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# **SUBMISSION**

to the

**Environment Protection Authority**

[forestry.policy@epa.nsw.gov.au](mailto:forestry.policy@epa.nsw.gov.au)

on the

**Coastal Integrated Forestry  
Operations Approval Remake**

Compiled by John Edwards  
Honorary Secretary

## Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for 29 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

In that respect it is important to recognise that even highly degraded landscapes can be considered to have high conservation value if, for example, it serves to connect areas of extant forest to complete wildlife movement corridors. These corridors are critical landscape components in our attempts to mitigate the effects of climate change.

## Background

The CEC has been heavily involved in the monitoring of native forest logging on the North Coast of NSW for the past 15 years, ever since it became apparent that the then Forests NSW was not complying with their Threatened Species Licence conditions.

## The reality in summary (a case study)

Typical of those early breaches was the illegal logging of old-growth Lowland Rainforest, an Endangered Ecological Community (EEC), in Grange State Forest, west of Grafton.

The EEC was mapped as “Scribbly Gum Blackbutt forest” in the harvest plan despite neither species being present, and 5 ecologists signing off on pre-harvest surveys. That erroneous mapping allowed contractors to log 500 year old Flooded Gums (*Eucalyptus grandis*) and 2m diameter old-growth Brush Box trees (*Lophostemon confertus*). The investigation that followed the Clarence Environment Centre's reporting of the incident, which included reports from rainforest experts and soil scientists, and two separate hearings, would have cost tens of thousands of dollars, yet the only penalty was a \$1,500 fine which, the last we heard, was being challenged by Forests NSW.

**That has essentially been happening, time and time again, for the past 18 years here on the NSW north coast as many hundreds of breaches were recorded by environment groups across the region.**



*An estimated 500 year old Flooded Gum in Grange State Forest, producing only a 5m long hollow log.*



*Old-growth Brush Box trees in endangered lowland rainforest illegally logged in Grange State Forest.*

Of course the pitiful fine is essentially paid for by long-suffering taxpayers who, over the decade to 2015, have reportedly had to foot the bill for multi-million dollar losses in the Native Forestry division of Forests NSW/Forest Corporation every year but one, when they managed to scrape a small profit.

## Unsustainable industry

Everyone knows that the logging undertaken over the past 20 years has been unsustainable.

**1. The Institute of Foresters of Australia wrote to then parliamentarian Rob Oakeshott in 2009, stating:** *“In NSW the adopted forest strategy is to **unsustainably cut** the available public native forest through to 2023 at which point hardwood plantations are proposed to be available to make up the very significant shortfall in logs. Unfortunately, the species mix and rate of plantation development in NSW post 2000 makes this unachievable”.*

**2. Dailan Pugh OAM, North East Forest Alliance and RFA negotiator, wrote in July 2011.** *“Timber volumes were intentionally committed above the estimated sustainable yields in north-east NSW by both the FAs and RFA (Forest Agreements and Regional Forest Agreements).*

The fact that Forests NSW has drastically overestimated the available timber volumes, is simply compounding the problems now being faced.

**3. The Environmental Defenders Office – Executive Summary, of its report - “COMPLIANCE FAILURES IN THE PUBLIC FORESTS OF NEW SOUTH WALES”, July 2011, wrote.**

*“It is clear that native forests are not being managed in a way that complies with the principles of Ecologically Sustainable Forest Management (ESFM) and the conservation of biodiversity.”*

**4. The Victorian Department of Primary Industries - “Economic Policy Settings in the Forest and Timber Industry – An inter-jurisdictional comparison”, May 2008.**

*“There is concern that Forests NSW will not be able to meet commitments in Wood Supply Agreements with the current forest areas allocated for commercial forest production. This is evidenced through the fact that Forests NSW is purchasing private native forest resources to meet current commitments.”*

**5. The NSW Auditor General - “2009 Performance Audit”. reported:**

- a) *To meet wood supply commitments, the native forest managed by Forests NSW on the north coast is being cut faster than it is growing back.*
- b) *The North Coast region has been unable to meet its species commitment since 2004 for blackbutt (the North Coast's most logged species, 24% of total cut) and,*
- c) *current yield from native forests in the north coast is not sustainable in the long term.*

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The above quotes all point to a looming disaster caused by over-logging in an attempt to fill unrealistic wood supply agreements. The EPA and the NSW state government have both acknowledged that fact, and now claim that sustainable logging rates will be achieved in the future as a result of contract buy-outs over the past 2 years, including one from Boral which reportedly cost taxpayers half a billion dollars.

This claim is a cynical smoke and mirrors trick perpetrated on the citizens of NSW, because the buy-back from Boral was a deal designed to diffuse a threatened law-suit by Boral for non supply of timber. In other words, NSW tax-payers forked out a half billion dollars to buy back a contract for timber that never existed!

That buy-back of non existent timber means the government is lying when it claims this will reduce demand pressures, and the reality is timber harvesting rates will continue at the current unsustainable levels. This is to be assisted by a review of old-growth and rainforest mapping to allow the logging of previously protected forests, and the proposed reduction in stream and river buffers which will see logging of trees to within 5 metres of waterways.

## Loss of trust

The monitoring of logging operations has also been undertaken by other environment groups across the region and together many hundreds of breaches have been reported to the EPA over the years. The complete failure by the EPA to regulate, or enforce compliance, and its role in watering down the original licence conditions has resulted in the complete loss of any trust on our behalf.

It is that loss of trust that has forced us to walk away from the consultation process which we see as a sham, with a single intractable objective. That objective is to prop up an unsustainable forest logging industry, which is destroying ecosystems and biodiversity on a massive scale, adding to the impacts of climate change, and degrading the very life support systems upon which we humans depend.

## Fixed agenda

In a glossy document inviting the public to comment on the IFOA Remake, the EPA makes the following statement:

***“The Natural Resources Commission (NRC) (2018) has advised that the NSW Government consider a process to undertake additional mapping of old growth forest using modern technologies to improve our understanding of wood supplies and environmental values in select State forest sites on the NSW North Coast”.***

That statement gives the public an impression that the advice was the result of considered assessment of all options by an independent body. However, on reading the terms of reference provided to the NRC, we find they were given a single task, to: ***“Provide advice on whether Government could deploy new mapping data, methods and technology to more precisely identify, map and re-categorise old growth forests and rainforests in State Forests on the north coast. The NRC should provide advice on how more accurate mapping and re-categorisation may allow Government to meet its commitment to make a coastal IFOA with no net change to wood supply and no erosion of environmental values.”***

In our opinion the terms of reference are tantamount to an order to find ways to continue logging at current rates by remapping currently protected forests, clearly showing the intractable nature of the government's desired outcomes of the IFOA remake.

There has been two decades of clearly unsustainable logging which saw multi-million dollar pay-outs to timber millers for failure to supply, or contract buy-backs. This occurred despite increased logging rates and shorter rotations, so to ask the NRC to conjure up a plan to maintain that logging rate with no erosion of environmental values, can only be described as fanciful.

There has been no consideration of the incorrectly mapped rainforest and old-growth that Forests NSW (FNSW) has been allowed to log over the past 18 years. Nor was there any consideration of the mapped old-growth and rainforest that was logged by FNSW immediately prior to the RFA signings. FNSW staff took part in that mapping process in the mid 1990s so were in a position to advise their superiors where they should log high quality timber before it was “locked up”!

The recent last minute cancellation by the EPA of a forest tour organised by NEFA to point out first hand to members of the NRC and EPA, the disastrous results of the last two decades of logging, was the last straw. So as a result of that, and the clearly fixed agenda, we feel it would be inappropriate to allow ourselves to be associated with it in any way, and will not be attending any EPA consultation meetings.

However, in response to a personal telephone call from the EPA asking if we would be attending the planned consultation meeting, and after explaining why we would not be attending, I did commit to writing this submission, which is simply reiterating the issues covered in our earlier submission in January of this year.

## **Background and aims of the RFAs**

There are three RFAs in NSW and they expire in 2019 (Eden); 2020 (Southern) and 2021 (North East). Their adoption in about 1999 were preceded by Comprehensive Regional Assessments (CRAs) which involved detailed ecological investigations. The CRA data provided the foundation for the RFAs which accredit logging under the Commonwealth *Environmental Protection and Biodiversity Conservation Act* (EPBC Act) so day to day Commonwealth oversight is removed from logging operations.

Broadly, the RFAs were designed to facilitate multiple uses of public native forests: conservation (via the establishment of a Comprehensive, Adequate and Representative, (CAR), reserve network of forest ecosystems); timber extraction, and recreation.

The concept of Ecologically Sustainable Forest Management (ESFM), which incorporates the principles of Ecologically Sustainable Development, was designed to underpin logging to ensure that logging did not result in negative impacts on forest ecosystems. Under the broad goals were a suite of aims of the RFAs pertaining to various issues such as ESFM; threatened species; World Heritage and Wilderness; community uses of forests and providing for a thriving timber industry.

## **On-ground reality**

Let us focus on a few of the more outrageous claims made by the ForestCorp/EPA 'consortium':

- ***“Forestry Corporation is committed to managing timber resources in an ecologically sustainable way”***. Forest Corp's ongoing failure to deal with Bell Miner Associated Dieback, where forest canopy reduction rates from logging events consistently exceed the identified 35% trigger for the disease, is just one clear example that no such commitment exists. This has seen the 'death' of thousands of hectares of hardwood forests across north eastern NSW, and spreading, placing millions more hectares at risk. There is no mechanism in place to measure or report trends in forest health, and one of the reasons why NEFA invited bureaucrats from the NRA to view the forests first hand, to ensure they were made aware of the damage being caused.
- ***“Forestry Corporation is committed to maintaining a sustainable timber supply”***. Is that why Forest Corp/FNSW has had to pay out millions of dollars in compensation, to Boral for example, for non-supply of timber, while currently proposing to increase logging rates in “regrowth forests”, and reducing logging rotation times.
- Another blatantly misleading statement is the “compliance monitoring system” which, we are assured, “sets out monitoring processes” claiming that, “*whenever a non-compliance is identified:*
  - *the incident is investigated and the cause of the non-compliance is established.*
  - *corrective actions are instigated where appropriate, and*
  - *improvements are made to prevent re-occurrence.*

There have been many hundreds of regulatory breaches reported since the introduction of the Integrated Forests Operations Approval 15 years ago, mostly reported by concerned individuals or environment groups, a fact that prompted the Land and Environment Court's Justice Pepper (Smokey Mouse Case, 2011), to conclude that, “*based on the number of convictions, there is a pattern of continuing disobedience in respect of environmental laws generally or, at the very least, a cavalier attitude to compliance with such laws*”.

Any suggestion that there is a compliance monitoring system which results in *“improvements being made to prevent re-occurrence”*, is clearly rubbish!

The Clarence Environment Centre can confirm that many breaches occur over and over again. Convictions there might have been, but no individuals have ever been called to account for these breaches with only official warnings and occasional Penalty Infringement Notices handed out to FCNSW (formerly FNSW), worth a mere “slap on the wrist”, and which, let's face it, are ultimately paid by the taxpayer.

Other examples of these motherhood statements include assurances that:

- *“In meeting its obligations to provide an ecologically sustainable timber supply, Forestry Corporation will:*
- *maintain its contribution to a comprehensive, adequate and representative (CAR) reserve network of dedicated reserves, informal reserves, and values protected by prescriptions which exclude harvesting”.*

In reality, the agreed level of CAR reserves, was never met.

- *“adhere to a system of adaptive management in planning, implementing and monitoring of harvesting to protect rare or threatened flora and fauna and their habitats along with soils and water quality”.*

For “adaptive management” read “knee-jerk” reaction to timber shortages which always lead to heavier logging. Areas originally declared off-limits to logging, are continually being 'whittled' away by changes to legislation, such as reduction in stream buffer zones and Hastings River Mouse exclusion zones. 'Accidental' incursions into protected areas, which are commonplace, and damage through fringe effects from logging also take their toll. As well no management of those supposedly protected areas is currently being undertaken, with the result that invasive weeds are running riot. However, to claim protection of threatened species, when the Threatened Species Licence currently allows the destruction of up to 10% of most threatened flora, is hardly credible. Koalas too have been in the news for all the wrong reasons, with their habitat, and identified high-use areas logged on a regular basis.

Also, the disastrous interpretation of the IFOA's maximum 40% (average) basal area logging rate, has seen “offsetting” introduced to allow virtual clear-felling to occur across most forest “tracts”, in a clear breach of the 'spirit' of the regulations, with the off-set areas later logged anyway.

- *“maintain forest cover by using appropriate silviculture during harvesting and ensure natural regeneration or rehabilitation where appropriate”.*

When considering recent proposed regulations that allow “heavy single tree selection” (taking up to 80% of basal volume), to occur across many forests in coastal NSW, this clause is little more than a sick joke. This is leading to run-away Bell Miner Associated Dieback which is altering the entire structure of some north coast NSW forests.

- *“periodically review timber availability and supply commitments based on performance monitoring and improvement of yield models.”*

No doubt this happens at the point when massive compensation pay-outs are made for failure to fulfil supply contracts, or ask tax-payers to fork out millions of dollars to buy back timber contracts that cannot be filled, as has happened in the past.

Other similar assertions that bear no resemblance to reality include:

- *“Our FMS (Forest Management System) is the framework of policies, processes and procedures that we use to ensure we undertake the activities required to achieve sustainable forest management and carry out our operations in a sustainable manner”.*

- *“Forestry Corporation has a Forest Management Policy, which outlines our commitments to conserving and advancing a range of forest values such as biodiversity, forest productivity and carbon sequestration”*,
- *“.. important objectives, including to operate a successful business that maximises the net worth of the State forest assets”* and,
- *“to be an efficient and environmentally sustainable supplier of timber from Crown-timber land”,* and *“to conduct operations in compliance with the principles of ecologically sustainable development and to have regard to the interests of the community in which we operate”*.

All of these motherhood statements are made with no basis in reality. The current industrial logging that is being pursued across the region is decimating wildlife and biodiversity generally, while the cost cutting in areas of weed control is turning once grand forests into weed-infested wastelands.

## **In Summary**

1. **The RFAs must not be renewed.** They have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change. The RFAs are a failed model for forest management which have cost taxpayers and the environment dearly
2. **State forests are a public asset that must be managed for the public good not just for the benefit of an ailing timber industry.** Current logging sails to meet intergenerational equity requirements. i.e. it is robbing future generations. The progress report for the RFA review fails to provide any data to support the assertions that logging is conforming to Ecologically Sustainable Forest Management. In fact we have provided ample evidence above to prove that.
3. The eco-services provided by native forests, specifically clean air to breathe and water to drink, far outweigh any benefit to be gained from logging, a business that actively pollutes waterways and reduces forests' capacity to store carbon and release life-giving oxygen
4. **Alternative models for forest management can be found.** State government recently allocated \$10 million dollars to acquire Koala habitat. This was in response to reports that the species in NSW was rapidly heading towards extinction. The government could have achieved the aim of protecting vital Koala habitat, by simply stopping logging in all state forests where Koalas were identified during the CRAs. They could have saved the \$10 million and avoided the massive annual losses incurred by logging that Koala habitat. A win win situation we would have thought. However, the government has refused to consider it.
5. **Other values of forests must be considered.** Research in the Victorian Central Highlands shows that the value of water, carbon and tourism dwarf that of timber. Our Governments must consider all economic and social benefits from forests.
6. The Comprehensive Regional Assessments (CRAs) identified threatened flora and fauna across every forest compartment in the state. Subsequent logging events see pre-harvest surveys to determine the presence, or otherwise, of those threatened species. This data could have been collated to provide a picture of how well those species have survived the past 20 years of logging. However, as far as we are aware, not a single report has been released on the subject, probably because the results would be so devastating. To back that assertion we point to a recent survey undertaken by OEH which, we are told (no official report has been released) failed to find any trace of Koalas in Clouds Creek State Forest which the CRAs identified as a strong-hold for the species.
7. **The Government should use the end of the RFAs as the point at which it implements a just transition out of native forest logging on public land, as was originally planned.**

## **Alternative options for public native forests**

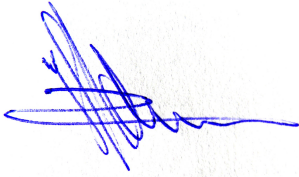
- There are other options besides logging. We should protect public native forests and use them to increase public access for health and economic benefits, as well as habitat to help reduce the declines in virtually all threatened species that have occurred during the lifetime of the RFAs
- There are many forested areas in the three RFA regions that should be protected in the reserve network.

For example, the forests of northern NSW are one of just 36 global biodiversity hotspots, there are forested areas across NSW that should be World Heritage, and there are outstanding wilderness areas that need to be recognised

- We know that the value of carbon, water and tourism from forests is much greater than timber, and that protected areas are important for the economy. The Government must assess these trade-offs as part of a genuine review.
- Polling conducted in the north coast electorates of Ballina and Lismore in December 2017 showed that 90% of people support protecting forests for nature, water, carbon and recreation. Under 10% supported logging for timber, woodchips and biomass burning.

Therefore we urge the NSW Government to immediately phase out native forest logging on public land, and save something tangible for future generations.

Yours sincerely



John Edwards  
Honorary Secretary  
Clarence Environment Centre