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Mr Gary Barnes
Secretary
Department of Regional NSW

Email: gary.barnes@dpc.nsw.gov.au

Mr Anshul Chaudhary
Acting CEO
Forestry Corporation of NSW

Email: anshul.chaudhary@fcnsw.com.au

Dear Mr Barnes and Mr Chaudhary

I am writing in reply to your letter of 7 September 2020 and the Forestry Corporation of NSW (FCNSW) report “Environmental Impacts and Implications for Timber Harvesting in NSW State Forests” dated June 2020 proposing a return to a business-as-usual approach to timber harvesting operations under the Coastal Integrated Forestry Operations Approval (CIFOA). The EPA understands this would involve FCNSW returning to harvesting in September 2020 under the standard requirements of the CIFOA in fire-affected forests where site-specific operating conditions have not been issued.

It is the view of the EPA that the unprecedented fires of 2019/20 have significantly impacted the environmental values of the state forests of coastal NSW. Subsequent timber harvesting in areas impacted by fire pose a major environmental risk to the extent that ecologically sustainable forest management (ESFM), as required under the NSW *Forestry Act 2012*, is unlikely to be achievable under a business-as-usual approach. It is for this reason that the EPA has been working with FCNSW and NSW agencies to ensure forestry operations are subject to additional conditions to mitigate their impacts. As you note this has not been easy, but this does not mean it should be abandoned.

The EPA has previously outlined to FCNSW the minimum level of protections it considers necessary to safeguard biodiversity and water quality where timber harvesting is undertaken in native forest areas affected by the severe and extensive fires of 2019/20. These additional protections supplement the CIFOA and include the following elements which seek to minimise the potential for serious and irreversible damage to forest environments:

- Limiting potential for cumulative impact at a landscape scale
- Ensuring the least burnt portion of the landscape is protected so it can act as refugia
- Enhancing corridor connectivity and waterway protections
- Limiting survey expectations to threatened species with a fire-responsive life cycle
- Avoiding compounding impacts of multiple disturbances by limiting return operations to fire-affect landscapes in the medium term

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

Fax 02 9995 5999
TTY 133 677, then
ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW
2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

The EPA commissioned an independent report by Dr Andrew Smith, an experienced and well-respected forest ecologist, to examine the CIFOA and the site-specific operating conditions in the context of the environmental risks of harvesting timber in burnt landscapes . The report also considered the principles of ESFM and the precautionary principle. I have attached a copy of this report.

The report conclusions include findings that:

- Available scientific studies of fire and logging impacts have relied heavily on surveys of past fire and logging events which were generally less intense than recent harvesting and fire. This has created a real risk that impacts of current harvesting practices are being significantly underestimated, especially at landscape scales.
- The severity of recent 2019/20 wildfires in conjunction with timber harvesting in state forests has exposed the need for planning and implementation of ESFM across entire landscapes and tenures. It can no longer be considered sufficient to regulate timber harvesting activities in isolation primarily at the compartment scale over the short term.
- There is a need to develop additional landscape scale conservation measures to regulate the size, location and connectivity of retained environmentally significant areas (ESAs) within state forests over the long term to mitigate the combined impacts of wildfire and timber harvesting on biodiversity in both state forests and adjacent National Parks.

The findings of Dr Smith's report, in conjunction with more current information used to support the development of site-specific prescriptions and operational advice from EPA officers working in areas affected by the bushfires has informed the EPA's position that a return to operating under the CIFOA alone in all areas of the State as you propose is not tenable at this time. The EPA is keen to ensure that the principles of ESFM are applied, including maintaining a range of forest values for future and present generations. The EPA is concerned that; your proposal may not achieve these principles.

The EPA is further concerned that your proposal does not adopt best-available knowledge and adaptive management practices and does not appear to be consistent with the precautionary principle, which has never been more relevant. The EPA has a statutory objective to protect, restore and enhance the quality of the environment in NSW having regard to the need to maintain ecologically sustainable development. In this context I am currently considering regulatory options to ensure the risk to the environment continues to be appropriately addressed.

I recognise the challenges posed by this situation for the timber industry in NSW. I also recognise that the development of site-by-site conditions has been time consuming and at times frustrating. Therefore, I strongly suggest we work together to rapidly identify and implement a long-term approach to manage the risks posed by timber harvesting in the post-fire landscapes of coastal NSW.

Yours sincerely



TRACY MACKAY
Chief Executive Officer

22/9/20