

Outcomes of Illegal Logging Investigations in the Clarence Valley

November 16, 2011

Over the past 2 years, the Clarence Environment Centre has been working closely with the North East Forest Alliance, the North Coast Environment Council and the National Parks Association, combining to undertake a number of audits of state forest logging events across the region.

Early in November we received advice from the Office of Environment and Heritage (OEH) that it has acted on our reports, which will see Forests NSW appear in court in the new year, charged with illegally logging 120 trees in 7.5 hectares of an Endangered Subtropical Coastal Floodplain Forest Community.

At the same time OEH also issued a caution for failing to adequately mark up an area prior to logging, and two Penalty Infringement Notices (PIN) for \$1,500 each for water pollution.

While we view the pending prosecution as a great outcome, we point out that literally dozens of other breaches identified in the audits, were basically excused by OEH. We are also less than impressed by OEH's decision not to prosecute Forests NSW over the illegal logging of another Endangered Ecological Community, Lowland Rainforest, at Grange State Forest.

It appears that Forests NSW decided not to dispute our illegal logging claim and has, as a result, been presented with a Penalty Infringement Notice which was accompanied by a paltry \$3,000 dollar fine.



Readers will recognise this picture of logged old-growth Rainforest from previous articles

I say the fine was 'paltry', because the following describes what penalties could have been levied under the *National Parks and Wildlife Act 1974, No 80*, which states:

118D - Damage to habitat of threatened species, endangered populations or endangered ecological communities

(1) *"A person must not, by an act or an omission, do anything that causes damage to any habitat (other than a critical habitat) of a threatened species, an endangered population or an endangered ecological community if the person knows that the land concerned is habitat of that kind.*

Penalty: 1,000 penalty units or imprisonment for 1 year or both"

A penalty unit is worth \$110 so, if an individual was found guilty under the *Act*, they could have been fined \$110,000 and imprisonment for one year, for the cutting down of a single tree. Forests NSW has only received a \$3,000 fine for flattening an area of 0.5 of a hectare, 5,000 square metres.

The determination by OEH that only half a hectare of Lowland Rainforest had been logged is a major concern to us, because we had initially reported that approximately 15 hectares of rainforest, much of it old-growth, had been logged. It now appears that, as a direct result of OEH's refusal to allow us to show its inspectors where the illegal logging had occurred in the first instance, they failed to find it all. However, as a result of our pointing this out, further investigations are planned by OEH, in consultation with the Clarence Environment Centre, in the near future.

I should also remind readers that the Harvest Plan for Grange mapped the rainforest as Blackbutt – Scribbly Gum forest despite neither species occurring at the site. This means that everyone involved in the operation should have known something was wrong, and likely knew the logging was illegal. Whether or not OEH can be persuaded to reopen the case is uncertain, but we'll keep you updated.

I can report that Forests NSW was also fined \$300 for logging 8 trees in the protection zone of a fourth order stream, and that the Fisheries Department has also recorded breaches at Grange, but we are yet to learn what action has been taken over those breaches.

For Girard State Forest, the Fisheries Department acted on NEFA's reports by issuing a PIN for works in an unmapped watercourse and two cautions for works within the buffer zones of mapped streams. OEH issued Forests NSW with a formal Warning Letter in relation to the selection and marking of hollow-bearing and recruitment trees, snig track construction and rehabilitation, and protection of exclusion zone boundaries.

OEH forgave Forests NSW's failure to mark up trees at Girard due to the "thick impenetrable understorey". All those who have trudged through the forests to record the devastation that is occurring, know that these are pathetic responses to what are systematic and widespread breaches.

In recent months, independent audits by environment groups have identified dozens of breaches in Wedding Bells State Forest, west of Woolgoolga, where once again protected communities have been impacted, with kilometres of rainforest verge damaged. Threatened species prescriptions for Yellow-bellied Gliders and Koalas have been ignored, and there has been a complete breakdown of communications between the Fisheries Department and Forests NSW, with the former failing to alert Forests NSW that the Wedding Bells State Forest is within the catchment of endangered Oxleyan Pygmy Perch habitat. This has allowed unmapped drainage lines to be logged throughout the forest, with clear signs of erosion and stream sedimentation occurring as a direct result.

We eagerly await the news of what 'slap on the wrist' Forests NSW will receive for those infringements.

John Edwards (Hon Secretary)