

[REDACTED]
[REDACTED]
22 February 2018

Forestry Branch of the
NSW Environment Protection Authority

Dear Madam / Sir,

Combined second and third 5-yearly review of the
NSW Regional Forest Agreements (RFAs)

This is my submission on the implementation report titled *A Report of Progress with Implementation of the New South Wales Regional Forest Agreements: Second and third five-yearly reviews July 2004 – June 2014*.

The NSW Regional Forest Agreements Implementation Report 2004–2014 provides an overwhelming case for transition out of native forest logging to plantations. Plantations were not part of the first RFAs and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive information.

The Implementation Report purports to outline actions taken by the NSW and Australian governments to implement the commitments in the RFAs.

I have read the Report thoroughly, and I am concerned that it does not provide adequate or accurate information on the implementation of the RFAs and their impact on the environment.

Specifically, during the 10 years of the Environment Protection Authority's review (2004-2014) period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were identified through EPA audits and investigations.

However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. Source: EPA's Annual Reports (Appendix B: Non-Compliance Incidence From 2004-2014, compiled by Sean Burke from the EPA's Annual Reports 2004 – 2014, attached.)

Neither the non-compliances nor the 187 audits are mentioned in the Report upon which the public has been asked to comment.

Also, more critical data is missing from the Report. Threatened Species missing for Eden RFA area from lists in Table 67: Threatened species list – fauna (p. 295), include, Glossy black cockatoo, Barking owl, Olive whistler, Yellow-bellied Glider, Squirrel glider, Pink robin and White-footed Dunnart.

These omissions and inaccuracies mean that the analysis in the Report cannot be relied upon.

The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.

Logging kills forest animals and is therefore an important animal welfare issue.

The State Forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act. Given that it takes 100 to 200 years for habitat hollows to form in trees, the term 'sustainable logging' has contradictory connotations.

In conclusion, I do not consider that the Report fairly summarises the implementation of the RFAs, and it cannot be used as the basis for renewing the RFAs. There is a better option of transitioning to plantations, and allowing native forests to retain their function as a habitat for native animals and plants.

Yours sincerely,

Rebecca Bishop.

APPENDIX B: NON-COMPLIANCE INCIDENCE FROM 2004-2014

Compiled by Sean Burke from the EPA's Annual Reports 2004 - 2014. ⁹

	A	B	C	D	E	F	G	H	I	J	K	L
2	YEAR	NUMBER OF NATIVE FOREST OPERATIONS	NUMBER OF AUDITS CONDUCTED	NON-COMPLIANCE WITH EPL CONDITIONS (a)	NON-COMPLIANCE WITH TSL CONDITIONS (b)	AUDIT ACTION PLAN REQUESTS	PENALTY INFRINGEMENT NOTICES ISSUED	WARNING LETTERS ISSUED (c)	ADVISORY LETTERS ISSUED	OFFICIAL CAUTIONS ISSUED	CORRECTIVE ACTION / REMEDIATION NOTICES	L&E COURT ACTION
3	2004-05	162	12	145	29	-	3	5	-	-	20	\$30,000 plus costs
4	2005-06	575	8	340	52	-	2	7	-	-	58	
5	2006-07	967	12	225	95	-	3	9	-	-	58	
6	2007-08	592	12	311	339	-	4	12	-	-	31	
7	2008-09	Not stated	11	163	269	-	1	10	-	-	2	
8	2009-10	518	25	145	192	-	5	10	3	-	6	
9	2010-11	Not stated	28	245	385	-	12	8	4	-	6	Fined \$5,600
10	2011-12	Not stated	39	414	188	-	10	17	5	-	Not stated	
11	2012-13	Not stated	19 (d)	127	202	-	11	4	9	3	Not stated	Mogo State Forest
12	2013-14	Not stated	21 (e)	26	197	73	2	6	10	6	6	
13	TOTALS	2814	187	2141	1948	73	53	88	31	9	187	
14												

⁹ <https://www.epa.nsw.gov.au/your-environment/native-forestry/integrated-forestry-operations-approvals/annual-reports>