



Forest Industries Association  
of Tasmania

**Forest Industries Association of Tasmania Submission to  
“Giant Freshwater Crayfish (*Astacopsis gouldi*) Recovery Plan  
2005-2009”**

The Forest Industries Association of Tasmania (FIAT) is an industry association formed in 1983 to represent the interests of processors of Tasmanian forest products. Our members' activities are diverse and include the production of veneers, hardwood and softwood timber, pulp and paper, woodchip production and plantation forestry. Our membership includes companies with extensive holdings of freehold private land including considerable land area within the high suitability habitat range of *Astacopsis gouldi*.

FIAT's 18 member businesses include all of the State's larger processors of forest products, including a significant proportion of the crown sawlog output, as well as all of the veneer produced in the State. FIAT Members' activities account for more than 75% of the gross value of production in the forest and wood products industry in Tasmania.

FIAT appreciates the opportunity to comment on issues identified in the Giant Freshwater Crayfish (*Astacopsis gouldi*) Recovery Plan 2005-2009. In preparing this submission FIAT have provided general comment and have then addressed specific sections of the Recovery Plan raising issues of concern to FIAT members.

**GENERAL COMMENTS.**

FIAT are supportive of the formulation of pragmatic conservation strategies for threatened species but in our view any such initiatives must consider equitably a triple bottom line approach with an appropriate balance of economic, social and environmental imperatives. For example a 30 metre buffer on all class 4 streams might seem appropriate viewed solely from an environmental perspective but a consequent loss of in excess of 200,000 hectares of production forest with its resultant impacts on employment and regional communities would be excessive when balanced with social and economic imperatives.

Given the controversy surrounding the initial attempts to produce this plan, this draft on the whole genuinely appears to be seeking a political compromise, basing recommendations on solid science and provides the basis for real progress in the species recovery.

Further acknowledgement and support could be given to the existing Forest Practices System, acknowledging the existing effective systems, processes and management prescriptions in place to manage this species.

## **BACKGROUND INFORMATION**

Within this section of the plan there is reference to the members of the recovery team and that they include the “major land-use industries, forestry and agriculture”. FIAT are concerned and have made the Minister aware of these concerns that the forest industry was represented by the State’s public forest manager and there was not representation on the team from private forest owners or industrial forestry companies – both of whom have the potential to be significantly impacted upon by recommendations within the plan. The Draft Recovery Plan even states that “any measures to assist recovery of this species that involve restrictions on the use of riparian land may result in economic impacts on such businesses”.

We note that “State government support for protection of lobster habitat on private land may be available” and in this respect we note that any restriction on a landowner to use private land productively for reasons of public good must be compensable. The Forest Practices Act has a Landowner Duty of Care provision where the conservation of values beyond the duty of care is deemed to be for the community benefit and should be achieved on a voluntary basis or through compensation mechanisms where available.

A recent enquiry by the Joint House Standing Committee on Environment, Resources and Development of the Tasmanian Parliament made a number of findings in respect to the issue of compensation that might be payable in the event of any mandated requirement for a private land owner to contribute to the public good :-

### ***“Executive Summary***

*The adverse economic impact caused by legislation protecting natural and cultural values appears to have prompted almost all submissions to address financial issues of one sort or another.*

*A major concern was the need for fair and reasonable or adequate compensation for landowners disadvantaged by the need to preserve natural and cultural values on their land. The Forest Practices Act 1985 and the associated Forest Practices Code provide a compensation mechanism for those landowners unable to harvest timber for conservation reasons. The Threatened Species Protection Act 1995 also has provision for landowners to be compensated in cases of financial loss from measures to protect threatened species.*

*Evidence presented to the Committee indicated that the compensation processes were lengthy and there were disputes over the calculation of the amount of money offered to the landowner. Complicating the issue of compensation was the limited funding available to meet the expectations of landowners.*

## **Recommendations**

*The Committee recommends that: -*

- 1. The Tasmanian Government establish a rolling or revolving fund for the purpose of funding the conservation of natural and cultural values on private land by means of purchase, covenant and re-sale of parcels of land identified as worthy of protection.*

*The Tasmanian Government negotiate with the Commonwealth Government to secure matching funds for this rolling or revolving fund and tax deductibility for corporate and private donations to the fund.*

- 2. The Premier's Local Government Council investigate amending the Local Government Act 1993 to enable municipal councils to compensate private landowners for any financial losses resulting from actions of councils to protect natural and cultural values on private land.*

And at pages 41 and 42: -

### **3.2.1 Financial Matters**

*As this report has shown repeatedly, funding issues were often at the heart of the concerns of landowners and other witnesses who appeared before the Committee or made written submissions. Most prominent were compensation for financial losses as a result of conservation measures imposed on landowners and the need to meet the costs of ongoing maintenance of areas of land set aside for conservation.*

*It was suggested by more than one witness that an effective means of dealing with the first of these issues would be the setting up of a revolving or rolling fund to enable the purchase of land with a view to placing a conservation covenant on the title and then re-selling the property. The funds raised by the sale of the property would be paid into the fund for the process to begin again. Such funding mechanisms have already been shown to be effective by the Australian Bush Heritage Fund and the Tasmanian Land Conservancy, with the latter providing evidence to the Committee of its successful implementation in this State, albeit in a limited way.*

*The immediate difficulty is the provision of the initial seed funding and this is compounded to some extent by the prospect that, at least in the early stages, there could be great demands placed on the fund. The competing demands for State Government funds would seem to favour a joint arrangement with the Commonwealth in providing the one-off allocation necessary to establish the fund. The principle of the revolving*

*fund is that it becomes self-sustaining over time so further imposts on government would be very unlikely.*

*Given earlier comments about the need for the Tasmanian community to help bear the cost of such conservation measures, the State Government should be encouraged to consider an allocation from land tax contributions to set up this project. To minimise the impact on the land tax contributions, the allocation could be scheduled over a three to four year period. When combined with matching Commonwealth funds, such an approach would allow the setting up of a substantial financial resource to compensate landowners for costs incurred.*

(Joint Standing Committee Environment, Resources and Development - Conservation on Private Land)

## **DISTRIBUTION, RESERVATION STATUS AND HABITAT**

This section repeats the reference to consultation with land managers through representation on the recovery team. The land tenure table on page 11 shows that private land constitutes the bulk of land forming the actual and potential range of the species, however no private forest managers were represented on the recovery team. In our view this is a serious failing.

The figures quoted in the reservation status section appear to considerably understate the area which is in informal reserves as a result of the Forest Practices Code. As an example in the vast majority of forest practices plans that are developed currently, only 65-70% of the area in the FPP is harvested, most of the rest ends up in reserves and most of this is in riparian reserves, wildlife habitat strips and other conservation zones.

FIAT is very interested in the refinement of the mapping rules and the development of a draft 'habitat suitability' map and would be keen to be kept informed of the progress of this work.

## **THREATS**

This section of the recovery plan identifies that the principal threatening processes affecting *A. gouldi* are past legal and current illegal fishing pressure and habitat disturbance. It identifies that factors affecting the recovery of the species are the lack of enforcement of the fishing ban, poorly integrated natural resource management, and the lack of a State agricultural code of practice. It seems odd to FIAT that the most regulated and strictly enforced industry that is identified in the plan as posing a threat to the species, the forest industry, is going to have further prescriptive measures imposed on it though this plan whereas the less regulated and enforced industries namely fishing and agriculture are simply going to have education and awareness programs implemented.

FIAT are supportive of the notion that a State agricultural code of practice be developed that would be complementary to the Forest Practices Code and would guide land management practices within agriculture.

FIAT believe revegetation of redundant roads is unnecessary due to the fact that nearly all forest roads are built not only for the harvest of timber but for the ongoing maintenance of that forest. Forest areas after harvest need to be accessed for a number of management reasons and to meet legislative requirements under the RFA eg regeneration monitoring, fire management, plantation establishment, thinning, mensuration, research and development etc. An alternative would be to restrict access on newly created roads that allow access to suitable habitat. It must be kept in mind that access into many of these areas is trespass and is therefore illegal yet the forest owner needs to pay the additional cost to restrict access. Whilst effective restriction of access on public land may be problematic, the same cannot be said of private land.

## **RECOVERY OBJECTIVES, CRITERIA AND ACTIONS**

We note the second dot point in this section indicates that a Long Term Recovery Objective is:-

*Protected areas of high quality habitat have been increased to contain sufficient populations to ensure the species' viability.*

In our view this proposition proceeds from an incorrect presumption that further increases of protective habitat must be achieved. A better proposition and long term goal would be:-

*Sufficient habitat protection to ensure the viability of the species has been protected.*

This proposition does not proceed on a notion that any further 'increase' in protected areas will be required rather than an assessment of the adequacy of the level of protected high quality habitat.

With respect to the proposed awareness and education program FIAT are concerned about the singling out of forest industry workers for education programs. Is there evidence that these people need to be targeted? Are these people identified as a high risk group for illegal fishing and if not, why are they being targeted? It may be more appropriate to find sectors of the community ie fishing groups, farmers, TFGA etc and target them with an education program where there could be a demonstrated benefit from such a program.

With respect to improving agricultural and urban practices, FIAT would support the development of an agricultural Code of Practice. FIAT are concerned that currently the only way that agricultural land management practices can be improved is through community education and voluntary changes to land use practices. This method seems inequitable when an already highly regulated industry such as the forest industry is faced with very prescriptive measures being imposed on it. There must be equity between various categories of land management in the promulgation of a recovery plan.

The section that details improving forestry practices on public and private land refers specifically to the relationship between forestry operations and direct fishing pressure. The increased fishing pressure is **not** a result of forestry operations it is a direct result of people fishing illegally through no fault of the forest industry. The industry cannot be held accountable for other peoples actions and should not have to endure additional costs due to under resourced education and enforcement programs.

This section also states that “ANY activity that may impact on the integrity of the canopy or stream water quality in areas of high suitability habitat should be restricted”. This may be the case, but why is it that only forestry operations are being restricted in these areas and agricultural enterprises are allowed voluntary changes to land use practices. If we are serious about formulating a plan to protect this species there must be one set of cogent, clear and equitable rules for all land users.

In the second paragraph of this section it would be worth making specific reference to the Threatened Species Unit in the development of prescriptions in the Threatened Fauna Adviser.

Suggest changing the heading on page 23 to “Further enhancement of Forestry Practices on public and private land”, this acknowledges that there is an existing, effective regulatory system in place.

The plan also implies that chemical application is controlled by the Forest Practices Code. It is in fact controlled by state and federal Government legislation, which applies equally to both agriculture and forestry. Reference should therefore be made to agricultural chemical use in addition to forestry. Any proposed changes to chemical usage should be via the APVMA (ie label registration) or Codes of Aerial and Ground Based Spraying and not the Forest Practices Code. This will ensure equity between agriculture and forest industries and result in a better outcome for the species across tenure and land uses.

The section that details forest industry research programs appears to be unbalanced compared with research into other land managers practices. A further enhancement to this section would be the recognition of the existing extensive research program that the forest industry has contributed to and is continuing to contribute to.

## MANAGEMENT PRACTICES

As mentioned previously FIAT are concerned about the recommendation to revegetate redundant forestry roads. This term is not defined in the recovery plan and could therefore be open to interpretation. For example, a road constructed on private property to permit a forestry operation could be deemed redundant once that forestry operation is completed. The practice however is that such roads are used for a variety of reasons that may not include forestry. Is this a “redundant forest road”?

Chemical guidelines in this section should refer to health values not the guideline values.

## APPENDICES

In Appendix 3 we recommend that the High Suitability Habitat rules include as a dot point the sentence “relatively undisturbed lowland perennial streams with coarse substrates” rather than as a bracketed sentence. This is a very important criteria and needs to be specifically mentioned as such. The research that has been carried out by Davies, Cook and Sloane (March 2005) supports the suggestion that perennial Class 4 streams have substantially higher juvenile *A gouldi* densities than non-perennial Class 4 streams. Data sourced from Forestry Tasmania indicates that total reservation of riparian land within 30 metres of any headwater watercourse within 2 kilometres of potential habitat of *A gouldi* would result in a loss of in excess of 200,000 hectares of potential production forest much of which is situated on private land. Whilst this area may include some allowances for area which may become unviable between stream reserves, it is likely that this is a significant underestimate of the potentially affected area. A reasonable assessment of the lost production value of this resource would be approximately \$400 million over the next 10 years. The proper application of a triple bottom line approach would not support such a proposition.

This section of the recovery plan, which is arguably the most important from a land management perspective, is very difficult to evaluate when it is incomplete. Reference is made to “geomorphic contact zones”, although no definition is provided and no explanation as to why it is absent. Surely if this is an important criteria in defining habitat suitability then the relevant specialists would have a definition? Also mention is made of the CFEV riparian vegetation index, although no further information is provided as to what this means, with no references included.

We thank the Department for the opportunity to make these observations and indicate that if required we will be prepared to either supplement or clarify any issues raised herein for the benefit of the Department.