

Amendment to the Priorities Action Statement
Office of Environment and Heritage
PO Box A290,
Sydney South
NSW 1232

By email: pas.amendment@environment.nsw.gov.au

Dear Chief Executive of OEH,

Amendment to the Priorities Action Statement

As a community legal centre specialising in public interest environmental law, we welcome the opportunity to comment on the proposal to amend the NSW Threatened Species Priorities Action Statement (PAS) by replacing the current recovery and threat abatement strategies for 28 species with new draft recovery and threat abatement strategies.

General comment

As noted in our previous submission on the PAS,¹ we believe that long-term biodiversity planning should aim to recover threatened species, not just prevent further decline. This is consistent with the objects of the TSC Act, and the strategic plan for the Convention on Biodiversity.

While a recovery-centred aim is more ambitious than trying to 'hold the line', it is also more likely to result in sustainable, long-term biodiversity protection in NSW and Australia for many generations to come.

The detail behind the PAS's objectives is important for shaping recovery and threat abatement strategies. A species is defined as 'secure' when it has a 95% chance of a viable population surviving in the wild for 100 years. However, could 'secure in the wild' include isolated pockets that only exist by relying on ongoing human intervention? For example, the large emphasis on breeding programs in the revised PAS may suggest the interpretation of viability needs to be strengthened. The SOS Technical Report gives some further clarification of 'viability' (p 6). However, the

¹ See: Submission on amendments to the NSW threatened species Priorities Action Statement 21 February 2014; and EDO NSW, *Submission on Threatened Species Priorities Action Statement* (August 2006), available at: http://www.edonsw.org.au/native_plants_animals_policy.

consideration of genetic diversity needs appears limited; as is consideration of climate change (the response to which seems limited to managing multiple subpopulations). Choosing a small number of sites while leaving out other significant NSW populations (including sites at the limits of a species' distribution) increases climate change and genetic vulnerability.

Proposed amendments – case studies

EDO NSW remains extremely concerned about the ongoing trend away from a goal to recover threatened species, to one that seeks to maintain existing populations in a fixed number of locations. We use two case studies to illustrate our concerns in terms of:

1. The loss of specific tailored detail in relation to recovery actions - Green and Golden Bell Frog, and
2. The absence of larger threat abatement considerations in limited site-specific strategies - Mountain pygmy-possum.

1. Green and Golden Bell Frog

A 107 page draft NSW and national recovery plan for the Green and Golden Bell Frog (GGBF) was prepared in February 2005. Although never finalised, this Executive Summary of this plan noted a detailed range of impacts and considerations on multiple populations:

There are 43 identified remaining key populations some comprising tenuously connected subpopulations. Only twelve of these populations are represented within sections of conservation reserves and the remainder located on other lands with various tenures.

Several broad threatening processes are operating and have caused fragmentation and decline across the species distribution and it displays the classic symptoms generally associated with patterns of decline exhibited by other broad ranging threatened species. The threatening processes thought to be operating at a distribution wide level include disease, predation on larvae by exotic fish and broad scale habitat alteration, isolation and loss. Other threats with uncertain impacts are also operating to a greater or lesser extent on the various populations and include: pesticides, agricultural chemicals, water quality issues, predator/prey interactions with cane toads and other stochastic and incremental impacts due to development pressures operating on specific populations.

To provide for the future recovery of The Green and Golden Bell Frog (GGBF), this recovery plan advocates a program that:

- *increases the security of key GGBF populations by way of preventing the further loss and favouring in-situ protection and management of GGBF habitat at key populations as well as secure opportunities for increasing the protection of these habitat areas;*
- *ensure extant GGBF populations are managed to eliminate or attenuate the operation of factors that are known or discovered to be detrimentally affecting the species;*
- *implement habitat management initiatives informed through a coordinated monitoring program;*
- *establish self sustaining and representative colonies of 'at risk' captive populations of the GGBF for the primary purpose of maintaining 'insurance' colonies for re-establishment and supplementation; and*
- *through educational programs and involvement increase the level of regional and local awareness of the conservation status of the GGBF and provide opportunity for community participation in the implementation of this recovery plan.*

The current NSW strategy for GGBF includes a list of 32 actions covering a range of activities including protecting and enhancing habitat, monitoring and managing known populations, controlling pests, community education and captive population management.

In contrast, the draft amended strategy focuses on the “minimum number of necessary management sites and conservation actions required to conserve the species”, identifying 7 relevant sites in NSW. This involves a distinct shift from actions that promote recovery to actions that protect a much smaller number of existing populations. More significantly the majority of actions focus on monitoring and community education rather than any active management to assist population recovery.

There also appears to be an increasing reduction in the level of specificity of recovery, including a failure to include recovery targets that are specific, measurable, achievable, realistic and time-related.

2. Mountain Pygmy-Possum

The current strategy for the Mountain pygmy-possum includes a number of specific actions designed to understand the scope and scale of anthropogenic impacts on the population and to develop management strategies to address these impacts. In contrast, the draft amended strategy includes actions that, in the case of the area within the NSW ski fields, rely on land manager negotiation, community education, and unspecified weed and feral animal control and native vegetation restoration/rehabilitation. It is unclear how/whether the effectiveness of these actions can be measured.

Climate change was acknowledged to be a significant threat to the Mountain pygmy-possum in 2002. Despite our increased knowledge and certainty regarding the impact of climate change on species such as the Mountain pygmy-possum there is only a single reference to “develop snow dynamics and climate change models” in the current strategy and no reference to the need to address climate change identified in the draft amended strategy.

In light of these concerns, we reiterate our previous recommendation that the NSW Government should fund a further targeted review by an independent scientific panel to test the likely efficacy of the Saving Our Species program in achieving long-term threatened species outcomes. The review should include consideration of the new and revised PAS actions and various funding scenarios.

This will be crucial if the recommendation of the recent independent review of biodiversity laws in NSW to *‘Design a legislative framework for action on threatened species and ecological communities that formalises the programmatic approach taken by Saving our Species’* (recommendation 24) is adopted. Implementation of this recommendation should involve public and expert consultation to ensure that recovery and threat abatement strategies explicitly include a comprehensive range of detailed actions that will lead to measurable outcomes across a species’ range.

For further information, please contact me at rachel.walmsley@edonsw.org.au or on (02) 9262 6989.

Yours sincerely

EDO NSW

A handwritten signature in black ink, appearing to read 'R Walmsley', written in a cursive style.

Rachel Walmsley

Policy & Law Reform Director