



***SOUTH EAST FOREST RESCUE***



**Representations on Integrated Forestry Operations Approvals 2018**



## **SOUTH EAST FOREST RESCUE – REPRESENTATIONS ON THE IFOAS**

South East Forest Rescue takes a firm stand on environmental protection of the native forest estate and expresses deep alarm at the welfare of forest-dependent threatened species and the cumulative impacts of industrial degradation of native forests that are exacerbating extinction rates and destroying soil, water, and carbon capacity.

For the last 14 years South East Forest Rescue ('SEFR') have been conducting audits of logging operations for compliance with the Integrated Forestry Operations Approval ('IFOA') and predominately the Threatened Species Licence ('TSL') by the Forestry Corporation NSW (FCNSW) and their contractors in the State forests of South East NSW. We have found and reported countless breaches over these years of many prescriptions of the TSL to the Environment Protection Authority ('EPA').

### **RECOMMENDATIONS**

The creation of a truly genuine comprehensive, adequate, representative and resilient reserve system covering the Southern and Eden Regions native forests by:

1. the creation of jointly managed National Parks – transferring all public native forest to traditional custodians/native title holders of the area; and
2. real incentives for conservation of private native forest.

Exit assistance to be provided to support the native forest/woodchipping workers to adapt to a true and real ecologically sustainable plantation-based industry.

### *Summary of SEFR's Findings*

The IFOA's have not ensured sustainability. The IFOAs have never delivered ecologically sustainable forest management ('ESFM'). The RFA/IFOA legislative regime has in fact ensured unsustainability. The lack of adherence by the State owned corporation now trading as the Forestry Corporation (ex Forests NSW), and their authorised logging contractors to the IFOA TSLs and EPLs suggests that any band-aid measure now will come too late.

On the South Coast of New South Wales thousands of hectares of native forests are being clear-felled every year. FCNSW is the State sanctioned agency who is responsible. FCNSW descriptions for these activities vary from 'Single Tree Selection - Heavy' to 'Australian Group Selection' to 'Modified Shelter Wood', yet they all synonymous to and amount to clear-felling or patch clear-felling on the ground. Old-growth, rainforest and mature age forests are being logged at an unsustainable rate. 85% of trees felled are turned into woodchips, either at the Eden woodchip mill or at the various saw mills on the South Coast and then trucked down to the woodchip mill.

To meet wood supply commitments, native forest is being cut faster than it is growing

back.<sup>1</sup> The FCNSW have continuously logged over ecologically sustainable limits since the implementation of the RFAs.

The IFOAs allow the various woodchipping and logging groups to continue business as usual without any real proper oversight or regulation. Established Joint ANZECC/Ministerial Council on Forestry Fisheries and Aquaculture NFPS Implementation Subcommittee ('JANIS') criteria for forest conservation were not fully applied.

The IFOAs are patently ineffective at achieving their purpose of protecting the environment and for threatened species conservation. We note with concern ESFM indicators have been watered down, yet still not adhered to.

Compliance to the IFOAs has been nearly non-existent and the enforcement of the IFOAs has been negligible. Due to the removal of third party rights by the *Forestry and National Park Estate Act 1998* s 40 (now s 69ZA) the lack of enforcement has allowed serious damage to the environment. Not only has there been ever-decreasing budget and personnel for compliance enforcement, there is imbedded unenforceability in the wording of the IFOAs making the job of compliance auditing extremely onerous and time-consuming, or plainly futile. The damage to state forests is systematic and routine and the law is disregarded. The Forestry Corporation have consistently failed to fulfil their requirements.

There should be no logging of any ESAs. The reduced protection for threatened species contravenes a multitude of Commonwealth recovery plans and scientific advices. The protection of our streams and rivers is vital to maintain water quality and fish health. There needs to be an increased protection of our headwaters not a reduction.

To illustrate our point we will focus on just one IFOA TSL condition to illustrate the total failure of the whole of the draft IFOA remake to protect the environment.

### **Condition 67 – Rocky Outcrops and Cliffs**

In the current IFOA this condition is 5.11 of the TSL. Over many years SEFR has submitted breach reports in relation to 5.11 for 20 compartments pertaining to 49 individual outcrops, not including the current Tantawangalo compartments. Of these 49 outcrops the EPA has not investigated 7 outcrops, so we will focus on the remaining 42 outcrops. The EPA has found that 5 of these are not breaches.

That means that 37 out of 42, or 88%, of the outcrops we have reported have been breaches of 5.11. This shows a complete lack of compliance by FCNSW over the years.

The results of these breaches are nine formal warning letters, eight official caution letters, two Penalty Infringement Notices and two prosecutions; one being successful and one being discontinued. While these figures show a complete lack of compliance by FC they also show a complete lack of enforcement by the EPA.

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<sup>1</sup> NSW Auditor-General, Report to Parliament, Performance Audit 'Sustaining Native Forest Operations' (2009)  
<[http://www.audit.nsw.gov.au/ArticleDocuments/141/185\\_Sustaining\\_Native\\_Forest.pdf.aspx?Embed=Y](http://www.audit.nsw.gov.au/ArticleDocuments/141/185_Sustaining_Native_Forest.pdf.aspx?Embed=Y)>.

Part of the lack of enforcement by the EPA has been due to their assertion that the way the condition is written and the 70% rock figure makes proving a breach difficult. SEFR totally rejects that excuse by the EPA.

The remake of the IFOA had the intention of simplifying the conditions for compliance and making them more enforceable, with no reduction in environmental protection and it was with this initial statement we thought there was a chance of making 5.11 better. Sadly, like the rest of the conditions in the proposed IFOA, this is not the case.

The new condition 67 is the same as 5.11. There is no simplifying of the condition for compliance or making it more enforceable. There is however a massive reduction in environmental protection by the removal of 40m exclusion zones for outcrops greater than 0.5ha. On top of this there is a part 1.(b) of the definition of an outcrop;

(b) in that area there are less than [**Rate to be determined**] trees per hectare (on average), which are greater than 30cm at stump height;

This means if the outcrop has timber on it, it is not an outcrop. Also, the yet to be determined rate will be based on standard tree densities in representative “woodlands”, not forests, this will give an even lower figure. This is a complete give away to the timber industry and shows up the farce that is ESFM and the blatant lies from the government that environmental protections will not be reduced.

This is basically the case for all the conditions of the draft IFOA. It is the old condition not simplified, not made more enforceable but in some way has been changed so there is less environmental protection and more access for the timber industry to destroy any environmental values, like the downgrading of stream protections the removal or downgrading of species protection zones and the remapping of old growth and rainforest protection areas.

The whole process for the remake of the IFOA is a total scam. The amount of threatened species has risen dramatically since the IFOA's started. Despite being listed on the Commonwealth list, and the NSW list, many species are not covered under the IFOAs.



Mogo SF – Habitat Tree ‘Retention’