

Comments on: Draft Environmental Offsets Policy Discussion Paper

Page	Section	Comment	Alternative solution
	Offset policy in general	The alliance of PTBA (environment groups) does not support any offsetting program for threatened regional ecosystems. By readily endorsing an offsets policy, the government is sending the message that threatened species are replaceable and that Areas of High Conservation Value are commodities that can be traded, which they are not. Offsets, in any case, should only be used as a last resort after all other avenues have been exhausted.	Recognise the true value of our threatened species and Areas of High Conservation Value and ensure that they are protected in a satisfactory manner and not dismissed in favour of short-term financial gain for developers. The Government states confidently through policy development, damage can be offset; why then keep confidential the location of these offset areas? Transparency is essential to build trust in the environment sector.
	Lack of evaluation of existing offset programs.	There does not appear to be any evaluation of existing offset programs in the <i>Draft Environmental Offsets Policy Discussion Paper</i> . Considering the Department has been operating under a draft policy since at least 2007, and approving conditions that include offsets for over a decade, this is a missed opportunity to demonstrate the ability of using offsets as a mechanism to improve conservation outcomes, or at least result in 'no net loss'. Historically Queensland State Departments have consistently failed in the appropriate enforcement of regulatory processes to mitigate against environmental harm associated with mining.	Please provide examples of sites that have successfully been managed as offsets and have met all conditions of the offset. We ask that EHP publish its proposed methods for evaluating the effectiveness of the offset policy. Implementing a program that has not been proven to be successful defies logic and is a waste of the taxpayer's money.
1	An offset is an activity that ensures that	How is 'viability' defined and by whom?	Recognise that the value of our natural environment far outweighs temporary financial gain by

	development can proceed whilst maintaining the ongoing viability of the environmental matters.		developers.
1	The framework will support the government's four pillar economy by reducing green tape whilst allowing important projects to proceed without losing irreplaceable and highly valuable species and other matters of environmental significance.	<p>The flora and fauna on Bimblebox Nature Refuge that will be lost should China First go ahead is irreplaceable.</p> <p>Given the precedent set for the annihilation of a Nature Refuge, what assurance will be provided that offsets areas will be protected in perpetuity rather than 'the life of the mine', which in some instances may be as little as ten years?</p>	Do not mine Bimblebox or any other nature refuge.
1	This MOU is the first step towards pursuing a one stop shop for environmental approvals under the EPBCA, and removing duplication in assessment and approvals processes, whilst maintaining	<p>This statement leads the reader to believe that the Australian government will accept the destruction of parts of the Protected Area Estate for private commercial developments.</p> <p>The intent of 'forced acquisition' by the Queensland Government defies the undertaking by Tony Abbott that landholders have the right to self-determination in negotiating with resources companies.</p>	The Protected Estate should be just that, PROTECTED, in perpetuity, including all nature refuges.

	environmental outcomes.		
2	Once an administering authority under legislation has decided that an activity is required to provide an offset, the offset will be delivered in accordance with the offset framework.	<p>To which ‘administering authority other than DEHP’ are you referring?</p> <p>How is the value of the development determined to outweigh the value of the natural environment? Will there be a scientific/political body to determine how much mining and clearing for agriculture the Galilee and Bowen Basins can withstand and still maintain some ecological integrity?</p>	<p>Clarify who is the ‘administering authority under legislation’.</p> <p>Specify how the value of the development has been deemed to outweigh the value of the natural environment.</p> <p>Explain how ecological integrity of the areas slotted for mining will be maintained.</p>
3	The offset framework will also recognise that an activity may not result in an impact significant enough to warrant an offset. An offset will be required for a prescribed activity where the activity: -impacts on a matter of environmental significance; and -despite all practicable and cost-effective avoidance and	<p>What is meant by ‘adequately avoiding or mitigating an impact’?</p> <p>By significant impact do you mean an irreversible change or a change that in time allows the environment to recover and for fauna and flora to re-colonize an impacted site?</p>	<p>Define ‘adequately avoiding or mitigating an impact’ and ‘significant impact’.</p>

	mitigation efforts, that impact is a ' significant impact '.		
3	In relation to Matters of State Environmental Significance (MSES), these are the same matters that currently require offsets, with the exception of the following matters: -regrowth vegetation -grassland regional ecosystems that are not regulated under the Vegetation Management Act -threshold regional ecosystems.	The exclusion of regrowth vegetation, grassland regional ecosystems that are not regulated under the Vegetation Management Act and threshold regional ecosystems from offset requirements ignores the fact that their loss would represent a net loss to biodiversity of a region. Do the grasslands mentioned above include those that are listed as threatened ecological communities under the EPBC Act?	Explain why these have been excluded. What justifies the exclusion of threatened ecosystems such as grasslands?
3	In addition to these changes, offsets will not be required where an activity has an impact in an area zoned under a planning scheme for urban purposes,	Does this also include shorebird habitats such as those high water roost sites in and close to urban areas? Does this also include the ongoing clearing of remnant vegetation and clearing of habitats for threatened species along the Queensland coast especially for towns near estuaries?	Please clarify which habitats and justify your reasoning. Please specify whether this includes the ongoing clearing of remnant vegetation and clearing of habitats for threatened species along the Queensland coast especially for towns near estuaries and if so, please justify.

	<p>unless there is a significant impact on any of the following matters:</p> <ul style="list-style-type: none"> -endangered vegetation; -koala habitat in South East Queensland; or -fish habitat. 		
4	<p>What an offset must achieve</p> <p>It is intended that environmental offsets delivered under this framework will achieve a conservation outcome for the impacted matter(s). This will require the offset to maintain the viability of the matter, relative to the status quo (i.e. what would have happened had the development and the offset not occurred). The framework will</p>	<p>Will offsets be automatically measured, monitored, audited and enforced?</p> <p>It is highly improbable that there is suitable habitat that can be used to offset this unique Desert Uplands Bioregion, a problem which will be magnified significantly should all the mining projects in the region be given the go-ahead.</p>	<p>Specify, in detail and by whom, how offsets will be measured, monitored, audited and enforced.</p>

<p>provide that this can be achieved by:</p> <ul style="list-style-type: none">-maintaining the viability of the impacted matters of environmental significance;-including no more than 10% of the offset as research or education programs;-effectively accounting for and managing the risks of the offset failing to achieve a conservation outcome;-providing benefits to the impacted matter of environmental significance that are additional to the requirements of existing legislation;-being efficient, effective, timely, transparent, and scientifically robust; <p>and</p> <ul style="list-style-type: none">-having transparent		
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	<ul style="list-style-type: none"> • the sensitivity, • value, and • quality of the environment which is impacted, and upon • the intensity, • duration, • magnitude and • geographic extent of the impacts. 		
5	<p>However, this framework reduces the level of complexity and potential iterations of offset solutions, whilst <u>capping the maximum offset requirement at a ratio of 1:4</u> (other than for protected area estate offsets).</p>	<p>How was the maximum ratio of 1:4 determined?</p> <p>Is this possible for destroying Bimblebox Nature Refuge given the lack of suitably intact areas within the Desert Uplands Bioregion?</p>	<p>Please explain why the previous government's ratio of 1:8 was replaced by 1:4.</p>
6	<p>What an offset must achieve.</p>	<p>How is 'scientifically robust' going to be measured and achieved? What is the standard?</p>	<p>Explain standards and methods for measuring 'scientifically robust'.</p>

	being efficient, effective, timely, transparent, and scientifically robust;		
7	A proponent is required to undertake two calculations to determine the offset requirement: -the size of the offset obligation , based on the extent of impact on the matters of environmental significance;	How is the size of the offset obligation determined in the absence of baseline data?	Specify how the offset obligation is determined in the absence of baseline data
4-6	Proposed offset framework	The concept of biodiversity conservation appears to have absolutely no place in this section.	Explain why there is no evidence of scientific understanding of biodiversity conservation in this section.
6-7	Staging offsets	This section has completely and totally neglected to address cumulative impacts and has no basis in scientific data whatsoever.	Explain why cumulative impacts have not been addressed, why there is no scientific basis for the decisions listed and no evidence of species range acknowledgement.
7	The Strategy will be required to include the following information: -the proposed approach to phasing of the on-ground	There is no sufficient time to address any problems which might arise. Inevitably regional eco-systems will continue to be adversely affected.	Explain why sufficient time has not been allotted.

	<p>impacts and offset obligations (e.g. timing of offset delivery in accordance with the approved on-ground stages for the prescribed activity or in accordance with an approved plan of operations for the prescribed activity) -when the analysis of impacts will be provided to the administering authority for each phase, being no less than three months prior to intended start date for on-ground impacts to matter of environmental significance.</p>		
8	<p>These products will make it easier for developers to locate offsets and will ensure that offsets provide enhanced</p>	<p>These products do NOT guarantee 'enhanced and strategic outcomes' for our natural environment. They are based on politics, not science. They only benefit the developers, not biodiversity in any way shape or form.</p>	<p>Explain why politics trumps good science.</p>

	and strategic conservation outcomes.		
8	<p>Direct benefit management plans</p> <p>These plans will contain actions that directly benefit the matter impacted by development. DBMPs will also improve our knowledge, understanding and management of matters of national and state environmental significance – leading to improved conservation outcomes.</p>	Where is the explanation of how this will occur?	Please give a detailed description of how these management plans will in fact deliver a direct benefit to MNES.
9	<p>TRIGGERING LEGISLATION (Sustainable Planning Act (vegetation, marine, koalas), Nature Conservation Act, Environmental</p>	This policy in no way guarantees the delivery of a conservation outcome for the impacted environmental matters.	

	Protection Act, State Development and Public Works Organisation Act, Environmental Protection and Biodiversity Conservation Act (Commonwealth)		
11	Attachment One; Summary of key issues highlighted through stakeholder consultation. Focus should be on ecological outcomes with less reliance on numerical ratios that have little or no scientific justification.	How is 'ecological equivalence' to be achieved for threatened animal species? These are usually in a limited distribution and of small abundance. Animals can't simply move from the forest being felled or the dam being drained into a neighbouring dam or forest with good prospects of survival as the new territory is already occupied by animals that would compete with or prey upon them, and unlikely resources will be the same e.g. old hollow trees for nesting, food-plants, protection logs.	
11	Determining offset liability Activities on protected areas may be immediate and long term. An offset should compensate for the full suite of natural and cultural values	Why is biodiversity not mentioned here (or anywhere else in the document for that matter)? How will this policy compensate, or take into account, the loss of carbon storage areas? What plans are in place to make up for that loss?	Explain why biodiversity is not at issue here or anywhere in this document. Explain how the policy compensates for or takes into account the loss of carbon storage areas and what the government's plans are to make up for that loss.

	impacted by the activity, including current and future values relating to the provision of ecological services (clean air, water, carbon storage etc), recreation and tourism opportunities, grazing, scenic amenity, and cultural and spiritual significance.		
11	In order to determine the quantum of impact, a simple "ratio" or multiplier has been used.	How did you arrive at this ratio?	Explain how you arrived at this ratio.
11	These ratios are directly proportionate to the level of legislative protection and the corresponding level of public benefit (based on the significance of protection that the values are afforded). The ratios account for	How will you estimate these? How will you cost environmental values?	Explain how the impacts will be estimated and how the costs will be determined.

	<p>both the primary impacts that occur within the impact area (impact footprint), but also the secondary impacts that occur, such as habitat fragmentation, edge effects and changes to ecosystem function.</p> <p>The ratios also account for:</p> <ul style="list-style-type: none">-the lost public benefit values that result from the land no longer being available for the public to enjoy or the community to benefit from.-the lost effort and investment applied over time to maintain and improve the value and condition of the protected area, and the lost opportunity for future use caused by the impact.-the likely costs of replacing the values.		
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12	Table One: Offset ratios for protected areas	Are you seriously looking at offsetting National Parks?!?! This may have been done on a small scale in the past but it is highly unlikely that today you would be able to locate a large offset of national park quality, no matter what ratio you applied.	If you are indeed seriously looking at offsetting national parks, please explain in detail how you can justify this and how it will be done.
12	Offset delivery options An offset for an authorised impact on protected area may only be delivered as a financial settlement.	The proposed payments listed in this section are nowhere near sufficient to even begin to replace the value of Areas of High Conservation Value that will be irretrievable.	Explain how it is possible to put a price on irreplaceable Areas of High Conservation Value.
13	EHP will be responsible for ensuring delivery of conservation outcomes for the particular impacted matters.	How will EHP guarantee that this will happen and if it does not, what are the back-up plans?	Please describe how this will be implemented and give examples of successful past implementation.
13	The delivery of these projects will be over contractual periods with staggered milestone payments to parties over the life of the project.	What happens if the company defaults on the payments?	Provide an explanation of how this will be implemented and if implementation fails, what steps will be taken.
15	The landholder	Why are biodiversity values not mentioned here?	Explain why biodiversity values are not being taken

	<p>incentive payment is an upfront payment paid to landholders as motivation to participate in the offsets program. This payment is calculated using unimproved land value or lost production costs.</p>		<p>into consideration.</p>
15	<p>In practical terms, proponent-driven offsets can include but are not limited to things such as:</p> <ul style="list-style-type: none"> -protecting at-risk environmental assets, such as endangered ecological communities and regional ecosystems; -restoring and/or increasing essential habitat for threatened species; and -managing threatening processes 	<p>Will these be in the same bioregions?</p>	<p>Please specify if these will be in the same bioregions.</p>

	to reduce further losses and prevent the fragmentation of key areas.		
16-17	<p>Offset delivery plan The framework will specify the minimum requirements for an offset delivery plan, and supporting guidance and templates will be provided. The minimum requirements include:</p> <ul style="list-style-type: none"> -details about the activity to which the offset relates (e.g. approval number); -a map and suitable description of the offset area; -a statement outlining the matters of environmental significance that are addressed in the offset delivery plan; 	How will EHP ensure that offsets will be checked on a regular basis?	Please provide detailed descriptions of what staff and the budget that will be allotted to ensuring regular offset checks and specify how often these checks will occur.

	<ul style="list-style-type: none"> -management objectives, outcomes and actions (including restrictions on the use of the area) in order to achieve a conservation outcome for the matters; -identification of risks and risk management; -a yearly schedule of actions to ensure achievement of the management objectives, outcomes and actions; and -ongoing reporting in relation to delivery of the actions and achievement of the objectives. 		

Other feedback: The concept of offsets as presented in this paper assumes that knowledge of local biodiversity is sufficient, but in reality, this is more often than not, not the case. There is a fundamental lack of baseline surveys available to allow intelligent decisions to be made. There is an urgent need for comprehensive and reliable long-term records of the distribution of flora and fauna in each Queensland bioregion to underpin an offsets program.

Online databases to key flora and fauna species that are easy for landowners and others to use to upload biodiversity records in order to establish adequate baseline data would go a long way towards establishing a more acceptable offsets program.

This approach to offsets does not recognise that Areas of High Conservation Value and ecological connectivity across bioregions need to be conserved in perpetuity and removed from the developer's arena. This approach prioritises the needs of the developer over biodiversity conservation. It is not an acceptable approach for a government whose role it is to implement responsible policies that are beneficial to the people and to our State's natural environment.

In the case of mining Bimblebox, we do not argue solely for the Black Throated Finch or indeed the threatened regional-ecosystem but even more for the total loss of honour and regard for the citizens of Queensland committed to care of their environment. Not only has this care been at the cost of the owners of the Bimblebox Nature Refuge but also involves substantial funding by the tax payers of Australia.

The bird group members of Protect the Bush Alliance – BirdLife regional groups and Birds Queensland – are curious to know how matters of national environmental significance under the EPBC Act will be protected? The major reason why avian species are threatened is habitat destruction. So how are threatened avian species to be protected? What is their offset Ratio?

Also, how are avian species protected by the Ramsar Convention and the bilateral agreements JAMBA, CAMBA and ROKAMBA to be protected? Australia has agreed to protect their habitats while in Australia. How are these to be managed by offsets?

And finally, how are Important Birds Areas (IBAs) to be offset?