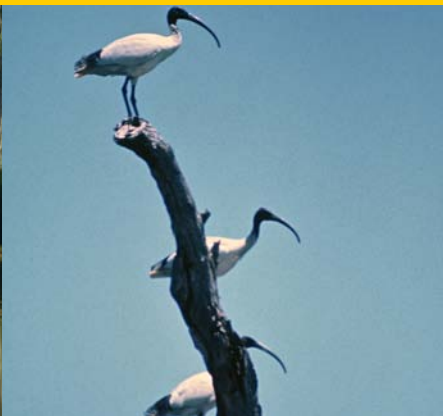


# Conservation and Community

A Community Plan for the Multiple Use Management of Public Lands in VEAC's River Red Gum Forests Investigation Area



JULY 2008



## **Conservation and Community**

### **A Community Plan for the Multiple Use Management of Public Lands in VEAC's River Red Gum Forests Investigation Area**

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# Acknowledgement

The preparation of this document has been driven by tremendous community concern about the conduct of the VEAC River Red Gum Forests Investigation and its draft proposals. It has been funded by generous donations from groups and individuals who know and use Victoria's Murray River red gum forests including community and environmental groups, recreational users, local government, indigenous communities, commercial user groups, and adjacent landowners.

## Executive Summary

### Key Points:

#### **General:**

- › The Rivers & Red Gum Environment Alliance represents community groups who are concerned about the conduct of the Victorian Environmental Assessment Council's (VEAC) River Red Gum Forests Investigation and its implications for the future management of Victoria's river red gum forests.
- › The Alliance believes that the conduct of the VEAC investigation has been blighted by:
  - insufficient consultation;
  - overstating the extent of community involvement and support for particular proposals;
  - an inadequate assessment of the socio-economic and environmental implications of its proposals;
  - an understating of the benefits of current public land management;
  - incorrect assumptions about the sustainability of traditional land uses and their environmental impacts;
  - creative justifications for unwarranted changes to public land tenure, management and use;
  - a refusal to seriously explore the potential for improved management under current land tenures; and
  - pursuit of a simplistic 'change-of-tenure' approach to land management which will do nothing to address pressing environmental problems.
- › VEAC's underlying philosophy and reasoning has resulted in a raft of flawed proposals. The Alliance advocates replacing these with a balanced community plan that would meet the need for appropriate reservations to satisfy biodiversity conservation and protect cultural and natural features, whilst allowing effective fire management and the continuation of compatible recreational and commercial activities.

#### **Environmental water:**

- › VEAC's simplistic focus on increasing environmental flows has led it to largely ignore the critical importance of optimising synergies between existing managed flows (both for irrigation and the environment) and unmanaged natural surplus flows.
- › The Alliance believes that realistic environmental flow recommendations should be developed by the Murray Darling Basin Commission (rather than VEAC).
- › Strong support must be given to the MDBC's current study of the Barmah Choke which has potential to facilitate effective flooding of the Barmah-Millewa Forest.
- › The increased use of in-forest regulators to manage artificial flood events needs will be critical to the restoration of Victoria's river red gum forests.

#### **Indigenous participation**

- › Although there is strong support for increasing indigenous participation in public land management, there is considerable concern, including amongst the local indigenous community, that the very high level of participation proposed by VEAC will be socially divisive.
- › The Alliance believes that VEAC's attempt to redress social disadvantage by effectively transferring control over public land management to indigenous traditional owners will ultimately be counterproductive and should be scrapped.
- › Greater efforts should be made to harness the natural resource expertise of indigenous traditional owners to inform the continued science-based management of public lands in the River Red Gum Forests Investigation area.

## **Public land tenure, management and use**

- › VEAC has proposed major changes to public land tenure, management, and use despite failing to identify any significant shortcomings with the current mix of tenures or explaining how changing land management and use will alleviate environmental threats that stem from a chronic lack of water.
- › VEAC's public land proposals are clearly based around a philosophy that excluding human use is necessary for effective conservation. By not seriously attempting to integrate resource use with biodiversity conservation, VEAC has contravened Terms of Reference which required it to take account of the principles of 'ecologically sustainable development' (ESD) which, by definition, strongly integrates economic development and community welfare, with environmental conservation.
- › VEAC have understated or ignored the benefits of current public land management which has evolved over the past 20 – 25 years through a series of past government processes that have sought to balance conservation and use.
- › VEAC's proposed changes to land tenure, management and use are largely unjustified and if implemented, would provide minimal environmental gain but considerable socio-economic pain. There is a fear that this will disenfranchise local communities and substantially reduce participation in community services such as voluntary fire fighting that is vital to the well-being of the forest.
- › With a few minor exceptions, the Alliance is opposed to VEAC's national park expansion proposals including the proposed Gunbower and Barmah National Parks.
- › The Alliance recommends the creation of a new public land category known as a Ramsar reserve managed to integrate the principles of multiple use with environmental care.
- › Ramsar reserves would be managed by the Department of Sustainability & Environment.
- › Ramsar reserve management would be based around the internationally-agreed principles arising from the Ramsar Convention which provides the framework for the conservation and wise use of natural resources. The Barmah and Gunbower Forests have been listed as Ramsar sites since 1982 and have been managed accordingly since then.
- › Current government policies and plans relating to timber production, cattle grazing, and recreational activities would be retained in Ramsar reserves in accordance with zoning that takes account of prevailing values and conditions. This has already been completed in those state forests that will become incorporated into Ramsar reserves.
- › VEAC's proposal to deliberately foster a build-up of coarse woody debris on the forest floor should be scrapped to avoid unnecessarily increasing the risk of severe fire.
- › The Alliance opposes many of VEAC's proposals in relation to camping and recreational activities such as hunting. The current regulations pertaining to these activities are adequate if responsible land management agencies devote more on-ground resources to educating and enforcing existing provisions regarding camping, the lighting of campfires, the collection of firewood, and the disposal of rubbish. The required funding should be obtained from revenue generated from commercial uses of the forest such timber production, grazing, firewood collection, and apiculture.
- › The Alliance opposes VEAC's proposal to scrap the licenced use of Crown water frontages. It believes that the critical role of adjacent landowners in the management of Crown water frontages should be recognised and maintained. Specific decisions about Crown frontage management and use should be made jointly between the responsible government agency and adjacent landowners on a case-by-case basis at a local level.

## Detailed Summary

Since the release of their Draft Proposals Paper in July 2007, VEAC has continued to work on aspects of the investigation. In the absence of any public scrutiny it is impossible to know the nature of this work. However, it may to some extent be addressing concerns being raised in this document. Whilst this could be viewed as a welcome development, the more pragmatic view is that VEAC has been shoring-up justifications for its proposals rather than revising them in a manner that could satisfy all elements of the Victorian community.

### Broad community concerns about the conduct of the VEAC Investigation

The broad community concerns about VEAC's conduct of its RRG Forests Investigation include:

- › Inadequate consultation including:
  - failure to table some draft proposals for discussion with the Community Reference Group (CRG) prior to their release. (Note: The Rivers & Red Gum Environment Alliance includes several former members of VEAC's CRG);
  - ignoring invitations made by non-government community groups to inspect beneficial aspects of current public land management; and
  - overstating the extent of consultation, community involvement, and support for particular proposals, especially those relating to indigenous participation in public land management.
- › A demonstrably flawed assessment of the socio-economic and environmental implications of their proposals. This view is supported in an economic review of VEAC's draft proposals conducted by Ernst & Young in September 2007 (see Appendix 1).
- › Understating the benefits of current public land management.
- › Disproportionately greater weight given to views from outside the region (including metropolitan Melbourne) which display only a limited understanding of the issues consistent with environmental activism.
- › The use of a flawed socio-economic study to justify massive changes to public land tenure and the removal of traditional recreational and commercial activities.
- › Incorrect assumptions made about the sustainability of traditional land uses and their environmental impacts.
- › An over-reliance on a simplistic 'change-of-land-tenure' approach to public land management at the expense of any serious consideration of the potential to improve the management of real or perceived problems under existing public land tenure.

### Specific issues arising from the VEAC Investigation

#### **Environmental Water (pp. 5 - 6)**

The Rivers & Red Gum Environment Alliance appreciates the critical need to dedicate more water to the environment and recognises the crucial importance of optimising synergies between existing managed flows (both for irrigation and the environment) and unmanaged natural surplus flows.

- › However, the Alliance asserts that VEAC has:
  - failed to detail how higher levels of environmental watering could be facilitated;
  - ignored the reality that diverting water from existing users will increase water scarcity and so cause its price to rise;
  - not fully assessed the socio-economic impact of its environmental water recommendations on the region's \$9 billion irrigation industry;
  - failed to consider potential negative impacts on private land associated with environmental water recommendations which could expose the government to substantial compensation claims;

- not considered the potential impacts of environmental water recommendations on NSW areas affected by controlled flooding of Victorian forests and wetlands;
  - ignored the socio-economic benefits that could be derived from existing activities and uses of the forest if its environmental flow recommendations were to be adopted and met.
- › VEAC has committed to more study in relation to flood modelling and socio-economic impacts prior to the finalisation of its recommendations to government. The Alliance is seriously concerned that this extra work will not be subject to any public scrutiny.

### **Indigenous Participation (pp. 7 - 9)**

There is strong support amongst the Alliance and the wider community for increasing indigenous participation in public land management. However, there is also considerable concern – including amongst local indigenous peoples – that the very high level of indigenous participation being proposed by VEAC, will be socially divisive.

- › The most contentious aspects of VEAC's draft proposals are:
- the intention to amend the National Parks Act (1975) to allow the control of parks to be transferred to indigenous traditional owners through the creation of boards of management on which they have majority numbers;
  - the intention to extend the transfer of park management control by traditional owners to other national parks beyond the river red gum investigation area;
  - the intention to give one community group exclusive rights to use national parks for hunting and cultural purposes – whilst the wider community is excluded;
  - the intention to allow indigenous hunting of native animals in national parks when previously the protection of native fauna in these areas has been sacrosanct.
- › Two indigenous groups in the region – the Bangerang and Latji Latji – have publicly expressed their concern that VEAC's proposals will create serious rifts within the indigenous community.
- › Three groups – the Bangerang, Latji Latji, and Wamba Wamba have cast doubt on VEAC's claim that they have consulted widely on indigenous issues. According to them, most consultation has been with the Yorta Yorta who are not necessarily representative of the region's indigenous community.
- › Tensions between the indigenous and non-indigenous community are reportedly already building as a result of VEAC's plan to grant some exclusive rights to indigenous communities on public lands where currently all members of the community have equal access and usage rights. This is being viewed as a threat to the current harmonious relations that exist within the broader community.
- › VEAC's determination to give effective control of public land management to indigenous traditional owners appears to be based around an assumption of them as 'green' leaning when there is no guarantee that this is the case.
- › Giving one group majority control over resource-rich parks could conceivably lead to challenges to the legislation governing national park management that would otherwise never arise.

### **Public Land Tenure, Management and Use (pp. 10 - 52)**

VEAC'S proposals to drastically alter public land tenure, management and use are incongruous given its acknowledgement of altered water regimes as the critical threat to the regional environment. VEAC has not identified any significant shortcomings with the current mix of land tenures and regulatory provisions that could justify such major change.

#### *General*

- › VEAC's public land proposals are overwhelmingly aimed at creating more parks/reserves and excluding traditional activities such as timber production and grazing which currently occur within just 15 to 20% of the public lands in the investigation area.

- › VEAC has justified the need for more parks and reserves by citing changed community expectations since 1985 when the Land Conservation Council last comprehensively investigated most of the study area.
- › Community expectations for public lands have undoubtedly changed over the past 20 years. However, the significance of this is questionable given that it largely emanates from distant Melbourne where an inherently poor understanding of public land policy, planning, and on-ground management has been shaped by deliberately misleading environmental activism.
- › There is a further perception that the management of river red gum forests has been stagnant for over 20 years when in reality progressive changes have been implemented through a series of public land management plans prepared during this period.

*An unconvincing justification for change (pp.10-13)*

VEAC has used Choice Modelling to gauge community sentiment and justify its public lands proposals. This technique measures the community's 'willingness to pay' for a range of land use options and, as such, provides a hypothetical measure of community concern that is heavily reliant on the selection of a truly random sample of participants who have been fully briefed about current land management and the socio-economic implications of change.

- › The use of Choice Modeling in VEAC's RRG Forests Investigation has drawn the following criticisms:
  - Participants were not fully informed of the current management of the forests or the socio-economic implications of the various change options.
  - The hypothetical \$ value of expressed preference was inappropriately compared with the actual \$ value of current management to justify the need for change.
  - The credibility of the result as a driver for change is compromised by the reality that 42% of the Melbourne sample declined to participate in the process; whilst, of those who did participate from Melbourne and country Victoria, almost half had never visited the Murray River red gum forests.

*Biodiversity conservation (pp. 13 – 22)*

- › The level of biodiversity conservation in the region is already very high with it being the major or singular primary focus on an estimated 73% of the public lands, and a joint focus on a further 16% of the area.
- › VEAC has failed to acknowledge the existing high level of biodiversity conservation because of adherence to a flawed philosophy that only national parks (and some other park types) are capable of offering effective environmental protection. This lies at the heart of their proposal to increase the proportion of public lands in national park from 19% to 56%; and to increase the proportion of all park types from 26% to 73%.
- › VEAC does not accept that multiple use state forests provide effective biodiversity conservation given that it has proposed drastically reducing their proportional extent from 38% to just 4.5% of the public lands.
- › VEAC's view of the conservation value of state forests is at odds with the RAMSAR listing (since 1982) of both the Barmah and Gunbower state forests as wetlands of international importance.
- › To maintain their RAMSAR listing for the past 25 years, the management of the Barmah and Gunbower State Forests has conformed to internationally-agreed conservation standards which emphasise that human use on a sustainable basis is entirely compatible with RAMSAR principles and wetland conservation in general.
- › That VEAC's proposals for Gunbower and Barmah State Forests are based on an alternative view that most human activity is incompatible with effective biodiversity conservation, suggests that VEAC is far more intent on satisfying the ideals of environmental activism rather than accepted scientific conventions.

- › VEAC has creatively used the pre-1750 Ecological Vegetation Class (EVC) concept to build a case for more parks:
  - Although 170 EVC's have been identified, the vast majority of the floodplain vegetation fits within just 34 EVC's.
  - The delineation of great numbers of EVCs makes it easier to infer a greater than is warranted need for more environmental protection.
  - Several inconsistencies have been noted between the Discussion Paper (October 2006) and the Draft Proposals Paper (July 2007) with respect to EVC areas.
  - Of the 10 main red gum EVCs (which comprise some 87,000 ha), VEAC has labelled five as being 'depleted' despite them retaining at least 94% of their pre-1750 extent. A further two are labeled as 'depleted' despite retaining over 70% of their pre-1750 extent.
  - The 8,400 ha Intermittent Swampy Woodland EVC is rated as 'endangered' despite retaining 99% of its pre-1750 extent.
  - There are several instances where EVCs have been rated as 'best condition' despite being logged within the last 30 years.
- › VEAC's proposals perpetuate the recent tendency for Australian state governments to address biodiversity conservation simplistically by creating parks and reserves to exclude human activity, rather than taking direct action to manage ecosystem threats. In so doing, they fail to recognise the environmental consequences of poorly managed fire, weeds, and feral animals.

#### *Fire management (pp. 22-26)*

There is considerable community concern about the fire management implications of VEAC's proposals to stop grazing, curtail firewood collection, and allow coarse woody debris on the forest floor to build-up to an average of 45 tonnes per hectare. These measures are likely to lead to a greatly increased fire threat will ultimately be more damaging to biodiversity conservation.

- › The proposal to substantially increase coarse woody debris is of particular concern because it is mooted for the length of the Murray River frontage where most wildfires occur.
- › Coarse woody debris is important for fauna habitat and carbon storage, but increases the risk of fire which can completely remove these benefits. Advocating quantities of coarse woody debris needs to be cognisant of the need for balance, whereas VEAC has tended to consider habitat above other considerations.
- › The scientific justification for increasing levels of coarse woody debris is unconvincing because:
  - of dubious assumptions about pre-European forest structure; and
  - the main beneficiary – the Yellow footed Antechinus – is already regarded as locally common under current levels of coarse woody debris.
- › Volunteer Fire Brigades Victoria (VFBV), which represents CFA members, has expressed concern that VEAC's public land proposals will significantly increase the threat of wildfire and reduce the capability to control it.

#### *Recreation and camping (pp.26-29)*

Recreational pursuits such as camping, fishing, hunting, horse-riding, dog walking, and water sports attract large numbers of locals and tourists to the river red gum forests. This adds significantly to the socio-economic fabric of riverside communities in the study area.

- › If implemented, VEAC's draft proposals will impact on these activities by:
  - restricting camping opportunities;
  - banning hunting in 23 wildlife reserves and wetlands where it is currently permitted;
  - reducing opportunities for horse-riding, dog walking, and vehicular access by re-badging state forests as national park; and
  - closing down the region's largest horse-riding event – the Barmah muster – by stopping grazing.

- › In addition to this, there are fears that substantially increasing the area of national parks will:
  - lead to the levying of park user fees (where there is currently no charge) resulting in over-regulation and administrative red tape such as booking systems for camp sites;
  - effectively reduce river access for fishing and boating; and
  - concentrate user-pressures into a much smaller area with consequent environmental impacts.
- › The strongest criticisms of VEAC's approach to recreation and camping are that:
  - It will alienate the local community and thereby have significant ramifications for how the forest is treated; how management regulations are respected; and the enthusiasm with which locals will participate in essential services such as volunteer fire-fighting that helps protect the forest.
  - It has ignored the substantial voluntary contribution by the hunting fraternity through wetland purchase and management over the past 40 years. This will largely disappear if VEAC's proposals are implemented.
  - It has undervalued the important contribution made by hunters to feral animal control.
  - It has significantly under-valued the economic contribution of hunting to the regional economy.
  - It advocates a simplistic 'change-of-land tenure' approach that will do little to resolve management issues that would be better addressed by improving public awareness and more stringent enforcement of already existing regulations.

*Commercial timber production (pp.30-35)*

- › Commercial timber production is currently permitted within 40,000 to 45,000 ha of state forest which equates to around 16% of the total area of public land in the investigation area.
- › VEAC has proposed an 80% reduction to the area of state forest within which timber production is permitted which will lead to an estimated 80% reduction to the net economic productivity of the local timber industry.
- › Major concerns regarding VEAC's consideration of commercial timber production are that:
  - no detailed explanation has been given for reducing timber production;
  - the area of forest acknowledged as being available for timber production was surreptitiously reduced in the Draft Proposals Paper without any previous public discussion;
  - there is no sound scientific basis for the revised sustainable yield given that the Department of Sustainability & Environment's forest inventory program has not been completed in these forests;
  - the beneficial effect of more environmental water on forest productivity has been ignored;
  - the benefits of sustainable timber production on mitigating climate change have been ignored;
  - the benefits of thinning on forest health have been ignored; and
  - insufficient account has been taken of the socio-economic and cultural benefits of timber production.
- › VEAC has deliberately based expectations for future sustainable timber yield on a 'worst case' scenario where future forest growth continues at the current very slow rate under the most severe drought in recorded history. It has ignored the restoration of better growth that would result from a return to somewhere near average rainfalls and the improved environmental water management it is striving for.
- › Considerable effort has been expended in supplying VEAC with detailed information about the full range of benefits associated with timber production, but it has largely been ignored.