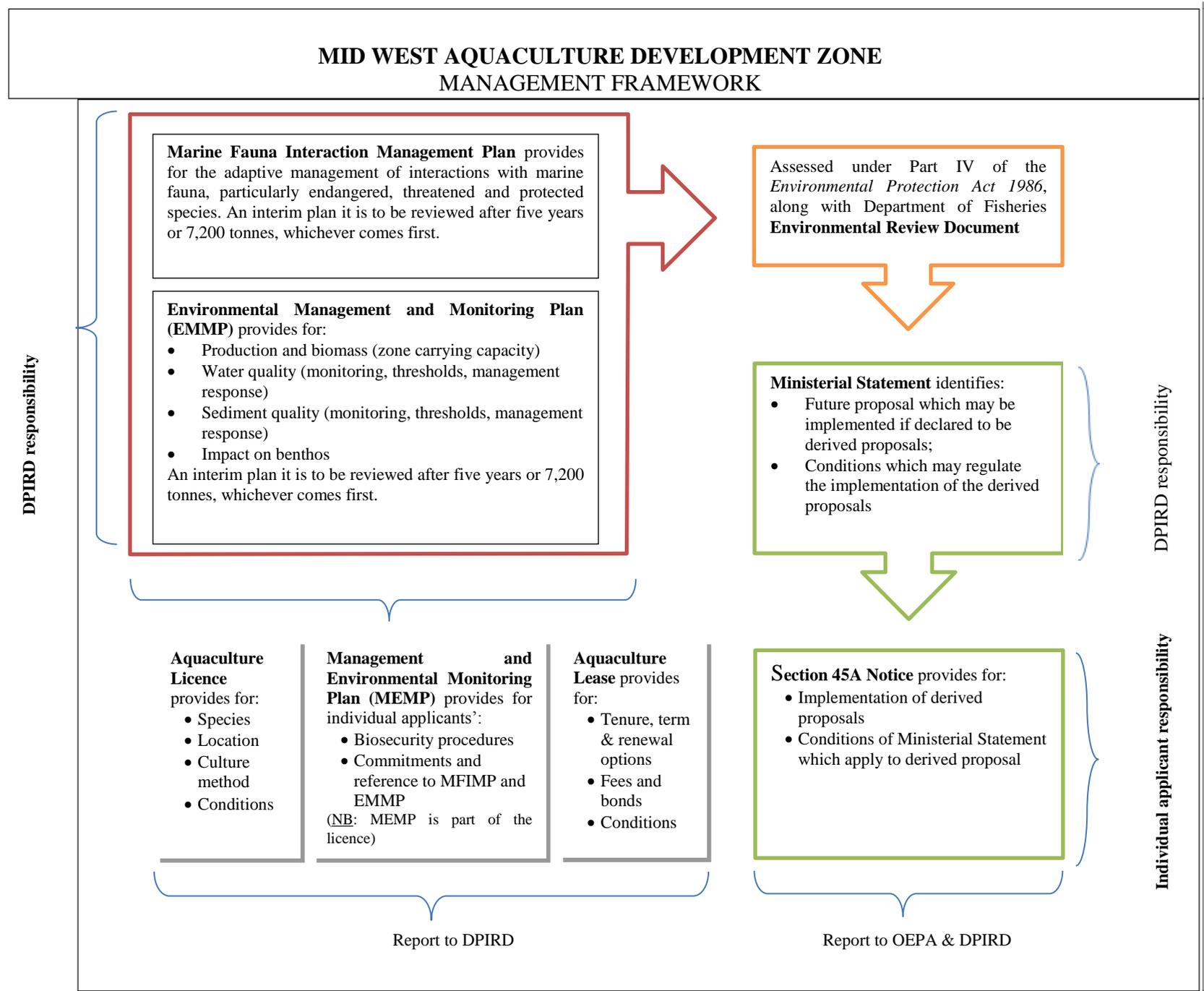


Figure 2

The management framework integrates the following documents and instruments that have jurisdiction in the zone under the FRMA and the EP Act:

- **Ministerial Statement** issued under Part IV of the EP Act, approving the establishment of the zone as a strategic proposal under that Act;
- **Environmental Monitoring and Management Plan (EMMP)** ensuring environmental quality and ecological integrity are maintained within acceptable limits;
- **Marine Fauna Interaction Management Plan (MFIMP)** ensuring marine fauna interactions are minimised;
- **Zone Biosecurity Plan (ZBP)** comprising a series of documents that guides the development of biosecurity plans for proponents in the zone;
- **Management and Environmental Monitoring Plan (MEMP)** giving effect (under the FRMA) to the requirements of the management framework, the EMMP; the MFIMP and the ZBP;
- **aquaculture licence** issued pursuant to s. 90 of the FRMA, authorising the aquaculture activity;
- **aquaculture lease** issued under s. 91 of the FRMA and providing suitable tenure;
- **notice(s)** (issued under section 45A of the EP Act approving the implementation of derived proposals); and
- *Environmental Code of Practice for the Sustainable Management of Western Australia's Marine Finfish Aquaculture Industry* [Aquaculture Council of Western Australia] describing aquaculture "best practice".

Collectively, the documents and instruments set out above:

- regulate the aquaculture activities within the zone; and
- guide specific approaches to management, monitoring and evaluation that are within the broader bounds of the management of aquaculture in Western Australia.

Of necessity, there is some overlap between the documents; however, they are designed to be consistent with each other and provide capacity for adaptive management.

## 2.2 Code of Practice

The Aquaculture Council of Western Australia (ACWA) has developed an updated *Environmental Code of Practice for the Sustainable Management of Western Australia's Marine Finfish Aquaculture Industry* (ACWA CoP).

An industry initiative, the ACWA CoP builds on the June 2009 Fisheries Management Paper No. 233: *Finfish Aquaculture in Western Australia: Final ESD Management Report for Marine Finfish Aquaculture*, published by the Department.

The ACWA CoP focuses on best practice through a documented environmental management system. It recommends a continual improvement requirement by the business through periodic reviews and evaluations to identify and implement opportunities for improvement.

Among its other objectives, the ACWA CoP provides a mechanism for environmental self-regulation of the marine finfish aquaculture sector as a valuable alternative to detailed regulation of every aspect of the industry's activity. It could also lead to the development of a system of environmental accreditation.

While the ACWA CoP is associated with the management framework, it is not a requirement under legislation. Compliance with it is voluntary, not mandatory and it is therefore considered outside (but supportive of) the legislative management framework. Importantly, where there may be inconsistencies between the ACWA CoP and other documents associated with the zone management framework, the zone management documents prevail.

### 3 LEGISLATIVE FRAMEWORK

Section 101A (2A) of the *Fish Resources Management Act 1994* (FRMA) provides the power for the Minister to declare an area of Western Australian waters to be an aquaculture development zone.

Prior to the Minister making the declaration for the MWADZ, the Department, on the Minister's behalf, referred the proposal to the EPA as a strategic proposal under Part IV of the EP Act. The EPA assessed the proposal and recommended the Minister for the Environment accept it as a strategic proposal. Further detail in relation to the environmental assessment and authorisations under the EP Act is provided below under item 4 *Environmental Assessment and Authorisations*.

Section 92 of the FRMA provides the power for the Chief Executive Officer (CEO) of the Department to grant an aquaculture licence, which authorises the licence holder to conduct aquaculture in Western Australia.

Under the FRMA, there is a requirement that applicants for aquaculture licences demonstrate they have, or will have, appropriate tenure over the area proposed for the aquaculture activity. In most cases, tenure over State waters may be granted through an aquaculture lease, issued under section 97 of the FRMA. In the MWADZ, both an aquaculture lease and an aquaculture licence will be required for undertaking aquaculture activities.

An aquaculture licence authorises the specific aquaculture **activity** undertaken within a defined site, whereas a lease provides **tenure** for the specified area of land or water. While aquaculture licences and leases have clear separation of purposes they are interlinked as provided for in the relevant sections of the FRMA:

- s.99(1), an aquaculture lease does not authorise the use of the leased area without an aquaculture licence;
- s.99(2), if an aquaculture licence authorising the activity being carried out in the leased area is cancelled or not renewed, the lease is terminated; and
- s.99(3), if an aquaculture lease is terminated or expires, an aquaculture licence authorising the activity being carried out in the leased area is cancelled.

The main purpose of this interrelationship is to prevent speculation or investment at a particular site for a purpose other than aquaculture.

Although the legislative framework also allows for adaptive management to achieve the best management outcomes through the imposition of licence and lease conditions, the MWADZ operates under a strategic proposal and as such to some degree is set by the overarching strategic approval. Licence and lease conditions may also be imposed to ensure future derived proposals make best use of any sites allocated within the zone; for example, performance

criteria will generally be a condition of leases to ensure the lease and licence are used for the purposes for which they were granted.

The FRMA also establishes an environmental management and monitoring framework for all sectors of the aquaculture industry. Under the provisions of section 92A of the FRMA, unless exempt under section 92A(4), applications for an aquaculture licence must be accompanied by a MEMP. The MEMP is the principal instrument by which the Department gives effect to this environmental management and monitoring framework. It relates and is attached to the aquaculture licence.

Aquaculture activities inside an aquaculture zone require a Category 1 MEMP. As these activities are subject to the provisions of the strategic proposal approval for the zone (see below), a Category 1 MEMP must incorporate (and refer to) the requirements specified in the following documents:

- Ministerial Statement/notice (issued by the Minister for Environment)
- Fisheries EMMP for the zone
- Fisheries ZBP for the zone
- Fisheries MFIMP for the zone.

Contravention of a MEMP or condition of an aquaculture licence or lease is an offence under the FRMA and penalties may apply. Further, the FRMA provides the power for the CEO to cancel, suspend or not renew an aquaculture licence.

#### **4 ENVIRONMENTAL ASSESSMENT AND AUTHORISATIONS**

The EPA assessed the zone as a **strategic proposal** under Part IV of the EP Act. The final documents that form the strategic approval for the zone are:

- Ministerial Implementation Statement;
- EMMP; and
- MFIMP.

The Ministerial Implementation Statement sets the conditions that apply to the implementation of future proposals referred to the EPA as derived proposals under the strategic approval. These derived proposals must reflect and demonstrate that they will implement all the conditions of the strategic approval. Upon receipt of this referral and request, the EPA will consider whether to declare the referred proposal a derived proposal having regard to the provisions in section 39B of the EP Act. Applicants should use EPA's *Environmental Protection Act 1986 'Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016'* for guidance when referring an aquaculture proposal and request to the EPA.

If the EPA recommends to the Minister for Environment that a referred proposal be a derived proposal, the Minister for Environment may then issue a notice (under section 45A of the EP Act) declaring the proposal is a derived proposal. The Minister for Environment may also specify which of the conditions of the strategic proposal will apply to implementing the declared derived proposal. It is an offence under the EP Act to fail to implement a proposal other than in accordance with the implementation conditions.

While unlikely, there may also be a requirement for assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. This could occur should aquaculture activities within the zone set off any of the environmental ‘triggers’ (e.g. unacceptable interactions with rare and endangered species) applicable to that legislation.

## **5 ENVIRONMENTAL MONITORING AND MANAGEMENT**

Environmental impacts within the zone are principally managed through implementing the requirements of the EMMP, the MFIMP and the MEMP (including ZBP) for the zone. The EMMP and the MFIMP are interim documents that will be reviewed after five years or 7,200 tonnes production, whichever is reached first. This is to allow the management and monitoring requirements to be managed adaptively, including a reduction in stringency should the any environmental impacts of the zone be less than predicted under the modelling used to evaluate potential effects under the environmental assessment.

It is the responsibility of each licence holder to manage their lease area within the environmental quality guidelines and standards outlined in the above plans. Licence holders must ensure competency in environmental sampling, timely results reporting and appropriate staff training.

Should multiple licence holders be operating within the zone, it may be in their interest to co-operate and share in environmental monitoring and reporting activities to avoid duplication of effort and the associated cost.

Licence holders should be familiar with the ACWA CoP, and operate in accordance with its recommendations.

## **6 ZONE SPECIFICATIONS**

### **6.1 Zone Manager**

On behalf of the Minister, the Department is the zone manager for the MWADZ. Among its other responsibilities within the zone, the Department is responsible for:

- the grant of aquaculture licences and administration of leases within the zone (leases are granted by the Minister for Fisheries);
- adaptive management through review of the EMMP and MFIMP and appropriate reflection in associated documents such as licence conditions;
- ensuring lease and licence holders comply with the MEMP, EMMP, MFIMP, and ZBP for the zone;
- ensuring the reporting requirements specified in Ministerial Statement and any subsequent s. 45A notices (under the EP Act) are met.

The Department will work in conjunction with the Department of Water and Environmental Regulation to ensure compliance with authorisations, such as the strategic and derived proposal approvals, provided under the EP Act.

### **6.2 Site Separation**

Within the zone, a minimum spatial separation distance will be established. This distance may be equivalent to two tidal incursions but that will be determined on a case-by-case basis. This requirement is principally aimed at minimising any potential biosecurity risks for operators. Details of all biosecurity requirements are contained in the ZBP.

### **6.3 Species**

Only marine finfish of a species that occurs naturally within the West Coast region of Western Australia will be permitted to be cultured within the zone. Broodstock must be sourced from local stocks.

Genetically modified fish (excluding triploids) must not be farmed.

### **6.4 Sea Cages**

The only proposed culture method in the zone to be permitted under the strategic environmental approval will be sea cages. The licence holder may determine the size and detailed specifications of the sea cages; however, they must meet the criteria broadly defined within the interim Marine Fauna Interaction Management Plan.

All aquaculture gear must be located within the lease boundary.<sup>2</sup>

All aquaculture gear must be maintained according to the best practice principles contained with the MFIMP and the ACWA Code of Practice.

Regular inspections and maintenance should be carried out to ensure the functions of aquaculture gear are not inhibited and the risk of negative marine fauna interactions is minimised.

### **6.5 Standing Fish Stock Biomass Limits and Production Capacity**

The strategic approval is for a stock biomass limit of 24,000 tonnes of marine finfish at any one time for the zone. For each licence holder, this zone biomass limit will translate to an individual biomass limit proportional to the licence holder's total lease area within the zone; that is, on the basis of a 24,000 tonne zone biomass limit, the maximum permissible biomass limit of marine finfish (based on live weight of fish) for each individual operator will be a total of eight tonnes per hectare, averaged over that licence holder's total lease area within the zone. For example, a 6,000 tonne standing biomass operation will require a minimum lease area of 750 hectares.

Consistent with the principles of adaptive management and as additional fish health and environmental monitoring data are generated; however, it is possible the standing biomass limits allowed within individual lease sites may be modified (up or down) through a new or varied licence condition. The purpose of any such adjustment made will be to maintain the

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<sup>2</sup> Under the FRMA, "aquaculture gear" is defined as any equipment, implement, device, apparatus or other thing used or designed for use for, or in connection with, aquaculture –

- a) whether the gear contains fish or not; and
- b) whether the gear is used for aquaculture or for navigational lighting or marking as part of aquaculture safety.

total zone production potential, while avoiding environmental triggers and complying with environmental standards.

In terms of the total fish production capacity of the zone, there are no specified limits. Rather, the production capacity of both the zone and the individual lease sites within it will be determined by the species under culture and the efficiency with which individual operators convert their respective standing stock biomass limits into harvested fish production. This approach promotes innovation and efficiency in fish farming operations, while providing management flexibility and a framework that is protective of the supporting marine environment.

The following operational data must also be collected by each licence holder monthly and submitted annually to the Department in an agreed format. This may extend to inclusion in the annual compliance assessment report required for derived proposals under the EP Act.

Parameter	Data required
Total standing biomass	kilograms for each species/licence
Total feed inputs	kilograms for each species/licence

## 6.6 Feed Inputs

Only certified (AS/NZS ISO 9001:2008 or equivalent) commercial pellet feeds or imported fish feeds and ingredients that meet the strict regulations of the Australian Quarantine and Inspection Service will be permitted. The use of alternative feeds will be assessed on a case-by-case basis and in accordance with best practice farming techniques for the species of interest. The routine prophylactic use of antibiotics in feeds will not be permitted.

Contemporary feeding technologies and practices should be used, where practicable, in order to minimise feed wastage and environmental impact.

## 6.7 Brood Stock and Juveniles

Movements of fish (brood stock and juveniles) into commercial aquaculture systems may be subject to translocation approval (see 7.3 below).

Broodstock must be sourced from local stocks.

Juvenile seed stocks must be sourced from licensed hatcheries or other approved source and must be certified disease-free to the satisfaction of the Principal Research Scientist in the Department's Fish Health section.

## 6.8 Marking and Lighting

The lease area must be marked with approved buoys, markers, lights and signage in accordance with the "*Guidance Statement for Evaluating and Determining Categories of Marking and Lighting for Aquaculture and Pearling Leases/Licences (2010)*". This Statement can be accessed at the Department's website:

[www.fish.wa.gov.au/Documents/aquaculture\\_licencing/marketing\\_and\\_lighting\\_guidance\\_statement.pdf](http://www.fish.wa.gov.au/Documents/aquaculture_licencing/marketing_and_lighting_guidance_statement.pdf).

These requirements will be a condition on the aquaculture licence.

## **6.9 Non-Exclusive Access**

Interference with aquaculture gear is an offence under the *Fish Resources Management Act 1994*. However, aquaculture leases are non-exclusive, meaning that the majority of commercial and recreational fishing activities are able to occur in aquaculture leases and will still be able to occur within the MWADZ.

It is important to note that some gear types may result in an incompatibility with aquaculture operations within the MWADZ.

## **6.10 Performance Criteria**

Performance criteria will likely be imposed through an Aquaculture Development Plan (ADP), under a condition of the lease, to ensure appropriate use of waters within the zone. Where licence and lease holders do not comply with conditions, the licence may not be renewed, the lease terminated and the site within the zone reallocated.

## **7 ZONE BIOSECURITY**

The zone will be treated as one biosecurity unit due to the relatively close proximity of aquaculture operations and the physical environment within the Zeewijk Channel. The Department has developed a Biosecurity Plan for the Zone (ZBP) that sets out expectations.

Biosecurity procedures for individual operations within the Zone are included in the MEMP. In their MEMPs operators should refer to the ZBP developed under the Zone Biosecurity Plan and provide it as an attachment to the MEMP.

Biosecurity procedures covered by the ZBP must include, but are not limited to, the following:

- record keeping (such as translocation approvals, health certificates, disease management records, fish escape reports, unusual mortality reports, internal and external stock transfers, facility and stock inspections, facility access records for staff and visitors);
- disease testing protocols and quarantine;
- biosecurity management of aquaculture gear, equipment, vehicles and vessels used (such as maintenance, disinfection and inspections);
- management of disease entry pathways such as feeds and feeding, and people (staff and visitors);
- disposal of waste (such as dead fish, diseased, contaminated or infected fish stocks);
- reporting arrangements (including unusual mortalities, disease, and escapes);
- management of fish escapes;
- biosecurity contingency plans and emergency procedures; and
- internal audit of biosecurity procedures.

### **7.1 Disease Management**

Disease prevention, rather than treatment, is vital in any aquaculture operation; this is especially true in an aquaculture zone where aquaculture operations may be located in close proximity to one another and therefore there is a greater chance of disease spread.

The following management strategies will be implemented to minimise the risk of a fish disease outbreak. In addition to the procedures and protocols outlined in individual MEMPs, licence holders must comply with the following minimum requirements:

- stock (fish) must be marine finfish of a species that occurs naturally within the Mid West region (a condition of the Ministerial Statement);
- all broodstock must be from a line originating in WA waters;
- all stock, must be certified free of any sign of clinical disease and accompanied by a health certificate issued by the Department before being moved into the zone;
- a stock health surveillance program and quarantine procedures must be implemented;
- a biosecurity manager for each operation must be appointed and responsible for ensuring biosecurity measures are implemented; and
- any pharmaceuticals such as antibiotics that are used must be prescribed by a veterinarian or approved by the Australian Pesticides and Veterinary Medicines Authority and administered in accordance with the recommended dosages.

In the event of a disease outbreak:

- the licence holder must report the outbreak according to section 7.2 below;
- any pharmaceuticals such as antibiotics that are used must be prescribed by a veterinarian or approved by the Australian Pesticides and Veterinary Medicines Authority and administered in accordance with the recommended dosages;
- stock must not be moved without the written approval of the Principal Research Scientist in the Department's Fish Health section;
- vessel movements between individual sites is to be restricted;
- disinfection of equipment, vessels and barges down to and including the waterline should be done prior to movement and in accordance with a Department approved decontamination plan; and
- any other aquaculture operators within the zone must be informed immediately.

## **7.2 Disease Incident Reporting**

Disease reporting requirements are stipulated in Regulation 69(d), (e), (f), (g) and (h) of the *Fish Resources Management Regulations 1995* (FRMR). All employees of operators within the zone must be aware of these regulations, which are intended to provide for adequate monitoring and adaptive management of any emerging disease risks.

Under Regulation 69, aquaculture licence holders must notify the CEO of the Department in writing within 24 hours of becoming aware or suspecting that fish may be affected by any significant or unidentifiable disease, and take all reasonable action to prevent the spread of any disease. Any material, significant or unusually high fish mortalities must be reported, as they may be caused by disease. To minimise the interval between the CEO first being notified of suspected disease outbreaks and the CEO giving directions appropriate to each incident in response, aquaculture licence holders must provide details of the disease outbreak, or suspected disease, as soon as possible (but within the prescribed timeframes) by e-mail to each of the following:

- [fishhealth1@fish.wa.gov.au](mailto:fishhealth1@fish.wa.gov.au); **and**
- [aquaculture@fish.wa.gov.au](mailto:aquaculture@fish.wa.gov.au); **and**
- [biosecurity@fish.wa.gov.au](mailto:biosecurity@fish.wa.gov.au)

The e-mails should have the subject heading: “NOTIFICATION TO CEO UNDER REG 69.”

E-mail notifications to each of these three addresses within the prescribed timeframes meets the requirements of both this management policy and those of Regulation 69.

Note that the new *Aquatic Resources Management Act 2016* and associated subsidiary legislation currently in development, are planned to come into effect in 2019, and will supersede the existing legislation.

### **7.3 Translocation**

Movement of fish (brood stock and juvenile seed stock) for commercial aquaculture purposes may be subject to translocation approval. Licence holders should refer to the “*Policy for Managing Translocation of Live Fish into and within Western Australia*” ([www.fish.wa.gov.au/Documents/biosecurity/dof\\_translocation\\_policy.pdf](http://www.fish.wa.gov.au/Documents/biosecurity/dof_translocation_policy.pdf)) and contact the Translocation Officer at the Department (by e-mail to [translocation@fish.wa.gov.au](mailto:translocation@fish.wa.gov.au)) prior to translocating fish.

This document, and additional information, is available on the website at [www.fish.wa.gov.au](http://www.fish.wa.gov.au).

### **7.4 Fish Escapes**

Any suspected escape of a significant number (i.e. greater than 100) of fish from aquaculture gear subject to an aquaculture licence within the zone, or circumstances which gives rise to a significant risk of escape, must be reported to the CEO of the Department by e-mail to [aquaculture@fish.wa.gov.au](mailto:aquaculture@fish.wa.gov.au) and [biosecurity@fish.wa.gov.au](mailto:biosecurity@fish.wa.gov.au) within 24 hours.

## **8 WASTE MANAGEMENT**

Waste within the zone must be managed in accordance with the ZBP and the Waste Management Plan. Requirements include, but are not limited to, the following:

- All waste must be placed in sealed waste containers, securely stowed and disposed of at a port on the mainland;
- If marine debris is sighted within or surrounding aquaculture operations it is the responsibility of the operators to remove and dispose of in accordance with the associated management plans.

## **9 COMPLIANCE AND REPORTING**

Licence holders must comply with all conditions associated with the strategic approval, derived proposal approval, FRMA legislation and all other relevant State and Commonwealth legislation. This includes licence conditions, MEMPs and any other management controls imposed by any relevant statutory or government authority from time to time in relation to the licence holder’s activities in the zone. In the event of any breaches of lease conditions or

management controls in relation to the leases in the zone, the lease holder (whether also the licence holder or not) is responsible.

Importantly, the licence and lease holder and not the Department is liable for any of the abovementioned breaches.

In summary, the e-mail contacts for the relevant reporting procedures are:

**Disease, suspected disease and unusual mortalities:**

[fishhealth1@fish.wa.gov.au](mailto:fishhealth1@fish.wa.gov.au) and  
[aquaculture@fish.wa.gov.au](mailto:aquaculture@fish.wa.gov.au) and  
[biosecurity@fish.wa.gov.au](mailto:biosecurity@fish.wa.gov.au)

**Fish escapes, suspected escapes or circumstances that may give rise to an escape:**

[aquaculture@fish.wa.gov.au](mailto:aquaculture@fish.wa.gov.au) and  
[biosecurity@fish.wa.gov.au](mailto:biosecurity@fish.wa.gov.au)

**MEMP report and exceedance of an environmental monitoring trigger value:**

[aquaculture@fish.wa.gov.au](mailto:aquaculture@fish.wa.gov.au)

## 10 AUDITS AND REVIEWS

Licence holders should have their internal audit mechanisms documented and conduct regular internal audits to ensure compliance with the requirements of this policy. Independent audits are more robust and are the recommended approach.

Periodic inspections of aquaculture licenced sites are undertaken by Compliance Officers to ensure adherence to licence and lease conditions. The number and type of inspections undertaken is usually dependent on the outcomes of compliance risk assessments that take into account a range of issues, including the likelihood and consequence of events such as:

- stock disease outbreaks;
- stock escapes;
- interactions with commercial, recreational and customary fishers;
- failures to comply with site marking and lighting provisions; and
- non-compliance with environmental monitoring requirements.