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Save Ralphs Bay Inc Submission to the Tasmanian State Government on the Final Recommendations Report of the Inquiry into the establishment of marine protected areas within the Bruny Bioregion

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1. Comments on the proposed Marine Protected Areas (MPAs) in the vicinity of Ralphs Bay

1.1 Opossum Bay MPA

Save Ralphs Bay Inc (SRB Inc) strongly supports the declaration of the Opossum Bay MPA whose primary objective (as stated in the Report) is protection of Handfish.

This MPA protects critical habitat of the Spotted Handfish, *Brachionichthys hirsutus*, along the coast of the South Arm Peninsula outside Ralphs Bay.

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The Spotted Handfish is listed as Critically Endangered by the IUCN and is in danger of becoming the world's first extinct marine fish species since the scientific naming and recording of species began.

The Spotted Handfish is also culturally and historically significant for Tasmania and Tasmanians, since it was first discovered by the French explorer Peron in the late 1790's, and formally named and described in 1804, making it one of the earliest described fishes from Australian waters (Last & Bruce, 1996).

The Opossum Bay MPA will permit fishing with up to five hooks per line throughout the MPA. Save Ralphps Bay Inc is advised this poses little threat to the Spotted Handfish, as the fish are unlikely to be hooked. However, MPA status should help to protect the handfish from threats which impact on their habitat, such as disturbance of bottom sediments, siltation, pollution and loss of spawning substrate. (Recovery Plan, DEH)

1.2 South Arm MPA

Save Ralphps Bay Inc strongly supports the declaration of the South Arm MPA whose primary objective is protection of inter-tidal habitat for shorebirds and associated invertebrates and provision of a scientific reference area.

Populations of resident and migratory shorebirds have declined catastrophically in recent decades, following habitat loss resulting from coastal development.

Ralphps Bay provides vital year-round habitat for the Pied Oystercatcher and other resident shorebirds, as well as summer feeding habitat for migratory species which fly between Tasmania and Siberia. These birds are under tremendous pressure across their range, and need every protection Tasmania can afford them.

2. Comments on MPAs in the vicinity of Ralphps Bay, which did not make it to the Final Recommendations Report

2.1 Droughty Peninsula MPA

Save Ralphps Bay Inc strongly supports the declaration of the Droughty Peninsula MPA whose primary objective (as stated in the Report) is protection of Handfish.

The location of the Droughty Peninsula MPA was to be around this peninsula, both outside and inside Ralphps Bay.

The CSIRO fact sheet, "Local population of Spotted handfish in Ralphps Bay" clearly states, "A recent survey of the Spotted handfish population in March

2005 confirmed the existence of the threatened Spotted handfish in Ralphs Bay.”

Given the Critically Endangered status of the Spotted handfish, it seems unwise to limit its protected area to just one MPA (Opossum Bay, outside Ralphs Bay).

Unfortunately, the Droughty Peninsula MPA was dropped from the Final Recommendations. The Commission recommended against its inclusion in the MPA network, as it would replicate protection for the Spotted handfish provided in another MPA, and is in a highly degraded area, impacted by human settlement, heavy metals and an outfall.

However, the Commission acknowledges the draft MPA had the clear objective of protecting Handfish, and noted CSIRO’s interest in the area as part of their Handfish research throughout the lower Derwent Estuary.

MPA status for the Droughty Peninsula area would assist the survival of the critically endangered Spotted Handfish, by protecting the species from future impacts from further land-based activities, such as habitat disturbance and coastal development.

Save Ralphs Bay Inc urges the State Government to reconsider the declaration of the Droughty Peninsula MPA, ***but not at the expense of any other part of the proposed MPA network in the Bruny Bioregion.***

2.2 Ralphs Bay, Lauderdale

Ralphs Bay at Lauderdale was excluded from the Inquiry in the Minister’s amendment to the terms of reference, 8 August 2007.

However, at the time, the Minister made clear that the Ralphs Bay Conservation Area could be considered for MPA status, following the conclusion of the RPDC’s assessment of the Lauderdale Quays proposal.

Save Ralphs Bay Inc reminds the State Government of this unfinished business. We look forward to the assessment and declaration of the Ralphs Bay, Lauderdale MPA, following the rejection of the proposal to build 500 homes on this wetland which provides critical habitat for resident and migratory shorebirds, the invertebrate communities on which they feed, fringing saltmarsh species and juvenile fish, to name just a few of the values for which this we cherish this Conservation Area.

Save Ralphs Bay Inc urges the State Government to reconsider the declaration of the Ralphs Bay, Lauderdale MPA, ***but not at the expense of any other part of the proposed MPA network in the Bruny Bioregion.***

3. Overall comments on the Final Recommendations

Save Ralphs Bay Inc fully supports the RPDC's statement in the Final Recommendations Report that,

“This unique system of MPAs was not recommended just to help ecological sustainability and protect biodiversity. It was also recommended as a potential asset to the well being of Tasmanian society: providing for the aesthetic, recreation, tourism and knowledge building needs of our community and our visitors. The system of MPAs fulfils our obligations for protecting our marine natural heritage and provides opportunities and benefits for future generations.”

Save Ralphs Bay Inc strongly urges that, **at the very least**, the MPAs listed in the Final Recommendations Report of the Inquiry should be declared. Ideally, the Draft Recommendations should be revisited.

The Inquiry was carried out in an extremely thorough, transparent manner. All stakeholders had ample opportunity to comment in writing on the Background, Interim and Draft Recommendations Reports of the Inquiry, over a period from 2006 – 2007. Individuals and groups also had the opportunity to present their views at Hearings on each of these Reports. All comments and submissions to the Hearings were on display for all to read, on the RPDC website.

The inquisitorial nature of the Inquiry meant that the Panel actively sought out all relevant information and analysed it thoughtfully and in depth. In the Hearings, Panel members showed genuine interest and a wish to understand the information supplied by each presenter, as well as their views.

In short, this process was something for Tasmanians to be proud of.

The Final Recommendations are a pale shadow of the Draft Recommendations, since 69% of the area recommended in the Draft has been slashed.

The RPDC makes it clear that,

“The assessment of the final recommended MPAs shows that if any of these areas are not declared then the Strategy's primary goal to establish a comprehensive and representative system would not be met. If the size or level of protection for any of these recommended areas is reduced, then the primary goal to achieve an adequate system would not be met.”

4. Education and awareness requirements of the Tasmanian Marine Protected Areas Strategy 2001

The Primary Goal of the Tasmanian Marine Protected Areas Strategy 2001 (which provided the terms of reference for the Inquiry) is,

“to establish and manage a comprehensive, adequate and representative system of marine protected areas, to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Tasmania’s biological diversity.”

In support of this goal, the Strategy makes clear that,

"Education and awareness of this Strategy is therefore of the utmost importance. All parties must be well informed. The aims of the strategy must be clearly defined and understood. It is essential that all stakeholders who may be involved in, or affected by, Marine Protected Area development and/or management and the suite of issues that relate to them, be identified and a consultation and education process established....."

the education priorities... are as follows.

- **Develop an education and community awareness program to promote Tasmania's marine biodiversity, habitats and ecosystems.**
- **Develop an education and community awareness program to promote the role and benefits of establishing Marine Protected Areas.....**

The awareness and education component of the program will develop different types of materials for different audiences, including schools, resource users, government agencies, community and various non government groups. A wide range of education tools can be used, for example, public meetings, brochures, booklets and educational videos.”

Save Ralphs Bay Inc queries to what extent (if any) the State Government took up this public education challenge. We are not aware of any activities of this sort. We contend that the State Government has failed in this responsibility, with the result that the fear and anxiety generated in the fishing community following the release of the Draft Recommendations of the Inquiry was largely ill-informed and based on incorrect assumptions. Instead of correcting these assumptions, members of the government encouraged the community to believe that the RPDC was at fault.

For instance, on Tuesday 2 October 2007, Lin Thorp MLC was reported in the Mercury to have said that the State Government did not agree with the RPDC's (Draft) recommendations and that a review of its role was under way.

On Wednesday October 24 2007, the Mercury reported that Ministers David Llewellyn and Steve Kons had preempted the final result of the Inquiry and suggested the RPDC had gone outside its brief. A statement from Mr. Llewellyn confirmed that the Government, “would not support any recommendation from the RPDC that would adversely affect recreational or commercial fishing.”

The suggestion that the Commission had gone outside its brief implies the Ministers concerned were unfamiliar with the Primary Goal of the Tasmanian Marine Protected Areas Strategy 2001, and the step by step process prescribed by the Strategy, which the RPDC followed to the letter. Another alternative is that the Ministers were aware of the terms of reference of the RPDC’s Inquiry but had no respect for the proper process that was being carried out.

5. State Government damage to the RPDC Inquiry process. Pressure on the RPDC; pre-empting of the final MPA declarations; lack of Parks and Wildlife input; Primary Industry takeover of a biodiversity-driven Inquiry; lobbying of stakeholders during the final public comments period; incorrect information supplied to the public

5.1 Pressure on the RPDC to water down the Draft Recommendations

After the release of the Draft Recommendations, it appears the State Government applied considerable pressure to the RPDC to drastically reduce the proposed network of Marine Protected Areas.

This is in spite of the fact that the Bruny Bioregion is the “jewel in the crown” of the Tasmanian marine bioregions, containing world-renowned dive sites and with the highest percentage of endemic species in Australia.

According to Drs. Graham Edgar and Neville Barrett (NRM South briefing at Peppermint Bay, Seaweek 2008), Tasmania would already have been behind the states of Victoria and NSW in terms of area reserved, had we adopted the Draft Recommendations.

However, **the area recommended for MPAs has been slashed by 69% going from the Draft to the Final recommendations.**

As the RPDC stated, in the Final Recommendations report:

“In the final stage, the area of the representative system was reduced from a total draft recommended area of 38 407 hectares to a total final recommended area of 12 072 hectares. The resulting fourteen recommended areas is **as lean a system of MPAs as the Commission could determine whilst still complying with the terms of reference and the Strategy.** The boundaries and levels of protection for each area were

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determined to minimise social and economic impact as far as possible whilst still ensuring adequacy to meet the MPA objectives.”

5.2 Government rejection of “no-take” areas

Why is it that Minister Llewellyn, on behalf of the State Government appears to have flatly rejected no-take areas in advance of the Final Recommendations, the final public comments period and the final Cabinet decision, in defiance of the science, and with apparent contempt for the thorough investigation of this issue by the Commission?

As the RPDC stated in the Concluding Remarks of the Final Recommendations Report,

“This inquiry was driven by the Tasmanian government’s commitment to ensuring the long-term ecological viability of the marine environment and the protection of its biological diversity, as described in the Tasmanian Marine Protected Areas Strategy.

The Commission’s final recommendations arising from this inquiry comprise a system of fourteen marine protected areas. **Some of these areas have very high conservation values and have been recommended for *no take* status primarily to afford them minimal disturbance from humans. Some areas have been recommended as *no take* primarily for scientific reference purposes, so we can better understand and manage our marine natural heritage and resources.** Many areas are recommended to allow fishing, albeit with some restrictions to ensure the prime ecological values of those areas are conserved.”

5.3 Where was the Parks & Wildlife input?

In its Final Recommendations Report, the RPDC states,

“The Commission recommends that MPAs be reserved under the *Nature Conservation Act 2002* unless the primary objective for a particular MPA is protection of living marine resources.”

It goes on to say,

“The Commission re-iterates the recommendation that it made in the Final Recommendations Report for the Inquiry into the Establishment of Marine Protected Areas within the Davey and Twofold Shelf Bioregions (2003), that: *“The National Parks and Reserves Management Act 2002, the Nature Conservation Act 2002 and the Living Marine Resources Management Act 1995 be amended to enable biodiversity conservation of marine flora and fauna to be managed by the Director of National Parks and Wildlife.”*

The community has heard repeated commitments from Minister David Llewellyn that, “the Government will not be agreeing to any recommendations that restrict or prevent traditional fishing activities of recreational or commercial fishers.” However, the silence from Parks and Wildlife has been deafening. Why is this so?

In its Final Recommendations report, the RPDC notes,

“The Commission found that particular Government agencies were very cautious about contributing to the inquiry, so as not to be seen to be endorsing any particular views or outcomes. Despite direct requests, Parks and Wildlife Service (the likely managing authority) did not provide location-specific information on management requirements, and TAFI (the likely performance-monitoring agency) did not provide advice on areas most suitable as scientific reference sites or potential implications for fisheries.”

Is it the case that Parks and Wildlife did not draft a submission to the Inquiry, or is it the case that the combined agencies response provided by the Department of Premier and Cabinet excluded a Parks and Wildlife submission?

5.4. Why has Primary Industry and Water Minister David Llewellyn taken over the final public consultation?

“Biodiversity conservation of marine flora and fauna to be managed by the Director of National Parks and Wildlife” does not fall within Mr. Llewellyn’s portfolio.

Primary industry has no relevance to the Primary Goal of the Tasmanian Marine Protected Areas Strategy 2001, which provided the terms of Reference for the Inquiry.

Fishing is relevant to less than two of the eleven dot-points in the Secondary Goals of the Tasmanian Marine Protected Areas Strategy 2001, which provided the terms of Reference for the Inquiry.

5.5 Why was the public not provided with accurate information at the DPIW website, after Mr. Llewellyn took over the consultation?

The DPIW website clearly showed that Mr. Llewellyn’s department had little familiarity with the Inquiry. The site initially put up a map of Bruny Island in its “comments invited” section.

The Bruny Island map was highly misleading, since the Bruny Bioregion extends from Southport to Hellfire Bluff and includes the Huon and Derwent estuaries, Bruny Island, D’Entrecasteaux Channel, South Arm and Tasman peninsulas, the Pittwater area and any areas of coast between these.

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Following public feedback, the Bruny Island map on the DPIW website was replaced with a map of the Bruny Bioregion. However, the site continued to refer to the “*Bruny Island Bioregion*”, as late as Monday March 31st (halfway through the public comments period):



[Bruny Marine Reserves Report](#)

Public consultation until 16 April 2008 is welcomed for this report about the establishment of marine protected areas within the **Bruny Island bioregion.**

(emphasis added).

5.6 Why did the State Government consider it appropriate for the Minister for Primary Industry and Water to personally lobby fishermen on the MPA issue, during the final public comments period?

It appears that every recreational fishing license-holder in the state received a letter from the Minister, advising them of the public comments period and reiterating, “the Government will not be agreeing to any recommendations that restrict or prevent traditional fishing activities of recreational or commercial fishers.”

If it was prepared to go this expense, why did the State Government not send a similar letter to every National Parks permit holder?

6. Concluding remarks: why does Save Ralphs Bay Inc find the State Government’s actions so concerning?

The State Government’s actions in regard to the Inquiry into the establishment of Marine Protected areas are highly concerning for Save Ralphs Bay Inc, because they demonstrate,

- a lack of deep commitment to proper environmental planning processes
- an unwillingness to support proper environmental planning processes with public education and awareness programs
- a lack of familiarity with this Inquiry process, or lack of respect for it
- a willingness to undermine the RPDC in public
- apparent disregard for the input of key agencies

The proposed canal housing estate in Ralphs Bay is Tasmania’s fifth “Project of State Significance”, to be assessed by the RPDC.

The last Project of State Significance was the Pulp Mill. We know how much regard the State Government had for the thorough assessment of that project by the RPDC.

Members of the Government insisted, in 2004 and 2005, that Save Ralphs Bay Inc should trust the RPDC and its thorough, transparent processes. We

do, and we have been highly impressed by the Inquiry into the establishment of Marine Protected Areas within the Bruny Bioregion.

We only hope that the State Government will, somehow, acquire the political will to desist from interfering in the Lauderdale Quay assessment process.

7. References

BD Bruce and MA Green, (1998) The Spotted Handfish Recovery Plan. Spotted Handfish Recovery Team, March 1998, ISBN 0 643 061657

Department of the Environment and Heritage, Australian Government. Recovery Plan for the following species of handfish: Spotted Handfish – *Brachionichthys hirsutus*; Red Handfish - *Brachionichthys politus*; Ziebell's Handfish – *Sympterichthys* sp. [CSIRO #T6.01]; Waterfall Bay Handfish - *Sympterichthys* sp. [CSIRO #T1996.01]

Mark Green, Local population of Spotted Handfish in Ralphs Bay (fact sheet) CSIRO Marine and Atmospheric Research

P.R Last and B.D. Bruce, (1997). Spotted handfish. *Nature Australia*. 25(7): 20-21

Resource Planning and Development Commission. Background, Interim, Draft Recommendations and Final Recommendations Reports of the Inquiry into the establishment of marine protected areas within the Bruny Bioregion.