

Submission to proposed IFOA Remake

By the Bellingen Environment Centre

The North Coast conservation community have identified two Koala meta-populations (*the Coffs Harbour – Guy Fawkes and the Bellinger, Nambucca and Macleay- Scotts, D., 2013*) on the Mid North Coast as of national significance and worthy of planning for a World class reserve for Koalas that could be submitted for World Heritage listing.

The Koala habitat coincides closely with ecological subregions with the highest eucalypt diversity in the World (Cerese, B., 2012). Seventeen years ago a national panel of expert scientists identified this area as containing the most diverse eucalypt forests on the planet and recommended their assessment for World Heritage listing on this criteria. The assessment, a commitment of both the state and federal governments under the North East Regional Forest Agreement, has not occurred to date.

The NSW Forest Corporation have now identified approximately 40,000 ha of the very same area as being potentially suitable for a trial of timber extraction, such as cable harvesting, to access timber on steep slopes .The trial area has a frontage of approx 100 km with existing World Heritage areas is completely within possible World Heritage additions.

The gulf between the position of the conservation community, and the Forest Corporation is immense and incompatible.

The NSW Government is proposing, through the remake of the IFOA, to facilitate the Forest Corporations proposal.

The Forest Corporation's trial of timber harvesting on steep slopes on the Mid North coast must not be approved until the World Heritage proposals are fully assessed.

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Introduction

Established in 1990 and with currently 97 members The Bellingen Environment Centre (BEC) has a long history of representing environmental issues in the Bellingen Valley and surrounds. As outlined in this submission the BEC is strongly opposed to the proposed changes included in the discussion paper on the "Remake of the Coastal Integrated Forestry Operations Approvals (IFOA's) and calls on the NSW Government to abandon this ill-considered plan to weaken protection for our native forests and wildlife.

The BEC is a member of the North Coast Environment Council and the Nature Conservation Council and supports any submissions to the IFOA remake by those organisations as well as the detailed submission being prepared by the North East Forest Alliance. The BEC is part of a collective of environment groups on the North Coast that have had almost thirty years of involvement in the long campaign for sound environmental conservation and management of our internationally recognised forests of the North Coast.

The NSW Governments recently released a discussion paper on the remake of the Coastal IFOA's sets out a range of damaging proposals, including:

- weakening protections for our most vulnerable native plants and animals
- removing requirements for pre-logging threatened species surveys
- removing restrictions on intensive logging operations and clearfelling
- increasing erosion and water pollution risks by allowing logging on very steep slopes.

The BEC is alarmed by the changes proposed in the NSW Government discussion paper. Taken together, the proposed changes represent a substantial reduction in environmental protection and a serious threat to our native forests, wildlife and water courses.

Whilst in many cases it is not possible to tell clearly from the NSW Government's Discussion Paper exactly what the consequences will be for our threatened species and streams, though, as expected, it appears to herald a major weakening of existing protections and a reliance on what are likely to be un-assessable performance measures.

It is evident the community are about to lose much of what it took us years to achieve (limited as it was) and now the NSW Government, led by the EPA, are about to gut logging prescriptions. The proposed 'landscape scale' approach appears a meager fig leaf as against a reputable approach to ecologically sustainable forest management for our internationally important forests.

The BEC believes the proposed changes pose the greatest threat to the biodiversity and natural resource conservation role our production forests made during the last thirty years of forestry reform in NSW

The proposed change to the IFOA is a cost cutting exercise and also a move toward more self compliance or self regulation. It is evident that NSW Forest Corporations continued losses are singularly driving the IFOA remake agenda; not the desire for healthy forests or to address the major changes affecting the forests since 1991 when the National Forest Policy was adopted.

The reality of the current IFOA licence is that it has never been effectively enforced and suggestions from the environment movement to make it enforceable have been ignored.

BEC had taken the position that ESFM was possible. Well it hasn't been happening for the last 15 years and all the breach reports and documentation has not led to licence enforcement. Our members are heartily sick of industrial logging as it is destroying all that is precious about our forests.

Summary

There does not appear to be any wins for the environment in the proposed changes in the discussion paper for the proposed IFOA remake, just major losses including:

- The four coastal IFOAs and separate licenses for threatened species and erosion control will be amalgamated into one non-IFOA license.
- There will be no reduction in over-committed timber volumes.
- Existing limits on clearfelling and intensive logging will be removed.
- Most species-specific prescriptions for the most vulnerable animals will be removed.
- Specific auditable and enforceable prescriptions will be replaced with largely un-enforceable broad outcome-based protocols.
- There is a threat of major expansion of industrial logging to steep slopes throughout the Bellingen Valley and surrounding areas
- Legal liability will be shifted to contractors.

It appears that the community will be powerless to enforce these new licences by doing our own audits, and it appears the EPA will not have any real power left.

There will be a single set of conditions for the whole of the east coast (Eden, Southern, Upper North East and Lower North East IFOAs). There will be no changes to committed volumes and existing restrictions on types of logging allowed (silvicultural prescriptions) will be removed. The BEC believes it will be open slather including the much expanded area of operations in the sensitive Bellingen River catchment

There will be greater reliance on landscape conditions (ie trees with hollows, rainforest, old growth forest, rivers and wetlands) and less species specific conditions to reduce the need for surveys. Basically there are no new landscape provisions identified (and those that exist are likely to be weakened), just an apparent intent to remove species specific conditions and thus significantly reduce protection for the most vulnerable species.

The intent is to rely upon protocols to meet specified outcomes. The new protocols will be outside the IFOA (ie no longer part of the Regional Forest Agreement), though are claimed to be enforceable while specifically intended to allow Forestry Corporation flexibility on how it wants to achieve the outcomes.

The Forestry Corporation will write its own guidance notes on how to implement the protocols, though these will not be legally enforceable and will not have to be complied with. This heralds a major weakening of any prescriptions that remain and a reliance on largely un-assessable outcomes.

Any resulting regulatory action will be based on consideration of the specified environmental outcomes and the degree to which the environmental outcomes have been compromised. This will mean a reversion to the regulators having to prove significant environmental harm has been caused, which is almost impossible to prove without detailed pre and post harvest assessments. For most species it will be impossible to prove significant harm on a population from one action (while it is possible to prove a specific strongly worded prescription has been breached, it appears there will be no such prescriptions in the new licence). It is a reversion back to the death of a thousand cuts. Though in the unlikely event that significant harm can be proved, penalties will be "reviewed".

It is proposed to enable the revised EPL (erosion mitigation conditions) to be 'switched on' during all logging operations, rather than being switched off for over 90% of operations as is the current practice. Though how they intend to reduce all the pollution control prescriptions down to a few landscape provisions remains unknown.

It is proposed that legislation be introduced to enable a framework for minimum competencies for forest contractors to be developed to make them more responsible for meeting relevant regulatory requirements. This appears to be an attempt by the Forestry Corporation to divest themselves of some or all legal responsibility.

Current restrictions on the removal of products of economic value other than timber (ie plants and plant material such as seeds, bark, and tea tree oil) will be removed except during logging operations.

Basically it appears to the BEC that any pretence of "Ecologically Sustainable" logging is being dumped and that if this is correct we are seriously questioning if we should condone it by engaging with the EPA so they can claim our involvement in their environmental vandalism.

Specific issues of concern

1. The EPA should not be setting rules

The BEC does not think that it is appropriate for the EPA to be setting the rules, especially in collaboration with the DPI and the Forestry Corporation. We think there is need for another organization that is not the regulator and sits at arms length from the Forestry Corporation and the EPA. The Department of Environment and Heritage (OEH) should also have a clearly established and formal role because of the major component of the National Forest Policy relating for biodiversity, old growth and wilderness.

In earlier rounds of the forest reform in NSW the Department of Planning played the 'arms length' role identified above as necessary. The OEH had a formal role to balance the involvement of the Forest Corporation and to bring expertise on biodiversity, old growth and wilderness and other conservation matters.

2. Limited scope of review a flawed approach.

It was noted to the Grafton workshop for the IFOA by the BEC representatives that the IFOA's were the main engine for ongoing implementation of a wide range of national, state and regional forest reforms which commenced in the 1980's. The IFOA's therefore were the major operational document of forest reform in Australia and were clearly set within in an established framework of implementation and review

In recognition of the important role of the IFOA the established procedures provide for formal review of the IFOA's every 5 years and review of the Regional Forest Agreements (RFA's) every twenty years.

Undertaking an out of session "remake" of the IFOA's with such a narrow term of reference as "*reduce the costs associated with implementation*" is a flawed approach when there are so many issues and major changes underway in the forestry industry at present, including:

1. need to consider climate change issues,
2. current overcutting of forests particularly in North East NSW,
3. currently unsustainable timber allocations,
4. failure to implement current prescriptions and monitor forest condition following logging,
5. rapid transition to community based forest certification approaches,
6. transition from native forests to plantation forests .

The response given to the Grafton workshop blaming the narrow terms of reference for the "remake" as being 'a *Government decision*' was clearly inadequate and did not provide confidence that the EPA had fully reviewed the major issues affecting native forests nor provided clear and comprehensive advice to the NSW Government. An undertaking that the Government will be fully briefed on the full range major issues affecting native forests in NSW as well as on the range of responses received to the discussion paper is sought.

3. Commitment to Wood Supply.

The Government's stated commitment to maintaining timber supply from our public native forests at current levels is incompatible with the long term protection of their environmental values and sustainable timber production from the forests. Current timber supply commitments are known to be unsustainable (NSW Auditor General's report) – failure to address this issue will result in severe impacts on biological diversity and lead to a range of natural resource and forest health issues that will in the long term be expensive or impracticable to address..

The commitment to maintaining the current wood supply is variously described in discussion paper as "...no net change in wood supply" and "...maintenance of high quality wood supply". What this meant is questioned – is it a commitment to provide the original WSA volumes for the next 10 years or to maintain the yield of the last 10 years – the latter is understood to be only approx 70% of the former .

At the Grafton workshop a question asked along the lines - "*that does this also mean that NSW Forest Corporation (FC) would not take up any future opportunities to buy back quota-*" was left unanswered. An answer to this question is sought

A further question was asked as to what would happen to the tablelands hardwoods quota Boral Pty Ltd had reportedly handed back and paid out also received no satisfactory reply on the future of this allocation. An answer to this question is also sought.

4.Limited mention of proposed process for koalas.

Koalas were identified at the Grafton IFOA remake workshop as major local issue and it was noted there is no detail in discussion paper on the \$3m Environmental Trust funded project for koala habitat mapping, where as there was quite a bit of detail in the discussion paper on the EEC mapping component of the Environmental Trust project – this raised suspicion that the Koala mapping project may be in some strife.

The response received at the workshop appeared to confirmed that koala project is going slower than preferred and it was likely there would still be a requirement for pre-logging Koala surveys over considerable areas of forest after the remake of the IFOA.

More detailed information on how adequate protection for Koalas will be provided in the remake IFOA is requested. The BEC believes there should be a reserve system designed to protect the Koala as a threatened and iconic species with a world wide recognition second only to the Panda . The BEC also believes that the reserve system for the koala should be established to a standard for World heritage listing similar to the listing over panda habitats in China . The BEC believes that the Guy- Fawkes to Coffs Harbour koala metapopulation (Scotts. D 2013) is a suitable population to consider for such a koala conservation initiative

5.Landscape management-

The change to a 'landscape scale' regime is a complex undertaking explained in the discussion paper in the simplest of terms .

The basis for this proposed reform not well described and no literature review or list of appropriate references are provided. It is noted that on page 22 of the discussion paper the proposed landscape management model ;

“as a strategic landscape- based approach, with conservation measures applied at multiple spatial scales based on:

- *Large ecological reserves*
- *Application of landscape – level measures in off reserve areas*
- *Application of stand level measures in off reserve areas”*

If applied as described these measures would change the level of target achievement for formal and informal reserves a foundation of the NFPS and RFA's

At the Grafton workshop the response to this issue was there would be no more formal reserves out of the IFOA remake or no increase in conservation target achievement . The EPA appear to have difficulty accepting that landscape measures, if properly applied, will increase conservation target achievement.Further elaboration on this issue is required

Before there can be any community confidence in the landscape management approach there should be a trial an extensive trial the proposed regime in each IFOA region before being proposed for widespread adoption.

6. Lack of recognition and consideration of other sustainable forestry processes- such as FSC certification process

A suggestion at the Grafton workshop that there should be more integration of the IFOA processes with the forest stewardship Council (FSC) processes fobbed off as an “industry issue” and not a matter for government. When it was pointed out Government was involved in Tasmania, Victoria and Western Australia there was a slight change of attitude.

Garry Whytcross approached me later at the workshop asking for any reports on how the Boral Pty Ltd use of the current IFOA processes was shown to be inadequate in their FSC CW woodchip application. He also asked which state agencies were involved with FSC. The EPA is obviously not well briefed on this issue.

A comment is provided below on relying on advice from Tasmanian Forest Practices Authority. As an alternative approach the NSW Government could perhaps refer to the undertakings of the late Tasmanian forester David Bills CBE who, whilst Director General of the Forestry Commission of Great Britain during the 1990's, steered that organization to obtaining certification of the forest estate to FSC standards.

7. Industry timber preferences and transition

During the Grafton workshop the industry representatives made very strongly expressed sentiments :

That the industry hates Hwd plantation timber (predominantly Flooded gum) ,and was highly critical of Forest Corp pushing a species mix on them as against supplying the preferred species Blackbutt .

This opinions are consistent with recent industry submissions to the NSW Government's Public Land Use inquiry.

The preferences indicate the transition in the timber industry where the incredible strength, hardness and durability of most hardwood species are no longer recognised or required in the market place. Use of hardwoods for these characteristics is in decline as evidenced by the transition from timber to cement in bridge building and replacement.

The remaining preferred species, blackbutt is directed to a large extent to a high cost boutique market for solid timber flooring . In this market blackbutt is in competition with many lower cost products , including Bamboo and is only competitive at all through having an appearance or visual attractiveness advantage.

The BEC questions the justification of continuing support for a native forest industry in our forests of internationally recognised heritage and biodiversity values primarily to satisfy a "boutique" market for expensive flooring

8. Proposed logging on steep slopes

The prohibition on logging on steeply sloping land (above 30 degrees) has been in place for decades. Removing this important environmental protection will increase soil erosion and water pollution, promote weed invasion and threaten landscape scale wildlife corridors.

The introduction of cable logging to log slopes over 30o should also not be condoned - even though this has long been an ambition of the industry. Trying to increase volumes by logging steep slopes means logging unlogged, ie oldgrowth, forest, which also suggests allowing it to be remapped.

The NSW Forest Corporation have now identified approximately 40,000 ha of the upper Bellinger valley and surrounding areas as being potentially suitable for a trial of timber extraction, such as cable harvesting, to access timber on steep slopes .The trial area has a frontage of approx 100 km with existing World Heritage areas is completely within possible World Heritage additions.

The BEC has a strong understanding of the forests and rivers of the Bellingen Valley and consider this proposal potentially very damaging to the local community and ecology and calls for this proposal to be withdrawn.

9. Proposed engagement of Tasmania

The BEC is appalled by the NSW Government's decision to seek advice on forestry regulation from the Tasmanian Forest Practices Authority. The logging industry in Tasmania has a deplorable track record on forest management and their practices should not be allowed in our state.

As an alternative approach to relying on advice from Tasmanian Forest Practices Authority, the NSW Government could perhaps refer to the undertakings of the late Tasmanian forester David Bills. CBE. David held the position of General Manager of the Tasmanian based North Broken Hill Pty Ltd, the largest forestry company in Australia, before taking on the position of Director General of the Forestry Commission of Great Britain during the 1990's.

David steered the Forestry Commission of Great Britain to obtaining certification of the forest estate to FSC standards and for which he was awarded the honour of Commander of the British Empire and he and the Forestry Commission of Great Britain were awarded the " Gift of the earth" by the World Wildlife Fund International.

10. Proposed intensification of logging

The proposal to remove conditions limiting logging intensity and extent opens the way for an intensification of logging and widespread clearfelling of our native forests. Clearfelling should be prohibited in our native forests.

11 .Disease and pests

The discussion paper does not adequately address important factors in maintaining forest health over time, including management of invasive weeds and forest dieback. Logging is promoting weeds and tree dieback and these must be controlled.

The section on Die back (Section 7.4 other important issues -Bell Miner Associated dieback)

Is a fairly meaningless section which gives the appearance of being there '*because we have to have something on dieback*' rather than any genuine interest on addressing the effects of forest harvesting on dieback. The section is not informative .

12. Removal of species prescriptions

Removing the requirement to conduct pre-logging surveys for threatened species and habitat features will place those species at risk. Surveys for threatened plants and animals, and the identification of required exclusion areas, need to be undertaken independently of the Forestry Corporation.

The current species specific prescriptions were based on expert advice and protracted negotiations between the then NPWS and NSW Forestry, in which the Forestry were successful in getting them minimized. The conservation movement , primarily through NEFA have been asking ever since for the NPWS, and later EPA, to monitor their effectiveness.

The whole basis of Forestry has been repeatedly claimed to be an iterative process involving monitoring and adaption of prescriptions to achieve performance goals - claimed as adaptive management. Yet the forestry corporation have point-blank refused to do any monitoring to assess the effectiveness of prescriptions and refused to set performance measures, though have consistently reduced prescriptions over time.

For the EPA to now state that because they never bothered assessing whether the prescriptions worked (and how to improve them) that they can abandon them because there is no evidence of their effectiveness, beggars belief.

The poor wording of some prescriptions (which the NPWS/EPA failed to rectify in over a decade) and the EPA's lax interpretations of their intent is an additional problem.

At the IFOA remake workshops there appeared to be no intent to ensure commensurate protection increases for threatened species under a landscape model to compensate for removal of prescriptions. There was also very little discussion of the historical intent of the threatened species prescriptions in plugging the gap between reserved areas and the needs of species identified through CRAs etc.

There was an expressed intent to maintain species prescriptions only where it was demonstrated that they are of value.

The EPA pointed to a number examples where surveys and prescriptions have resulted in no, or virtually no, threatened species buffers over the life of the IFOA. The demonstrated effect of prescriptions was discussed as the key determinant of whether species-specific prescriptions were to be maintained in the draft of the 'Remake'.

Clearly there is an enforcement issue here, and Gary Whytcross was upfront about the fact that EPA only have monitoring data on regulatory compliance, not on ecological outcomes, and that that has been a flaw in informing any decision making on the IFOA review.

It is clearly a challenge to argue for the maintenance of all threatened species prescriptions when some prescriptions have had no demonstrative outcomes from the (limited) evidence provided to date . Arguing on a species-by-species basis is a slippery slope given the lack of data, failed compliance and flawed survey work, but given the 'red tape reduction' argument is the basis of the review, it is clear this argument will be the basis of whether species-specific protections are dropped or retained.

All data on the prelogging threatened species surveys, the extent of prescriptions and exclusions applied on a compartment and landscape basis and the results of any monitoring need to be released for independent review before any changes are suggested. As there are so many threatened species in NSW coastal forests the process of community access and review will be considerable and require appropriate support.

13. Proposed gutting of Erosion control prescriptions

The proposed gutting of erosion mitigation prescriptions dating back to the 1980's is equally worrying, particularly as these were initially based on lots of evidence and performance measures.

14. No ecological basis For ESFM.

This means that in the future that much of the timber will be coming out of areas currently excluded from logging because of threatened species or unacceptable erosion. They will be returning to all those excluded areas, and areas logged under higher tree retention prescriptions, and doing them over.

There is no sustainability with current logging regimes , with the abandonment of species specific prescriptions and likely wind back of erosion mitigation prescriptions this means that there is no ecological basis. So if we remove Ecologically and Sustainable there is nothing much left of ESFM.

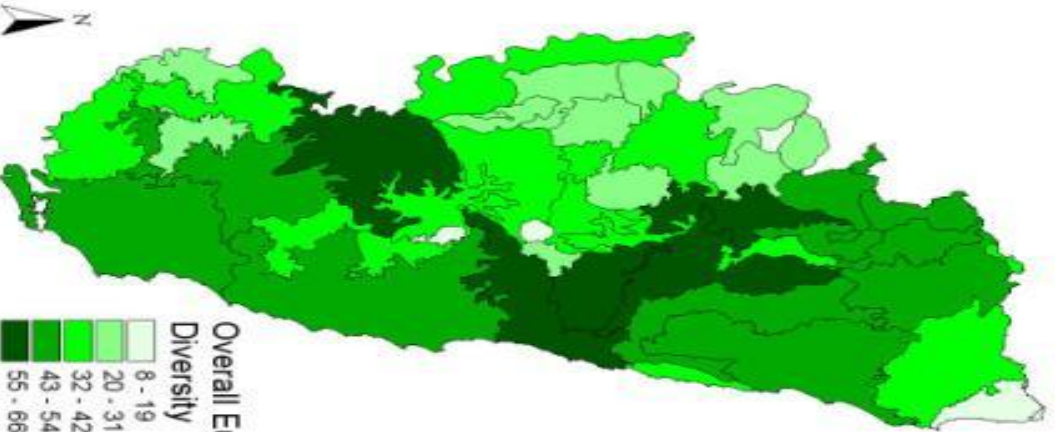
The BEC always been an advocate of logging within genuine ESFM constraints (which includes a CAR reserve system and strong prescriptions), now that this Government is going to gut the limited protections we can no longer condone supporting logging of native forests as practiced

Selected references:

Cerese,B., 2012. *The Eucalypt Forests of Northeast New South Wales. A preliminary Assessment and documentation of their World Heritage values.* Report prepared for the NSW national parks Association, Sydney.

Scotts,D., 2013. *Conserving Koala populations of the Upper Mid – North Coast. Preliminary mapping of populations as a basis for further survey, research and planning.* Report prepared for the North Coast Environment Council, Bellingen Environment Centre, Clarence Environment Centre, Nambucca Valley Conservation Association and NSW National Parks Association

Overall Eucalypt Diversity per Subregion



Overall Eucalypt Diversity

8 - 19
20 - 31
32 - 42
43 - 54
55 - 66