



North Coast Environment Council Inc.

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Hon. Sec. John Jayes

Port Macquarie

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[sent by email to

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“A society is defined not only by what it creates, but by what it refuses to destroy”

John Sawhill

SUBMISSION on the Remake of the Coastal Integrated Forestry Operations Approvals

The North Coast Environment Council is the peak regional environment body of North East NSW. Our membership consists of most of the environment groups and centres in the region as well as many concerned individuals.

The NCEC is part of the the North East Forest Alliance and a member of the Nature Conservation Council. Both of these organisations are making detailed submissions to this process. We support the content of those submissions.

We engage in this process with reluctance and with no confidence that our views and those of our colleagues will be considered. With each such process, since the mid 1990s we have watched the outcomes for threatened species get worse. While we recognise the current IFOA has not delivered, we believe this has been as much because of a lack of will from the regulators as deficiencies in the wording. Over the last decade we have suggested small changes that would make conditions auditable, none of these have been adopted.

This submission is to highlight our key concerns.

Premise of IFOA review is flawed

The review promises better protection for threatened species and their habitats while also committing to no reduction in wood supply. The threat to most of the threatened species is the loss and/or fragmentation of habitat. We do not believe that the changes proposed will provide better protection for those species if timber supplies are to be maintained. Timber volumes have been set at unrealistic levels, and the only means to better protect threatened species and have a viable sustainable timber industry is if volume commitments are significantly reduced.

It is difficult to comment when broad assertions are delivered but the paper is lacking in detail.

Cable logging of steep slopes

The NCEC will actively oppose any attempt to log steep slopes. Areas of steep land contain many attributes of oldgrowth forests such as hollow-bearing trees. These areas have been largely undisturbed, except by occasional fire, for many decades. To propose in 2014 to open them up for logging is a totally retrograde step that will have serious impacts on the habitat value of these areas, and increase the likelihood of erosion and landslip. Impacts such as landslip and erosion are often not seen until years after the logging events so monitoring of a cable logging trial will not show the impacts. The proposed 'monitoring' of environmental impacts is tokenistic.

Furthermore the area in question is known to have extreme rainfall events and has seen a number of serious landslips in the past. The recent mudslide in the USA that has killed dozens of people is being attributed in part to a heavy logging event.

The proposal to access timber on steep slopes is a blatant attempt to boost timber volumes by taking wood from areas additional to those that were available for general harvest.

The NCEC strongly opposes:

- any move away from pre-logging surveys that enable the presence of some species to be identified and precautionary action taken
- the suggestion that landscape protection measures have worked in Tasmania and the proposal to have the Tasmanian Forest Practices Board critique the proposed changes. Tasmania is internationally recognised as an appalling example of forestry practice and the idea NSW is seeking to adopt Tasmanian-like provisions is a major cause of alarm.
- protocols outside the IFOA. We are unconvinced that the licence will be enforced or have any teeth if it is relegated to 'protocols' that can be easily changed presumably by any Government Minister or Department Head. The example given where this is so, related to waste management, and is not a similar situation of regulation of a Government owned entity. Furthermore we are alarmed at the proposal that the 'protocols' can be easily changed and 'adapted'. This will lead to ongoing watering down of logging constraints at political direction.
- the suggestion that guidance material and protocols will be developed separately and presumably not form part of the next public consultation on the IFOA. This would be extremely dishonest and lacking in transparency.
- the removal of burning, heritage protection, grazing, weed control and road construction should continue to be clearly covered by the IFOA. All of these are clearly related to logging activities and have a major impact on the environment and should be transparently regulated by the IFOA.
- the proposal that the removal of forest products from non-current operations 'may be required [to] seek approval under planning legislation if the environmental impact of the activity is significant.' This is another example of the wishy-washy language that has been a feature of EPA regulation of forestry. If it has a significant environmental impact then FCNSW SHALL be required to seek approval.
- more sloppy language around threatened plant protection (p23) "The proposed IFOA will include specific provisions to address these species when identified." This is similar to the language in the PNF Code, when threatened species prescriptions are only triggered when the TS has been identified, but there is no requirement to look... hence the prescriptions are never triggered. This rings more alarm bells.
- the logging within TECs. The proposed changes allow logging of TECs if needed to meet timber supply. This is completely unacceptable.
- any change that does not mark exclusion boundaries in the field.
- changes to stream protection buffers.

- the implication that FCNSW have acted responsibly with respect to Bell-miner Associated Dieback. They have not. Their role on the BMAD Working Group has not been constructive and they have refused to alter their logging practices in recognition that BMAD is a response to disturbance and areas at risk should be avoided.

We support the comments made by Michelle Richards of the BMAD Working Group which say in part:

The discussion paper should note, BMAD effects are not only 'top downward' (p27) but also soil upward, and ground level disturbances associated with BMAD need to be taken into consideration.

The discussion paper should note that psyllid population increases are associated with tree health and vigour, and tree health is associated with soil health and structure, as well as forest structure.

Some research identifying BMAD has already been completed, it is important not to ignore present knowledge. Please refer to the BMAD Literature Review. The research that is required is in developing and producing and implementing BMAD risk assessment, and forest health husbandry models, as decision support for any forest based activity, along with treatments that increase the forest health factors present and reduce the factors associated with BMAD.

As BMAD may occur as a result of both anthropogenic and climatic conditions, if these are not the same, then the precautionary principal must apply to the management of forests for health, and it is therefore appropriate and vital that a BMAD forest health risk assessment protocol is developed and implemented. To do this a dynamic system model of forest health for each BMAD at risk forest community is required, in which the known factors associated with forests expressing health and BMAD are calibrated and used to determine which management actions, over what period, and to what degree, are required for Ecologically Sustainable Forest Management. It is appropriate that a BMAD forest health risk assessment protocol is put in place so as to inform all public forest operational decisions and actions.

The BMAD WG has already completed a preliminary potential risk by forest type map.

The discussion paper has failed to deliver for forest health with reference to BMAD with only intention to repeat preliminary studies already completed by the BMAD Working Group, and failing to indicate the real measures that will achieve reasonable control of BMAD as indicated by the NPWS and private landholder trials carried out under the auspices of the multi-agency BMAD Working Group.

NCEC supports:

- the precautionary measure of protecting all hollow-bearing trees.
- the protection of recruitment hollow-bearing trees from each age/size cohort, allowing for mortality. The formula to be determined by ecologists and based on tree age and likelihood of hollow formation. Where retention is specified for each age cohort to ensure that Hollow bearing trees will continue to be present in the logging landscape. This is particularly

important in the so-called Regrowth Zone, where the failure to protect the largest non HBTs is turning the area into a faunal desert.

- the abolition of the Regrowth Zone
- the protection of all trees with a DBHOB of 90cm (there needs to be recognition that intensive logging is removing all the larger trees and the size limit should not be so large as to encompass almost no examples. It should ensure that it picks trees that in all likelihood are more than 100 years old and were therefore growing before the Forestry Commission came into effect.)
- the permanent marking of all retained trees and their location recorded on GPS with such information available to community monitoring teams. (Permanent marking of Habitat trees was recognised as fundamental to protecting threatened species habitat and was specified as a logging condition in the Judgement of Nicholls vs Forestry Commission in 1994!)
- permanent hard exclusion areas on all riparian areas including drainage lines
- permanent hard exclusions providing connectivity that ARE NOT changed with each logging operation.
- basal area retention rates no less than the PNF Code of Practice.
- the requirement of FCNSW to maintain publicly accessible compliance registers.
- more serious penalties for breaches. Penalties should ensure sufficient financial cost as to make them seriously not worth incurring. The current PINs are not a disincentive because that are not issued for each individual example of the offence and they are not even equivalent to the value of the wood removed.
- the reinstatement of Third Party Appeal rights to ensure organisations such as ours and member of the public have the right to enforce the licences, where we have evidence of breaches and Government agencies have failed to effectively prosecute.
- the requirement for the EPL to be always 'on'. It has always been an abuse of the licence that this has not always been the case.
- the maintenance of habitat clumps providing that these are of sufficient size and structural complexity. Definitions need to be clearly spelt out.
- the need for post-harvest burning to NOT damage retained habitat values. Where post-harvest burning does damage retained trees, habitat clumps, landscape corridors, riparian exclusions etc, there should be penalties.
- strong penalties where erosion occurs due to inadequate drainage measures.
- increased auditing of FCNSW logging activities and that these results are publicly available,
- making contractors share some of the responsibility for breaches including financial penalties.
- where nationally threatened species are likely to be present the Federal EPBC Act should apply.

The NCEC notes that the current regulatory system has failed threatened species. The EPA have failed to enforce licence conditions and develop a methodology to ensure blatant and obvious breaches can be prosecuted. The NCEC has no confidence that the changes proposed will better protect threatened species and their habitats.

There are now hundreds of areas for which pre-logging surveys were done and which provide the opportunity for the EPA to conduct similar survey work to determine whether the logging had an impact and whether the prescriptions worked for the species identified in the initial survey. The complete failure to conduct any work of these kind means that important opportunities have been missed. It is not too late for the EPA to undertake comparative survey work, in fact this should be done prior to any changes to the IFOA so that they are informed changes.

The document suggests that the IFOA is too prescriptive and we should leave forestry to the 'experts'. The 'foresters know best' the appropriate silviculture etc. During the last 20 + years we have seen the 'experts' hail: Single Tree Selection; Gaps and Clusters, Australian Group Selection, Timber Stand Improvement, Single Tree Selection -heavy aka virtual clearfelling etc. With each attempt at increasing forest productivity comes an acknowledgement of sorts, that the previous silvicultural practices have failed. This is unlikely to change. The premise for forestry today is not the health of the forests, the catchments, and the flora and fauna ... it is the extraction of unsustainable volumes of timber. Leaving FCNSW in charge and failing to ensure survival of threatened species in their prime habitats over time, will see ongoing decline in TS populations. But with no or inadequate monitoring, this will remain a State secret.

Submission prepared by Susie Russell for the NCEC