

Submission to Environment Protection Authority

Remake of the Integrated Forestry Operations Approvals Discussion Paper

Overall I think there is insufficient scientific evidence provided to support the proposed changes to the IFOAs. I note in relation to the Threatened Species Licence (TSL) for the Upper North East that there were major amendments to the TSL as recently as 2011 and 2013. As the licence is frequently and comprehensively amended it is hard to understand what is driving the current push other than the ostensibly administrative task of amalgamating the coastal IFOAs. Many of the changes proposed - ensuring the EPL is always 'on', making non-licence conditions enforceable - could have been dealt with through the ongoing amendment process. However, one of the biggest changes proposed is in relation to silvicultural practices.

I question the need to involve the Forest Practices Authority of Tasmania as advisors to FCNSW and State regulatory agencies on the wide variety of matters listed on p. 26 of the Discussion Paper. I oppose the proposed deletion of reference to silvicultural practices as currently described in the IFOAs and their replacement with an as yet unexplained system devised by Tasmanian foresters who deal with different forest types, climates, market demands and, importantly, suites of threatened species.

Landscape-approach to achieve less surveying

The paper makes statements about specific aspects of the proposed new licence as if they are new initiatives, for example a landscape-based approach to biodiversity conservation (p. 13). After the concept is introduced there is no acknowledgement that this is already provided for in the current IFOAs until p. 20.

The paper claims the new IFOA will better protect threatened species and their habitat through a greater emphasis on landscape-based measures (p. 6) but does not explain how this will occur. As the details of how forestry will be conducted are as yet unclear and will be released following advice from the Forest Practices Authority of Tasmania, this is purely an aspirational goal at this stage.

Possibly the flip-side of the emphasis on 'identifying and protecting forest features utilised by a number of different species whether they are observed there' (p.11) are proposals to greatly reduce the fauna survey requirements of the current IFOAs (see following comments). The paper refer to these 'forest features' as including 'tree hollows, rainforest old growth forest rivers and wetlands' (p.13) however these are already protected under the IFOAs (refer UNE TSL).

The current IFOAs are charged with not taking into account the risks of environmental impacts in a regional and landscape context (p. 11) yet the new IFOA is to be constructed with what appears to be very similar (same) landscape level protections and general conditions, such as tree retention and protection of old growth, wetlands, rainforests and riparian areas, ridge and headwater habitat etc.

It appears the approach proposed is to largely abandon surveying for species which were previously assessed by experts as requiring species-specific prescriptions as they were not catered for by general prescriptions and make an assumption that they're OK now. No evidence is provided to support this approach. Fauna surveys are supported and must be retained.

Improving Enforceability, Changing Focus

A confused picture of a new regulatory framework is presented in which guidance material is produced which is not 'strictly enforceable' (p.13) but includes enforceable protocols that may include best practice/procedures etc. (p.13). However FCNSW may apply 'alternative measures' and not apply guidance materials (p.13).

The paper highlights current conditions that say 'should' or 'to the greatest extent practicable' and the need to improve enforceability. However, factors such as operational safety which may explain why a condition is not constructed as strict liability offence have not been considered. The paper infers that such conditions aren't 'critical to meeting environmental objectives' (p.13) but provides no examples or evidence to support this assertion.

The paper proposes an IFOA that is a preventative not a punitive tool and is proactive in minimising harm (p.15). Other than FCNSW sensitivity to being taken to court for breaching the terms of the IFOAs - the punitive aspect - no evidence is provided that the existing IFOAs aren't preventative and proactive in minimising harm. The paper tries to characterise the existing IFOA as 'procedure-based, administrative conditions with little or no impact on environmental outcomes' however conducting pre-logging surveys, marking-up exclusion zones and applying species-specific prescriptions and landscape-based prescriptions are very good proactive and preventative measures to minimise harm and maximise environmental outcomes.

The proposed auditing approach to non-compliance is that 'regulatory action will be based on consideration of specified environmental outcomes and the degree to which the environmental outcomes have been compromised' (p. 14). Is this any different from how these matters are approached now? Even if a matter proceeds to court, which FCNSW deems should not have, the court also has the capacity to consider a wide range of matters when deciding whether to record an offence and the commensurate penalty.

Monitoring

Existing monitoring is not discussed and the 'strategic monitoring program' is presented as though a new initiative. The Forest Agreement contains monitoring provisions (p. 6) for ESFM including for biodiversity (p.2, Attachment 9), the UNE TSL contains monitoring flora provisions (6.27 & 6.28) yet there's no discussion of what's wrong with these or how/why the new ones will be better.

Notifying IFOA amendments

It is unclear what's actually proposed in relation to notifying future changes to the IFOA - not to advertise amendments in newspapers, not to make hard copies available or not to make copies available at DPC (p.16) and only use the EPA website. I oppose any proposal to abandon advertising proposed amendments in the media and just relying on the EPA website. It's unlikely community members check the EPA website whereas they are more likely to see a newspaper advertisement.

Table 2

Silviculture

The paper comments in relation to silviculture that some practices, such as AGS, are limited by the extent of permissible harvesting and also temporal and spatial return times.

yet the proposed replacement will also set limits on permissible harvesting and limits on conduct of logging operations in space and time (p.18). It's hard to see the need to make this change and it's as yet unclear what's being changed. I can't support an undisclosed proposal.

Forest products operations

There is no reason given why the current provisions in relation to collection of seeds, bark and tea tree (oil) need to be changed. The change is not supported. The reference to this area not being a regulatory focus over last five years is, hopefully, not provided as a justification. Interestingly, this statement is also made in relation to bee-keeping, grazing and weed and pest control, without any apparent rationale.

Grazing

Similarly there's no case made for changing regulation of grazing from the IFOA to the Forestry Act. The change proposed relates to making 'strategic grazing plans' instead of the current 'grazing management plan' - the on-ground nature of these changes aren't explained. On the face of the information presented these don't seem very different. Not supported.

Weed and pest control

I think the existing provisions should be retained. I would have thought strategic planning for weed and pest control is a responsible activity for a public authority in charge of substantial areas of public lands. Plans provide transparency and show how public money is being spent in a heavily subsidised industry.

I note that "...outside manufacturing, the most heavily assisted goods industry relative to the size of its contribution to the economy is forestry and logging on 7.2 per cent" (SMH, Ross Gittins March 29-30).

Threatened ecological communities

I support including provisions in the IFOA that protect threatened ecological communities.

Surveys

The example given for why surveys shouldn't be continued is poor and not doesn't reflect current best-practice. The example highlights that no size or quality requirements for koala browse tree retention are given if scats are not located during koala surveys. However, the TSL approach is to drive tree retention by identifying occupied habitat as evidenced by scats.

By comparison, a state-of-the-art koala management plan is being prepared for Byron Shire. It uses koala scat searches as the basis for making a 'first cut' to derive occupied habitat. It also collates existing sightings and reports on new sightings. Koala habitat mapping (informed by vegetation mapping) has been derived from this data.

Koala scat searches are a valid, contemporary survey technique used by eminent practitioners in the field. Unoccupied but supposedly suitable koala habitat is a sad fact of life in koala ecology and assumptions made that koalas can be protected by retaining certain designated areas of feed trees cannot adequately protect this species in the long term without verifying that koalas use the area (by scat searching).

The paper refers to the low incidence of yellow-bellied glider den detection from survey coupled with 'lack of required actions under the TSL' (p. 21) as evidence of a supposedly

'inefficient licence approach' which would be best remedied by a 'general condition'. It is unclear what nature of 'general condition' is being alluded to but this statement seems to ignore the other TSL conditions with respect to yellow-bellied glider (UNE TSL 6.17) which is triggered by the records which FCNSW demonstrate they have no trouble collecting (4000 since 1997). Interestingly, these records have been made during surveys yet surveys appear to be targetted as expensive and unrelated to on-ground outcomes. With 4000 yellow-bellied glider records FCNSW must be making good use of the provisions for protection of feed trees in 6.17, a great on-ground outcome for the yellow-bellied glider!

Multi-scale landscape-based protections

The 'significant change' proposed (p.22) seems a lot like what's in place now - habitat protection of landscape units based on riparian and catchment features (ridge and headwater habitat), of discrete, structurally significant forest types - old growth - and of rainforest, wetlands, heaths and rocky outcrops etc. Additional features are protected at the compartment scale - woody debris, hollow-bearing trees, nests, roosts etc etc. Apart from introducing different (unspecified) harvesting operations than currently provided for in the IFOAs which will change current 'rules' around retention of vegetation within compartments (e.g. compared to AGS) the 'significant new' approach looks very similar to what we have now.

The paper goes on to substantially say this stating that 'the broad landscape-based habitat protection network established by the RFAs and previous licence conditions will be retained' (p. 23). However, in the significant new approach it appears threatened owl habitat at landscape level and prescriptions triggered by records at the compartment level may be removed (p. 24). So much for the paper's aspiration to 'multi-scale and 'landscape-based' protection in these two situations.

Addressing local-scale impacts

The paper proposes but doesn't explain the new silvicultural practices which will replace the current practices (e.g. AGS, STS). The concepts of 'refuge habitat' and 're-colonisation' are used simplistically and, although applicable to some species at a 'local scale', without a better understanding of the whole package it's difficult to know how functionally important such 'refuge habitat' will be to threatened species in general and to individual threatened species.

Landscape connectivity

Again, it doesn't sound like anything new being proposed here just what's already in place although presumably with some landscape-level prescriptions removed or watered down - e.g. for forest owls.

Stand-level protection

It's difficult from the information given to see what's proposed as different from what's in place, other than, presumably, that the retention rates will be lower than in the current licences. The new licence needs to reflect that the abundances and spatial distribution of these resources (feed, hollow-bearing and recruitment trees) varies markedly between areas of NSW and must maintain or improve this situation and not use a one-size-fits-all approach, that is, not use the same retention rates across coastal NSW.

'Giant trees' already appear to be catered for within tree retention provisions of the UNE TSL for hollow-bearing and recruitment trees.

Habitat clumps and landscape connectivity - the concept of 'undisturbed forest', 'undisturbed/undamaged habitat elements' within forestry compartments and 'undisturbed vegetation linking different catchments' other than in areas long protected by slope or inaccessibility must be questioned. Our forests have long histories of disturbance which must be acknowledged. The challenge is to protect species and habitat in a dynamic environment where timber production is an important objective. If we assume the converse - that disturbance is the norm how will this affect the functionality of proposed 'habitat clumps' and 'landscape connectivity'? This approach requires serious reconsideration.

Steep slope harvesting trial

The paper claims that cable logging reduces the potential for soil erosion and water pollution as it doesn't require a network of tracks (p. 31). This approach ignores the impact of the removal of vegetation cover caused by logging on these steep slopes and the direct contribution of vegetation removal to soil erosion and water pollution. Tracks are not the only problem with logging steep slopes and may not be the most important.

Using GeoNet to model drainage lines

New technology should be used to improve environmental outcomes and safety in the field. However I question the data put forward in the paper to support using Geonet to model drainage line locations. The paper compares accuracy of GeoNet modelling with surveyed stream points concluding 56% occurred within 1.5m of centreline and 85% within 2.5m of centreline. However there is no indication of the stream order on which the test was undertaken - first, second etc. Are there biases in the system making it easier to find some stream order centrelines than others? This could have serious implications for retention of riparian habitat at local and landscape levels.

It appears there is a move away from establishing riparian protection zones referenced from 'the top of the bank of the incised channel' or 'from the edge of the channel' and only if these aren't present from the centreline. If the zone was to be referenced only from a centreline this would likely result in a decrease of riparian habitat protection across the landscape and at a local level. This change is not supported.

Using GPS to locate features

GPS cannot be relied on to 'accurately identify or locate the boundary or area of land in the field' (p. 37). GPS accuracy is affected by simple things like how many satellites can be located at any given time and this is affected by tree cover and terrain. Points can move metres on a GPS screen in minutes in response to satellite locations. The same factors operate on the regulator in the field which may result in a different GPS location for (theoretically) the same point. Relying on this method isn't going to meet the 'accuracy' definition. At least mark-up is a defined point on the ground for all the see (it doesn't move).

Conclusion

It's hard to find much to support in the paper. It provides little objective information on how the existing IFOAs operate yet claims much of their existing provisions as new initiatives - I've provided examples above. It also provides little if any scientific evidence to support the changes sought and a lot is being deferred to advice from Forest Practices Authority of Tasmania.

I don't support the proposed involvement of Forest Practices Authority of Tasmania in developing a new licence and new silvicultural practices.

I think moving away from surveys and the application of species-specific prescriptions for those species assessed at risk from forestry practices is a retrograde step and won't achieve the purported objectives of the new IFOA to better protect threatened species.

I question whether an expert panel can come to different conclusions about which threatened species are at risk from forestry practices and require prescriptions (and which aren't) from the last panel convened on this topic, unless there's new information available, for example on response to disturbance, or that the species is no longer threatened. If this were the case such information would have been incorporated in the many amendments made to the IFOAs since their inception.

I see a big environmental down-side to the proposals sketched out in the paper and little up-side - perhaps incorporating consideration of threatened ecological communities. Let's not try and emulate Tasmania but retain a scientifically robust and comprehensive approach to forest management that is regularly amended to adapt to new information.

Yours sincerely

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