

(E) Environmental Protection Authority

Guidance for the Assessment of **Environmental Factors**

(in accordance with the **Environmental Protection** Act 1986)

Guidance for the protection of tropical arid zone mangroves along the Pilbara coastline

No. 1 Draft

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May 2000

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DEPARTMENT OF ENVIRONMENT AND CONSERVATION

FOREWORD

The Environmental Protection Authority (EPA) is an independent statutory authority and is the key provider of independent environmental advice to Government.

The EPA's objectives are to protect the environment and to prevent, control and abate pollution. The EPA aims to achieve some of this through the development of environmental protection Guidance Statements for the environmental impact assessment (EIA) of proposals.

This document is one in a series being issued by the EPA to assist proponents, consultants and the public generally to gain additional information about the EPA's thinking in relation to aspects of the EIA process. The series provides the basis for the EPA's evaluation of, and advice on, those development proposals subject to EIA. The Guidance Statements are one part of assisting proponents in achieving an environmentally acceptable proposal. Consistent with the notion of continuous environmental improvement and adaptive environmental management, the EPA expects proponents to take all reasonable and practicable measures to protect the environment and to view the requirements of this Guidance as representing the minimum necessary process to achieve an appropriate level of environmental protection.

This document provides guidance for the protection of tropical arid zone mangroves, their habitats and their dependent habitats along the Pilbara coastline from Cape Keraudren at the southern end of the Eighty Mile Beach in the north to Exmouth Gulf in the south (see Figures 1-8). It outlines the minimum environmental performance expected from proponents and will be used by the EPA during the assessment of new proposals which have the potential to impact upon mangroves in the Pilbara region.

This Document is entitled Guidance for the Protection of Tropical Arid Zone Mangroves Along the Pilbara Coastline, and is released as a **Draft** for 8 weeks public and stakeholder review and comment. I welcome comment to assist the EPA in finalising the Guidance Statement on Pilbara Mangroves. Information on where to address your comments is given on the following page.

Gernand Bowen

Bernard Bowen CHAIRMAN ENVIRONMENTAL PROTECTION AUTHORITY

9 June 2000

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ENVIRONMENTAL PROTECTION AUTHORITY GUIDANCE FOR THE ASSESSMENT OF ENVIRONMENTAL FACTORS

DRAFT GUIDANCE STATEMENT No.1 GUIDANCE FOR THE PROTECTION OF TROPICAL ARID ZONE MANGROVES ALONG THE PILBARA COASTLINE

How to comment on this document

This document is released for stakeholder and public comment for a period of 8 weeks. Your comments are welcome.

Please send your comments by 4 August 2000 to:

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Guidance Statement No. 1

Guidance Statement for Protection of Tropical Arid Zone Mangroves Along the Pilbara Coastline

Keywords: mangroves, primary producers, arid zone mangroves, Pilbara coastline, environmental impact assessment (EIA)

1. PURPOSE

1.1 Guidance Statements generally are developed by the EPA to provide advice to proponents, and the public generally, about the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a proposal during the assessment process.

This Guidance Statement is termed "Draft", and should be viewed as a general guide to EIA. While the content of the guidance has not yet been signed off by the EPA at this stage, it should be regarded as the latest thinking in the mind of the EPA if it is asked to consider the issue for assessment. Users would be well advised to be mindful of the guidance at this early stage.

- 1.2 This Guidance Statement specifically addresses the protection of tropical arid zone mangroves, their habitats and dependent habitats along the Pilbara coastline from Cape Keraudren at the southern end of the Eighty Mile Beach to Exmouth Gulf (see Figures 1-5. The State and National State of the Environment Reports indicate that mangroves are an important part of the coastal ecosystem, are likely to come under pressure from development and that management of impacts would be required. This Guidance Statement will provide the basis for managing that pressure. The Guidance provides information which the EPA will consider when assessing proposals where tropical arid zone mangroves, their habitats and dependent habitats along the Pilbara coastline are relevant environmental factors in an assessment. It takes into account:
 - (a) protection of the environment as defined by the *Environmental Protection Act* 1986 (WA) with a focus on protecting the tropical arid zone mangroves environment along the Pilbara coastline; and
 - (b) the factor of tropical arid zone mangroves, their habitats and dependent habitats along the Pilbara coastline
- 1.3 This is a Guidance Statement and proponents are encouraged to consider their proposals in the light of the guidance given. A proponent who wishes to deviate from the minimum level of performance set out in this Guidance Statement would be expected to put a well researched and clear justification to the EPA arguing the need for that deviation.

2. THE ISSUE

The EPA recognises the intrinsic value of these tropical arid zone mangroves and the need to protect their distribution and function along the Pilbara coastline. The EPA has prepared this Guidance Statement in response to the need to protect mangroves from the potential impacts associated with further industrial or other development of the region.

The mangroves along the Pilbara coastline are the largest single unit of relatively undisturbed tropical arid zone habitats in the world. As with most arid zone mangroves, Pilbara mangroves are characterised by open woodlands and shrublands that are of relatively lower productivity than the mangrove communities of the wet tropics because of the extreme water and salinity stresses which affect the intertidal zone in the Pilbara. Typically the average tree height is smaller, species diversity relatively lower and the associated flora and fauna communities less complex when compared with the mangrove communities of the wet tropics.

The EPA recognises that certain landuses within the area covered by the Guidance Statement have already been determined through existing or proposed future uses which have been accepted prior to the preparation of this Guidance Statement. These landuses include ports, town sites and urban areas, industrial developments, easements, marinas, ramps, jetties, recreational areas, airports, roads, railways and other facilities. In addition, significant future developments have been proposed in the Pilbara Land Use Plan, the Burrup Peninsula Land Use Plan and Management Strategy, the Karratha Area Development Strategy and the Roebourne Town Planning Scheme. Many of the land uses proposed in these plans can have an impact on mangroves. The EPA has reviewed all of this information and has identified, for the purposes of the Guidance Statement, areas where intensive industrial development and areas of associated infrastructure and waters are likely to occur. These are referred to in the Guidance Statement as 'designated industrial areas and their associated port areas'.

The guidelines contained in this Guidance Statement are based on a report by Semeniuk entitled Selection of Mangrove Stands for Conservation in the Pilbara Region of Western Australia – A Discussion (Semeniuk, 1997 (unpublished)) which identifies areas of regionally significant mangrove formations. These were determined on the basis of coastal type, habitat, species diversity and plant form. "Regionally significant" mangroves are considered to be of very high conservation value. The remaining mangroves along this part of the Pilbara coast, although not "regionally significant", are also regarded as important and considered to be of high conservation value. When the two mangrove categories are considered in relation to areas along the Pilbara coast that are already identified as where intensive industrial developments and their associated port areas and related developments are likely to occur, they give rise to four types of management areas for which guidelines have been prepared (see Table 1 and Figures 1 to 8).

The four types of management areas are:

- **Guideline 1** Regionally significant mangroves Outside designated industrial areas and their associated port areas.
- Guideline 2 Other mangrove areas Outside designated industrial areas and their associated port areas.

- Regionally significant mangroves Inside designated industrial areas Guideline 3 and their associated port areas.
- Guideline 4 Other mangrove areas - Inside designated industrial areas and their associated areas.

Areas within each guideline category and area names Table 1 -

	Mangrove areas outside designated industrial and associated port areas	Mangrove areas inside designated industrial and associated port areas
Mangrove areas of very high conservation value (designated "regionally significant")	Areas: 1, 2, 3, 4, 6, 7, 8, 12 13, 14, 16, 17, 18, 19, 20, 21, 22 (Guideline 1)	Areas: 5, 9, 10, 11, 15 (Guideline 3)
Mangrove areas of high conservation value	All other mangrove areas outside designated industrial and associated port areas (Guideline 2)	All other mangrove areas inside designated industrial and associated port areas (Guideline 4)

Note: Reference to a port refers to the physical infrastructure and associated waters within the industrial zone.

NAMES OF AREAS OF MANGROVES DESIGNATED "REGIONALLY SIGNIFICANT" IN THIS GUIDANCE (reference numbers as above, in text and on maps (Figures 2 - 8))

- Bay of Rest 1
- 2 Giralia Bay to Yanrey Flats, Exmouth East Shore
- Monte Bello Islands 3 4 5 6
- Ashburton River Delta
- Coolgra Point
- Yardie Landing, Yammadery Island, Mangrove Islands
- 7 Robe River Delta
- 8 Fortescue River Delta
- 9 Cape Preston area
- 10 Maitland River Delta
- West Intercourse Island, Dampier Archipelago 11
- Enderby Island Complex, Dampier Archipelago 12
- Searipple Passage/Conzinc Bay, Dampier Archipelago 13
- 14 Nickol River Embayment
- Dixon Island Complex 15
- Cossack to Harding Delta Complex 16
- Sherlock Bay Sector 17
- Ronsard Island area 18
- Yule River Delta 19
- 20 Turner River Delta
- 21 Oyster Passage Barrier
- De Grey River Delta 22

3. THE GUIDANCE

3.1 Application of the Guidance to Assessment

The EPA's environmental objective for the tropical arid zone mangroves of the Pilbara coastline (Pilbara mangroves), their habitats and dependent habitats, is to maintain their ecological function and sustainability. To this end, proposals which, if implemented, would potentially impact on Pilbara mangroves by:

- reducing the geographic distribution, ecological function and/or productivity of mangroves in the region; and/or
- reducing the biodiversity of mangroves, their habitats and/or dependent habitats; and/or
- causing a significant loss of individual mangroves and/or disturbance to their habitats or life support systems and their dependent habitats in areas along the Pilbara coastline,

will be subject to formal environmental impact assessment (EIA) under the EP Act 1986. Guidance for determining the environmental acceptability of proposals requiring assessment is set out below.

3.1.1 Guidelines in relation to environmental acceptability

The following guidelines will be used by the EPA in judging environmental acceptability of proposals which potentially impact on Pilbara mangroves and are subject to the environmental impact assessment process.

It should be noted that the EPA considers that development proposals in all areas covered by the four guidelines below may have a significant effect on the environment. Accordingly the EPA advises that such proposals should be referred in writing to the EPA. The EPA will determine whether or not the proposal should be subject to environmental impact assessment and at what level such an assessment should take place

Guideline 1

Areas that contain regionally significant mangroves that occur outside areas that have already been designated for industrial areas, their associated ports or related development. (These areas are indicated in Table 1 and shown on the maps (Figures 2 to 8) and consist of areas numbered 1, 2, 3, 4, 6, 7, 8, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22).

Objective

The EPA's operational objective for Guideline 1 areas is that no development should take place that would adversely affect the mangrove habitat, the ecological function of these areas and the maintenance of ecological processes which sustain the mangrove habitats.

The EPA will give these mangrove formations the highest degree of protection with respect to their geographical distribution, biodiversity, productivity and ecological function.

Proponents should be aware that where developments are proposed in these areas the EPA will adopt a presumption against finding the proposals environmentally acceptable.

Guideline 2

All other mangrove areas that occur outside areas that have been designated for industrial areas, their associated ports or related development and not covered by Guideline 1 above.

Objective

The EPA's operational objective for Guideline 2 areas is that no development should take place which would cause unacceptable impacts on mangrove habitat, the ecological function of these areas and the maintenance of ecological processes which sustain the mangrove habitats.

Although development proposals in these areas are outside designated areas of regionally significant mangroves, proponents should be aware the EPA still places a high priority on protecting tropical arid zone mangroves, their habitats and dependent habitats in the Pilbara region. The EPA will give these mangrove areas a high level of protection with respect to their geographical distribution, biodiversity, productivity and ecological function.

Proposals will be subject to a presumption against being environmentally acceptable unless the proponent can demonstrate that there are no unacceptable impacts; based on the following performance objectives:

- demonstrate a significant understanding of the mangrove systems, in terms of their habitats, dependent habitats and ecological functions, which are likely to be affected if development is implemented;
- with the above understanding, evaluate how the mangrove system (the mangroves, their habitats, dependent habitats, ecological function and ecological processes which sustain the mangrove habitats) would be affected by the proposed development and the environmental significance of any such impacts, including cumulative impacts; and

 demonstrate that the proposed development adopts good engineering design and 'best practice' processes for minimising potential environmental impacts and maintains the ecological function and overall biological value and environmental quality of the area.

Guideline 3

Areas that contain regionally significant mangroves inside with areas which have already been designated as industrial areas, their associated ports or related development. (These areas are indicated in Table 1 and shown on the maps (Figures 4 to 6) and consist of areas numbered 5, 9, 10, 11, 15.)

Objective

The EPA's operational objective for Guideline 3 areas is that no development should take place that would significantly reduce the mangrove habitat or ecological function of the mangroves in these areas.

Proposals will not be subject to a presumption against finding the proposals environmentally acceptable but will be expected to meet the following performance objectives for an assessment of their acceptability by the EPA:

- demonstrate a significant understanding of the mangrove systems, in terms of their habitats, dependent habitats and ecological functions, which are likely to be affected if development is implemented;
- with the above understanding, evaluate how the mangrove system (the mangroves, their habitats, dependent habitats, ecological function and ecological processes which sustain the mangrove habitats) would be affected and the environmental significance of any such impacts, including cumulative impacts; and
- demonstrate that the proposed development adopts good engineering design and 'best practice' processes for minimising potential environmental impacts and maintains the ecological function and overall biological value and environmental quality of the area.

Guideline 4

All other mangrove areas that occur inside areas already designated as industrial areas, their associated ports or other development and not covered by Guideline 3 above.

Objective

The EPA's operational objective for Guideline 4 areas is that the impacts of development on mangrove habitat and ecological function in these areas should be reduced to the minimum practicable level.

The EPA will adopt the presumption that development proposals in these areas would likely be found to be environmentally acceptable (and have a straightforward assessment by the EPA) subject to:

- a high priority being placed on protecting tropical arid zone mangroves, their habitat and dependent habitats; and
- any development being planned and designed to keep impacts on mangroves, their habitats and dependent habitats to a minimum practical level.

3.2 Duty of Care in Relation to Mangroves

Where development proposals may impact on mangroves, proponents should minimise, ameliorate and manage those impacts, including re-establishing mangroves where appropriate.

3.2.1 Approaches for achieving desired outcomes

As a part of project approval, a proponent may be required to use engineering solutions (eg. use of trestles instead of solid structures in order to maintain littoral processes) to minimise the loss and disturbance of mangroves and develop a management program which provides for:

- monitoring to detect changes in mangrove biodiversity, coverage and productivity based on performance indicators of environmental acceptability which include as appropriate –
 - * water quality;
 - * water circulation and exchange;
 - * mangrove health, productivity, abundance and density;
 - * tidal inundation;
 - * sedimentation rates; and
 - * productivity and biodiversity of dependent biota such as fish and invertebrates.
- minimising the avoidable loss of mangroves by
 - * avoiding the impacts of dredging. In particular, channel dredging should not cause instability of adjacent mangrove flats/sediments:

- * avoiding the direct removal of mangroves or filling of mangrove habitat wherever possible;
- * the disposal of dredge spoil onto mangroves should be minimised and would only be allowed if no other reasonable alternative is available; and
- avoiding wherever possible significant disturbance of supporting processes (such as fresh water inflows) on which mangroves depend
- auditing to ensure compliance with operational environmental performance objectives, Ministerial Conditions and Works Approval and Licence Conditions is being achieved;
- identifying remediation works or rehabilitation measures, if required, where performance objectives have not been met;
- preparing appropriate decommissioning plans; and
- research (see 3.2.3).

3.2.2 Important Outcomes

The proponent's ability to deliver the following outcomes will be important when evaluating the environmental impacts of a proposed development on a mangrove area:

- mangroves should not decline because of altered water flow or salinity. (No significant alteration of tidal flow to mangroves with the key objective being to maintain existing tidal patterns);
- water quality in undisturbed mangrove areas adjacent to the development should meet the ANZECC Water Quality Guidelines, unless there is ecological justification for it not doing so;
- existing groundwater flow, freshwater inflows and quality should be maintained in undisturbed mangrove areas;
- mangrove decline should not occur through secondary effects such as shading or dust settlement;
- mangrove decline should not occur as a result of wastewater, coolant water or runoff water discharge or irrigation, or from pollution;

- mangrove decline should not occur as a result of recontouring any land;
- sedimentation patterns should be maintained so that erosion and deposition within mangrove habitats is within natural variations;
- there should be no significant loss of algal mats associated with mangrove areas; and
- any unavoidable mangrove loss should not adversely affect the general amenity and recreational facilities nor interfere with fisheries in the area (breeding grounds, protection habitats for juveniles or adult fish or shellfish).

3.2.3 Alternative approaches for proponents

Where the destruction of mangroves is likely, proponents should minimise losses and impacts through appropriate planning and engineering design. For example, alternative approaches to planning and engineering could involve investigating available options for the alignment and construction of roads, conveyor belts, railways, buildings and revetments which minimise direct or indirect mangrove destruction while achieving development objectives. Creating or leaving intertidal flats adjacent to the development so that natural or artificial regrowth can occur may also be appropriate. Other compensatory options, where mangrove losses cannot be avoided, could include the replacement of mangroves at nearby locations or conducting mangrove-related research to improve environmental management.

Replacement

In cases where it may be impossible or unreasonable for a developer to avoid impacting mangroves, the EPA would consider the replacement of mangroves as a suitable outcome. As a guide, the EPA would not generally expect a replacement strategy if the area of loss of mangroves was to be less than 1000 square metres. However, the EPA would not discourage a proponent from proposing one for an area less than 1000 square metres. Preferably replacement areas should be on already disturbed or degraded areas or, where this is not possible, on newly created mangrove habitats. Where replacement is not practicable in the immediate vicinity, then replacement further from the area disturbed by a development may be considered acceptable.

• Research

The Western Australian State of the Environment Report points out that relatively little is known about mangrove ecology and that more research should be undertaken. Where the EPA accepts that a development cannot avoid impacts on mangroves, the EPA may consider a commitment from the proponent to carry out relevant research into mangrove ecology as an

acceptable means of off-setting a minor loss of mangroves. Such research could involve:

- data collection;
- * determining the relative ecological value of the various mangroves species, their habitats and dependent habits for the purposes of improving EIA for future proposals;
- * measuring the impacts from the destruction of mangroves during and after the development; and
- * regeneration of mangroves including propagation or transplanting mangroves.

3.2.4 Implementation action and plan

The EPA expects the proponent to exercise all care and due diligence in managing the proposal to ensure the protection of mangroves. Proponents should outline the detail of relevant safeguards in an Environmental Management Plan (EMP). An EMP should address the objectives specified in this guidance statement by detailing the appropriate monitoring and reporting required to ensure compliance with the conditions of development approval. The EMP should include provisions for implementing a rehabilitation program if required. In the case of a short-term proposal, a site rehabilitation plan should be included. For a long-term proposal, reference should be made to the acceptance that the site will be decommissioned and rehabilitated, with a rehabilitation plan to be developed before the proposed activity ceases.

3.2.5 Management system

The proponent should, where appropriate, establish and implement an Environmental Management System (EMS) consistent with the objectives of AS/NZS ISO 14001. See the EPA's Guidance Statement No.43.

4. APPLICATION

4.1 Area

This Guidance Statement applies to all development sites with the potential to impact upon mangroves in the tropical arid zone along the Pilbara coastline from Cape Keraudren at the southern end of the Eighty Mile Beach in the north to Exmouth Gulf in the south including State coastal waters (Figures 1-8). This area takes in the significant industrial development areas of Onslow, Cape Preston, Maitland, Burrup Peninsula, Cape Lambert, Boodarie and Port Hedland.

4.2 Duration and review of the guidance

(To be inserted when the final Guidance is released).

5. RESPONSIBILITIES

5.1 Environmental Protection Authority Responsibilities

The EPA will apply this Guidance Statement during the assessment of proposals under Part IV of the *Environmental Protection Act 1986* where tropical arid mangroves along the Pilbara Coastline are an environmental factor.

5.2 Department of Environmental Protection Responsibilities

The Department of Environmental Protection (DEP) will assist the EPA in applying this Guidance Statement in environmental impact assessment and in conducting its functions under Part V of the *Environmental Protection Act 1986*.

5.3 Proponent Responsibilities

Where proponents demonstrate to the EPA that the requirements of this Guidance Statement are accountably and enforceably incorporated into proposals, the assessment of such proposals is likely to be assisted.

6. **DEFINITIONS**

assemblage: recognisable grouping or collections of individuals or organisms.

best practice: occurs when a comprehensive, integrated and cooperative approach to the continuous improvement of all facets of an organisation's operations. It is the way leading edge companies manage their organisations to deliver world class standards of performance.

biodiversity: the variety of organisms, including species themselves, their genetic diversity and the assemblages they form (communities and ecosystems). Sometimes includes the variety of ecological processes within those communities and ecosystems (SOE WA, 1992).

ecological community: an assemblage of organisms characterised by a distinctive combination of two or more ecologically interacting species.

development: means the erection, construction, demolition, alteration or carrying out of any building, excavation, clearing or other works in, on, over, or under land or waters, or a material change in the use of land or waters or any other act or activity in relation to land or water declared by regulation to constitute development, but not including any work, act, or activity declared by regulation not to constitute development.

ecological function: the biological and physical processes and services of an ecosystem, including photosynthesis, nutrient generation and recycling and reproduction.

ecological integrity: means the state of an ecosystem being the whole and unimpaired and which is usually determined by reference to appropriate ecosystem indicators and criteria.

ecosystem: a community or an assemblage of communities of organisms, interacting with one another, plus the environment in which they live and with which they also interact (SOE WA, 1992).

environmental management system: provides a management, administrative and monitoring framework for ensuring that an organisation's environmental risk is minimised and that its environmental policy together with associated objectives and targets are achieved. See EPA Guidance Statement No 43.

good engineering design: occurs when environmental, safety, community and economic considerations are incorporated into the engineering design in an effective and comprehensive manner.

habitat: the place or type of site where a plant or animal naturally and normally lives and grows (SOE WA, 1992).

mangrove: (i) a plant (belonging to any of a wide range of species, mainly trees and shrubs) that grow in sediments regularly inundated by seawater (ii) a community (forest, woodland, shrubland) of such plants (SOE Advisory Council, 1996. Australia: State of the Environment 1996. Department of the Environment, Sport and Territories, Canberra).

operational environmental performance action: means an action that relates to the desired environmental outcome, or guides the formulation of strategies for the management of human activities that may affect the environment.

primary production: the conversion (usually in kg/day) of organic matter by autotrophs within an ecosystem, reflected as an increase in plant biomass (D Meagher 1991. The Macmillan Dictionary of The Australian Environment, Melbourne, p 257).

productivity (biological): the rate of accumulation of organic material in an ecosystem (SOE Advisory Council, 1996. Australia: State of the Environment 1996. Department of the Environment, Sport and Territories, Canberra).

proponent: in relation to a proposal, means person who or which is nominated under section 38 of the WA EP Act 1986 as being responsible for the proposal (WA EP Act, 1986).

regionally significant: those areas defined as 'regionally significant' in this guidance statement. These areas may in addition be of national and international significance, as identified in Semeniuk (1997)

7. LIMITATIONS

The Guidance Statement has been prepared by the Environmental Protection Authority (EPA) to assist proponents and the public. While it represents the contemporary views of the EPA, each proposal which comes before the EPA for environmental impact assessment will be judged on its merits. Proponents who wish to deviate from the Guidance provided in this document should provide robust justification for the proposed departure.

8. REFERENCES

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9. ACKNOWLEDGMENTS

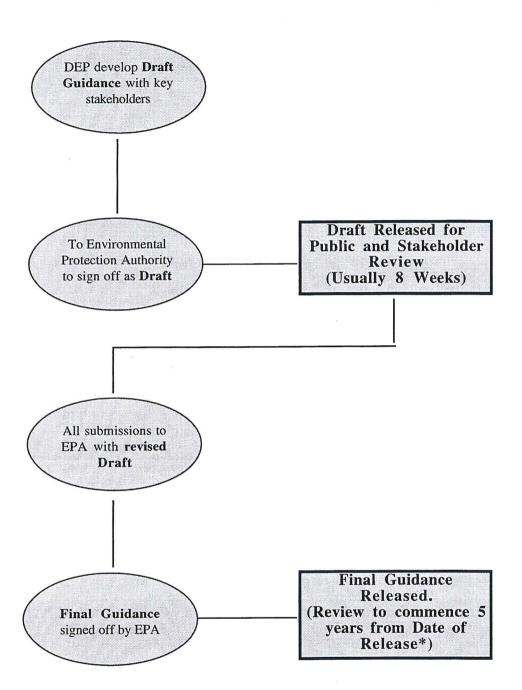
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- officers of the Department of Resources Development;
- officers of the Department of Environmental Protection;
- Ms S J Robinson (Consultant and former Deputy Chairman of the EPA).

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Citation	This document cannot be cited at this time but may be used by the EPA for the purposes of environmental impact assessment (EIA) with respect to this factor.	
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Appendix 1

Generic Flow Diagram for the Guidance Statement Process



^{*} Guidance may be reviewed earlier if circumstances require it.

Appendix 2

Figures

