

Environmental Offsets Seminar (23 February Bold Park)

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I attended this seminar run by the Wildflower Society of WA (WSWA) . A diverse group of speakers spoke on the positives and negatives of environmental offsets.

The first speaker was Brian Moyle from WSWA who outlined some of the history of offsets. The EPA in a position statement in 2006 acknowledged there was a lack of overarching principles for offsets. At that time WSWA commented that the whole principle of offsets was inconsistent with the concept of no net loss, one can never achieve like for like or better. Offsets require ongoing monitoring and management which generally does not happen. They require a complex-require level of research and knowledge that is not available.

In 2008 the EPA released Guidance document 19 which again stated the concept of a net environmental benefit and then in 2010 a draft environmental offsets policy was launched.

The fundamental problems off offsets were repeated by many speakers throughout the afternoon, for example the fact that offsets are seldom implemented until after projects are started. In the past many offsets have been inappropriate – offsetting land on the Swan Coastal Plain for land in the wheatbelt, for example. Another bone of contention is offsets by way of giving money to DEC or other government departments, it is felt that research is finite whereas offsets should be in perpetuity.

Many offsets have never been implemented, for example Gwalia Nature Reserve at Pemberton, the Karana Project was offset with land east of Morawa that is still not listed as an A class reserve and at Ravensthorpe, offsets for the mine there also have never been implemented.

Folly Pool was given as an example of an offset that was never fully implemented. When the freeway went through there was some farmland adjacent to a wetland that was supposed to be incorporated into it. Main Roads were responsible for the offset. Weed mat was put down but was largely ineffective at stopping weed growth, however the weed mat is not allowed to be removed. The budget allocated for implementation was insufficient. No survey of the weed bank was done at the outset. The last move was to try and hand it over to the Wetlands Preservation Group to manage in perpetuity!

Who accepts responsibly for failed offsets? Often there is not enough attention paid to monitoring their progress. EPA resources are constrained and can't cope with the burden of monitoring the large number of offsets. Examples were shown of offset areas planted with no over- or under-story – little more than monocultures.

Mining companies pay bonds but only they are often only 25% of the cost of doing rehabilitation. Too often companies go broke and just walk away.

Luke Tacenko from the EPA then spoke on the new draft guidance document on environmental offsets which was out for public consultation recently. The document can be found at: https://consultation.epa.wa.gov.au/policy-and-guideline-development-and-review/eag_offsets

The previous three policy documents are being combined into one and modernised.

The phrase 'aspirational net benefit' is used and came in for a lot of criticism. When questioned, Luke gave an example of feral animal which benefits to all species not just one.

Lee MacIntosh from the Environmental Defenders Office spoke next. Her first point was that many good policies fall down on implementation. Offsets are supposed to be for significant impacts only, not all, or even most, projects. And who determines significance – the proponent, the regulator or the community? At the moment an admission of significance is required by the proponent!

Offsets should only be last resort, they should not replace management and mitigation. The first option should always be avoidance, then monitoring and then assessment.

One criticism is that many offset proposals try to offset things that should be done anyway.

Offsets should be assessed properly. You need to know their size (ha) and geographical location. They need to be assessed as part of a proposal not imposed as a condition after the public processes completed. They need to be monitored, audited and enforced.

There needs to be contingencies set in place if the conditions are not met and these should be in place before the project starts.

Offsets should NOT be a negotiation tool nor a means to buy an otherwise unacceptable outcome. They should NOT be a source of agency funding or merely a sum of money. Offsets are not for a set number of years, they are in perpetuity.

The comment was made as to why the EPA still has no assessment fees!

Offsets should NOT include third party actions or agreements. Third party actions and involvement are not enforceable offsets because they are not usually part of project and project conditions don't bind third parties.

Offsets should NOT involve double counting. It was interesting to learn that currently offsets are not listed in only one place so double dipping does occur.

Lee commented that the process as it stands is often not transparent, project proponents often try to claim commercial in confidence so they can avoid releasing information on their projects and the proposed offsets. A Wildflower Society member commented that they are often cited in proposals as being consulted when they never have.

One problem is that state Legislation doesn't deal with offsets at all. Most people also do not realise that they can refer something to the EPA at any time. So even after a project or offset has been started, complaints can be lodged.

Paradoxically, Lee said that what has worked best for compliance is self reporting – at least for large companies. This is because the CEO's of listed companies don't like non-compliance. But this doesn't work as well for small companies. The new compliance guidelines that will be in effect later this year are much better however companies can still outright lie.

Sarah McEvoy from DEC then spoke on the new Government Environmental Offsets Register which is expected to be in place by the end of July. This will be a totally public platform, able to be searched on a number of criteria and the data can be exported in .pdf or .csv format for further manipulation.

Mark Brundrett from DEC gave an extremely interesting talk on 'A Banksia Woodland Restoration Project – an offset case study.'

The offset of a sum of money (\$9.2M) was required as a result of a work being done at Jandakot airport. The money was required to be spent within 45 kms of the airport.

Mark described the process in some detail. The objective was to restore banksia woodland. A scientific approach was taken and the aim of the project included maximising the area restored and increasing the habitat for Carnaby's cockatoo and for *Caladenia huegelli*.

A number of sites which were ranked on a range of criteria. Many turned out to already be offsets for other projects. In many cases, land management was complex due to multiple owners such as Western Power and Greening Australia. The sites chosen were areas of cleared land (pasture) at Forrestdale Lake (6ha), Anketell Road bushland (12ha) and Ken Hurst Park (<1ha).

Fifty mm of topsoil over 17 ha at Jandakot was transferred and placed onto each site to the same depth. A logistical nightmare as each requiring 50 truckloads of soil for each hectare! Dieback assessments were done prior to moving the soil. Seed was collected from the project site from 2010. Weedy topsoil from the offset sites was removed. Plants came from a mixture of direct seeding, actual seed or division grown plants (as in the case of reeds and rushes) and planting days were held using Birdlife Australia and DEC staff. Within the project a number of trials on eg topsoil depth are being conducted. They are looking at the cost of Banksia grown from direct from seed or seedlings in respect of survival and subsequent growth. Final costs are estimated to be about \$30,000/ha not including labour.

The project unearthed a number of issues with seed quality – *Eucalyptus tottiana* a seed proved to be 95% frass! Other seed had poor germination due to issues with storage. So the project has shown areas for improvement and better procedures can now be set in place. Monitoring has shown that some of the plants that are regenerating are in numbers greater than desired eg woolly bush so there will be some culling.

Penny Hussey made the point later, in question time, that the Helena River Catchment Group ran an offset for Western Power and in her opinion it went well. Their group had good support from Perth NRM. A report on the project is in press. For them it provided money for work that would not have been otherwise done. Penny credits the success of the project to the fact that it was run by a community group.

The final speaker was an independent environmental consultant, Andrew del Marco on 'Offsets- addressing realities or public policy deficiencies?'

He commented that offsets are mitigation. The perception is that they replace like with like but they can't and don't. They are really only able to slow down the rate of loss of biodiversity. Bad decisions in the past unfortunately create a legacy. Government needs to set effective policy and legislation to improve standards. The Perth Biodiversity Project showed that from 2002-2009 there was 10,000 ha of land cleared of which 9000 ha was on the Swan Coastal Plain.

The community as a whole undervalues bushland in \$\$ terms. Environmental issues such as biodiversity conservation are too low in priority and as a society we are allowing development to proceed.

There is little or no measurement of the state of our biodiversity even though we have the technology to do so.

The public benefits of private conservation not accounted for. Offsetting is too easy. At the end of the day it is an economic consideration for the proponent. Offsetting is trying to make up for deficiencies in policy, given the political nature of this, the continued involvement of NGOs is critical.

During question time the point was made that the government has never responded to the state of the environment report. However the counter-argument is could the money spent on that report have been better spent in other ways?

This was a worthwhile seminar. Good information and I will try to obtain copies of the talks and links to some more of the references provided. Thanks to WSWA for organising a very informative afternoon.