



**THE COLONG FOUNDATION FOR WILDERNESS LTD.**

Tuesday February 6<sup>th</sup>, 2018

NSW Regional Forest Agreements  
Forestry Branch  
Environment Protection Authority  
PO BOX A290  
Sydney South NSW 1232

Dear Sir/ Madam,

**Submission on the Regional Forest Agreements (RFAs) second and third  
review Implementation report (review report)**

The Colong Foundation for Wilderness believes that RFAs in NSW and other Australian states should be discontinued. Forestry operations potentially affecting matters of national environmental significance should be subject to federal laws.

It is also inappropriate for Integrated Forestry Operation Approvals (IFOAs), that are an integral part of NSW RFAs, to indefinitely relieve forestry operations from environmental impact assessment and public review processes under state planning law, and offer little protection to threatened species under state biodiversity conservation law. Logging operations also need to adapt to changing circumstances or they will continue to fail and not meet community needs and desires.

Community standards and technology change over time, scientific knowledge of our state's natural resources improves, and all the while climate change is accelerating. The RFAs remove public governance of public forest lands and have made management operations less adaptive. The state and federal government agencies will be hard pressed to convince the independent reviewer that these current two 5-year reviews of the NSW RFAs in this implementation report provide a demonstration of adequate governance for our public forests.

Management of public forests should cease to be a closed arrangement between government and the forest industry. The RFAs were deliberately set up this way, to allegedly provide resource security, but these agreements are no longer fit for purpose and essentially privatise native forest resources with the public subsidising this asset transfer.

The NSW Government has paid compensation to companies for logs in legislated yield estimates derived from computer models (FRAMES) that did not exist in the forests. The review documents play down the consequences of these timber resource gaps.

The absence of logs to meet RFA quotas should have been addressed in detail by the implementation report. How can there be an adequate review of the NSW RFAs when resource shortfalls are ignored? This suggests administrative failure by the public service (especially the NSW Department of Primary Industries) to inform decision makers and the public of the situation.

The reality of declining sawlogs in the north-east forests of NSW is evidenced by compensation payments, sawmillers calling for national parks to be revoked for logging in the 2013 NSW Legislative Council Public Land Use Inquiry, and the Timber NSW proposal for a "nil-tenure" policy.

### **Unsustainable logging**

*The following data comes from Dailan Pugh of the North East Forest Alliance.*

Sawmillers on the NSW North Coast have been logging on the basis of maximum economic utilisation, taking all merchantable small and large sawlogs since 2000, with the intensity and damage to retained trees escalating over the past decade. There are few large sawlogs left on the North Coast which has led to a push to heavily log private land.

In 2001 the NSW Government decided to forgive Boral a \$1 million debt in return for surrender of a Wood Supply Agreement (WSA) of 15,000m<sup>3</sup> per annum in North East NSW. In 2006 Forests NSW had to pay Boral \$550,000 in compensation for 34,000m<sup>3</sup> of high quality large sawlogs they were unable to supply during 2004-2006. Forests NSW paid another company \$500,000 to purchase 2,000m<sup>3</sup> per annum of a WSA. In 2007 a WSA for 10,194m<sup>3</sup> per annum was purchased by Forests NSW for \$2,277,000.

In 2010 Boral Timber commenced legal proceedings against Forests NSW for failure to supply commitments every year since 2006, though the outcome is confidential. In 2012 Boral terminated their Walcha WSA for 18,000m<sup>3</sup> of large high quality sawlogs, and 5,723m<sup>3</sup> of small high-quality sawlogs, because of the poor timber quality, though the compensation paid by the Forestry Corporation for cancelling the contract is unknown.

In 2014 the NSW Minister for Primary Industries, Katrina Hodgkinson, announced the decision to pay Boral \$8.55 million to buy back 50,000 m<sup>3</sup> of timber allocations (actually 49,000 m<sup>3</sup>) annually for the next nine and a half years, reducing their WSA to 116,000m<sup>3</sup> p.a.

Since 1998 Wood Supply Agreements have been reduced from 269,000 m<sup>3</sup> of large high quality sawlogs p.a. for 20 years, down to 142,337m<sup>3</sup> p.a. from 2015-16, a reduction of 47%. This is primarily due to inflated resource assessments.

This yield collapse is despite a 32,731 ha *increase* in loggable areas since the RFA was signed, primarily because of a major reduction in areas protected by prescription (mostly the removal of "buffers on buffers" by allowing trees to be felled into exclusion areas). There was a further major reduction in excluded areas by the opening up "unmapped" stream buffers for logging in 2004, making tens of thousands more hectares available for logging.

Yields have also been propped up by significant purchases from private properties by State Forests. The Regional Forest Agreement (2000) allocated \$18 million between 1999 and 2004 to purchase Private Land and/or timber rights. The Auditor General (2009) identified that over the last five financial years, the Forestry Corporation had purchased 34,787m<sup>3</sup> of sawlogs from private properties and had a target of 30,000m<sup>3</sup> p.a.

The remarks on compensation on page 83 of the implementation report are incorrect and misleading. Significant compensation has been paid and major changes to forest management have been omitted, which is very unhelpful. So far NSW taxpayers have paid at least \$12.9 million to buy back timber committed in Wood Supply Agreements to sawmillers for trees that never existed, except in erroneous saw log estimates generated by timber yield modelling.

Sawmillers are still complaining while receiving sawlogs purchased by taxpayers from private land and compensation for timber quotas they were originally granted at no cost based on inflated timber yield estimates. To quote Pugh (2016) 'The over-logging currently underway is denuding public native forests of large sawlogs. The loggers are knowingly and deliberately cutting out their own future. Regrettably they are leaving severely degraded forests behind, with depleted wildlife, damaged soils, sick streams, severe weed infestations and spreading dieback.' Yet the implementation report is silent on these major systemic failures!

The RFAs hinder NSW moving to self-sufficiency in timber production and the uptake of innovative alternatives because the profitable plantation sector must compete with the subsidies paid to assist native forest logging operations. There is no reason to continue to prop up this failing industry that erodes other benefits from public forests including tourism, recreation, nature conservation, carbon sequestration to fight climate change and water catchment protection.

### **No Advisory Committees**

There are no advisory committees for publicly owned state forests to provide the Minister responsible for forests with a broad range of comments and oversight. And there are no adaptive plans of management to ensure continual operational improvements to native forest management to substitute for the development application and planning approval processes that are blocked by RFA resource security provisions.

The RFA implementation review needs to report on failures, not hide these and deny current management problems. Other forms of natural resource extraction, such as mining and quarrying, operate under development consents. Issued under planning law these consents usually operate for 20 years, then lapse on expiry. The RFAs should similarly lapse on expiry and be subject to detailed review and public input. In a changing world, forestry needs to continually reinvent itself and move into plantation-based tree cropping operations established on previously cleared private land.

Logging zones in state forests are being either converted into plantations through clearfelling or degraded by heavy logging. According to the Sydney Morning Herald (August 7, 2017) the EPA sought legal advice on how to restrict "very intense" harvesting that the Forestry Corporation had conducted for years in areas such as the blackbutt-dominant forests of the NSW mid-north coast.

The Integrated Forestry Operations Approvals (IFOAs) that permitted the logging were, however, found to be poorly worded, curbing the watchdog's ability to take legal action.

Single Tree Selection (STS) logging, for example is meant to be a low intensity regime which allows for a maximum of 40% of the tree basal area to be logged. FCNSW has been removing up to 90% of the basal area. In 2016 the then Minister for the Environment (Mark Speakman) acknowledged, through a letter written by the EPA on his behalf, that this type of harvesting as “practised by the FCNSW, is not consistent with the definition and intent of Single Tree Selection in the IFOA as well as FCNSW’s own silvicultural guidelines.” The implementation report is silent on these guideline changes.

The Colong Foundation is very concerned that there is a proposal to now allow the Forestry Corporation of NSW to increase logging intensity throughout public native forests, particularly to extend the Eden alternative coupe clearfelling regime to 140,000 ha of public forests from Taree to Grafton on the north coast. The former Chief Executive of the EPA, Barry Buffier, has described this as conversion of native forests to “quasi plantations” (pers. comm.).

Forest logging operations are moving away from Ecologically Sustainable Forest Management to establish native forest plantations, and yet this is not mentioned in the implementation review report.

Detailed spatial forest mapping would reveal a predominance of young growth stages, reduction in forest diversity, prevalence of weeds and a loss of native understorey species in areas logged since the RFA. Such mapping would reveal the conversion of native forests to ‘plantations’ and the removal of all large logs and potential future sawlogs from forests that are not clearfelled.

The review report is a bulky and repetitive narrative of milestones, obligations and indicators. The truth hides in obscure appendices or is omitted, for example the absence of spatial growth stage data.

If the independent review actually inspects forests in the RFA areas it will have difficulty combining knowledge gained on the ground with the non-spatial information on alleged Ecologically Sustainable Forest Management contained in the review report.

### **Consequences of RFAs lapsing on expiry**

The RFAs lapsing on expiry would once more make logging operations subject to federal and state environmental laws and they would require time-limited development consents, just like other extraction activities. This is not a radical proposal given the failures of the RFAs to ensure Ecologically Sustainable Forest Management. If the RFAs were not renewed, the industry and State Forests corporation would have time to prepare environmental impact statements for the three RFA regions in NSW due to expire in 2019 (Eden); 2020 (Southern) and 2021 (North East).

A public debate regarding the spatial information contained in the EIS would permit a more informed review of logging industry directions through Independent Planning Commission processes. The preferred alternative of refusing consent should be considered.

If approved, the public should be able enforce logging provisions through the courts, improving compliance with consent requirements designed to protect water catchments, old growth forests, scenic amenity, threatened species and soil cover.

The community could, for example, take legal action to prevent its diverse multi-aged forests with complex understories from being deliberately converted into single-aged monocultures with weedy understories, in contravention of the most basic principles of Ecologically Sustainable Forest Management that supposedly underpin logging operations in NSW.

The community could challenge proposals for the removal of pre-logging surveys for threatened species or the removal of species-specific exclusions and any modifications to logging requirements around threatened species locations. The community could also argue that threatened species-specific protection from logging be significantly expanded and enforced.

Consent conditions could require independent pre-logging surveys to be undertaken to ensure threatened forest species are protected. Enforceable conditions could provide meaningful rules to protect native animals from suffering in logging operations, including protecting the many animals currently being killed, such as wombats in their burrows, greater gliders and koalas.

All matters of national environmental significance would need to be considered for logging proposals seeking new development consents.

### **The Damaging Consequences of RFA continuation**

The logging industry, driven by unsustainable logging quotas, would, without public debate, convert ever larger areas of public native forest into plantations. The optimistic scenario would be that professional foresters retain some grip of the situation. In the less optimistic scenario, the forests are just degraded and ruined for log production and biodiversity, with declining yields and local wildlife extinctions over time. The data provided in the review supports the latter scenario.

Due to over-estimated timber volumes NSW taxpayers would continue to pay millions of dollars to logging corporations for purchase of log quotas for phantom forests.

In an effort to maintain unrealistic timber production levels<sup>1</sup>, the logging industry would also heavily log private lands without prior mapping such features as old growth forest, threatened species or endangered ecological communities. Private land logging is likely to be more destructive as it is unsupervised by professional foresters, and sustained yield and nature conservation do not influence logging plans on private land at all. Land holders will not care, as most are only interested in immediate financial returns.

Regulation of Private Native Forestry requires mapping of threatened ecological communities, rainforest and old-growth, wilderness, rare and endangered ecosystems (according to national JANIS criteria), heavily cleared ecosystems (>70%), poorly reserved ecosystems (<30%), areas of high biodiversity and areas of outstanding biodiversity value, seasonal hotspots, centres of endemism,

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<sup>1</sup> North from Newcastle private forests have been mapped for sawlogs as supplies from public lands continue to rapidly decline but no mapping has been done to identify and then protect old growth forests, the habitat of threatened species, endangered ecological communities and other special values, such as water supply catchments.

refugia, stream buffers, steep and erodible soils, wetlands and their buffers, rock outcrops, regionally significant wildlife corridors and remnant native vegetation. It also requires the identification of these features on the ground in order to protect them. This requires a qualified agency that is not just focused on maximum timber output but also nature conservation. Without this mapping or a qualified agency to identify conservation values, private forests will continue to be degraded by maximum, short-term gain logging.

Limited effort would be made to establish new areas of native forest plantation on cleared private lands to permit the recovery of timber yields.

The detailed ecological investigations of Comprehensive Regional Assessments (CRAs) will not be reviewed on public forests to inform and guide future logging operations under the RFAs. No coherent on-the-ground landscape level plan for nature conservation and forest production will emerge.

The RFAs will not improve recreation opportunities in public forests. Recreation opportunities will not be funded or assessed on a regional basis or publicly reviewed. State Forests can add to the diversity of recreation opportunities offered in NSW but this will be ignored. National Parks, Nature Reserves and State Conservation Areas are, for example, inappropriate locations for downhill mountain bike, trail bike and other off-road vehicle sports. These activities can be encouraged in state forests, but this will be ignored.

The RFAs will not facilitate climate adaptations to ensure continued Ecologically Sustainable Forest Management (ESFM) of log yield or secure sufficient forest biodiversity in a Comprehensive, Adequate and Representative (CAR) reserve network.

Intensive native forest logging under the RFAs simplifies forest structure and flora diversity, reduces carbon stored both above and below ground, increases catchment runoff and reduces soil moisture. The loss of carbon stored in public forests means that the RFAs are driving climate change. The RFAs will not ensure sustained log yields as the forest areas that are available for logging have been over logged and mismanaged.

The NSW Government must review its commitment to extending the RFAs. If extended, two million hectares of public forests will continue to decline in health, diversity and log yield. Under the RFAs no genuine attempt to review outcomes or adapt management is proposed that would see an improvement beneficial to state forests.

### **“Evergreen” RFAs – a risky proposal**

Governments which wish to have “evergreen” RFAs with less regulation, less reporting requirements and less oversight will only benefit the forest industry in the short term. In the long term, renewed permanent RFAs will ensure the death of professional forestry, cause continued decline in sawlog yields, and result in the stagnation and collapse of the forest products industry. They will also ensure further loss of native plant and animal diversity and sever forest corridors connecting reserves and national parks.

The RFA review has not addressed the forest practices necessary to reduce carbon emissions and restore resilient long-term carbon stocks in native forests. The only means to increase carbon stocks and reduce emissions is by planting more trees and allowing existing trees to grow to maturity.

Further native forest logging on public and private land must decrease carbon stocks and bodes ill for the long-term future of NSW.

### **Wilderness and NSW RFAs**

Legislation supporting the NSW RFAs turns off the NSW Wilderness Act (1987) and has excluded application of its provisions to 97,000 ha of potentially suitable forested wilderness. The first five-year implementation report (Anon 2014) did not mention wilderness protection but this review report does.

Many existing wilderness areas in the forested regions of NSW are incomplete and require either voluntary acquisition and/or further resolution of resource issues if the remaining unprotected wilderness is to be declared under the Wilderness Act. The Carrai, Mann River, Timbarra, Binghi, Catatact, Coolangubra, Tantawangalo, Pilliga and Bebo wilderness areas, as well as Mt Ballow on the Border Ranges and Murruin in the Blue Mountains have not been protected at all. These eleven areas have not progressed due to size limitations brought about by incompatible uses, resource conflicts and tenure issues. Incomplete wilderness areas, such as the Macleay Gorges, have similar issues. These areas contain Crown Timber Lands but generally do not contribute to saw log yields, being too rugged, remote or without suitable trees.

Since the passage of the RFAs, the Moors in Myall Lakes National Park and the Sandon and Wooli catchments in Yuraygir National Park have been nominated under the Wilderness Act but remain at the assessment stage.

In NSW, areas subject to an Integrated Forestry Operations Approval (IFOA) are not eligible for wilderness declaration. The IFOAs capture forest areas that should be proposed as wilderness as generally these are Crown Timber Lands with little or no productive timber which should be excluded from the IFOAs. Indeed in 1999 and 2010 parts of some potential wilderness were excluded from the IFOAs but the RFAs have not caught up with these changes. These past adjustments were not considered by the current RFA implementation review report.

The Wilderness Act, 1987 has been unreasonably fettered by the IFOA, and measures should be taken in the CRA review to redress impediments towards achieving further progress on wilderness protection. These legal proscriptions may even prevent effective management of wilderness within reserves systems. For example, all wilderness areas are fragmented by easements and Crown lands that cannot be reserved as wilderness because of the Forestry and National Park Estate (FNPE) Act. This technicality may create management problems if land managers begin to follow the letter of the law and not its intent.

At the very least, measures in CRAs should ensure that Wilderness Act processes are not impeded where there is no significant impact upon logging operations.

Forests and woodlands located on Crown reserves, such as on travelling stock routes and trigonometrical reserves found within the boundaries of NPWS reserves, do not in any way impact upon the log production purposes of any IFOA. The terms of the IFOA must cease to operate unreasonably within the boundaries of Crown lands located within national parks, so that wilderness processes are no longer frustrated. Wilderness in such Crown reserves should be permitted to contribute to wilderness protection purposes.

Further, the National Forest Policy Statement requires that wilderness be subject to plans of management. The CRA review interprets this as implementation under NPWS plans of management (partly achieved, see page 200 of review report). Wilderness cannot be effectively managed where it is fragmented by redundant Travelling Stock Reserves, Water Reserves and Road Easements. The FNPE Act makes resolution of these matters difficult as no wilderness management action can be taken on these lands (although it did not stop the declaration of Yengo wilderness).

Similarly, the forests and woodlands on Crown leasehold and Crown reserve lands located outside NPWS reserves are of almost no relevance to the log production purposes of IFOAs. For example, the 100,000 hectares or so of unprotected identified wilderness in the Macleay Gorges contains no areas that could be logged on a commercial basis. Wilderness on Crown leasehold and Crown reserves should be permitted by the terms of the CRAs to contribute to the wilderness protection purposes of the NFPS.

Forests and woodlands in Forest Management Zones 1, 2, 3 and 3a are also of no relevance to any IFOA. Wilderness in non-commercial state forest lands (FMZ 1, 2, 3 and 3a) should be permitted by the terms of the CRAs to contribute to the wilderness protection purposes of the NFPS.

Wilderness on all the above public land categories should be subject to Wilderness Act processes, and where appropriate, declared wilderness under the Wilderness Act, and managed by the NPWS to meet JANIS wilderness criteria. Where necessary and appropriate the Crown lease land should be voluntarily acquired as a high priority by NPWS.

Consider the example of section 3.3 of the Forest Agreement of the North East RFA. This RFA stipulates that while timber supplies may be provided from identified wilderness on leasehold and state forest, "areas not required to sustain these [timber] allocations must be considered for reserves consistent with JANIS." The operation of the FNPE Act regarding logging in wilderness extends beyond these particulars in a global fashion.

In the above example, it is obvious that areas unavailable for logging, i.e. Crown land within the boundaries of NPWS reserves or FMZs 1, 2, 3 and 3a or on Crown reserves do not count toward timber allocations. Forestry legislation needs to be amended to allow these areas to be considered for wilderness assessment processes and declaration consistent with achieving the JANIS wilderness milestones. Nearly all Crown leasehold is useless for logging operations and should also be considered for wilderness assessment and declaration.

Similar situations frustrate wilderness protection in other NSW forest agreements, and should be considered in the same manner by the forest RFA/IFOA review processes.

Section 4 (3) of the Upper North East IFOA states, in part, that "The Ministers have agreed that this approval may be amended to exclude its application to any area of land that: (a) has been classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System; and (b) forms part of, or comprises, an area of land which was proposed as wilderness prior to 1 January 2000, and has been considered by the Director of National Parks and Wildlife under section 7 of the Wilderness Act 1987 as being eligible (but for this approval) for identification as wilderness."

If it has not already been done, all the IFOAs should be reviewed to identify what wilderness can be declared and if further wilderness capable areas can be identified, assessed and reserved. It should be recalled that the 2002 wilderness decision across NSW was rejected by NSW environment groups as it offered less than half the area in their fully researched Wilderness Plan. On the north coast and

for leasehold land in the Deua, the key issue remains timely reservation and, where necessary, the voluntary acquisition of core areas of wilderness Crown lands.

It is also of concern that the FNPE Act provisions may in fact fetter lands actually purchased by the National Parks and Wildlife Service including land acquired for wilderness reservation purposes, such as Crown lands in the Macleay Gorges.

Similarly, a significant amount of high conservation old growth and endangered species habitat, as well as wilderness, was omitted from the comprehensive, adequate and representative reserve system. Such omissions are a major cause for concern and impact upon the achievement of the JANIS milestones that define an ecologically sustainable reserve system.

### **Apply RFA World Heritage processes**

Forest Agreements committed the State and Federal governments to further studies, to investigate and document potential World Heritage values of the NPWS reserve system by April 2002. This still has not been done and the Implementation Report makes no commitment to address it. For the implementation report to claim that a further assessment milestone was achieved is misleading (see pages 198 and 199). The review narrowly focused on the milestones only and not the RFA's commitments (obligations) to World Heritage assessments for eucalypt forests in NSW, (as well as equivalent commitments in the Queensland and Western Australian states). The independent reviewer should note that the commitment to further studies was not done.

The implementation report does not adequately consider matters relevant to national parks and reserves, only addressing matters relating to state forests in any detail. The obligations to World Heritage in the RFAs remain applicable, should not be dismissed as milestones.

The RFA obligations require assessment on the eucalypt World Heritage theme in eastern NSW and also the Alps to the Sea in southern NSW. Also the RFA has an obligation to advance the 2015 proposed renomination of the Greater Blue Mountains World Heritage Area titled New Values for a New Generation by the Greater Blue Mountains World Heritage Area Advisory Committee.

The independent reviewer of the implementation report should also note the extent of degradation to World Heritage properties by Bell Miner Related Dieback in the Border Rangers, Toonumbar and Richmond Range national parks, among others. The reviewer should note that no statements were made about the intensity or extent of this dieback problem in the World Heritage Area and also about the extensive areas affected by dieback in state forests.

### **Public Participation**

The review report should note that RFA principle two, 'Ensure public participation, access to information, accountability and transparency in the delivery of ESFM', has not been complied with during this review. There are no advisory committees steering the RFA review or fully funded stakeholder engagement processes. Public information meetings are insufficient and thousands of hectares of native forest are in a ruinous state due to over logging.

The non-solution, to reduce review processes and offer even more resource security to logging corporations is a formula for ecological catastrophe.

The allegation that 'the NSW Government places a high importance on opportunities for public participation (page 29) is not supported by their proposals to reduce review processes and create indefinite RFAs. The claim on page 200 of the implementation report that on-going consultation has been achieved when there are no formalised processes through advisory committees or other formal input processes is not credible. The EPA is being disingenuous making such a remark.

The FNPE Act prevents the public from engaging in wilderness processes, including those relating to public submissions, so there are no wilderness processes to comment on. Similarly in state forests there are no processes regarding threatened species or endangered ecological communities.

The Wilderness Act provides for public submissions on draft wilderness protection agreements. The NPWS, however, does not encourage wilderness protection agreements and only one has ever been made.

### **Changed circumstances in relation to Accelerated Climate Change**

The implementation review report must be amended to include climate change.

The entire purpose of the NFPS is imperilled by climate change. The terms of the CRAs do not address accelerated climate change, which was also not considered by the NFPS or the RFA processes. At its most extreme, climate change could replace forests with heathlands due to increased severity and frequency of fire. Rainforests could disappear.

The FNPE Act is a crude instrument to tackle the challenge of accelerated climate change. The legislation should, however, enable wilderness reservation to operate fairly in the public forests of NSW, as wilderness is the most effective form of adaptive conservation management and best copes with the duress of climate change.

Wilderness has greater ecological resilience than more fragmented reserves. For example, wilderness can absorb the impact of wild bushfires, provided it is managed for ecological purposes, and over time restore itself to ecological health.

'Conservation planners, too, must consider climate change scenarios in developing plans for the persistence of biodiversity. First, major, climatically-driven biome changes cannot be accommodated by small isolated protected areas', (Soule et. al., 2005).

Most endangered plants and animals are habitat specialists and those habitats are unlikely to move in response to accelerated climate change in a time frame necessary for ecological adaptation. Large, generally intact wilderness areas offer the best survival chance for these essentially static habitats and the plants and animals they contain. Many habitats will be static in a spatial sense in relation to the timeframe of accelerated climate change.

It is more likely, for example, that there will be more places within a wilderness where interconnected habitat survives undamaged following a series of bad wildfires compared to an isolated reserve. These undamaged wilderness refugia can recolonise the affected but connected habitat areas, given effective management.

In small or fragmented reserves, an intense fire can be terminal for habitat and its dependent wildlife. In wilderness there is a chance that various habitats will survive, just as, for example, the Wollemi Pine survived millennia of natural climate change in the largest wilderness area in NSW.

The FNPE Act's purposes should be re-evaluated in regard to the need for enhanced wilderness protection and management in the context of accelerated climate change.

Wilderness areas within NPWS reserves are not all fully declared under the Wilderness Act and these areas potentially subject to the accumulative development impacts of visitor infrastructure, including fragmentation by roads. These wilderness areas require priority protection. This can be most effectively achieved if all Crown timber lands within NPWS reserves can be added to the reserve and declared as wilderness.

### **Logging native forests in relation to climate change and electricity generation**

Burning forest products in power plants is not a solution to accelerated climate change because there is a very significant net loss of carbon from soils and standing forests from logging operations. The losses from burning hardwood from forests are much more than those created by burning coal for the same unit of electricity created.

Keeping carbon dioxide locked up, or sequestered, in native forests will slow Australia's rising greenhouse gas emissions and prevent the extinction of native plants and animals. The implementation report did not consider that continuing to log natural forests prevents forests from realising their carbon sequestration potential.

Economic modelling by Wood and Ajani provided to the Commonwealth Government on the Carbon Pollution Reduction Scheme shows that a low carbon price would even make it more economical to use plantation forests for carbon sequestration than for wood products (P J Wood and J Ajani, (2008) 'Submission to the Commonwealth Government on the Carbon Pollution Reduction Scheme').

An Australian National University 'Green Carbon' research report further highlights that Australia's natural eucalypt forests store more carbon and are more resistant to the impact of climate change than plantation forests. The logging of natural forests results in three times more carbon dioxide emissions than previously estimated, and if left to regrow, natural eucalypt forests would remove an amount of CO<sup>2</sup> from the atmosphere each year equivalent to 24% of Australia's total greenhouse gas emissions in 2005 (B. G. Mackey et al., (2008), 'Green Carbon: The Role of Natural Forests in Carbon Storage', ANU Press).

## **Proposals**

The implementation review report should be amended to include the following proposals:

### **No "evergreen" RFAs**

Given the abysmal failure to achieve Ecologically Sustainable Forest Management in state forests due to over logging (clearfelling) the implementation report must recommend against a 'rolling extension mechanism where the RFAs will be automatically extended for a further five years.' The five-yearly reviews have been incapable of identifying and discussing extensive failures in the regulatory framework and no satisfactory outcome has been achieved. Saying what pleases government is not objective reporting on problems and issues. There is no mention of corporate compensation reports or

erosion of logging prescriptions to increase access to target trees, nor of poorly undertaken pre-logging threatened species surveys which enable their habitats to be overlooked and logged. Such glaring omissions are a poor basis to justify logging natural forests without effective public review.

### **No streamlining of reporting requirements**

The implementation review report must recommend no scaling back on reporting, especially as current lax reporting standards have not been effective in protecting threatened species. The implementation review report should examine the need for effective pre-logging survey protocols for threatened species and recommend reinstatement of these surveys. It should also recommend continued proscription of logging on steep land, which has been in place for decades.

The implementation review report must recommend clear reporting on sustained yield and logging prescriptions and must censure the bureaucratic hiding of large compensation payouts, non-achievement of sustained yields and the erosion of forest protections from decision makers and regulatory authorities.

The Colong Foundation sincerely hopes that the report's independent review finds it defective and recommends it be redone to reflect the abovementioned concerns facing native forests. Giving the industry a "regulatory holiday" will not help it overcome the fundamental problems caused by over allocation of logs in natural forests, driving unsustainable levels of intensive logging in NSW.

### **No increase in logging intensity or reduction in forest protections**

If the implementation report is to reflect the NSW Government's stated objective of "no reduction in existing environmental protections", it must recommend retention of all existing prescriptions for threatened species, stream protections, erosion controls and logging intensity (no clearfelling), pre-logging threatened species surveys and that logging quotas be drastically reduced to sustained logging yields with these protections in place.

The implementation report must also recommend that logging operations in natural forests be phased out over three years as public native forests are more valuable as carbon repositories than for log production.

The implementation report should recommend that continued logging exclusion from old growth forest will apply to all logging regimes. Old growth forest may be described as forest with structural diversity and hollow bearing trees, and it is applicable to any forest area that has not experienced logging regimes that remove such features.

### **Enable Assessment of Wilderness proposals**

The implementation report should recommend that the FNPE Act permit the provisions of the Wilderness Act to operate on areas unavailable for logging, such as Crown land within the boundaries of NPWS reserves or FMZs 2, 3 and 3a, on Crown reserves, or on Crown leases including areas with old growth forest, endangered species and rainforest, where wilderness capability should be

excluded from timber allocations,. The Colong Foundation requests that the implementation report recommend these wilderness exclusion areas be retained in the next IFOA.

Under the FNPE Act, these wilderness capable areas should be deemed IFOA exclusion areas (as defined by an expanded schedule of Wilderness Maps in the FNPE legislation). These exclusion areas should include all 'identified wilderness', all those areas formerly known as 'provisionally identified wilderness' and 'state capable wilderness' within the IFOAs, as well as additional exclusion areas for recent wilderness nominations, old growth forests, endangered species and rainforests.

The exclusion areas (including those shown on Appendix D, Maps 1 through to 7 of the UNE and LNE IFOAs) should be retained to permit wilderness assessment processes. Concurrently, a means should be developed to expand IFOA exclusion areas over state forests to include exclusion areas for all 'identified wilderness', and all areas capable of identification as wilderness in the IFOAs, as well as additional exclusions for endangered species and rainforests.

### **Progress World Heritage proposals**

A comprehensive landscape assessment of World Heritage values in NSW must be undertaken to identify all areas qualifying for additions under the rainforest, eucalypt and heritage themes. Based on these assessments, a renomination proposal should be prepared for the NSW Gondwana and Greater Blue Mountains forest parks by NPWS and presented Department of Environment and Energy. The Gondwana Rainforest World Heritage Area on the north coast also has yet to include vast areas of protected rainforest and oldgrowth eucalypt forest.

The independent review report should recommend further World Heritage assessments of the eucalypt sub-theme be undertaken following recommencement of bilateral discussions regarding a serial eucalypt World Heritage nomination.

A clear timeframe and re-commitment to an Alps to the Sea World Heritage nomination in southern NSW as part of a serial eucalypt World Heritage nomination is also obligation under the RFAs by the NSW and Federal Governments, especially since a previous World Heritage Expert panel had already identified these areas and those on the north coast as likely to meet its requirements for eucalypt diversity.

The independent review report should also recommend renomination of the Greater Blue Mountains World Heritage Area along the lines of the 2015 report by the Advisory Committee for Greater Blue Mountains World Heritage Area.

In line with the National Heritage Protocol (adopted by the then Environment Protection and Heritage Ministerial Council in April 2004), the review report should recommend the above mentioned areas be subject to a national heritage assessment and inscription onto the National Heritage list of additional areas and values identified.

### **Public participation proposals**

Page 200 of the implementation report should be amended to state that on-going consultation has not been achieved. The implementation report should recommend legislated processes for

consultation and review through advisory committees or other formal input processes that are credible.

The independent review of the implementation report should question the RFA's removal of "enforceability" as this compromises the report's incorrect assertion that nearly all "outcomes" have been met. The implementation report must recommend third party legal enforcement of the RFAs to ensure outcomes are met, as they have been eroded by currently unenforceable arrangements.

### **Climate proposal**

All IFOA exclusion areas previously referred to under the FNPE Act, wilderness and wilderness capable land must be excluded from the operation of IFOA.

All native forests should be deferred from logging operations to maximise contributions towards carbon sequestration.

### **Use of forests for electricity generation and climate change**

The implementation report must review the burning of natural forests for electricity in terms of climate change and recommend the amendment of IFOAs to prevent burning of natural forests in power plants for electricity generation.

Thank you for the opportunity to comment on the implementation review report.

Yours sincerely,



Keith Muir  
Director  
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