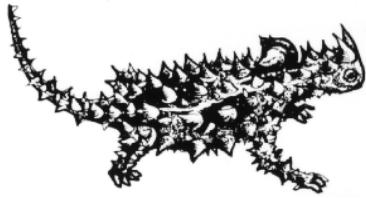


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## NT EPA Guidance on Adaptive Management: ALEC Submission

The Arid Lands Environment Centre (ALEC) is Central Australia's peak environmental organisation that has been advocating for the protection of nature and ecologically sustainable development of the arid lands since 1980. ALEC is regularly involved in the reform of environmental management and impact assessment processes through policy and EIS submissions.

Robust, clearly understandable and enforceable regulations are an integral part of best practice environmental management to prevent environmental degradation. ALEC welcomes the development of this concise and clear guideline on the use of adaptive management. Adaptive management is a nebulous concept that requires definitional clarity to be effectively applied and enforced by both regulators and proponents of development.

Overall, we support this guideline. There are however a few comments on ways it could be improved to ensure it is able to deliver improved environmental outcomes.

### Uncertainty

Uncertainty is a reality of impact assessment. However, the current assessment framework does not adequately manage uncertainty as projects are being approved with a great deal of uncertainty about the probability and magnitude of impact. Adaptive management is an effective way to address this issue but it should not be used to approve development that is otherwise unacceptable. It is possible that a project posing significant environmental impacts is approved on the condition that adaptive management would be applied. However, unacceptable levels of uncertainty should not be approved if the only protection is the application of adaptive management.

The assessment process should be extended in the case of significant uncertainty to gain as much information as possible from a proponent to minimise uncertainty and then apply adaptive management. Another concern with uncertainty is the difficulty in quantifying and assessing acceptable levels of uncertainty. Uncertainty is currently defined through subjective decision making. This guideline could be improved by outlining some objective clear criteria to qualify levels of uncertainty so that it is not only an exercise of discretion.

### Application

We support the statement that: "these responses should be capable of being legally enforced under a regulatory instrument". However, it is not clear how this this will occur considering a guideline is inherently unenforceable. We support enforcing this guideline through incorporating it as a condition of ongoing approval for a project. This could include ongoing monitoring and compliance against objectives within an adaptive management plan.

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There should be more decision-making criteria developed in the guideline to clarify the situation in which an impact is so uncertain as to render adaptive management inappropriate. This includes the decision of “sufficient confidence” to the EPA on the degree of impact.

Recent assessment reports have not always provided enough confidence to the broader public on the degree of impact, despite the EPA being confident of their risk assessment. Public confidence in the process of adaptive management could be improved by making regular reporting against performance criteria publicly available and ensuring an ongoing process of stakeholder engagement as a project develops and adaptive processes are developed.

In summary, ALEC supports the development of this guideline and acknowledges the importance of enforcing best practice adaptive management. Adaptive management however, should not be used as a way of approving projects that pose otherwise unacceptable impacts. It should be used as an additional safeguard rather than replacing other core environmental protection measures.