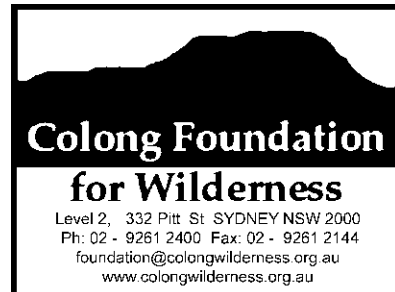


Sunday April 6th, 2014



**Remake of the Coastal IFOAs
Environment Protection Authority
PO Box A290
Sydney South NSW 1232**

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Overview

The Colong Foundation for Wilderness Ltd (Colong) supports license conditions that protect the environment, including those for threatened species. The Foundation makes suggestions and comments on this IFOA discussion paper so that future governance can ensure improved environmental protection.

Colong recognises that the national park estate, including that established under the CAR reserve system established under the Forest Policy process of the 1990's, is under increasing threat to its viability due to increasing pressure from phenomena such as introduced species (pathogen, plant and animal); high impact forms of recreation; and climate change. Consequently the achievement of nature conservation objectives through the IFOAs remake over remnant forest ecosystems is an imperative.

The Colong Foundation requests that all the wilderness exclusion areas within the existing IFOAs be retained in the next IFOA and expanded to include all known wilderness capable areas of Crown timber land and state forest.

Colong opposes a "single new IFOA" for NSW coastal forests as the diversity of ecosystems in the coastal forests demands consideration of the requirements of specific ecosystems; and these in turn require specific prescriptions and protocols. These ecosystem-specific considerations require a regional approach to IFOA's.

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Contact: Keith Muir; Fiona McCrossin

Colong does support objectives to improve clarity and enforceability in forest management, to the extent that these objectives do not compromise environmental protection through oversimplification.

Colong does not support the proposed changes in administrative arrangements, unless they are certain to improve environmental outcomes. The document provides no references to the scientific literature or the professional regulation of native forests. Papers from refereed journals need to be cited in all documents relating to the IFOAs, if the proposed changes are to be credible. The proposed sweeping changes in management of public forests put to the NSW public for comment are unacceptable because they are without supporting adequate supporting evidence.

The paper's stated objective to have no net change in wood supply is not supported. There is overwhelming evidence that wood supply agreements over these public forests are unsustainable, that is, that logging is not on sustained yield basis.

The intensity of the logging required to meet the quotas will produce significant and unacceptable environmental impacts. The paper's stated environmental outcomes – including, but not limited to, the viability of forest dependent species; and maintenance of water quality and quantity - cannot be met without a reduction in wood supply.

The antagonistic nature of the two objectives – maintaining wood supply and maintaining environmental outcomes - should have been outlined in more detail the discussion paper.

Why the NSW Government is remaking the coastal IFOAs

- The document does not clarify the difference is between State Forests and other Crown-timber lands. This needs to be clarified. Crown timber lands includes easements are Crown reserves, including those within the existing national estate, as these Crown timber lands need to be specifically excluded from the IFOA.
- The recognition that IFOAs have not achieved their environmental outcomes - protection of the environment, including threatened species (that forest monitoring has failed to find) - leads to the conclusion that any future IFOAs must do so, and, do so in a way that compensates for any past losses.
- While wood supply targets have either been delivered or financial compensation paid to loggers, environment protection measures within state forests has not been achieved and no compensation for these losses were made.

- It is not clear why wood supply requirements have continued to be met; while parallel requirements for environmental protection have not been met. This anomaly needs to be addressed, in the public interest.
- If no new reserves are planned to be added the CAR reserve system to compensate for acknowledged losses; the success of environmental protection measures outside these reserves within Crown timber lands and state forests should be non-negotiable.
- Further, the negative environmental impacts of inadequately managed public forests extend to adjacent lands, both public and private. Such impacts threaten the environmental viability of these lands e.g. reduction in water quality and quantity; increase in introduced plants and animals; decreases in native species, including threatened species. The paper does not address these ‘externalities’.
- Any thresholds of the stated “risk – management” approach must be based on quantitative environmental baseline data and monitoring of changes to this baseline data. The document does not state how thresholds for any required changes to management for environmental outcomes will be determined, and this is a serious concern given the absence of adequate baseline data. Environmental impacts may not be apparent within time frames set by timber quotas and changes may go undetected due to the absence of baseline data.
- By relying on measuring outcomes, rather than previous impact reduction protocols/ prescriptions/ methodologies, the environmental impacts of logging may not be measured in time to address significant and dangerous changes in ecological processes. In this context, risk management becomes taking risks with the health and ecological integrity of native forests.

The NSW Forestry Framework

- The continued position that Parts 4 and 5 of the EPand A Act; stop work orders under the Threatened Species Conservation Act; and the Commonwealth Environmental Protection and Biodiversity Act do not apply to forestry operations is opposed. The admission that the IFOAs have not worked in relation to environmental outcomes should present a case for this legislation to be reinstated on public land currently designated for logging. (p. 8)
- EPL and TSL: Colong welcomes the EPA’s acknowledgement of its failure as the regulator wrt compliance with two Acts – the POEO Act and the Threatened Species Act. .

- Colong requests that a full and independent inquiry be instigated into the EPA's admitted failure to properly regulate logging operations across NSW in accordance with its responsibilities under the POEO Act and the Threatened Species Act.
- FL: The DPI has been the regulator of the FCNSW compliance with the Fisheries License. The document does not address whether regulation has been successful in protecting aquatic habitat and species. This needs to be included in future analyses of the IFOAs.
- In relation to the *Forestry Act, 2012*, a schedule of wilderness capable areas were specifically excluded from the Integrated Forestry Operations Approvals (IFOAs) to enables processes under the *Wilderness Act, 1987* to operate in forests not required for timber commitments. **The Colong Foundation requests that these wilderness exclusion areas be retained in the next IFOA.**

The proposed coastal IFOA structure and framework

5.1 and 5.2

- Colong welcomes the admission that the coastal IFOAs have been ineffective and have not complied with the need to assess environmental impacts at a regional/ landscape level. However, Colong does not support the proposed changes to forest management. Rather existing prescriptions and protocols need to be enacted more rigorously.
- Support integration of methodologies to assess outcomes (TSL; EPL and FL) and support methodologies that provide for adaptive management based on monitoring and environmental audit. However, the paper is not clear on how these are to be achieved e.g. the paper does not elucidate how the requirements of different species will be met if the IFOAs are standardised across regions. (p11).
- **Wilderness and the new IFOA structure and framework**
- The Colong Foundation requests that all wilderness capable forest areas are protected by forest zonings and excluded from the IFOA – at the very least the existing schedule of excluded areas must be retained.
- There exist a 'spaghetti' of Crown Timber lands excluded from each national parks and declared wilderness areas, such as Crown roads and water reserves, and that all these lands should be excluded by a general catchall provision in the new IFOA. These areas excluded from the IFOA

can then be added to national parks and declared as wilderness. Only through the exclusion of these areas from the IFOA can existing national parks and wilderness areas be fully protected.

- Colong continues to seek protection of the undeclared wilderness located at Carrai; Mann River; Timbarra; and Cataract including through continued exclusion of these areas from the IFOA. [A schedule of the current and additional wilderness exclusions can be provided to the process at a later date.]

Landscape Focus

- It is unclear how the parameters for logging exclusion e.g. “old growth forest” will apply to logging regimes. Old growth forest may be described as forest with structural diversity and hollow bearing trees – and is applicable to any forest that has not experienced logging regimes that remove such features.
- The “guidance material” to be developed does not appear to include any input from scientists not employed by FCNSW, EPA and DPI, except for Forest Practices Authority of Tasmania (FPA) which is strongly biased towards logging interests. This is of concern. An independent advisory panel is needed in order to achieve the stated environmental outcomes (p. 13)
- Any lack of provision for “enforceability” is rejected as this seriously compromises the intent that “outcomes” will be met.
- The use of “guidance material” rather than “regulation” cannot ensure compliance with the stated outcomes. How will the approach be monitored and how will non – compliance with respect to the license conditions be managed to ensure the stated environmental outcomes?
- The paper needs to delineate actions which are “critical” versus actions which are “(not) critical” wrt achieving environmental outcomes. How are these to be measured in relation to their relative ability to achieve the environmental outcomes? (p.13)
- How will “critical actions” be enforced?
- There needs to be a specific, risk based, time period for “flexible review and update” i.e. adaptive management (p. 14)
- The continued monitoring/ auditing of compliance by EPA and DPI is welcome. However it is unclear how the “degree “ to which environmental outcomes have been “compromised” will be

measured and how they will mitigate synergistic and cumulative impacts over space and time (p.14).

A new strategic environmental monitoring framework

- Support commitment to changes when negative impacts of practices are identified. However, this section is not prescriptive enough in explaining how the scientific method will be implemented to ensure ESFM.
- It is very unclear how changed methodology will lead to stated environmental outcomes.

Proposed legislative amendments

- Support legislative framework that enables enforcement of non-compliance with outcomes.
- Support that EPL will always be switched "on", provided that this does not mean all operators are covered by a generalised 'one size fits all' 'licence to pollute' removing responsibility to protect the environment from soil and water pollution.
- Unclear how the legislation will allow increased environmental outcomes. The regulatory framework should support the public to locate and report violations; as it often has been in the past e.g. instances of: non location of threatened species; logging in riparian habitat /stream reserves.
- Support minimum competencies for forest contractors – surprised that this is not already the case. This requires clear penalties for violations as in other corporate activities. This is a commercial activity on public land and legislation should reflect this.
- Any review of penalties and regulatory tools must lead to increased environmental outcomes. These tools should "demand compliance" rather than "encourage voluntary compliance".
- Use of the internet to improve access to information is supported.

What will the new coastal IFOA cover?

- Colong does not support the continued exclusion of Parts 4 and 5 of the EP&A Act. It is clear that cessation of the need to comply with these components of the Act has led to an increased

failure of forestry operations to achieve protection of the environment and threatened species. Evidence to justify continuing with this regulatory framework is non-existent.

- Historically, the FCNSW has not met a number of environmental outcomes. Indeed, in the case of the Eden forests, rigorous scientific assessment of measures to ameliorate environmental impacts did not take place until the EIA process required independent determination by the Department of Planning rather than by the proponent - FCNSW.
- The CAR reserve system (located in the NSW National Park network) has also been the subject of changed management processes. It is recognised that many of these practices are decreasing the ability of the CAR reserve system to achieve its functions e.g. protection of biodiversity.

Table 2

The changes to the activities listed in Table 2 are of EXTREME concern. Many will lead to a decrease in environmental protection outcomes. The reasons why existing prescriptions are unenforceable are not given, and so the unjustified claims that prescriptions are unenforceable are not accepted.

A final discussion paper needs to provide scientific evidence that these changes will not lead to increased loss of the ecological integrity of the forests, including the survival of threatened species.

Landscape based protection for threatened species and communities

- The paper presents no scientific evidence that the proposed changes to management will lead to increased environmental protection outcomes. It is professionally unacceptable of the EPA to propose major administrative changes without evidence that the changes will work. Given the current alleged failure to regulate native forests, unjustified and radical changes to the regulatory framework are treated with a very high degree of suspicion.
- While the paper states that past surveys were unable to locate nest, roost and den sites it is also stated that such locations will form a component of the proposed license conditions. There needs to a clear methodology elucidated to guarantee that these sites, essential for old growth dependent species, will be located and that their viability will not be compromised over time. Failure to locate nest, roost and dens sites, does not mean that the sites were absent, rather that there is extreme regulatory failure meriting public inquiry, particularly into the EPA's unprofessional conduct in relation to ensuring threatened species licence conditions are enforced.

- It is stated that the RFA is committed to the protection of old growth. It is unclear what is meant by this statement, as large areas of forest scheduled to be logged under the RFA is old growth. This lack of understanding of the ecological meaning of the term “old growth” is of great concern.
- The criteria for determining what is a “minimum required threshold” and a “maximum threshold” (for protected areas) need to be described. Their viability needs to be based on scientific method. This is particularly important given the proposed (and unacceptable) removal of the alternate coupe logging methodology (Table 2).
- Data sets for spatial and temporal restrictions need to be clear.
- It is unclear how the identification of a threatened ecological community can then be followed by a “priority list” of threatened species vulnerable to logging operations that will translate into harvesting operations being allowed in these communities (p.24) – particularly in that one of the prioritisation criteria is “meeting wood supply arrangements” – which has no ecological basis in the decision making process.
- Input of the Scientific Committee and “independent expert advice” is supported. The committee must consist of peer recognised, independent experts in: forest ecology; the impacts of disturbance on forest ecosystems; and methods to mitigate the impacts of forestry activities.
- It is not explained how the creation of “landscape connectivity” will be achieved. The document does not give data to support this proposed component of environmental protection. This is particularly important given the proposed removal of the alternate coupe logging methodology, proposals for steep slope logging and other silvicultural prescriptions.
- Populations of non- native plant and animal species are introduced and increase in size when forest is logged. This places native species, including threatened species, at risk due to competition (for resources such as space; food) and predation (by introduced mammals – foxes; cats; wild dogs). The proposed changes to management will increase the risk of these impacts.

Stand-level protection methods

- It is unclear how the protection of “giant trees” and “habitat clumps” will work to achieve environmental outcomes. Colong opposes removal of habitat prescriptions.

- Methodology for “landscape connectivity “needs to be more fully described; including evidence for its ability to produce the stated environmental outcomes.
- It is unclear how post logging burning will be excluded from the proposed areas of protected landscape e.g. giant trees; habitat clumps; forest in the “connected” landscapes. The importance of exclusion from fire is compounded due to the proposed changes in logging regimes. Alternate coupes provide a refuge for mobile species able to survive fire. Sources for recolonisation of logged areas from adjacent unlogged coupes will no longer exist in the proposed management regime.
- The methodologies for species requiring additional conditions are not presented. The “expert panel” is supported. Its composition must lead to best practice scientific method for the retention of viable populations of species.

7.3

Step 1

Use of Forest Practices Authority of Tasmania – it is unclear under why this authority is being utilised given the decades of forestry experience in NSW; particularly in relation to the unique ecosystems/landscapes in NSW. Colong does not support use of Forest Practices Authority of Tasmania as it is neither independent or appropriate.

Step 2

The use of government agency scientists AND independent scientists is supported. Independent scientists must be included given the recorded inability of existing agencies to meet environmental outcomes. Of course, it may be that scientists in the existing agencies have not had their advice followed. If this is the case, greater transparency in decision making must be instigated.

Step 3

It is not clear how the advice of the panel will be incorporated in order to ensure the survival over space and time of threatened species and communities.

Step 4

Support public consultation in Stage 3.

Bell-Miner Dieback

- Support measures to decrease impact of Bell-Miner associated dieback.
- Increasing the intensity of logging in forests in order to compensate for loss of timber volume due to dieback is not supported.

Soil and Water

- Support achievement of best practice soil and water protection, but this is not a substitute for regulatory prescriptions.
- Support use of unambiguous language to ensure clear understanding and ability for enforcement - look forward to reviewing this language

Steep slope harvesting trial

- Colong does not support logging of slopes greater than 30 degrees; particularly in that the document presents that current prescriptions to protect soil and water, and presumably associated species, have failed – even on slopes of less than 30 degrees.
- Further, the diversity of the geomorphology found in NSW forests would indicated that it would be inappropriate to extrapolate any data obtained in such steep slope trials to other sites or regions.

9. New Technologies

- The use of new technologies should be a mandatory process within the process of any adaptive management regime - to ensure environmental protection outcomes are met.
- However it appears that, while the new technologies may lead to a better system of protection adjacent to streams, the document also maintains that it cannot increase “protected areas” or decrease “timber availability” (p. 36.). Environmental outcomes CANNOT be met under these conflicting objectives.

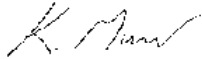
- It is not accepted that the current IFOAs exclude activities from "high conservation old growth forest". The process which created the CAR reserve system was forced to exclude areas of HCV forest in order to meet predetermined timber volumes. Examples of areas of HCV forest in Eden where the Upper Wog Wog catchment – adjacent to Mines Road e.g. Compartments 1402 and 1313. To state that old growth forest is placed in exclusion zones is therefore not correct.
- It is unclear how the use of a GPS device rather than existing physical methods – such as tape etc will allow actual protection of areas in the field. It has been put that contractors have been unable to interpret existing prescriptions. Who will be at the site – ensuring that these areas are protected from logging? It is unclear why traditional pre-logging processes are a safety issue for FCNSW staff. The document does not cite records of injury. Further the contractors will, themselves, be in the same locations. The logistical methods that will guarantee the protection of sites/areas for environmental purposes must be elucidated very clearly.

10. Monitoring

- Support mentoring to ensure that environmental outcomes are met.
- Support continuing adjustments rather than waiting for formal reviews.
- Monitoring must include quantitative assessments of changes over space and time; including incorporation of the knowledge that impacts are cumulative and synergistic.
- The document does not elucidate how a process will be constructed that is valid and reliable using best practice scientific methods. Until this is elucidated; given past poor environmental outcomes; it will be difficult for the public to accept that the environmental targets of the IFOAs are, indeed, obtainable. It is particularly difficult to see this as an honest process given the constraints on reducing the volumes of timber that will be extracted.
- It is unclear in what circumstances monitoring processes would not align with ESFM (p. 38). It should be mandatory.
- It is also best scientific practice to have baseline data.

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Thank you for the opportunity to comment on this draft discussion paper.

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