

Exploring the social dimensions of Australia's seafloor exploration and mining industry



Stakeholder engagement in the international marine aggregates industry – questions for stakeholders

BACKGROUND: The CSIRO is undertaking a government funded investigation into the viability of a possible seafloor exploration and mining industry in Australia. We want to know whether an environmentally and socially sustainable industry is possible for this country, and if so, the best way to achieve and manage it. Part of this is ensuring that industry, government, community and other stakeholder interests are engaged in decision processes.

Because seafloor mining is not well developed Australia, there is not a lot of precedent as to the best way to carry out stakeholder consultation in this realm, so we want to ask about your first-hand experiences in regard to consultation in the offshore mining of aggregates (sand and gravel).

Please note that your input will be treated confidentially, and your participation is voluntary. You don't have answer anything you don't want to.

QUESTIONS

1. What organisation are you from? Please briefly describe your position in this organisation.

MARINET, the Marine Network of Friends of the Earth Local Groups in England, Wales and Northern Ireland www.marinet.org.uk. This is a voluntary organisation. I am its co-ordinator.

2. What is your interest/role in relation to the marine aggregates (sand and gravel) mining industry in your country?

Our interest is in the impact of marine aggregate extraction on the marine ecosystem and the coastline (coastal erosion). Our role is that of an interested non-governmental voluntary environmental organisation constituted to protect and conserve the marine environment.

3. Can you please describe your experiences of stakeholder consultation processes in the marine aggregates (sand and gravel) industry in your country. You may like to include details of the regulatory framework, the timeframes and the extent of the consultation processes.

We have made submissions in respect of many of the marine aggregate extraction licence applications since our organisation's formation in 2002. The full details of these submissions are recorded on our website <http://www.marinet.org.uk/mad.html>

The regulatory framework is in accordance with the EU Environmental Impacts Assessment (EIA) Directives and the planning procedures published by the UK Central Government under the title Marine Minerals Guidance Notes, see <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/mineralsandwaste/marinemineralsguidance/>

This procedure follows a Scoping Document for the EIA (establishing what the EIA should consider), followed by an EIA undertaken for the applicant by an environmental consultancy.

This EIA is then sent to the appropriate licensing authority (central government) whilst the applicant also seeks comments about the EIA from third parties who have registered an interest in the application, and the applicant's consultant responds to these third party comments. At the end of this process the licensing authority asks the consultees whether they are satisfied with the outcome of the EIA consultation, and then makes a decision on whether to grant the licence and, if so, on what terms.

Our experience is that many of the EIAs are deficient, both in terms of their assessment of the impact on the marine environment and in terms of the impact on the coastline. Although we may draw these deficiencies to the attention of the consultant, little results from this process. When these deficiencies are drawn to the attention of the licensing authority (central government) they are ignored. Central government deems the environmental consultant to be working to professional standards, and that is sufficient for their purposes. There is no independent auditing of the EIA and its findings.

The environmental consultancy employed by the applicant, whilst working to professional procedures, is often heavily dependent on the licence applicant (marine aggregate company) for its own livelihood i.e. it is not difficult to see that if the environmental consultancy produces an EIA which is unfavourable to the applicant, then that consultancy obtains no further EIA contracts and is forced out of business.

The EIA process needs to be conducted in a manner whereby the environmental consultancy conducting the EIA is wholly independent of any relationship with the applicant. The system that operates at present does not provide this independence. Nor is there any auditing process of the present procedures and the EIAs by an independent party. In theory, the licensing authority is the independent party and independent of this process. However the licensing authority (central government) has a policy that says that marine aggregate extraction is to be encouraged, and central government receives the revenue arising from the licence (to be precise, the seabed is owned by the Crown Estate to whom the licence holder pays a licence fee. The Crown Estate remits this revenue to the central Government Exchequer). In other words, central government, like the environmental consultancy, has a pecuniary interest in the determination of the licence.

In short, there is no independent auditing of the EIAs and the planning process.

An additional key factor is the evaluation of the long-term impact of aggregate extraction on the marine ecosystem and the coastline i.e. does the marine ecosystem which is inevitably damaged during extraction recover and, if so, to what degree, and is there evidence of coastal erosion in the years after the extraction licence has expired. Evaluation by the licence holder of long-term impact is generally written into the terms of the licence. The purpose of this stipulation is to assemble scientific evidence of the impact of marine aggregate extraction, and thus to use old licences to inform the determination of new licence applications. However, these long-term studies following the cessation of the licence are rarely undertaken by the licence holder, and there is no enforcement of this matter by the licensing authority.

4. What sorts of issues have arisen through the consultation processes?

The Scoping Study has excluded matters we consider to be important, both in terms of impact on the marine ecosystem and impact on the coastline (coastal erosion).

The EIA has inaccurately assessed the baseline nature of the marine ecosystem affected by the proposed extraction, and has therefore arrived at the wrong conclusions about the nature of the likely impact.

The EIA has incorrectly assessed the nature of the offshore wave regime, and therefore arrived at a false conclusion about the erosive force of marine aggregate extraction on the coastline.

The EIA has inaccurately assessed the impact of marine aggregate extraction on legally constituted conservation sites which, under the terms of their protection, would normally be protected from such licences.

These deficiencies are drawn to the attention of the licensing authority, but the licensing authority fails to commission any independent study to establish whether these deficiencies are true.

Once a licence has been issued, the deficiencies in the EIA are carried over in to future applications which use the “original scientific study” again to support a new licence application despite the apparent original deficiencies i.e. the scientific study in question was “validated” by the original licence application, and so is used in future licence applications as if its integrity had been established.

Central government has a tax on aggregate extraction (i.e. in addition to the licence fee). This tax is paid to the central Exchequer. Central government then separates a portion of this tax revenue for “environmental studies” into marine aggregate extraction. Some of this “environmental studies” money is disbursed by means of environmental projects to the environmental consultancies who undertake the EIAs, and is also disbursed to certain marine environmental non-governmental conservation organisations. These marine environmental non-governmental conservation organisations rarely make comments about licence applications under the EIA and licence issuing procedures.

There is a priori evidence that the method of marine aggregate tax disbursement creates a pecuniary interest amongst those third parties who are involved in the evaluation of the impact of the marine aggregate industry.

5. What would you say have been the main outcomes of the consultation processes (e.g. impact on decision-making – both positive and negative)

Positive: there is a legal structure to the licensing process.

Negative: the licensing authority and those charged with the evaluation of the licence application have a pecuniary interest in the outcome. There is no independent auditing.

Negative: there is evidence that coastal erosion and unacceptable damage to the marine ecosystem has occurred, and the truth of these matters has not been properly assessed or verified. In short, proper environmental protection is not being upheld by the planning and licensing process.

6. What do you think works about the consultation processes? What could be improved?

In theory, the EIA process is sound. However it has to be undertaken on a professional basis where no pecuniary interest in the outcome exists.

As the process operates at present, it is failing substantially in protection of the marine environment and protection of the coastline.

It can be improved by the disqualification of those in the evaluation process who have a pecuniary interest in the outcome, and it can be improved by the establishment of a genuinely independent auditing process which can evaluate the truth in matters where a third party and the applicant are in disagreement about the environmental impact of granting the licence.

7. What would be your ideal scenario in terms of engaging stakeholders?

A genuine scientifically independent evaluation of the likely impact of marine aggregate licence applications in the first instance, thus producing an EIA whose integrity is clearly established. Followed by a genuine independent auditing of the issues where third parties and the applicant are in disagreement as to the likely impact. And, at the end of the licence, thorough and independent evaluation of the long-term impact on the marine ecosystem and the coastline of the each aggregate extraction licence.

Note: This is not an “ideal scenario”. It is what should exist by virtue of commonsense, but does not at present.

What is genuinely ideal (but, once again, actually essential) is that all the sea, the entire area, should be placed in a default position where it has total protection from all extractive human activities, including fishing. Then, when a human activity wishes to operate in specific areas, it needs a licence which will only be issued if it can be shown that the activity will not damage the integrity of the marine ecosystem. This is the “ecosystem-based approach to marine management”, and ensures that we can restore health back to a severely damaged marine ecosystem in the NE Atlantic, see <http://www.marinet.org.uk/eatmm/definition.pdf> (for example, 88% of commercial fish stocks in the NE Atlantic are currently being overfished due to trawling and modern technological aids and this, in turn, is extensively damaging the structure of the ecosystem on the sea bed, and similar excesses in fishing are evident worldwide). Aggregate dredging sites are located on areas of alluvial sand and gravel deposited by rivers during the last Ice Age and, as such, these areas are rich habitats for marine life and for the spawning and nursery grounds of fish. Aggregate dredging is therefore located on physical habitats which are unique, non-renewable, and of especial value to marine biodiversity.

8. Who else can we talk to about this? Please provide the names of anyone you know who is involved in this field.

The Oceanography Department, Southampton University, England.

Jerry Berne, Sustainable Shorelines, Inc. 3018 Nance Cove Road, Charlotte, NC 28214 704/236-5208, Email. BERNEARCH@aol.com website <http://www.sustainableshorelines.org/Contact.html>

The Government of The Netherlands

The mechanism of the lowering of beaches and shorelines caused by offshore dredged areas is established in the recent SANDPIT Report which can be viewed at: <http://sandpit.widelft.nl/reportpage/reportpage.htm> — To find the Report on the Sandpit website, click 'Progress Reports' on the left menu and then the report will be found as 'Scientific Report of Year Two (size 7.1 Mb)' This document is the Second Sandpit Report “SCIENTIFIC REPORT OF SANDPIT PROJECT, APRIL 2003 — APRIL (2004 YEAR 2) MAY 2004, SANDPIT EC FIFTH FRAMEWORK PROJECT No. EVK 3-2001-00056” which emanates from a large group of independent European Scientists concerned with the impact of Offshore Aggregate Dredging.

Aggregate dredging may be threatening Sizewell nuclear power station — Is there evidence that the offshore sandbanks — the Dunwich and Sizewell sandbanks — are being diminished by offshore aggregate dredging? If so, does this change threaten the stability of Sizewell beach and the long-term physical integrity of the nuclear power station at Sizewell, Suffolk? These are the questions which are examined in this paper by Peter Lanyon, Vice-Chairman of the Shut Down Sizewell Campaign. For further details, see: www.marinet.org.uk/mad/sizewell.pdf the email address of Peter Lanyon is p.lanyon@tiscali.co.uk

Science into Society, CSIRO

Contact Gillian Paxton, Social research

Phone +61 7 33274074

Fax +61 7 3327 4455

Email Gillian.Paxton@csiro.au