



## CLARENCE ENVIRONMENT CENTRE

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The Hon Robyn Parker. Minister for Environment  
Email [office@parker.minister.nsw.gov.au](mailto:office@parker.minister.nsw.gov.au)

Dear Minister

In mid 2010, the Clarence Environment Centre reported what we claimed was illegal logging of Lowland Rainforest, a listed Endangered Ecological Community (EEC), at Grange State Forest west of Grafton.

Surprisingly, the forest had been mapped on the harvest plan as the dry sclerophyll community – Scribbly Gum – Blackbutt, although neither species occur at the site.

Subsequently, investigations of our report were conducted by your Crown Forestry division of the then Department of Environment, Climate Change and Water, which confirmed our claim.

We have now obtained copies of the internal and independent reports on those investigations, summarised as follows.

**Penny Kendall – Regional Biodiversity Officer**, claimed: *“I believe the extent of logging in the EEC is significant, and would warrant consideration of legal action.”*, recommending: *“Should DECCW decide to proceed with legal action, I strongly recommend a rainforest botanist and soil scientist are engaged to provide comprehensive reports suitable to support any legal action.”*

That advice was followed by the Department with surveys undertaken by:

**David Thomas Morand – Soils and geomorphic report**, which confirmed the soils were consistent with Lowland Rainforest determination description, and

**Stephanie Horton – Ecological assessment**, which identified that half a hectare of Lowland Rainforest was logged, three old-growth trees were taken, and extensive damage caused to surrounding vegetation, *“reduced to bare earth”*, concluding with *“I believe that this damage will contribute to the likelihood of this EEC becoming extinct in the wild”*.

One of the most damning observations made by Ms Horton was that: *“Much logging debris (including fallen rainforest trees that have been fallen for seemingly inexplicable reasons) is piled around the remnants”*. However we believe there is a clear explanation. It was done with the intent to destroy the evidence, and the remnants, by burning. Bill Faulkner, the investigating officer of your Crown Forests Division, told us, and his superior officer, Michael Hood, that they had searched for the heads of logged old-growth trees to check for the occurrence of hollows, but couldn't find them. They too had been removed and hidden.

It's our understanding that any successful prosecution in the Land and Environment Court could see a fine, for damaging a plant of an EEC, as high as \$1,100 and one years jail. As it was, thousands of trees, shrubs and herbs were destroyed. And despite this deliberate attempt to wipe out the rainforest, Forests NSW avoided prosecution and was only fined \$3,000, a fraction of the cost of the investigation.

We are also in possession of an email from **FNSW's Corporate Botanist, Doug Binns**, to his Forests NSW colleague, John Murray, Regional Planning Manager, stating -

*“My overall interpretation is that the Grange patch is not Lowland Subtropical Rainforest.”*. Clearly uncomfortable with having to defend this claim, Mr Binns goes on to explain he had been informed that DECCW intended to employ its own botanist, and concludes: *“it is likely their interpretation will differ from mine”*.

**Doug Binns'** email also explains: *“Now that I have examined the determination (of the Lowland Rainforest) in more detail. I realise that there are areas, particularly in coastal forests, which would be included in the description of the determination, but fall outside our current rainforest protocol.”*

**We believe this comment from FNSW's Corporate Botanist, is damning!** That EEC was gazetted four years before the 2010 logging event, along with several other EECs, and its preliminary determination would have been placed on public exhibition up to 2 years before that. We are confident that Forests NSW would have made a submission to that determination, which was likely authored by Mr Binns himself. The claim that Forests NSW, and Mr Binns, were unaware of what constitutes Lowland Rainforest, is difficult to believe.

Likewise, Mr Binns' further comment that: *“I think it would be preferable to provide a field identification key for the EEC.... I'll aim at provide a draft early next week...”*, confirms that four years after Lowland Rainforest was gazetted, Forests NSW had done nothing to advise its staff on how to identify it, and it was only because of our report that this is now being addressed.

The survey undertaken by the independent ecologist, Stephanie Horton, provided a species list at a half hectare site of destroyed Lowland Rainforest, identifying a single exotic species, *Lantana*, but predicted the high intensity logging that had occurred would result in heavy weed infestation. We recently accompanied officers from your Office of Environment and Heritage (OEH) to Grange and found her prediction to be correct, with literally dozens of weed species, some declared noxious, forming an almost impenetrable mass, now dominating the site.

Finally, at the direct request of your Department, Ms Horton prepared a list of recommendations, pointing out the rarity of Lowland Rainforest (also recently declared Federally as critically endangered), including a page-long recommendation of measures required to rehabilitate the site.

A letter from the Manager of the Crown Forests division, Michael Hood (27<sup>th</sup> November, 2011), informing us of the outcome of the investigation and the \$3,000 Penalty Infringement Notice handed out, failed to make any mention of a rehabilitation order.

We have written to your colleague, The Hon Katrina Hodgkinson, seeking answers to the following:

1. Given that no “identification key” had been prepared for Lowland Rainforest, and Forests NSW will shortly face court charged with having illegally logged an Endangered Subtropical Coastal Floodplain Forest Community at Doubledke State Forest, have field identification keys been prepared for any of the numerous EECs that have been listed in the last 10 years. If so, which?
2. How did the Grange Lowland Rainforest community become mapped as the dry sclerophyll Scribbly Gum, Blackbutt Forest?

3. Did none of the six (6) ecologists named as having been involved in the ecological survey of that Grange Compartment prior to the logging, identify the mapping error? If not, given that no one could have failed to notice that it was not a dry sclerophyll forest, and that there were no Blackbutt or Scribbly Gums present, why not?
4. Given that Forests NSW's Threatened Species Licence clearly states that "**This licence does not authorise the carrying out of an activity that is likely to harm an endangered ecological community**", but there was no mention of EECs in the Ecological report, were those six ecologists instructed to look for EECs? Again, if not, why not?
5. Did the harvest planner/forester who marked up the forest for the logging, report the mapping error? Was he/she required to notify anyone of mapping errors, and if not, why not.
6. Given the rarity of Lowland Rainforest, which has also been recently listed federally as a Critically Endangered Ecological Community, does Forests NSW intend to rehabilitate the site in line with the recommendations made to the OEHS by the rainforest specialist, Ms Horton?

There are of course additional questions we would like you, as Environment Minister, to also answer for us:

1. Why, having followed your Regional Biodiversity Officer's recommendation to employ soil and rainforest specialists to support a prosecution, did your Department not prosecute, and instead only issue a penalty notice, the fine for which would have come nowhere near covering the cost of those specialists?
2. Given its extreme rarity, and threats posed to Lowland Rainforest, as evidenced by its recent listing as Critically Endangered under the EPBC Act, why have the rainforest specialist's recommendations for rehabilitation of the Grange site not been required?

Yours sincerely

John Edwards  
Honorary Secretary.