

NSW Regional Forest Agreement. A Report on progress with implementation of NSW RFA.

Second and third 5 yearly reviews July 2004 to June 2014

By State of New South Wales and Environment Protection Agency November 2017

Thank you for this opportunity to comment on this report.

By placing an advertisement in the local paper on Wednesday before the xmas break would appear to only reach the minimum number of people. Most do not get time to read papers at this time of the year. It also means that the availability of a hard copy of the report was hampered due to holiday breaks by government departments.

This report was difficult to read and has taken the writer half of this summer to compile a detailed response. I had sat as Nature Conservation representative with NCC for Southern on ESFM committee for a few years up to late 1998 when both ESFM NCC representatives resigned. I was also a NCC representative on the Southern Regional Forest Forum for all of its 27 meetings at CRES in ANU. My knowledge of ESFM is vast and I am fully acquainted with the reporting regime that were put in place with RFA signings. It also required extensive reading of core background documents to make sense of the report.

The manner of this report would leave most people bewildered by the details implied or stated within the report. My long experience as a paralegal leaves me to believe that this report is formatted to conceal the core facts from the general public.

This report can be likened to a dirty bandaid covering an infected wound.

There has been untimely management of RFA reviews. On current course the findings of this submission will be after the date of the expiration of the Eden RFA 20 year signing. The current government has signalled that they will be signing a further 20 year agreement without consideration of the findings of this report. The Community Drop in Session to have your say and to seek views on further improvements on sustainable management of NSW native forests and the extension of the RFA for a further 20 year term is rather like putting the cart before the horse.

Community consultation has not been adequate or timely. By the State Government announcing that all RFA will be signed for a further 20 years when the review has not been completed is an abuse of the system the public is meant to have faith in. As the State Government has already made up its mind why put the public through the time and energy to comment on this review if they already know the answer. If the State Government believes they have achieved ESFM on State Forest why not have a full review of the science and a proper community consultation process instead of signing us to the onerous burden of another 20 years of wood chipping south of Sydney and the demise of koalas .

A cynic would conclude that the lateness of these two reviews so close to the end of a 20 year agreement was just to tick off on public consultation commitments on so large amount of public assets to then be shipped overseas.

Expensive failed experiment – This report has failed to prove ecological sustainability of the continued logging of the native forest estate.

There has been an obvious and abject failure to deliver ESFM.

There is a failure to adequately measure and express those scant measurements in realistic terms and thus convince anyone that ESFM is being achieved or likely to be achieved.

The report has proved that there is harm being caused by continuing business as usual.

The failure of the RFAs has meant that its business as usual.

Meantime the governments have neglected the precautionary principle that appears in every International and Australian protocol and agreement. This principal is important to achieving ESFM. Work done to date has proved that ESFM has not been achieved by meeting the criteria so by the precautionary principal should apply and logging stops forthwith.

This report may be a ruse on our forested public estate to ensure proper care of our landscape and all the biota it contains. The data sets have been manipulated so the certain interests can continue to cause malicious damage to the public estate and the government can attempt to convince us that all is good with the science they are presenting. It is a worry that many statements within the report may be subjective or just a thought bubble on what the report may suggest will ensure the continued logging of State Forest estate. I do not wish to cast nasturtiums on all the hard work that has contributed to this report.

When Premier of New South Wales Bob Carr sent a letter to the Nature Conversation Council in 1995 stating in clear terms that wood chipping would end by 2000. This was before the beginning of RFA process and showed a commitment by the then labour government of a willingness to permanently address this important issue.

The Parties agreed to a series of milestone commitments and obligations for monitoring and reporting. If the third review period ends on 30th June 2014 then it has been three and a half years before calling for submissions.

Is this a deliberate move to rush through all the data at once hoping that the current regime can continue.

First 5 year review took 5 years to be tabled in federal parliament. Then a further 4 years for a Joint Response. Hardly timely. It would seem both state and Federal governments were dragging their heels on this and allowing a flawed agreement to limp along. The government intends to further extend these agreements for a further 20 years having already decided to continue with business as usual.

My commenting on these reviews is not an excuse for the government to 'tick' the box on community consultation.

Only 60% of commitments were achieved in the first Five year review.

Majority of milestones set in the first 5 year review recommendations have not been met. The Governments' decisions about likelihood of reprioritisation of timelines will be outlined in further 5 year review. So they have not even met this milestone. In the Status of this recommendation the

report says that this has been fully implemented. Timing of the two 5 yearly reviews delayed because recommendations from first 5 year review were not delivered until October 2014.

If this status '*this recommendation has been fully implemented*' as the review reports then the Parties have continued to work collaboratively on the implementation of the milestones, commitments and obligations. The obligations of five year reviews are an essential element of RFA. It gives all parties concerned confidence that the RFA is sound. Due to the nature of the timing or lack of these reviews both governments have displayed a lack of good governance of the public estate and have failed to give confidence in ESFM because it has not meant its obligations under the agreements. By their delay for whatever reason RFA has failed to meet mandatory requirements of time sensitive obligations. The loose system of reporting enables the further degradation of our public forests. Logging operations have not been conducted in accordance with the rules. We should be moving away from industrial logging in native forests. The reviews have not met the legal requirements which form part of ESFM.

Drier and hotter conditions mean less regeneration. Not a good way to run a business into the grounds. Land managers would be horrified that so obvious a defect would be allowed to continue and would look to retiring that area for static management in the hope that land may repair itself. A gradual decline of regeneration to recently harvested areas shows that the current regime is not working. If the impact of drought inhibits regeneration then changes in climate with accompanying lower rainfall particularly in Southern and Eden will mean a general crash in regeneration. This has long term implications for sustainability of native forest harvesting and fails to meet a large number of ESFM criteria.

Failure of RFAs to deliver anything other than business as usual. Climate change is happening and the government should take the necessary steps to mitigate the unimaginable conditions we may face in the near future. We could leave the forest to quietly sequester carbon.

Late signing of Southern RFAS allowed for another use of 'waste wood' to be found in charcoal plant proposal. Community was not consulted on this use of forest product. Rational was that wood chip from this area had always been uneconomic and was being subsidised by the public purse. As it turned out there was a mass community backlash on this proposal including a court case. In that case the Department refused to answer subpoenas ie the handing over public documents to the court with the excuse of 'they are too busy' . Timber specified for the charcoal plant was another type not wanted for wood chip ie too dense and too dark . Any regulation since passed for electricity generation faces the same issues and has still not gone for proper community consultation .

The Government was aware of its intention to supply timber for Mogo before public consultation on both the RFA and EIS for Mogo. The Government was aware of the Mogo proposal when it went into negotiation with the Federal Government over the terms of the RFA. The public were unaware that this was on the table.

Eden RFA is being managed for wood chip only when the pulp industry is not viable as plantations are available with related local value added industry. The government report of their own figures support this.

RFA allows for the continuation of pulp what the government insists is wasted wood and appears to be the governments justification for using the southern forests for no capital gain.

Failure to put figures in RFA review regions to clearly display the lack of economic benefit for Southern.

If its not achieved on time doing it later is neither in the spirit of a legal requirement of the agreements nor in meeting milestones or regulatory requirements and can hardly be called achieved in part.

As all the agreements were time dependant the RFA have been blatantly disregarded and should be ended immediately by both the state and commonwealth governments.

Existing wood supply agreements should be honoured with the exception of wood chip/pulp which should cease forthwith. Pulp has not been proved to be sustainable under any measure and it is a fantasy to promote pulp as meeting any ESFM benchmark or MIG criteria.

It is doubtful that all that is claimed to have been achieved has happened and appears to be mainly subject accounting.

Criterion 1. Conservation of biological diversity

1.1 Ecosystem diversity

Indicator 1.1.d Fragmentation of Forest cover

Land clearing is recognised as the main threat to the extent and condition of native vegetation in NSW and is listed as a key threatening process under Threatened Species Conservation Act.

Land management under SF has shown that habitat fragmentation caused by clearing continues to have long term impacts on native flora after initial clearing occurs and causes subsequent loss of native species. REF NSW State of Environment 2015. If continued clearing in the form of logging especially the alternative coupe regime as in Eden, then there is an obvious loss of species whilst this continues.

Indicator 1.2.a Forest dwelling species for which ecological information is available

This indicator appears to be only monitored on NPWS and private land. There appears to be no effort to collect data so that the species loss on SF managed lands can be properly assessed.

Indicator 1.2.b Status of forest dwelling species at risk of not maintaining viable breeding populations as determined by legislation or scientific assessment

Table 19 & 20

This indicator and the scant information provided therein do not give the writer confidence that species viability is being maintained. It is only done before harvesting and does not appear to indicate that viable breeding populations are being maintained across areas managed and controlled by SF.

There has been an abject failure of the logging regime to retain existing habitat trees for the continual survival of our unique rare arboreal mammals.

Indicator 1.2.c Representative species from a range of habitats monitored at scales relevant to regional forest management

This would appear on available data to have been a spectacular failure by SF to adhere to their obligations as described in RFAs

1.3 Genetic diversity

Indicator 1.3.a Forest species at risk of isolation and the loss of genetic variation and conservation effort of those species.

As Australia is one of the most diverse in the terms of genetic variation and species abundance the continued logging of these ecosystems will only continue to assist the species crash across SF managed land. It is all very well to have several projects aimed at conserving and increasing forest species if the rest is left to disappear. The obvious approach would be a cessation of activities.

Indicator 1.3.6 Native forest and plantations of indigenous timber species which have genetic resource conservation mechanisms in place.

Whilst it is a great time capsule to have a Plantbank this does not ensure that the unique variation and mix of species is retained in any or all specific sites and only supplies a snapshot of what existed.

Criterion 2 Maintenance of productive capacity of forest ecosystems.

Indicator 2.1.a Native forest available for wood production, area harvested and growing stock of merchantable and non-merchantable tree species

The report states that climate change may impact on forest growth and vigour in the longer term but SF does not expect it to impact significantly on supply in the immediate future as timber supplies for the next 20 years are from existing stocked forest.

Whilst agreeing that climate change could be happening SF outcome is to keep on logging. I am surprised by the word 'could' be happening in relation to climate change and it appears to indicate a department out of touch with the rest of the science community. We know drier and hotter conditions mean less regeneration.

Other land managers would be horrified that so obvious a defect would be allowed to continue and would look to retiring that area for static management in the hope that land may repair itself. A gradual decline of regeneration to recently harvested areas shows that the current regime is not working. If the impact of drought inhibits regeneration then changes in climate with accompanying lower rainfall particularly in Southern and Eden will mean a general crash in regeneration.

Drier climate is now apparent so there is an urgent need to stop logging as water flow is less after logging. Water from forested land is more important for streams, ocean health and a stable carbon cycle.

This has long term implications for sustainability of native forest harvesting and fails to meet a large number of ESFM criteria.

Indicator 2.1.b Age class and growing stock of plantation

The omission of any data in this report indicates a blatant attempt to dismiss the possibility that existing plantations could be used to cease logging for pulp in Eden and Southern.

Indicator 2.1.d Annual removal of non-wood forests products compared to the level determined to be sustainable.

This indicator has not displayed whether it is sustainable but merely gives selected examples. Hardly meeting any rigorous data provisions on which to make any determination.

Indicator 2.1.e The area of native forest harvested and the proportion of that effectively regenerated and area of plantation harvested and proportion that effectively re-established.

Drier and hotter conditions mean less regeneration. A gradual decline of regeneration to recently harvested areas shows that the current regime is not working. If the impact of drought inhibits regeneration then changes in climate with accompanying lower rainfall particularly in Southern and Eden will mean a general crash in regeneration. This has long term implications for sustainability of native forest harvesting and fails to meet a large number of ESFM criteria.

The decline in proportion of both softwood and hardwood successfully established is a most worrying trend of gradual decline and indicates a major rethink of policy.

Criterion 3 Maintenance of ecosystem health and vitality

Indicator 3.1.b Area of forest burnt by planned and unplanned fire

The information provided is a state wide nature. It does not supply RFA areas under management by SF. As such this supplied information does not go any way to providing accurate information of management practices in areas for harvest or under general management by SF.

Criterion 4 Conservation and maintenance of soil and water.

Indicator 4.1.a. Area of forest land managed primarily for protective functions.

The most important element of this section would be that SF could 'choose to turn on or off' EPA requirements. If we are to fully conserve and maintain water then letting the existing land manager turn off any requirement by EPA it is saying it is OK to pollute our precious waterways whatever stream order it may be on. One of the elements that is currently apparent with climate change is the increased intensity of rain events. This may well lead to major increases in pollution events.

Indicator 4.1.b

Indicator 4.1.c Management of the risks to soil physical properties in forests.

All the protocols legally binding instruments and codes of practice at any level cannot meet the retention of soil physical properties. By the act of heavy machinery and roading the soft nature of

our soils within the forested estate is impacted. With this comes the disruption of the water cycle within the forest and has subsequent impacts on both above ground and underground water supplies and recharge mechanisms. The slow filtering process is disturbed and perhaps permanently damaged.

On the issue of road construction and maintenance the figures are not in the report but there are figures for operation of harvesting. Does this mean roading pollution and soil erosion from these roads are a major issue and may have been left out of this report.

Soil disturbances occur. Mitigation is subjective and offers little real protection from compaction and subsequent overall water loss and the general enhancement of our very fragile soils.

Indicator 4.1.f Per cent of water bodies in forest estate (eg stream kilometres lake hectares) with significant variance in biological diversity from historic range of variability

The fish or more importantly measuring of aquatic biodiversity of macro invertebrates. This important indicator has been omitted from RFA. There is or was at the time of MIG report to fully implement this essential data into the reporting process. This information is used to monitor water quality. If this data is added to ESFM then it may well prove that logging regimes do not meet ESFM. It may well be deceptive to omit this from this report.

Water quantity – There has been little work done. Not enough data to accurately quantify that current operations protect water so precautionary principle should apply. Even work recommended by MIG has not been done.

Blatant or deliberate disregard for health of the forests and the intergenerational equity of public forests to be used for the greater good.

Criterion 5 Maintenance of forest contribution to global carbon cycles

Indicator 5.1.a Contribution of forest ecosystems and forest industries to the global greenhouse gas balance.

Table 33 FCNSW calculations of carbon balance of hardwood from SF as at 30 June 2014.

If we are to take this table as accurate then why have the emissions from harvest and haulage been omitted. There are at least 36,000 truck movements of various lengths to get the timber to the mills and return to the forest.

There is no mention in those figures supplied of the harvest carbon amount nor of sawn log or pulp production carbon contributions. This indicator has not been met because of the obvious omission of the full emissions data.

I wonder what all those great Australian scientists who have contributed to ESFM in good faith think of wood burning for electricity.

Unustainable carbon releasing method of retro electricity generation is better resigned to the era of steam engines. Not worth the cost to DPI to developing such a scheme. Burning off of 'falls' cannot meet any criteria under ESFM as it conflicts with other criteria.

Burnt for electricity – How can this regulation support conservation and sustainability when more carbon will be released into the atmosphere.

According to the EPA File no. 282173A5 in 2002 the charcoal plant that was part of Southern RFA will emit up to 5 times more CO₂ than the burning of extracted coal. That plan failed to meet with community consultation standards and so failed on more than one level. So, any plan for a bio energy plant or wood waste furnace for electricity would not meet community agreement. Any suggestion that this is a viable use of forests has not been put to the general public.

Criterion 6 Maintenance and enhancement of long term multiple socioeconomic benefits to meet the needs of societies

From 10% of public native forest in harvestable areas the report states that only 2% was used in 2013-14. This includes areas outside RFA such as cypress pine and river red gum harvesting in western region. So the 2% figure is rather rubbery accounting and does little to indicate true data of harvestable area that the RFA reviews and assessment requires.

So a truck travelling from Southern with wood bound for the chip mill is getting the state approximately \$184.00 a load.

Hardwood production across RFA makes \$102 million per year from 883,000m³ (2014 figures). SF costs to run that part of their operation is \$28.5m. Only \$4.3m is made from chip. Yet this amounts of 32% of the wood harvested in this state all of which is coming from southern NSW. This figure does not contain plantation pulp but is the export of chips by a foreign company for little benefit to the state's coffers.

These figures do not show EPA contribution to RFA which may be significant.

All WSA signed across the state are being used as a subsidy for the wood chipping operation in Southern and Eden.

So, for \$102million we get 883,000m³ of hardwood in 2014. We get 32% or 285,000 of hardwood pulp from that 883,000m³. The bulk of the pulp is from Eden with the remainder coming from Southern. There is no value adding from that pulp and it is fully exported. That pulp export only makes \$4.3 million in revenue for the State. The North east is supplying most of the hardwood to the market.

Table 35. Selected forest products for NSW includes low volume wood products and areas outside RFA regions. It is a pity that this material has not been separated so that the writer can make an accurate assessment of what is actually coming from the RFA regions the subject of this report. This is again a failure to put accurate data for public scrutiny.

All wood supply agreements WSA signed across the state are being used as a subsidy for the wood chipping operation in Eden and southern.

It is rather a raw deal for the governments to concentrate the entire pulp production from such a small area of the state.

By using ABARE's figures it shows total of forested areas by region which is only of interest to the area of state currently under forest. There is no clear indication of the area within the RFA that specifically relates to available harvestable forest and excludes areas under various protections ie riparian or slope constraints.

On 19.4.01 a presentation by SF to Australian Silicon to sell the timber from NSW to them. It says that NSW has completed RFA process. There is no clearfelling in NSW. Mixed species eucalypt woodchip export industry to decline within next 2-5 years. SF will offer AS first option on surrendered woodchip export resource in Southern and South East Regions.

29.8.01 Crown Solicitors Advice wood supply agreements HDA & AS project. If AS gets the go ahead the HDA forfeit 97,000m³ from Southern. HDA don't want it because its generally older timber and does not make good pulp.

On 29.8.01 some 4 months after RFA was signed the State Crown Solicitor's Advice re wood supply agreements between HDA and AS. If AS gets the go ahead HDA will forfeit 97,000m³ from Southern. HDA do not want it because it is generally older timber and does not make good pulp. HDA say it is expensive wood and on average the species have poor pulp yield and does not fit well where they see the future of HDA under the new ownership structure under Nippon. SF assessment is that it will lower their unit costs of production and improve their competitiveness in the pulp markets in China and Indonesia.

On 13.12.2001 documents released from State Parliament say we've been discussing the Broulee charcoal plant (Mogo), in particular that it's now apparent that the figure of 200,000 tonnes per annum is only 'Stage 1' of a plan for reduction of 400,000tpa.

With this much wood to burn it looked like an end to the woodchip export.

When that project for a charcoal plant at Mogo fell over we were given another project to pelletise wood. Further costs, further work and more info structure for Southern. Pellets were to be sent overseas for electricity generation but there was no market.

All this while export woodchips continue.

From an internal memo SF to SF dated 9.10.01 In trying to persuade local timber mill to be supportive of the AS project they need to understand that without a residue market on the south coast the costs of producing sawlogs will be significantly higher than if there is a residue market.

On 7.2.02 AS to Brogden – Unless a commercial market for residual timber under Southern RFA is established the total saw logging industry for the south coast area is at risk as the high saw log industry becomes marginal is residual credits are not available.

Add to this equation that the plantation planned by AS to offset carbon was to be funded by both State and Federal Governments.

After dropping state and federal funds for restructure FISAP no working value adding has been achieved for Southern or Eden.

Southern and Eden cannot continue to soak up more tax payer monies on top of the subsidies that keep running this whole system at an obvious loss.

The late signing of the Southern RFA to put in place a charcoal plant without community consultation. SF Steve Dodds email dated at the time of signing Southern RFA giving the go ahead to the charcoal plant while at the same time holding meetings elsewhere in the State with proposals for the charcoal plant. Hardly great community consultation to terrorise other areas of this state whilst knowing that they had made a decision to site plant in Southern, according to documents released from NSW State Parliament. This plant failed by virtue of a NSW Supreme Court case funded by the community. I

Time to call it quits. Harvest management practices can be adopted to keep those local mills that produce sawn timber operating.

We only get \$4.2m for woodchips from Southern per year. It is time to stop the considerable burden on tax payers.

In March 2014 Protection of the Environment Operation (General) was amended to allow residues, pulpwood, logs, heads, offcuts and thinnings from authorised clearing and timber harvesting to be burnt for electricity generation, consistent with other states.

Signing of Southern RFA was delayed by the charcoal plant and any wood supply agreement was put in place for the charcoal plant. HDA was to surrender their allocation of pulp from Southern to the charcoal plant at Mogo.

There is a financial benefit to the state from ceasing pulp wood production.

Indicator 6.1.a. Value and volume of wood and wood products

It would appear that softwood ie plantation timber is much more viable as an industry and the writer is pleased at the steady increase in harvest and use of the massive softwood plantation estate.

Indicator 6.1.b. Values quantities and use of non wood products

Table 35. I am pleased that the figures presented show the cattle numbers are down in SF managed lands.

Indicator 6.1.c Value of forest based services.

Bio banking or trading off one area for another elsewhere does not take fully into account the unique diversity that exists at each site and will lead to further degradation of diversity across the landscape. Trading similar sites for private profit does little to give confidence to the public that the state government is serious about conservation of our unique species and ecosystems that exist nowhere else on earth.

Indicator 6.1.d Production and consumption and import/export of wood, wood products and non wood product

Whilst this is a very general statement it fails to satisfy the criteria because there is no data to accompany these sentences. From data found elsewhere and in this report the writer has gleamed that 285,000m³ of pulp is exported and a return of \$4.2 million is achieved. Other data is hard to

interpret especially when combined with state wide or Australian wide material. This report does not meet the objectives of this indicator.

6.2 Investment in the forest sector.

Indicator 6.2.a Investment and expenditure in forest management

Table 38 indicates that about \$29 million in forest management in 2013-2014 on harvest management and Table 39 shows that \$13.9 million was spent on plantation establishment. What this does not show is a proper breakdown of native forest management costs nor a regional assessment.

6.4 Cultural, social and spiritual needs and values

Indicator 6.4.a Area of forest to which indigenous people have use and rights that protect their special values and are recognised through formal and informal management regimes.

Why is information about RFA areas not available in this report? General state wide information does not give the reviewer adequate information to even access this indicator accurately. It only serves to muddy the report by failing to meet the relevant indicator and more generally the criteria.

ALWAYS WAS AND ALWAYS WILL BE. The token amount of employment offered under the RFA is an insult.

6.5 Employment and community needs.

Indicator 6.5a Direct and indirect employment in the forest sector.

By putting in Australian wide data again this fails to meet the requirements that these reviews directly address.

Why is such a forest to be sacrificed for such dubious commercial gain. Why does government continue to do so.

There is unequal treatment between State Forest north of Sydney and State forest south of Sydney. Only part of the State is treated with value adding.

Pulp allocation for Southern has the max sent to chip mill yet WSA volumes have fallen over time. The WSA is decreasing while pulp has remained at the maximum allowance. If logging was for WSA then pulp is a by-product and not a driver for industry. It would now appear to be the opposite.

This has not been a financial benefit as described in RFA for southern

Criterion 7 legal, institutional and economic framework for forest conservation and sustainable management.

Indicator 7.1.c Extent to which economic framework supports the conservation and sustainable management of forests.

From data found elsewhere and in this report the writer has gleaned that 285,000m³ of pulp is exported and a return of \$4.2 million is achieved.

State Forests tourism and recreation objectives are to provide for safe and enjoyable use by the community of forest based recreational services.

There is nothing quite like the tranquillity of nature bound visitor recreation to be spoilt by the sounds or threats imposed by recreation shooters on the loose in the same area of public forest one might like to enjoy.

DPI is at odds with sustainability.

Subversion of an honest attempt by so many scientists to enable the continuing export of pulp stripped from Eden for the profit of a foreign owned company.

The most important element of this section would be that SF could 'choose to turn on or off' EPA requirements. If we are to fully conserve and maintain water then letting the existing land manager turn off any requirement by EPA it is saying it is OK to pollute our precious waterways whatever stream order it may be on. One of the elements that is currently apparent with climate change is the increased intensity of rain events. This may well lead to major increases in pollution events.

On a final note the ESFM report of 2014 has not been published.

