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RESPONSE TO
TALISMAN SABRE 2011
DRAFT Public Environment Report

While we appreciate the opportunity the Department of Defence (Defence) gives to the public to respond to the draft Talisman Sabre 2011 (TS11) Public Environment Report (PER), it is with disappointment that we make this submission. The information about the scale and intensity of TS11 on the one hand, and the environmental values of the training areas on the other, is useful, but the failure by Defence to 1) undertake a timely and genuinely objective assessment of the impact of the former on the latter; 2) to disclose essential details; and 3) to take a comprehensive view of what the games imply environmentally, is damning not only of the PER process but of Defence's preparedness to be accountable for its activities.

The TS11 PER process is an exercise in public relations the aim of which is to convince the community that Defence, through its environmental management plans, procedures and protocols, can and will reduce the environmental cost of TS11 to insignificance. It is not unreasonable for the public to be doubtful about Defence's chances of doing what it says it can and will do, given the size of the war games; the potency of modern military equipment and weaponry and their high reliance on non-renewable and polluting resources; the vulnerability of the ecological communities exposed to TS11; and the potential for serious accident. What is unreasonable is the quality of the information used by PER authors to address community perceptions. The poor-quality of information is typified by Table 3, which, introduced by a comment dismissing community concerns as misconceptions "often influenced by inaccurate or biased information from various channels", does not begin to answer questions raised by us and groups like ours in previous years.

We find the PER no more convincing or reassuring than previous Talisman Sabre (TS) PERs for the following reasons (most taken from our 2009 submission in the hope that, second time around, they will be taken seriously):

1) As with all Defence PERs, the TS11 PER has been produced long after the decision to hold the war games has been made, and well into

the planning process. This means that the assessment of environmental and social impacts of the event is not undertaken at a meaningful time, that is, when it could be used to inform decisions and plans. It also means that the scope of the environmental risk assessment is deceptively narrow, so that the environmental risks are couched in terms that make them appear immediate, localised and short-lived. "Big" questions can be comfortably ignored, questions such as what are the environmental implications of the sort of warfare the TS troops are being trained for, and whether these implications are so serious they outweigh the military benefits of holding the exercises.

The PER's late, post-decision focus means Defence (and the Australian government) is relieved of having to engage in public debate about the fact that these war games are considerably more than a training exercise — they are a display of Western military might, provoking other nations to build-up their arsenals and war preparations, and thus increasing the likelihood of war, with all its human and environmental tragedies. When the broad context of TS11 is brought into view, the irrationality of claiming that TS11 can be managed in an environmentally sustainable way becomes particularly obvious.

2) The environmental assessment of TS11 lacks objectivity and independent oversight. The PER reads as little more than an apologia of Defence's environmental policies, management plans, procedures and controls. Characteristics of the PER that support this criticism are, in summary:

- 1 The PER, a desktop, not an 'on site' field assessment, relies on internal Defence documents and uncritically accepts the value of these documents and the truth of Defence's own claims about its environmental performance. It is stated that the desktop assessment included reviews of recent environmental studies and previous studies of major military exercises — the former (species counts, etc., that may well be valuable) are not evaluations of military environmental effects, and the latter are internal and/or unpublished productions.
- 2 The group responsible for monitoring compliance to the TS11 Environmental Management Plan (EMP), the Environmental Management Group, will consist entirely of defence staff (US and Australian). We have been informed by the Great Barrier Reef Marine Park Authority (GBRMPA) Chairman (personal communication, 15 Nov. 2010) that the GBRMPA has staff on site during each Talisman Sabre exercise and their observations are used during exercise planning. However, this PER, previous PERs and post-activity reports make no reference to this involvement by the GBRMPA. If these

officers do on-the-ground monitoring during the exercises, their reports should surely be made public.

3 The development of the TS11 EMP, as set out in the PER, is/will be an internal process. Mention is made of input from government agencies (i.e. GBRMPA; federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC); and the Queensland Department of Environment and Resource Management) but no indication is given of the nature, extent or significance of this input. (DSEWPC information about military sonar does not inspire confidence: someone in the department seems to think that the Royal Australian Navy does not in fact operate medium frequency sonar

<<http://www.environment.gov.au/coasts/species/cetaceans/seismic-sonar.html#types>>.)

3) The requirements that Defence is obliged to meet under Australian environmental law are shamefully lenient. We understand that Defence is required under the Environment Protection and Biodiversity Conservation Act 1999 to make a mere self-assessment of its war games (irrespective of scale), having been granted an exemption from making a formal assessment and referral to the DSEWPC as a result of guidelines issued in 2006 (EPBC Act Policy Statement 1.2). While ever Defence is not legally obliged to give an open and objective account of its environmental management, it is unlikely to produce a scientifically sound assessment.

Claims by PER authors about the reliability of the Environmental Risk Tool (ERT) used in the PER are not independently confirmed. Further, although plans for TS11 are said to be little changed from those of TS09, no explanation is given for differences between the 2009 and 2011 assessments, such as reduction in the number of medium-level post-mitigation risks from 57 in 2009 to 26 in 2011 and changes in what post-mitigation risks are determined to be of a high level (collision between water vessels and marine fauna is no longer considered a high risk, while there is now a high risk of aircraft movement disturbing roosting seabirds and migratory patterns of listed marine species; and, for the first time, risk to marine life from accidental exposure of a nuclear powered vessel's reactor core is considered high). Unexplained changes in ERT determinations make reliability of the tool questionable.

Perhaps the most indigestible estimation that the ERT has produced for 2011 is that the risk to land and air of hydrocarbon use throughout the exercises increasing greenhouse gas emissions (GHGs) is low. Risks

from GHGEs are growing exponentially — it would be interesting to know how much risk levels would have to increase, and ERT determinations change, before Defence would be legally obliged to undertake a formal environmental impact assessment and referral to the DSEWPC.

4) The PER lacks essential detail. Listings of weaponry and vehicles to be used are not given. Estimates are not given of the types and amounts of chemicals and non-renewable energy sources to be used; of waste (solid and liquid, putrescible and non-putrescible) that will be generated; of vegetation likely to be cleared. Targets for energy use and waste generation are not given. Detail of the nature and effectiveness of the rehabilitation undertaken after the exercises would be important public information, as would greater detail of the designated "no-go" areas. More details are given in this PER than in 2009 of regulations to protect whales against the adverse impacts of sonar (in summary, maximal sonar source level of 210 decibels in certain places and during particular months; no sonar transmission if a whale is sighted less than 4 km from the ship); however, the scientific basis for what appears to be lenient and hard to enforce restrictions is not given.

5) Public confidence in the PER process is undermined by the inability of authors to find any weakness in Defence's environmental management. They do not recommend one improvement, despite commending Defence's environmental strategy for being a process of ongoing improvement. We are asked to accept that so effective is Defence's leadership and preparation of TS troops in environmental matters that all potential impacts of all biennial joint exercises since Exercise Kangaroo in 1974 have been effectively mitigated (Executive Summary, p i) and that there has not been one major breach of environmental regulations during the previous TS exercises (p 9). We are asked to believe this of armed forces whose preparation and leadership are such that young ADF and USAF combat troops in Iraq and Afghanistan have found themselves in the horrendous position of being responsible for accidental and avoidable civilian deaths and injuries, and destruction of essential environmental assets of local communities. The wars in Iraq and Afghanistan strongly suggest that no training could equip troops to effectively protect civilians, each other and the natural environment against the deadliness and destructiveness of their own weaponry and practices .

COMMUNITY PERCEPTIONS OF LARGE-SCALE JOINT COMBINED MILITARY EXERCISES

We ask those conducting the PER process to revise the section of the report headed "Information regarding common misperceptions" (pp 9 and 10) by incorporating acknowledgement and/or information about the following points or showing why the concerns these points reflect are groundless.

Risk to public safety

- 1 information about what monitoring of the catchment for Yeppoon's water supply, especially Waterpark Creek, has been/will be done and where the results are/will be published;
- 2 acknowledgement that the global problem of military toxin pollution is significant, and information about the potential for contamination of TS11 training areas by military toxins, including with percholate and red phosphorus;
- 3 acknowledgement that local communities who host visiting troops are likely to experience an increase in problems of drug-taking, sexual abuse and violence; and information about past incidents of anti-social behaviour of TS troops on leave and preventive measures to be taken during TS11.

Adequate consultation of local Indigenous people

- 1 acknowledgement that Defence land acquisitions have displaced the traditional owners and that greater effort needs to be taken to increase safe and regular access to training areas by them;
- 2 evidence that a robust effort has been made to ensure that Defence's consultation with local Indigenous people about impacts of TS11 have been meaningful and representative.

Environmental non-compliance by US forces:

- acknowledgement that the examples used by community respondents to previous PERs of the problems other nations have had in restraining the USAF from environmentally destructive activities or in getting the USA to assume responsibility for past environmentally damaging actions (and/or for clean-up), and of exemptions granted to the US military from US environmental law, show that the US military cannot be relied on to comply to environmental regulations;
- information about the legal status of the Joint Statement of Environment and Heritage Principles, including assurance that it fulfils the role of a Australian Government formal, enforceable agreement with the USA that holds the USAF liable for any environmental damage they cause.

Use of Depleted Uranium (DU):

- acknowledgement that the USAF use DU in ways additional

to use in munitions, and information about the possibility that DU will be present in non-munition forms during TS11;

- acknowledgement that military use of DU by the USA suggests that US environmental standards are lower than international (and Australian) standards.

Environmental degradation of the land, sea and sky:

- acknowledgement that climate change and growing human populations are putting unprecedented pressures on the natural environment and it is reasonable for the public to seek guarantees that their defence organisations are not adding to these pressures.

Public and environmental risk from the use of nuclear powered and capable vessels

- acknowledgement that, although the US Navy denies its submarine reactors have been involved in accidents, it has self-reported hundreds of nuclear weapon accidents;
- acknowledgement that the US policy of 'neither confirming nor denying' the presence of nuclear weapons on a US Navy vessel is a precaution the USA takes against having to admit culpability in the event of a nuclear weapons accident;
- acknowledgement that in the Tandem Thrust 1997 exercises, containers of US weaponry were washed overboard into Townsville Harbour during a cyclone; and information about the US response to this accident.

Impact on whales and other marine fauna through sonar use

- acknowledgement that there is simply not enough scientific evidence to show that the restrictions on use of underwater active sonar proposed by the PER ensures the safety of marine fauna, and that:

"Given absence of evidence, the precautionary concepts that are imbedded in environmental agreements, laws and regulations around the world (including the United States) should be implemented as soon as possible. Currently environmental impact assessment methods largely rely on assessment of physical damage to cetaceans to predict the potential impact of noise producing activities such as military sonar. At the very least these methods should be abandoned or substantially modified, in the face of mounting data and expert opinion that such assumptions are erroneous and that behavioral responses at much lower sound levels have the potential to produce a range of detrimental effects (e.g., [Lusseau et al., 2006](#); [Williams et al., 2006](#); [Wright et al., 2007b](#)), including those that may result in injury or death, and given the likelihood that population level impacts can arise from non-lethal exposures." (Parsons e, Dolman S, Andrew J, et al. Navy sonar and cetaceans: just how much does the gun need to smoke before we act? *Marine Pollution Bulletin* 2008; 56: 1248-57);

- acknowledgement that not only whales but other marine fauna (turtles, dolphins, dugong and fish) are vulnerable to the risks of military sonar and information about the measures to be taken to

protect them from underwater noise during TS11;

- acknowledgement that that the US Navy's continuing resistance to the idea of international regulation of military sonars is obstructing advances in the protection of marine fauna.

The need for independent, objective environmental assessment of military activities

- acknowledgement that it is reasonable for the public to expect Defence to act on its commitment to implement independent verification of its environmental performance (described in Defence's own Strategic Environmental Plan 2006-2009 as "a priority intuitive" [page 27]), and to expect instigation of the independent environmental assessment of large-scale military exercises, and independent verification of the documents on which the PER relies, such as the GBRMPA Strategic Environment Assessment of Defence Activities 2006; the TS11 exercise-specific EMP; RAN Maritime Activities EMP.

CONCLUSION

At a time when the degradation of the natural environment is arguably the most serious threat to Australia's national security, it is incumbent on Defence to make transparent, credible estimates of what its activities add to the nation's environmental burden, and reduce that burden to acceptable levels or cease the offending activities. A report that uncritically and vaguely describes Defence's planning documents and programs, and presents results of an in-house environmental risk assessment of unknown reliability is simply not good enough.

We hope our concerns will be addressed in the final version of TS11 PER.

11 December 2010