



Respondent No: 549

Login: Anonymous

Email: n/a

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IP Address: n/a

Q1. First name	Margaret
Q2. Last name	Blakers
Q3. Phone	not answered
Q4. Mobile	██████████
Q5. Email	██
Q6. Postcode	████
Q7. Country	Australia
Q8. Stakeholder type	Individual
Q9. Stakeholder type - Other	not answered
Q10. Stakeholder type - Staff	not answered
Q11. Organisation name	not answered
Q12. What is your preferred method of contact?	Email
Q13. Would you like to receive further information and updates on IFOA and forestry matters?	No
Q14. Can the EPA make your submission public?	Yes
Q15. Have you previously engaged with the EPA on forestry issues?	not answered
Q16. What parts of the draft Coastal IFOA are most important to you? Why?	not answered
Q17. What parts of the draft Coastal IFOA do you think have a positive outcome on the management of environmental values or the production of sustainable timber? Why?	not answered

Q18. What parts of the draft Coastal IFOA do you think have a negative outcome on the management of environmental values or the production of sustainable timber? Why?

not answered

Q19. What are your views on the effectiveness of the combination of permanent environmental protections at the regional, landscape and operational scales (multi-scale protection)?

not answered

Q20. In your opinion, would the draft Coastal IFOA be effective in managing environmental values and a sustainable timber industry? Why?

not answered

Q21. General comments

See attached

Q22. Attach your supporting documents (Document 1)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q23. Attach your supporting documents (Document 2)

not answered

Q24. Attach your supporting documents (Document 3)

not answered

Coastal Integrated Forestry Operations Approval Submission from Margaret Blakers¹ 13 July 2018

Summary

1. The Coastal IFOA is a land grab. Together with proposed extensions to Regional Forest Agreements (RFAs), it is designed to entrench logging as the dominant use of more than 1.5 million hectares of public native forests in NSW.
2. The Natural Resources Commission (NRC)'s advice to the government on the draft Coastal IFOA is premised on a misrepresentation of the RFAs and National Forest Policy Statement (NFPS) as agreed between the Australian and NSW governments.
3. The RFA second and third five-year reviews and the IFOA remake are closely connected, but review processes for each are being conducted contemporaneously but separately. This in no way constitutes a fair or just process for either the RFAs or the Coastal IFOA.
4. The government's promise that the Coastal IFOA will not cause 'erosion of environmental values' is not defined, not quantified and not based on evidence. Nor is it enforceable. The likelihood is that environmental values will be eroded.
5. Wood volumes are not reliant on ill-defined and unenforceable outcome statements in the Coastal IFOA. Instead quantities of specified wood grades are defined in the IFOA Conditions. Unlimited quantities of 'lower' grades of timber products, including firewood and biomaterial, can be extracted.
6. It is crunchtime for native forests. The expiry of IFOAs, RFAs and native forest Wood Supply Agreements is imminent and federal and state elections are due within months. Proposals to extend RFAs are legally uncertain.
7. The 1.5 million ha of public native forests destined for increasingly intensive logging if they remain under the control of FCNSW should instead form a core component of a continental system of protected native forests where uses are permitted only within the capacity of the ecosystems to survive and flourish.

Recommendations:

- The Coastal IFOA should be rejected
- Regional Forest Agreements should not be extended
- Native forest Wood Supply Agreements should not be extended or replaced

¹ Margaret Blakers, [REDACTED] ACT [REDACTED]

Submission

1. A land grab

The Coastal IFOA² is a land grab. The IFOA together with proposed rolling extensions of current Regional Forest Agreements (RFAs) beyond their planned 20-year life, would entrench logging as the dominant use of more than 1.5 million hectares of public native forests. This is without examination of its impacts or of alternatives.³

The forests at stake are part of a forest legacy stretching along the NSW coast and hinterland from Queensland to Victoria. Most people in NSW live in or near these forests. They have a rich cultural heritage; support a diverse array of plants, animals and ecosystems; offer a myriad opportunities for beauty and inspiration, recreation and adventure; regulate water and climate; and support a range of economic uses. There are strongly backed proposals to protect specific forests including the Great Koala Park, the Great Southern Forest and many other much-loved places.

The Coastal IFOA regions cover 15 million hectares in total, of which 37% is public land (5.5 million ha). Of the public land 4 million ha is in reserves (including crown reserves) and 1.5 million ha is State Forest under the control of the Forestry Corporation of NSW (FCNSW).⁴

In 2012 when the corporatisation of the then Forests NSW was announced, the NSW government also decided to amalgamate the logging rules for three coastal regions into a single 'Coastal IFOA'. The IFOA 'remake' was scheduled to be completed in 2014 but is only now open for comment. The delay has brought the IFOA remake process into conflict with the -- also long-delayed -- RFA five-year reviews, and with the imminent expiry of the Eden RFA and some Wood Supply Agreements in the Eden Region (Table 2).

At no time in the last decade has the public been asked whether logging should be entrenched as the dominant use of public native forests for decades to come through the combination of the Coastal IFOA and RFAs. On the contrary there is plenty of evidence that the community loves forests, and would much prefer them to be protected. For example most submitters to the RFA second and third five-year review want an immediate end to native forest logging on the public estate and stronger controls on private native forest logging. According to the reviewer: 'Overall they indicated a strong rejection of native forest logging'.⁵

The objectives of the Coastal IFOA are:

to reduce the costs associated with implementation and compliance and improve the clarity and enforceability of the IFOAs. The NSW Government is committed to delivering

² 'Coastal IFOA' means the draft [Coastal Integrated Forestry Operations Approvals](#), May 2018

³ This submission focuses on flora and fauna (biodiversity). Many of the issues apply equally to other environmental values and the social and economic consequences of entrenching logging.

⁴ [Natural Resources Commission Advice](#), Nov 2016, p.7

⁵ [Independent review of the report on progress with the implementation of the New South Wales Regional Forest Agreements for the second and third five-yearly reviews 2004-2014](#) (RFA review report). Tabled 25 June 2018

these objectives with no net change to wood supply and no erosion of environmental values.⁶

From the way the IFOA and RFA processes have been conducted, 'no net change to wood supply', or indeed an increase, might well be an outcome. Environmental values on the other hand are likely to be severely eroded. Environmental values have not been defined or assessed (see section 4). Documents released under FOI refer to the desire of the NSW and Commonwealth governments to avoid the need to revisit the 'costly' Comprehensive Regional Assessment process.⁷ It is hard to escape the conclusion that the commercial interests of the corporatised FCNSW, and the logging industry which it serves, are driving decisions about the future of NSW public native forests towards an outcome that is largely predetermined.

2. Misrepresentation of the National Forest Policy Statement

In 1992 the NSW government, other states and territories and the Australian government signed the National Forest Policy Statement (NFPS). This underpins the Regional Forest Agreements (RFAs) through which forestry operations are given a special status under federal environmental laws, exempt from scrutiny provided they are carried out 'in accordance with' the RFA.

The Natural Resources Commission (NRC)'s advice to the government on the draft Coastal IFOA is premised on a misrepresentation of the RFAs and NFPS as agreed between the Australian and NSW governments.

First, the NRC wrongly claims that RFAs are seeking 'a reasonable balance between conserving Australia's forest estate and its enduring use for economic production and recreation' (emphasis added).⁸ They are doing no such thing - the quote is taken from the Agriculture Department website, not from the RFAs themselves. The RFAs nowhere include the phrase 'reasonable balance' nor do they commit to the 'enduring use' of native forests for economic production. Rather, they are 'in force' for 20 years and will expire starting from August 2019.

Secondly, the NRC misrepresents the NFPS and RFA provisions in relation to ecologically sustainable forest management (ESFM). It quotes the principles of ecologically sustainable development from the NFPS glossary rather than the actual definition from the RFAs.⁹ ESFM as used in the RFAs is defined and means: 'forest management and use in accordance with the **specific objectives and policies** for ecologically sustainable development as detailed in the National Forest Policy Statement' (emphasis added).

The NFPS sets out 11 sets of 'specific objectives and policies'. These include a 'no extinction' policy:

The Governments recognise the unique nature of Australia's biota and that the natural inter-relationship between native flora and fauna is essential for the health of the forest ecosystem. Accordingly, they will manage for the conservation of all species of

⁶ [Remake of the Coastal Integrated Forestry Operations Approval, Discussion Paper Feb 2014](#)

⁷ [The Guardian, 21 March 2018](#)

⁸ NRC advice, s5.2

⁹ NRC Advice, ibid

Australia's indigenous forest fauna and flora throughout those species' ranges, and they will maintain the native forest cover where a reduction in this cover would compromise regional conservation objectives, consistent with ecologically sustainable management.¹⁰

The NRC presents as an independent body. It is unfortunate that its advice misrepresents the NFPS and RFAs.

3. Confusion of processes

Delays by the NSW government have caused their processes for remaking the coastal IFOAs and reviewing the RFAs to collide. RFAs and IFOAs are interdependent in the way they regulate native forest logging. They are being reviewed contemporaneously and some of the same government agencies are involved in both reviews but from the public's perspective the two processes are being conducted as if there is no connection between them.

The report of the RFA independent reviewer was tabled in the Commonwealth parliament on 25 June 2018, just days before comments on the draft Coastal IFOA were due to close (subsequently extended to 13 July). The RFA review report refers to the IFOA throughout, reinforcing the interdependence of the two processes. The third five-year RFA review remains incomplete because the Commonwealth and NSW governments have yet to respond to the independent reviewer's recommendations. No further consultation is planned for the RFAs and the public has only until 13 July to comment on the Coastal IFOA.

Even on its own terms conducting the two reviews separately when they are intimately connected in no way constitutes a fair or just process for either the RFA or the IFOA.

4. Environmental values will be eroded

The government's promise that the Coastal IFOA will not cause 'erosion of environmental values' is not defined, not quantified and not based on evidence.

The Coastal IFOA does not define the the 'environmental values' or any of the following terms:

- 'environment'
- 'environmental outcome'
- 'reduced environmental outcome'
- 'environmental value'
- 'erosion of environmental values'

'Harm to the environment' is given the same meaning as in *Protection of the Environment Operations Act 1997*.¹¹

¹⁰ [National Forest Policy Statement](#) s.4.1

¹¹ "harm" to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution.

"environment" means components of the earth, including:

- (a) land, air and water, and
- (b) any layer of the atmosphere, and
- (c) any organic or inorganic matter and any living organism, and

The NRC also fails to define 'environmental value' in its advice. It notes that the existing IFOA approach 'does not make the desired environmental outcomes explicit, and therefore it is not possible to know if the current protections deliver the assumed environmental benefits' (p.38). Elsewhere it says that 'attempts to balance the commitments [environment v wood supply] are confounded by lack of data on environmental values and outcomes'.¹² It concedes furthermore that environmental value is often inferred by simple proxies and that NSW lacks capacity to model the function of forested landscapes and that it is 'difficult for the experts to provide advice on the appropriateness of the settings'.¹³

There is no evidence linking the 'settings' (prescriptions) in either the existing IFOAs or the Coastal IFOA to defined 'environmental values' that they are intended to protect or to the effectiveness of that protection. For example, the most recent NSW State of the Environment Report notes the lack of any strategy or framework to monitor the status of threatened species.¹⁴ Both the NRC advice and the RFA review point out that climate change poses a threat to species and ecosystems as well as to any forest-dependent industry but this is not reflected in the Coastal IFOA.

The Coastal IFOA is supposedly 'outcomes-focused'. Consistent with the NFPS, one of these outcomes should be 'no extinction' of indigenous forest flora and fauna. The NRC offers a 'working outcome statement' as a starting point:

ensure viable populations of native flora and fauna, particularly threatened species, populations and ecological communities are maintained or enhanced in landscapes.¹⁵

The Coastal IFOA as drafted lacks any over-arching objective or outcome. Such outcomes as are proposed are not themselves enforceable. Those concerning flora and fauna are couched in general terms and mostly refer to protecting habitat rather than the species themselves.

5. Wood wins

Wood supply in NSW is overwhelmingly from plantations (85% in 2016-17).¹⁶ Native forests within the IFOA regions supply less than 15% of all wood in NSW and, of this, more than 70% is 'low quality' logs, pulplogs and firewood.¹⁷

Wood supply commitments in the Coastal IFOA are not reliant on ill-defined and unenforceable 'outcome statements'. Instead the quantity and quality of timber products¹⁸ permitted to be

(d) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (a)-(c).

¹² NRC Advice, p.62

¹³ NRC Advice, s.6.5.2

¹⁴ [Threatened Species, State of the Environment 2015](#)

¹⁵ NRC Advice, table 10

¹⁶ [ABARES](#), 2016-17 data: 886,000 m3 native forests (public and private), 65,000 m3 hardwood plantations, 4,967,000 m3 softwood plantations

¹⁷ Figures provided for Wood Supply Allocations in IFOA regions only, July 2018: sawlogs, veneer, poles etc 305,000 m3, low quality logs, pulp, firewood 733,000 m3

¹⁸ 'Timber products' means sawlogs, pulpwood logs, heads and offcuts and any other part of a tree sold under the Forestry Act

extracted are explicitly defined and set out in the IFOA Conditions.¹⁹ There is no limit on the quantity of 'lower' grades of timber products, including firewood and biomaterial, that can be extracted, either in absolute terms or as a ratio to the defined quantities of large saw and veneer logs. If, as in the Eden region, pulplogs or woodchips are the dominant product, pulplogs could outnumber sawlog quantities by 15 to 1, and on top of that an unlimited quantity of firewood and other 'low quality' logs could be extracted (Table 1)

Table 1. Maximum volumes of timber products permitted from harvesting operations

Coastal IFOA draft conditions	High quality large sawlogs, large veneer logs Average m3 pa	Pulpwood logs t pa	Other timber products (a)	Heads and offcuts	Biomaterial (b)	Ratio pulplogs: sawlogs
Upper North East	109,000	No limit	No limit	No limit	No limit	
Lower North East	160,000	No limit	No limit	No limit	No limit	
Eden	23,000	345,000	No limit	No limit	No limit	15:1
South Coast	48,500	No limit	No limit	No limit	No limit	
Tumut	48,000	No limit	No limit	No limit	No limit	
Ingebirah	1000	No limit	No limit	No limit	No limit	

(a) High quality small sawlogs, small veneer logs, piles, poles, girder logs, low quality timber

(b) Pulplogs, heads, offcuts, 'trees' cleared as a result of 'thinning' or as a byproduct of any other 'forestry operation'

Source: Coastal IFOA Conditions, table 8

The current RFAs also contain wood supply commitments. These specify minimum quantities of specified grades of wood to be supplied. The intended relationship between the RFAs and the Coastal IFOA will not be known until any proposed new or extended RFA is published, which in turn depends on agreement between the NSW and Commonwealth governments

6. Crunchtime

Critical decisions about the future of native forests and of native forest logging have to be made within weeks (table 2). Long term Wood Supply Agreements (WSAs) cannot be finalised without having the Coastal IFOA in place; the Coastal IFOA cannot be finalised without having the terms of any extension or re-write of the RFA agreed. Adding to the uncertainty, the federal election can be held at any time from August 2018 until May 2019 and the NSW election will be held on 23 March 2019.

The RFAs are also attended by legal uncertainty. Both governments have expressed concern about whether the 'now quite old' comprehensive assessments that underpin the existing RFAs remain valid for proposed extensions.²⁰ The public is also being treated unfairly by having the two processes running in parallel without the public having access to all the relevant information about each.

'Forest products' means products of trees and other vegetation that are of economic value

¹⁹ Coastal IFOA Conditions, Table 8

²⁰ Brief for Minister Toole, [Guardian 31 March 2018](#)

Furthermore, the Federal Court case taken by Friends of Leadbeater’s Possum against VicForests has implications for NSW RFAs where logging is impacting threatened species or other matters of national environmental significance. The case is testing whether non-compliance with state rules accredited under an RFA would remove the logging industry’s EPBC exemption. (Federal Court file number [VID1228/2017](#))

Table 2. Expiry dates of native forest agreements and approvals

Instrument	Scope	Expiry dates
National Forest Policy Statement 1992 Inter-governmental agreement signed by all States and Territories	Public native forests, private native forests, plantations	Ongoing
Regional Forest Agreements Commonwealth-state agreements exempting native forest logging from EPBC assessment provided it is ‘in accordance with’ an RFA	Primarily native forests on public land Plantations in specific contexts	26 Aug 2019: Eden 31 March 2020: North East 24 April 2021: Southern
Integrated Forestry Operations Approvals (IFOA) NSW licence conditions to integrate regulatory regimes for environmental planning and assessment, protection of the environment and water, and threatened species conservation	Native forests on public land	31 Dec 2018: Eden region 31 Dec 2018: Lower North East 31 Dec 2018: Upper North East 31 Dec 2020: Southern
Wood Supply Agreements Long term agreements between Forestry Corporation and wood processors	Native forests on public land Plantations on public land	31 Dec 2018: Harris Daishowa, Blue Ridge 31 Dec 2020: most Southern WSAs 31 Dec 2023: most North-East WSAs 31 Dec 2028: Boral

7. Forests not woodlots

It is 20 years since the current IFOAs and RFAs were implemented. Today the world is grappling with human impacts on global Earth systems and processes. Climate change has emerged as a key global challenge and forests have a significant role to play both in limiting emissions and in imparting resilience to ecosystems. Biodiversity protection is an increasingly recognised urgent challenge and signatories to the Biodiversity Convention, of which Australia is one, are working on a bold transformative post-2020 global biodiversity framework.²¹

The 1.5 million ha of native forests destined for increasingly intensive logging if they remain under the control of FCNSW should instead form a core component of a continental system of protected native forests where uses are permitted only within the capacity of the ecosystems to survive and flourish. NSW should adopt ‘zero deforestation’ as a goal and commit to protecting and restoring nature across the state, including by ending native forest logging and declaring new protected areas.

²¹ [Convention on Biological Diversity](#)

The Commonwealth should acknowledge that it has primary responsibility for protecting Australia's forests and biodiversity in accordance with its commitments under multiple international environmental agreements. This responsibility carries with it an obligation to provide substantial funding for restoration, remediation, research and ongoing management of native forests and the environment more generally.

Neither government can claim to be protecting the environment if the proposed Coastal IFOA is adopted, RFAs are extended or new native forest Wood Supply Agreements are made.

Recommendations:

- The Coastal IFOA should be rejected
- Regional Forest Agreements should not be extended
- Native forest Wood Supply Agreements should not be extended or replaced