

Date : 29/05/2008 1:45:13 PM
From : "Kerry Walsh"
To : "Ingrid Fomiatti Minnesma"
Cc : "Michael Devery" , "Scott Sullivan"
Subject : FW: AssessmentRequest_Clearing Permit
 Hello Ingrid

Attached is an email from Paul Forster of the Queensland Herbarium with comments relating to the clearing of protected plants (in particular *Xerophilus*) in Heathlands. In assessing the clearing Paul has made comment about the need to avoid vine forest areas when making realignments to the current Heathlands Road. I note that the avoidance of environmentally sensitive vegetation (eg. Vine forests and Rare & Threatened plants) was also one of the important points put forward by Bruce Wannan in his email of 26/05/2008.

Cheers
 Kerry

Kerry Walsh
 Ranger, Wildlife Management Operations (Northern)
 Environmental Protection Agency

Ph: (07) 4046 6609
 Fax: (07) 4046 6643

From: Paul Forster
Sent: Tuesday, 27 May 2008 10:21 AM
To: Kerry Walsh
Subject: RE: AssessmentRequest_Clearing Permit

Dear Kerry,

Some comments given below. It strikes me that they could try harder to lessen the impact, particularly with regard to where they locate the pits.

cheers

Dr Paul Forster
 'Austrobaileya' Editor
 Queensland Herbarium
 Environmental Protection Agency,
 Brisbane Botanic Gardens,
 Mt Coot-tha Road, Toowong, Qld 4066, AUSTRALIA
 ph. 07 3896 9578
 fax 07 3896 9624
 email: paul.forster@epa.qld.gov.au

From: Kerry Walsh
Sent: Wednesday, 21 May 2008 3:46 PM
To: Paul Forster
Cc: Scott Sullivan
Subject: AssessmentRequest_Clearing Permit

Hello Paul

On the 1st May 2008 QPW received a clearing permit application from Qld Dept Main Roads Peninsular District (QDMR). In the application QDMR (Colin Moore listed as the contact) indicated that as part of the upgrade of the Northern Peninsula Road and the establishment of associated borrow pits a population of *Xanthostemon xerophilus* will be impacted due to the works.

Attached is a scanned copy of the application and other relevant information provided with the application.

In order to assist with the assessment of this application would you be able to provide information in relation to the following questions, pertaining to the Rare species :

1. Would the taking of the listed species adversely affect the survival in the wild of the each species.

Not for the species as whole.

2. Would the taking of the plants have a significant impact on the viable population of the protected wildlife or a community of native wildlife in the area.

(The question relates to section 29 of the Nature Conservation (Protected Plants) Conservation Plan 2000 - Restrictions on grant of clearing permit)

It is unlikely that the take will impact on the genetic variation of each population as plants occur commonly away from the road corridor.

There are a number of other issues associated with the upgrade of the road and creation of borrow pits as the work is to be done within Heathlands Resources Reserve. Environmental Services Unit in Cairns (Contact - Ingrid Fomiatti Minnesma) are looking after the application (ERA20) for borrow pits on the Heathland Resource Reserve

Ingrid indicated, in a email that was cc to me, that her main concerns in relation to the ERA20 applicaiton:

a.. Confirmation of locations of pits (and watering points) and how appropriates these are in QPW view (both yourselves and Buzz's area)
It is important that QDMR are not given an 'easy out' to just put the pits wherever they choose. In many cases it should be possible to find alternative sites. From the looks of the application, the pits have already been selected and then the survey of the chosen sites was undertaken.

b.. Also does this include pits required to maintain road into the future

Exactly.

c.. Confirmation on the alignment of road – including width etc

d.. Confirmation that we are happy that the telegraph track is NOT an option and justification or that (issue raised by Buzz)

e.. Who will deal with the "act of parliament" for road reserve gazettal

f.. We still do not have a valid application for ERA 20 – as owners consent for that part was not signed (was not attached to attached letter)

g.. Apparently if you read attached letter there is still an issue re future alignment adjacent to Captain Billy turn off

There is significant vegetation (mainly vinethicket) at the CP t/o, and the area is environmentally sensitive.

h.. In term of timeframes – I would like to progress the request for additional information if required as a matter of urgency – and I am therefore seeking any comments to documents ASAP

Please call or email if you need more information.

Thank you for your help

Kerry

Kerry Walsh
 Ranger, Wildlife Management Operations (Northern)
 Environmental Protection Agency

Ph: (07) 4046 6609

Fax: (07) 4046 6643

Date : 21/05/2008 5:09:16 PM
From : "Kerry Walsh"
To : "Ingrid Fomiatti Minnesma"
Cc : "Scott Sullivan" , "Michael Devery" , "Tim White" , "Andrew Date"
Subject : FW: AssessmentRequest_Clearing Permit
 Hello Ingrid

General policy regarding Clearing Permit applications is to request an assessment from the Herbarium. As per attached I sent the assessment request to the Herbarium (Paul Forster is currently looking after assessments) today.

I don't think I can help too much with the protected area estate matters that you mentioned in relation to the ERA20 application.

However, I would like to point out some information relevant to the issue of a clearing permit. It is my understanding that a clearing permit cannot be issued over part of the protected area estate as section 15A of the *Nature Conservation (Administration) Conservation Regulation 2006* (Admin Reg) states *the chief executive may grant the following permits for protected plants other than in a protected area —*
 (a) a clearing permit...

If my understanding is correct, and I would need to confirm the legislation interpretation with Mike Devery, the permit to clear the rare plant could not be issued until the road reserve and the borrow pits were gazetted out of the protected area.

Furthermore, in Section 9 (a) of the Admin Reg there is an option for the issue a permit to take, use, keep or interfere with cultural or natural resources (Resources permit) for quarry material and protected plants. Restrictions relating to the issue of a resources permit for protected plants, which are listed in section 20 of the *Nature Conservation (Protected Area Management) Regulation 2006*, limit the issue of this type of permit to Least Concern plant parts. Therefore, the resources permit may be an option for the take of quarry material in Heathlands but not for the clearing of a protected plant listed as Rare. Section 20 states - (1) *The chief executive may grant a resources permit authorising the taking of only the following parts of a plant (each a permitted plant part)— (a) a seed or other propagative material; (b) foliage, a flower or an inflorescence. (2) The chief executive may grant a resources permit authorising the taking of a permitted plant part of only a least concern plant. (3) The chief executive may grant a resources permit authorising the taking of a permitted plant part of a least concern plant only for a conservation park or resources reserve.*

Please let me know if you need more information.

Cheers
 Kerry

Kerry Walsh
 Ranger, Wildlife Management Operations (Northern)
 Environmental Protection Agency

Ph: (07) 4046 6609
 Fax: (07) 4046 6643

From: Kerry Walsh
Sent: Wednesday, 21 May 2008 3:46 PM
To: Paul Forster
ub: Scott Sullivan
Sj c@bt: AssessmentRequest_Clearing Permit

Hello Paul

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 2. Would the taking of the plants have a significant impact on the viable population of the protected wildlife or a community of native wildlife in the area.
- (The question relates to section 29 of the Nature Conservation (Protected Plants) Conservation Plan 2000 - Restrictions on grant of clearing permit)

There are a number of other issues associated with the upgrade of the road and creation of borrow pits as the work is to be done within Heathlands Resources Reserve. Environmental Services Unit in Cairns (Contact - Ingrid Fomiatti Minnesma) are looking after the application (ERA20) for borrow pits on the Heathland Resource Reserve

Ingrid indicated, in a email that was cc to me, that her main concerns in relation to the ERA20 applicaiton:

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b.. Also does this include pits required to maintain road into the future
c.. Confirmation on the alignment of road – including width etc
d.. Confirmation that we are happy that the telegraph track is NOT an option and justification or that (issue raised by Buzz)
e.. Who will deal with the “act of parliament” for road reserve gazettal
f.. We still do not have a valid application for ERA 20 – as owners consent for that part was not signed (was not attached to attached letter)
g.. Apparently if you read attached letter there is still an issue re future alignment adjacent to Captain Billy turn off
h.. In term of timeframes – I would like to progress the request for additional information if required as a matter of urgency – and I am therefore seeking any comments to documents ASAP

Please call or email if you need more information.

Thank you for your help
Kerry

Kerry Walsh
Ranger, Wildlife Management Operations (Northern)
Environmental Protection Agency

Ph: (07) 4046 6609
Fax: (07) 4046 6643

Date : 31/05/2008 12:38:51 PM
 From : "Kerry Walsh"
 To : "Ingrid Fomiatti Minnesma"
 Cc : "Michael Devery" , "Scott Sullivan"
 Subject : RE: Heathlands Resource Reserve - Application for Owners Consent and Development Approval
 Attachment : gl_pk_dev_inf_app_for_an_interest_protd_area.pdf;
 Hello Ingrid

I've had an opportunity to discuss the Heathland issue with Mike Devery and I have also canvassed the views of a number of EPA officers.

From these discussions I've been unable to find a specific permit type that would be suitable for this development/infrastructure project; however I offer the following suggestions:

- ❖ My original suggest of a Section 34 authority is not altogether appropriate for this issue, the principal reason being the length of application assessment time [up to a year] (For you information please find attached a Guideline that relates to the issue of this type of authority)
- ❖ The general consensus from the EPA officers I spoke to [confirming what we already know] indicated that the best course of action is to have any revocation of a protected area completed prior to the commencement of a development/infrastructure project. Given that we do not have this luxury some information, provided by Craig Dean, may provide precedence.
- ❖ Craig indicated that in a recent discuss with Tim Ellis (Note: Craig is project officer in the Wet Tropics who is currently dealing with revocation of protected area located on the Cardwell Range as a result of proposed road works) Tim told him of a situation were works on a development/infrastructure project commenced prior to a revocation being finalised (i.e. a similar situation to the Heathland project).
- ❖ A summary of Craig's recalled is as follows: a) The proponent had made submission to EPA to facilitate revocation of the relevant protected area, b) EPA provided approval in principal to the proponent and c) this approval in principal was based around S107 of the *Nature Conservation (Protected Areas Management) Regulation 2006* (PA Regs).

Section 107 of the PA Regs states - *A person must not erect or keep a structure, other than a camping structure being used under a camping permit, or carry out works in a protected area— (a) without the chief executive's written approval; or (b) in contravention of the approval.*

As per our phone discussion on Friday afternoon I suggest you contact Tim Ellis to determine if this suggested precedence would assist with the Heathland issue.

Also as indicated in our phone discussion I am happy to provide support in relation to continued assessment of clearing associated with the 17 km of the by Bypass road and associated gravel pits.

All the best
 Kerry

Kerry Walsh
 Ranger, Wildlife Management Operations (Northern)
 Environmental Protection Agency

Ph: (07) 4046 6609
 Fax: (07) 4046 6643

From: Ingrid Fomiatti Minnesma
Sent: Friday, 30 May 2008 11:08 AM
To: Andrew Date
ub: Tim White; Tracey Schwilk; Kerry Walsh; Buzz Symonds; Bruce Wannan; Georgianna Fien
Sj c@bt: RE: Heathlands Resource Reserve - Application for Owners Consent and Development Approval

Hi

I spoke to Bruce this morning after he had received this letter. Bruce asked whether this meant he had approval for the entire project I explained that:

- He had no approvals yet for any of the project;
- As per the letter DMR needs to address the tenure issue in the suggested way and advice EPA accordingly;
- If this occurs EPA will (and currently is) assessing the application made for the small section of road this year;
- EPA will require additional information on current application; and that timing of approvals depends on how quickly DMR can turn around the additional information required to assess the application.
- Once additional information is received EPA will aim to decide the application within 2 – 3 weeks.
- DMR will be required to submit a different application for clearing of the trees due to current tenure and I will let him know ASAP what and how he needs to apply;
- That EPA will continue to assess the application for tree clearing and so when appropriate application is made EPA can make a decision promptly.

Please provide Andrew with comments on his draft additional information request as soon as possible as we are aiming to have this out today.

Kerry – as discussed can you please let me know what application needs to be made and provide me with the relevant forms?

Thank you
 Ingrid

Environmental Operations
Cairns District Northern Region
Environmental Protection Agency
Phone: (07) 4046 6737 Fax: (07) 4046 6606
Email: Ingrid.Minnesma@epa.qld.gov.au
You can visit us online at www.epa.qld.gov.au

From: Tracey Schwilk
Sent: Friday, 30 May 2008 9:23 AM
To: bruce.r.gould@mainroads.qld.gov.au
ub: Ingrid Fomiatti Minnesma; Tim White
Sj c&bt: Heathlands Resource Reserve - Application for Owners Consent and Development Approval

Good morning Bruce

Please see attached letter from Clive Cook. The original will be despatched to you in today's mail.

Regards

Tracey.

Tracey Schwilk
Executive Assistant
Queensland Parks and Wildlife (Northern Region)
5B Sheridan Street
Cairns Qld 4870
ph. (07) 40 466603
fx. (07) 40 314390

Go confidently in the direction of your dreams. - Henry David Thoreau

Guideline

Development and Infrastructure

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the *Nature Conservation Act 1992*)

Guidelines provide guidance, information and interpretation on how to complete a specific process or meet a requirement of the Environmental Protection Agency, incorporating the Queensland Parks and Wildlife Service.

Purpose and scope

The purpose of this document is to provide guidance to applicants and officers of the Environmental Protection Agency (EPA) in relation to the processes necessary to prepare and lodge applications under sections 34, 35, 37 and 38 of the *Nature Conservation Act 1992* (NCA).

Background

It is possible to create an interest in a protected area, including national park (scientific), national park, national park (recovery), conservation park and resources reserve. These interests are provided for through the issue of licence, permits or other authorities. While these interests might be used for a range of activities and uses, they are most commonly used to enable infrastructure to be constructed or remain on a protected area. Such infrastructure includes transmission lines, communication towers and pipelines.

Authorities to use or occupy land within a protected area for a variety of purposes can be approved by the chief executive of the EPA, where specific conditions are met. These authorities are issued under several sections of the NCA as follows:

- Section 34 - leases, agreements, licenses, permits or other authorities over protected areas for a purpose consistent with the management principles and the management plan (if any) for the subject area, other than an authority given under a regulation.
- Section 35 – Leases, agreements, licenses, permits or other authorities over a national park or national park (recovery) for the purpose of a service facility.
- Section 36 - Authorities for uses already in place at the time of dedication that are inconsistent with the management principles of a new national park or national park (recovery). These are issued automatically after a new protected area is created. There is no application process.
- Section 37 – Renewal of existing leases, agreements, permits or other authorities over national park.
- Section 38 - Leases under *Land Act 1994* for a purpose consistent with the management principles and the management plan (if any) for the subject area.

Leases issued under either Section 34 or Section 35 of the NCA are limited to terms not exceeding 30 years.

When applying for an authority under the NCA it is important to consider the influence of the following sections:

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

- Section 39 - An interest in a protected area may be created only in accordance with the NCA.
- Sections 39 A and 39 B - The chief executive may require an Environmental Impact Statement before an interest is created.
- Sections 14 to 27 – which outline the management principles for protected areas.

The Application and Assessment Process

There are a number of steps required to complete an approval for an authority under the NCA.

Key Steps

A) Lodging an application

1. The applicant undertakes a pre-lodgement meeting with an officer of the EPA. This is usually the District Manager responsible for the protected area involved. At this meeting the appropriate authority for the proposal is determined and an application kit is provided to the applicant.
2. The applicant lodges a completed application form and a written submission, addressing the critical requirements of the submission report and providing the information necessary for the EPA to assess the proposal. See **Submission Report** below.
3. The chief executive is notified by the EPA officer to whom the application is directed, that an application has been received.
4. EPA officers review the submission and provide a brief and a recommendation to the chief executive on the application.
5. Based on the submission, the chief executive will either request further information or make a decision on the application.

B) If further information is required

6. The applicant will be notified of the requirement to provide:
 - An Environmental Impact Statement (EIS) under the *Environment Protection Act 1994*¹;
 - An Environmental Impact Assessment (EIA); or
 - Additional information necessary to assess the application as determined by the chief executive.
7. Once additional information is received the chief executive will review the information as per steps 3, 4 and 5.

C) When a decision is made

8. If the application is not supported the chief executive will advise the applicant in writing including a statement of reasons
9. If application is supported, the EPA will advise the applicant in writing of:
 - the chief executive's agreement-in-principle; and
 - the legislative, managerial and administrative requirements to finalise the authority.

¹ The EIS process only applies to applications under sections 34, 35 and 38 of the NCA.

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

10. For authorities under sections 35 and 37 of the NCA, the EPA will commence the preparation of any necessary regulatory amendments.
11. Once both the EPA and the applicant complete all legislative, managerial and administrative requirements, the chief executive will make an offer of an authority including instructions on how to finalise the authority.
12. The process is finalised when the authority is executed. This occurs when it is signed by the chief executive.

Submission Report

In addition to a completed application form, the chief executive requires the applicant to provide all plans, studies, reports and other information relating to a proposal that are necessary to make an informed judgment.

A submission report should contain, as a minimum, the following:

A) Proposal outline

Provide a brief description of the proposal, including the proposal's key elements, details of any works, procedures used in the construction and operation of any facility (including facility planning, design and maintenance features) and location.

This section may also include outlines of:

- any pre-application discussions with EPA staff;
- time-frames for the implementation or installation of the proposed use; and
- the life-span of the proposed use.

B) Applicant details

Details of the applicant(s) making the submission, including:

- the applicants ability to finance, develop, and manage the proposed use;
- proof that the applicant has any necessary certifications or endorsements needed to conduct the activity associated with the proposed use; and
- contact details of any agents that will act on behalf of the applicant in respect to the development or operation of the proposed use.

C) Statement of public interest

For applications made under section 35 of the NCA, approval can only be granted if the chief executive is satisfied that the use is in the public interest. The chief executive will also consider the issue of public interest when assessing applications made under sections 34, 37 and 38 of the NCA.

The applicant must outline how the proposal affects the public interest. The submission should:

- discuss whether the proposal may be controversial and any concerns held about the proposal by groups in the community;
- discuss the public benefits and detriments of the proposal;
- detail the social catchment area and size of population serviced;

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

- outline present levels of service; and
- compare present level of service with future improvements or other benefits provided by the proposal.

Discussion of the public interest must also include the likely impact of the proposal on public use of the location, and the changes to the amenity of the protected area.

Refer to the [Operational Policy- 'Public interest under the Nature Conservation Act'](#) and [Operational Policy- 'No reasonably practicable alternative under the Nature Conservation Act'](#) for further guidance on the public interest.

D) No reasonably practicable alternative

Applications made under section 35 of the NCA can only be approved if the chief executive is satisfied that there is no reasonable practical alternative. The chief executive will consider the issue of 'no reasonably practicable alternative' when assessing applications under sections 34, 37 and 38 of the NCA.

Submissions should present all information necessary to adequately assess all potential alternatives to the proposed use. The positive and detrimental aspects of each alternative should be explored. Particular attention should be given to alternative locations outside the protected area estate. Alternatives to consider include:

- alternative routes or sites;
- alternative ways of providing the service;
- alternative construction methods on the proposed site; and
- the alternative of not carrying out the action.

Discussion on the benefits and constraints relevant to each alternative should be included. Assessment of alternatives may incorporate discussion of economic issues and environmental, social, technological, timeliness and engineering constraints.

Refer to the [Operational Policy- 'No reasonably practicable alternative under the Nature Conservation Act'](#) for further guidance.

E) Ecologically Sustainable

The chief executive may only approve a proposed use under section 35 of the NCA if satisfied that the use is ecologically sustainable. The chief executive will consider the issue of ecologically sustainable use when assessing applications under sections 34, 37 and 38 of the NCA.

Ecologically sustainable use is defined in section 11 of the NCA as '*... maintaining the life support systems of nature, and ensuring that the benefit of the use to present generations does not diminish the potential to meet the needs and aspirations of future generations*'.

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

Submission reports should discuss:

- The impact that the proposal will have on natural systems and ecological communities at the site, and any actions to be taken to address these impacts; and
- Any loss caused to present and future generations, including but not limited to:
 - o present use of the area and any constraints the proposed use would have on existing use; and
 - o feature (landscape) protection and scenic amenity, now and in the future, and any actions to be taken to address these impacts.

F) Consistency with management principles and the management plan for the protected area

The NCA sets out management principles for protected areas and these must be taken into account when considering any activity on a protected area. Sections 15 to 27 of the NCA deal with the management principles and set them out for each class of protected area. The applicant must demonstrate that the proposal complies with the management principles of the protected area and a management plan if one is in place. Proposals for limiting any identified conflict with the principles or management plan should be outlined.

Submission reports must discuss the procedures that would be used in the construction and operation of any facility (including facility planning, design and maintenance features) and their compatibility with management principles for the area.

Where the application is being considered under sections 34 or 38 the chief executive must be satisfied that the proposal is consistent with the management principles and management plan, if applicable, for the area.

Although a use allowed under section 37 may contravene an area's management principles, the chief executive will consider the extent of the conflict and what actions can be undertaken to limit it.

The chief executive may only grant an authority under section 35 where satisfied that the 'cardinal principle' would be observed to the greatest possible extent. Section 17 of the NCA sets out what is known as the 'cardinal principle' for the management of national parks. It states that '*a national park is to be managed to provide, to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values*'.

G) Environmental Management Plan

An application to use a protected area must include either a draft Environmental Management Plan (EMP) or terms of reference for an EMP.

The EMP describes operational procedures to be used that minimise impacts to the area and ongoing site management. The EMP should assure the chief executive that the proposal will be ecologically sustainable and that the management principles will be observed.

Refer to the [Operational Policy 'Development assessment and environmental management'](#) for further guidance.

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

The right of the chief executive to request further information

The chief executive may, even after the submission of information requested, require the applicant to provide further information to allow an informed judgment to be made.

It is at the chief executive's discretion whether an applicant is required to provide an EIS or an EIA. If an EIS or EIA is required, the applicant will be notified.

Environmental Impact Statement under the Environmental Protection Act

The chief executive may require an applicant seeking an authority under sections 34, 35, or 38 of the NCA to prepare an EIS. The EIS process under the *Environmental Protection Act 1994* (EP Act) applies for the EIS as if the use or stated use were a project to which chapter 3, part 1 of that Act applies.

Environmental Impact Assessment Report

As an alternative to an EIS, the chief executive may request an applicant to undertake an EIA. An EIA is an alternative method for investigating environmental impacts that, unlike an EIS, is not prescribed in legislation.

If an EIA report is requested, the EPA will advise the applicant of this, and the likely approximate timeframe for receiving the terms of reference for the EIA (usually 28 days).

The process used by an applicant to develop an EIA report is not prescribed and will not involve public notification. The EPA will develop terms of reference for the EIA that are appropriate to the proposed use and may consult with the applicant. The applicant must address the terms of reference set by the chief executive.

Refer to the [Operational Policy 'Development assessment and environmental management'](#) for further guidance.

Costs

The applicant will bear all costs associated with the application.

Submission specific to site

The submission, and its consideration by the chief executive, is specific to the site of the proposed use.

Approval of the proposal presented in the submission does not imply approval for the applicant to use any other part of the reserved area in which the proposed use occurs, or any other part of the EPA managed estate.

Authority not implied

Despite any pre-application discussions between the applicant and the EPA, or any other approvals sought or given by any other organisation, the chief executive, in undertaking to consider the application, makes no commitment to approve the proposal and accepts no obligation.

Applying for an interest in a protected area (sections 34, 35, 37 and 38 of the Nature Conservation Act 1992)

Lodging a submission

Completed submissions can be lodged with:

Director, External Relations
Queensland Parks And Wildlife Service
PO Box 15155
City East QLD 4002

Reference Documents

[Operational Policy - 'Public interest under the Nature Conservation Act'](#)
[Operational Policy - 'No reasonably practicable alternative under the Nature Conservation Act'](#)
[Operational Policy - 'Development assessment and environmental management'](#)
[Information Sheet – Authorities creating an interest in a protected area \(Sections 34, 35, 36, 37 and 38 of the Nature Conservation Act\)](#)

Disclaimer:

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Environmental Protection Agency should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Alan Feely

Signature

2/2/2006

Date

Alan Feely
Executive Director, Parks Division