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# **Submission**

**to**

## **Environment Protection Agency**

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**for the**

## **Remake of the Integrated Forests Operations Approval (IFOA)**

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**For the Clarence Environment Centre**

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# Submission to the Environment Protection Agency, on the proposed 'Remake' of the IFOA.

## Introduction

The Clarence Environment Centre has maintained a shop-front in Grafton for a quarter of a century, and has a proud history of environmental advocacy. The conservation of the 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, with native forest health at the very core of the issue.

## Background

The Regional Forests Agreements were signed off in around 2000, and were to be reviewed every 5 years. The first review date, 2005, came and went with no action taken, as did the 10 yearly review in 2010. In 2011, a combined 5 and 10 year review was announced, which saw a cursory cutting of protections for threatened fauna across the spectrum. Now, in 2014, we are told the EPA is undertaking a "Remake" of the IFOA because, after 12 years, they have finally determined that the IFOA and associated threatened species licence prescriptions are unenforcible.

## General Comment

Let us start by asking the question: **Why has the EPA been tasked to formulate a regulatory policy, the objectives of which are to maintain timber production levels without eroding environmental protection?**

**The EPA has no knowledge of the timber industry. Their staff have absolutely no idea of preferred timber species, growth rates, silviculture, likely yields, or the myriad other aspects of harvesting trees for timber production. Likewise, the EPA has no specific knowledge of biodiversity, or expertise in the recognition of threatened species and communities, much less their needs and what is required to protect them.**

One of the stated objectives of the "remake" is to reduce costs which, on consideration, we believe to be the overriding objective. The other two objectives, to achieve "*no net change in wood supply, and no erosion of environmental values*", clearly cannot be achieved when the industry has chosen to log above sustainable levels in the first instance. **That over-logging has led to the current wood supply crisis**, where industry has been short supplied, particularly Blackbutt, for the past 8 years, and Boral, Forests NSW largest customer, has twice successfully sued for compensation, adding to the approximately \$8 million cost that NSW taxpayers are footing annually.

The entire policy of propping up an ailing native forest logging industry, when world markets are demanding timber that is certified as coming from sustainably logged forests and plantations, makes little sense, either environmentally, socially, and certainly not economically here in Australia.

**Therefore, a move away from native forest logging into plantation timber is definitely the CEC's preferred strategy.**

However if, against all reasonable logic, native forest logging is to continue, the regulatory system definitely needs to be improved. Currently everyone, including the EPA, agrees that regulation of the IFOA and Threatened Species Licence conditions has been abysmal, and to that extent changes need to be made, but in a carefully measured and informed manner, not with the scatter-gun approach the present 'remake' appears to be headed. Therefore the remake has to include, timber industry experts, a range of ecologists, economists, and importantly, legal specialists to weed out all the "weasel-words" and "get out of jail clauses" that have been the downfall for the current IFOA.

In terms of compliance monitoring and enforcement, it should be noted that State forests are public land. i.e. they are owned by the people of NSW. Therefore, the Clarence Environment Centre sees no merit in court action and heavy fines levied against Forests Corporation NSW for breaches of the IFOA, because those fines are essentially paid by tax-payers through reduced returns (or in this case, greater losses) from those public assets.

We believe the only way to achieve effective compliance enforcement is if individuals in the agency, or the contractors that are involved in forest harvests, are penalised for repeat offences. **It is only when individuals or companies stand to lose their jobs or lucrative contracts, that the repeat offending that is currently occurring will be stopped, or at least minimised.**

## **Community consultation**

At this stage community consultation has been limited to a series of 3 hour workshops across the state where attendees were briefed by the EPA on the broader objectives of the “remake”. However, from a personal perspective, the briefing left more questions than were answered.

As a representative of the Clarence Environment Centre, and the North Coast Environment Council, I and another conservation representative were granted time to discuss our concerns with the Departmental head, Gary Whytcross. One of my specific questions related to the proposal to change the assessment of environmental impacts of logging at a 'landscape' level, rather than at a compartment level. Frankly, I had no idea what that meant, or how it would better protect high conservation values. Unfortunately, at the end of the session I still had no idea.

The CEC had an experience with a development proposal some years ago, where the then Department of Environment and Climate Change ruled that the possible local extinction of endangered Brush-tailed Rock Wallabies would not be significant at a “regional scale”. Is a 'landscape scale assessment' something similar? Will we be faced with an argument that because there is lots of Koala habitat in a neighbouring national park, there is no need to consider the impact of logging koala feed trees in a small logging coup? We simply do not know.

Another concern we have, is the proposal to scrap all coastal IFOAs, replacing them with a single Approval. At the community consultation workshop we specifically pointed to the Eden agreement that allows clear-felling, and asked would clear-felling then be allowed across all the coastal zones when the single Approval was formulated. Again, no definitive response was given.

## **What needs to be achieved, an overview.**

At this stage, with so little information available about how the EPA hopes to 'remake' the IFOA, we see little need to enter into specific recommendations for protection of any individual threatened species, so instead we will lay down broad objectives that we believe can lead to sustainable timber yield, improved forest health, enhanced ecosystems, and the recovery of threatened species.

### **1. Timber supply contracts and pricing**

It is clear from Forests NSW's annual returns for the last decade that there is insufficient timber in state forests to meet what are clearly unrealistic timber supply contracts.

**Therefore, before any attempt is made to 'remake' the IFOA, it is imperative that these contracts are reviewed as a matter of priority.**

At the same time, we believe there should be an immediate review of pricing, to place the industry on a profitable footing and return a profit for the people of NSW. Increasing the price of timber will reduce demand, something that will assist in the review of contracts.

## 2. Threatened species recovery.

There is currently nothing in place to measure biodiversity levels or forest health over time, to plot the effectiveness of the IFOA in protecting ecological values and threatened species. Therefore, while those of us auditing forestry operations are convinced that both are in serious decline as a result of the intense industrial logging that has occurred, we cannot prove it. As a result of this, **we urge that systems be put in place to monitor forest health and biodiversity levels, in order to assess the effectiveness of any future IFOA. There must also be trigger points for corrective action.** This should not be difficult to implement as considerable base-line data was collected in the 1990s in the lead up to the Regional Forest Agreements, and pre harvest surveys should be able to compare that data.

## 3. Hollow-bearing tree retention.

With a very high percentage of threatened species being dependent on tree hollows, either for nesting, roosting, or providing homes for their prey, we believe that the point has been reached where no old-growth (senescent) hollow-bearing trees should be removed for any reason. That would certainly simplify mark-up, and meet the Government's cost-cutting objective. It would also remove the ridiculous argument about interpretations of what "10 hollow-bearing trees per two hectares" means, and where those trees can be located.

Recruitment trees would still need to be identified, and as these do not have to be hollow-bearing, it is a simple act to mark up 5 suitable trees per hectare, note and record their location using a GPS for future reference, and save time and effort in future surveys.

## 4. The issue of over-logging

Another contentious issue, and one that has had a disastrous impact on forest health, is the allowable rates of logging, currently an **average** 40% of basal area during each event. This has led to some areas within compartments being logged at rates as high as 80%, leaving it almost impossible for compliance monitors to measure if the overall "average" has been exceeded.

At the same time the IFOA does not stipulate a minimum time period between logging events, so contractors can theoretically return after 5 years (current return periods are often no more than 10 years), at which time they can legally log 40% of what is left.

In recent years, any pretext of keeping to the 40% average has been abandoned completely, with harvest plans specifically identifying whole compartments, or part thereof, as "offset" areas where no logging will occur immediately, and other areas marked for 50, 60, 70 and even 80 percent basal area removal. Of course, as there is no mandated minimum return time, the "offset" area can then be logged 2 years later.

**Therefore, we strongly advise that permitted basal area logging rates must be drastically reduced, possibly to a maximum of 20% anywhere within a harvest area. Allowing basal areas to be calculated as an "average" across the coup must cease, and limits must be placed on the numbers of trees that can be felled in clusters. i.e. if there are 5 suitable trees in close proximity to each other (e.g. in a 20m x 20m area), no more than 2 can be logged. At the same time mandated minimum return periods, say 20yrs, must be introduced. Only then will we achieve a truly sustainable forest industry.**

## 5. Forest health - Bell Miner Associated Dieback (BMAD)

Probably the greatest threats to forest health to emerge in recent times is the **Bell Miner Associated Dieback (BMAD)**, which is threatening millions of hectares of hardwood forests in coastal NSW.

BMAD has been declared a Key Threatening Process under the *Threatened Species Conservation Act*, and while because of the disease's complex nature, scientists have yet to pinpoint a single cause, the NSW Scientific Committee did identify **forest canopy reduction greater than 35% as a trigger. This fact alone would suggest that the IFOA's maximum of 40% average allowance is badly flawed and, for this reason, the maximum logging rate anywhere in a harvest area should be revised downward to at least 35% as a priority to reduce the impact of BMAD (see more on logging rates below).**

## 6. Forest health – General

The abject failure by Forests NSW over the past 15 years to properly manage forests, before, during and after harvesting, has seen the proliferation of weeds, the consequence of which can only be described as catastrophic. Other than putting a match to the forest and randomly digging up the ground with heavy machinery after logging is completed, virtually no management occurs until the next harvest. The result of this neglect, coupled with overly high logging rates, is the suppression of regrowth of timber species by exotic weeds and native pioneer species, and the introduction of dieback. **Post-harvest rehabilitation and ongoing maintenance must be part of the timber production process.**

## 7. Industrialised logging

The greatest contributor to the decline in forest health and timber yield, has been the industrialisation of the logging process which, in our opinion, is only suited to plantation operations where clear-felling occurs. These machines cause immense collateral damage, and the very industrial scale at which they operate demands that larger percentages of basal area be removed to make them economically viable.

Go into any freshly logged forest and it can be seen that for every tree logged dozens, sometimes hundreds, of saplings have been trampled and destroyed. Few standing trees remain unscarred, and supposedly protected areas of high conservation value forests have had trees felled into them and dragged out by the machine, causing untold damage to those values in the process.

**We strongly believe this mechanised harvesting must cease if forest health is to be sustained.**

## 8. Threatened species prescriptions.

We point out that threatened species prescriptions were not developed in some off-the-cuff, uninformed manner, but were compiled by experts in their field, in protracted negotiations between the then National Parks and Wildlife Service and Forestry, during which the Forestry Department was successful in getting them minimised.

Earlier (point 2), we made the observation that, despite repeated requests to the EPA from conservation groups that monitoring be undertaken, *“there is currently nothing in place to measure biodiversity levels or forest health over time”*. 15 years on from the introduction of the IFOA, the fact that there is no evidence to prove the effectiveness of the prescriptions, is being used by the EPA, an agency with no expertise whatsoever in the management of threatened species, to justify the revamp of the entire document. Frankly, this beggars belief.

It should also be noted that the threatened species prescriptions were based on certain overarching protection being enforced, such as maximum logging rates, retention of hollow-bearing trees, the undertaking of world standard silviculture, and the full protection of high conservation value forest communities. In reality all these matters have been largely ignored, with systemic breaching of the regulations, which the EPA itself has failed to enforce.

Therefore we strongly believe that threatened species must be afforded a higher level of protection than is currently the case, and that any changes must be in line with recommendations of experts in that field. **This critical component of the IFOA simply cannot be left to the EPA. Prescriptions must be effective, and enforceable.**

**In conclusion.**

We believe that if the above standards are introduced, and enforced, ecologically sustainable forest logging can be achieved. They are only the overriding issues that must be addressed before the details of threatened species protection are considered, and we urge the EPA to give serious consideration to incorporating those changes into the IFOA remake.

We thank you for the opportunity to comment.

Yours sincerely

John Edwards  
Honorary Secretary.