

Minutes of the Community Working Group Meeting

Lord Howe Island Museum Library 9/5/2017

4.30pm – 5.45pm

Attendees: Penny Holloway (LHIB Board), Anthony Wilson (LHIB Board), Andrew Walsh (LHI Board), Jack Shick, Frank Reed, Karen Wilson, Therese Turner, Peter Curtin, Ian Hutton, Rodney Thompson, Helen Tiffin, Beth Wilson, Dimitri Young (OEH), Krister Waern (OEH), Barry and Laurie (Anglican Minister and his wife).

Apologies: None

1. Introductions

Penny introduced Dimitri Young and Krister Waern from the Office of Environment and Heritage (OEH) and explained that they were on island as part of the assessment of the NSW Species Impact Statement (SIS) for the project.

2. Minutes / matters arising from last meeting and corrections

Rodney made comment that the previous minutes said he had called people corrupt. He said that's some people who made submissions, like weeders, had a vested interest in the program going ahead. Rodney also said he had supplied the paper regarding military use of Brodifacoum and an ICAC report to Penny. Penny noted that she had received those but said she still hadn't received the information from Rodney regarding the aerial use of Brodifacoum being banned in NZ and asked Rodney to supply it.

Action: Rodney to provide paper on NZ aerial ban on Brodifacoum.

3. Office of Environment and Heritage process.

Dimitri gave an overview of the SIS process and what OEH would consider when deciding whether to issue a licence for the REP under the NSW Threatened Species Act. He explained that the SIS was prepared based on Director General's requirements that were set for the REP and an assessment decision would be made considering the SIS and Appendices. He explained the NSW Threatened Species Act only considered potential impact to NSW listed threatened species and that it could not consider other factors such as other species, social or financial aspects. Dimitri said that these were considered by other agencies under other legislation. Dimitri explained that after reading the SIS they were primarily concerned with Currawong, Woodhens and Masked Owl and the potential risks and mitigation for those species. Dimitri explained that Masked Owls were threatened in NSW but because they had been introduced to LHI and now mixed, they were targeted for eradication also. He said OEH had all the information they required in the SIS and had made the visit to the island to better understand the topography, ecology, potential impacts and to listen to people's views. He made an offer that he and Krister would be available to meet individually with people on Wed 10/5/17 from 2pm at the museum.

Helen asked two questions:

1. "If OEH issued a licence, is it a one off licence or since there was no doubt it would fail, would it be a licence for an endless stream of poisoning?"

Dimitri answered that the licence, if issued, would only be for what was in the application. Andrew explained that the REP had only applied to do the eradication once although we had asked for approval over several years in case of delays. Dimitri said anything different to that would require a separate licence application.

2. "Had OEH considered alternate methods?"

Dimitri explained that the assessment was based on the method proposed in the application. Krister confirmed that OEH had looked at the alternatives discussed in the SIS and through their own research.

Rodney said that it sounds like OEH were bypassing the APVMA and Commonwealth process. Dimitri said that OEH were not by passing anything, but the SIS approval was one component of many approvals required from different agencies and that the Board needed all the approvals in place in order for the program to go ahead.

Rodney said he had a letter from ICAC that said they had to consider all birds and animals. Dimitri said that the OEH licence process only deals with the NSW listed threatened species.

Rodney asked "If you can achieve eradication through other methods, would OEH think that would be ok?" Dimitri said that OEH can only assess the application that was in front of them.

Rodney said that the EPA had stated that the Board should be promoting something legal and safe. Andrew explained that the APVMA issues permits and labels for use of chemicals in Australia, whilst the EPA enforces chemical use according to the label issued by the APVMA.

Peter said he had three questions:

1. "Why was OEH only interested in three species?"

Dimitri explained that the Threatened Species Conservation Act only dealt with NSW listed species. The SIS had included an assessment of significance for all listed species and that the LHIB had only determined impacts to three species. Krister confirmed that it was OEH's job to look at all listed species and agree or disagree.

2. "Is there an Appeals Process?"

Dimitri said he wasn't sure and that he would need to take that question on notice.

3. He couldn't remember the third at this time.

Helen asked "How can you be ecologists and only consider three species and not all the ecological harm including to species not listed?" Dimitri explained because that is the law. He said the **Environment Planning and Assessment Act** considered all species but that Act did not apply to the baiting program. The Threatened Species Conservation Act applied to the REP and only considered impacts to listed threatened species. Rodney said he found that strange as all migratory birds are threatened. Dimitri explained that migratory species were covered under the Commonwealth EPBC Act. He said that if OEH approved a licence, it would be a licence to harm introduced owls killed during the owl eradication, and for woodhens and currawong in captivity and in the wild during the eradication if the REP goes

ahead. The licence would authorise that harm to happen. He said that the licence would only be approved if OEH were assured the populations would not be wiped out and could recover.

Helen said the 3 species that the OEH are looking at were not heavily impacted by rats. She said that woodhens were due to come off the endangered list but would need to be put back on the list due to this reckless project. Dimitri replied that the drivers for the project were protection of lots of species impacted by rat damage. He said the whole island would benefit. Helen asked how you know that looking at only 3 species. Dimitri said the SIS describes the proposal. His role was to ensure the risks to the species impacted were sufficiently mitigated to ensure they won't become extinct. Rodney said he agreed with Helen that currawongs and woodhens aren't affected by rats. Penny clarified that the Project could affect woodhens and currawongs, not that rats affected them. Dimitri said that the outcome would benefit all species but posed risks to two species.

Frank asked what the mechanism and process are for making a decision either way on the threatened species licence. Dimitri said that the legislation sets out clearly what the delegate or Minister must take into consideration when making a decision. He said OEH assess the scientific information provided in the SIS. The Director General's guidelines state the requirements of the SIS that the Board had to include. OEH looks at all the research, trials and literature provided in the SIS. They then undertake independent analysis to form a view. Helen asked if all the information analysed was provided by the proponent and if OEH also take into account information provided by those against the project. Dimitri replied that information provided by others is considered and explained that the public submission process on the SIS is the mechanism for that. He explained that OEH have the full submissions and have looked at all issues raised in the public submissions.

Rodney asked Dimitri and Krister if they were aware that palm seed collectors poisoned the rats and nearly wiped them out and then the Board changed that. Rodney said you could get rid of the rats with bait stations or sterility like they do on Norfolk and that the REP sounded irresponsible. Dimitri said that OEH does the bidding of the Government and they can only abide by the law. He said the Commonwealth Public Environment Report takes into account all flora and fauna on the island and social aspects. Dimitri also said he understood there is currently a Human Health Risk Assessment Report being prepared for the project by the NSW Chief Scientist that the proponent has said was important for the community. Rodney said the proponent was Walsh. Penny clarified that the Board is the proponent. She said that the SIS is one of many approvals the Board needs and has sought for the project.

Barry and Laurie entered meeting at 5.07pm.

Rodney said he thought that the project was linked with the phasmid and that the Board thought the phasmid was more important than all the birds. Dimitri asked if the Phasmid was extinct and Penny confirmed it was not. Jack said that the project was not just about the phasmid and the eradication will benefit everything on the island.

Karen asked if Marine Parks were involved and if any threatened endemic species are affected in the Marine Park. Andrew gave an overview of the separate Marine Parks and Fisheries approval process. He said that Fisheries look at all threatened fish and Marine parks issues approval to undertake the REP in the Park.

Jack said there are some fantastic examples of islands with rats eradicated to draw on. He said there had been some New Zealanders on his boat today and they had said “you should see the response in the islands that have been treated off New Zealand. The response has been remarkable, islands that have been treated and that are now without rats have a mind boggling number of birds”. He said eradication would benefit the whole ecosystem. Dimitri said the Board have looked at examples from around the world when deciding and justifying which strategy to use on LHI. He said the funding application process would have also required justification.

Helen said she thought the government assessment process was peculiarly compartmentalised. She asked “How can you use analogies from elsewhere as a sufficient basis for decision for endemics here?” She said she had been to 3 islands where eradication was attempted. One, Oano Island was good and had lots of birds but it was flat and only a quarter of the size of LHI. She said the cliffs had militated against the attempt on Henderson Island and were a reason for its failure and that Henderson Island is back to where it was before the attempted eradication.

Dimitri said that OEH does not choose the strategy. He said the decision is based on the best science at hand including risk assessments. Helen asked “how can you establish risk if the species are unique?” Dimitri replied that the SIS had provided detailed on-island trials and studies as well as off- island examples. The decision would be based on the science at hand.

Peter remembered his third question and tabled 2 documents regarding Brodifacoum; a risk mitigation decision from the USA EPA and a European Chemical Agency Standard. He asked Dimitri about benchmarking with worldwide standards. He told Dimitri that the proposed program to spread brodifacoum would not be allowed anywhere else in the world as Brodifacoum was labelled as eco toxic. He said any approvals here would be a courageous decision. He said politics would be insinuated in the decision and the political element is benchmarking. He said he had 40 years in scientific industry and that being a world first is relevant. He said Brodifacoum is recognised as a threat particularly to birds.

Dimitri said that the APVMA will make decisions about licensing the product. OEH is interested in impact to birds however their jurisdiction is only concerned with woodhens, currawongs and masked owls. He explained that proposal has mitigation measures in place including timing, size of pellets, persistence, captive management and monitoring. OEH will consider whether the mitigation is adequate.

Frank said that “saying it is a radical shift doesn’t acknowledge the global eradication experience.” Frank said he has been following the South Georgia project and it has been done in 3 sections. He said that we have already got baiting occurring and get dead rats but it hasn’t destroyed the birds. He asked what happens when resistance develops and there is science that it will and we have to use other more toxic bait in the future?

Peter said that arsenic and cyanide were less toxic than brodifacoum.

Dimitri said that if you continue the control program, you will build resistance. He said if the eradication program goes ahead it would then stop all resistance issues and the need to use rodenticides in the future, therefore eradication is the driver. Penny reiterated that the Board does not use brodifacoum laced baits in their baiting periods, only coumatetralyl and

difenacoum. Penny noted that brodifacoum is used currently by Island residents in rodent bait products purchased from supermarkets and Joy's Shop.

Helen said rats have been here for 100 years.

Peter said you cannot assess the project on the hoped for outcome. He compared it to assessment of a new drug for cancer that was assessed on its impacts, not because it might cure cancer. He said you can't assume this product will eradicate every rat on the Island because you spread it everywhere. Dimitri replied that the eradication project was assessed on its potential impact and not whether it is going to be successful.

Karen asked how long until it's safe to let birds out into the environment and who will monitor birds that will die. Dimitri said it will be around 100 days depending on the speed of bait breakdown and gave a brief overview of the monitoring plan submitted in the SIS. Karen said she knows it is more than that. Andrew explained that monitoring will continue for species on the Island after the initial baiting.

Helen said that the project is just predicting rodents might become resistant but they have been here for 100 years and haven't shown any resistance. Peter said the issue with Brodifacoum is that it bio accumulates. He said it accumulates in the liver for 12 months and you need to consider that end dose as a result. Dimitri said that he believed insects have different blood systems to vertebrates. Helen asked what about fish livers. Dimitri said individual species impacts are based on their diet composition and exposure risks. Peter said birds are vertebrates and it will accumulate. Dimitri also explained that birds captured are buffered from exposure as they will be held in captivity until they can't receive a toxic load once released and that was the idea of captive management. Peter said it was flawed.

Dimitri explained to the group that both he and Krister will be available from 2-4pm on 10th May at the Coral Café for individual consultation with the community. Karen asked to put the meeting notice up on the Community Notice Board and the community Facebook page.

4. Other matters

Penny gave the group an update on the final decision process and said that due to the fact that key approvals had not yet been received from the responsible authorities, the REP final decision has been shifted to the September Board meeting, not May as previously discussed. She also gave the group an update on status of the Human Health Risk Assessment Report and said she thought it was with the Minister currently. She said that it's still assumed that the Chief Health Scientist will come to the island and present the findings to the community as soon as the report is released. Helen asked now that the decision has been postponed until September, when will the program start and finish? Andrew said it is still being planned for winter 2018 as this was low tourist season, most seabirds were absent and there was less natural rodent food available. Helen asked about the Providence petrel breeding cycle and asked won't they be on the island then? She said "Boy are you taking a risk". Rodney said that the poison will get on the petrels' plumage and skin and will kill them. He said he saw it on pictures at Pitcairn Island. Dimitri said providence petrels are a Commonwealth matter.

Helen then asked about fish that the birds will feed on. Ian explained that Providence petrel diet consisted of squid and that the birds feed in waters between New Caledonia and Tasmania and at least 100km from Lord Howe.

Andrew gave an update on the APVMA and EPBC processes and said that we were still waiting for those approval decisions to come back. Helen asked what would happen if we didn't make the winter window if something delayed the program. Andrew explained that we would then try for implementation in winter 2019 instead.

5. Communication

Rodney said that there was no information on water in the flyers. Anthony explained that there have been information fact sheets distributed to the whole community that covers different issues that have been raised through consultation. Water and the environment will be addressed again in upcoming fact sheets. Helen said the fact sheets were nothing but propaganda. Rodney said it was misleading to have government logos on the flyers as it could be misconstrued as approval. Andrew explained that the logos were of the funding partners but we could add text to clarify that. Penny explained that the funding partners had also funded implementation of the project if the decision is made to proceed.

Rodney suggested that a Board secretary take the minutes so that they were impartial. Penny said the Board did not have secretaries, however was happy for a member of the CWG to volunteer to take the minutes in future.

6. Next meeting

Penny said we would set the next meeting once we had updates to present

Frank thanked both Dimitri and Krister for attending the meeting

Meeting closed at 5.45pm