

Lyn Orrego

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Submission of Lyn Orrego:

Regarding:

NSW EPA 2017, *A report on progress with implementation of the New South Wales Regional Forest Agreements: Second and third five-yearly reviews, July 2004 to June 2014*, NSW Environment Protection Authority, Sydney (**The Report**)

By email: forestry.policy@epa.nsw.gov.au

Thank you for considering the following comments:

Introduction

I was the NSW Nature Conservation Council's representative for the North Coast of NSW on the Ecologically Sustainable Forest Management (ESFM) Committee during the Carr government's Comprehensive Regional Assessment Process in the late 1990's. At that time I was a member and currently I am a member of the Nambucca Valley Conservation Association and the North East Forest Alliance for which I now hold the position of Vice President.

At that time, naively in retrospect, those conservation groups and myself supported logging in public native forests on the basis that a Comprehensive, Adequate and Representative reserve system would be protected and there would be rules to ensure selective logging in non-reserved areas that preserved a canopy, retained a mixture of age classes of trees (and a mix of species natural to the forest ecosystem type of the site) across every hectare of areas available for logging and that protected threatened, forest depended native fauna and flora where they were found by pre-logging surveys.

All the above promises (also known as commitments) have been broken during in the 18 years since they were made. Not surprisingly, those groups and I, no longer support logging in public native forests nor renewal of the Regional Forest Agreements for another 20 years, 20 weeks or 20 minutes.

My submission below rests on a scientific and factual basis. For those scientific references I refer you to the submission of Dailan Pugh for the North East Forest Alliance which I support in total. I also refer you to the Background papers on the NEFA website also written by D Pugh. www.nefa.org.au .

My submission also rests on more than 20 years of reading about forests, government forest policy, legislation and logging rules and prescriptions as well as experience on the ground in intact, old forests and the confronting nature of just logged forests, especially the intense and clearfell style of logging that is currently being carried out by the state owned NSW Forestry Corporation across huge swathes of the public native forest estate and leaving them looking and functioning just like a plantation. This is "unauthorised" and "not consistent with" the Interim Forestry Operations Approvals (IFOA) ie its illegal. The Ministerial Correspondence received by me on March 5 2016 from the EPA on behalf of then Minister for the Environment Hon Mark Speakman categorically confirmed that verdict. Yet no government agency or Minister, even those legally responsible, have reined in the excesses of the Forestry Corporation. This is wrong and has already had dire consequences for public native forests, their dependent fauna and flora, their water generating capacities and their carbon uptake and storage capacities. Finally my submission, though short due to other time commitments seeks to add some of my own observations, perspective and recommendations regarding the issue for your consideration.

Overview

“Your Forests” a 17 minute mini documentary outlining the history and context of the issue, what is at stake and why Regional Forest Agreements should not be renewed. I spoke the voice over and co-wrote the script for this mini doco with Ms Paula Flack. Production by Jimmi Malecki. Watching it will form the coherent background to the comments I offer below. Thank you for watching it and considering it as part of my submission.

<https://www.youtube.com/watch?v=AN-SRJUG2E&t=7s>

or access via homepage of the North East Forest Alliance website: www.nefa.org.au

The Regional Forest Agreements have failed and must not be renewed

The Northeast NSW Regional Forest Agreement (NE RFA) has failed for the following reasons:

1. Both the NE RFA and the Report use **language games to hide the truth that public native forests are actually being destroyed on the ground.**
2. Has rested on **unfair advantage** from the start. It should never have been exempted from the Commonwealth environment legislation (Environment Biodiversity Conservation Act (EPBC) which every other business likely to impact the environment must comply with.
3. Has not met its **objectives** nor those of the National Forest Policy Statement 1992 as required
4. Has not delivered a **Comprehensive Adequate and Representative (CAR) reserve system** for the region
5. Has not delivered **Ecologically Sustainable Forest Management (ESFM)** of the public native forest estate open to logging.
6. Has not met the ESFM Criteria, Indicators or Targets committed to under the **Montreal Process**
7. Has not brought about a **competitive timber industry** – in fact Forestry Corporation NSW Hardwood Division is competing unfairly and operating under a failed business model at the taxpayers expense
- 7B. **An industry cutting itself out of a sawlog future**
8. Has not protected **threatened, forest dependent fauna** from ongoing decline such as the koala
9. Has not protected **soils and waters** from pollution and degradation
10. Has failed to contribute the **carbon uptake and storage capacity** that native forests are capable of if managed to keep the mature and old components in them.
11. Has lost **nature based tourism industry** opportunities and jobs through the intense logging of the public native forests
12. Has not sustained **employment in the hardwood timber industry**. Instead we have seen jobs decline as mechanisation and a cutting out of the resource degrades the public forests along with jobs.
13. **Has not been adequately enforced bringing dire consequence**

Below, I have chosen just a few of these failures (due to time constraints) to discuss in a little more detail.

1. Language games used to hide the truth that public forests are being destroyed on the ground

Language games in the Report assert “achievement” of Northeast NSW Regional Forest Agreement (RFA) requirements while on the ground it is clear that conversion to unauthorised plantations is what has actually been achieved.



Lorne State Forest Compartment 79 September, 2017 (Photo Lyn Orrego)

Language games while the multi aged, multi species public native forest disappears

To see the 2 minute drone footage of this site go to the below link:

<https://www.youtube.com/watch?v=1Z1V2LlpDv0>

The Report says: Yes we’ve achieved being “committed to achieving” Ecologically Sustainable Forest Management (ESFM) and, yes we’ve achieved “aiming to achieve” ESFM. What a lot of nonsense.

But was ESFM achieved? No . . . or the Report would have said so.

Failure to even claim to have achieved ESFM is an acknowledgement that it hasn’t been achieved.

RFA clause or Attachment reference	Commitment	Status
		North East RFA
NE - 46	NSW aims to achieve ESFM on Public and Private Land and to continually review regulatory controls to improve the efficiency of the ESFM regulatory environment.	Achieved

Report extract (page 200)

And “This ongoing commitment (*to aim to achieve ESFM*) was achieved during Period 1, Period 2 and Period 3.” (Page 20) Well great the aiming was achieved but the target itself (ESFM) was obviously missed.

5. Ecologically Sustainable Forest Management (ESFM) NOT achieved

Clause 46 of the NE RFA states

46

New South Wales confirms its commitment to the achievement of ESFM on Public and Private Land consistent with the principles of Ecologically Sustainable Forest Management at Attachment 14, and to the ongoing review and subsequent implementation of its legislation, policy, plans, Codes and Regional Prescriptions to ensure ESFM objectives can be achieved in a more efficient regulatory environment.

The dictionary definition of Commitment means a promise or obligation.

Principle 1: Maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate

One of the values committed to was:

C Forest ecosystem health and vitality

- Reduce or avoid threats to forest ecosystems from introduced diseases, exotic plants and animals, unnatural regimes of fire or flooding, wind shear, land clearing and urbanisation.
- Promote good environmental practice in relation to pest management.
- Ensure the deleterious effects of activities/disturbances within forests, their scale and intensity, including their cumulative effects are minimised.
- Restore and maintain the suite of attributes (ecological condition, species composition and structure of native forests) where forest health and vitality have been degraded.

Forestry Corporation under the Integrated Forestry Operations Approval (IFOA) are legally bound to choose out of 2 types of harvesting (silviculture): Single Tree Selection (STS) or Australian Group Selection (AGS)

AGS allows 25m wide gaps to be harvested over a bit less than a quarter of the logging area at a time (22.5%). They can come back each 5-7 years and log the next three areas of 22.5% but must leave 10% of the area between the gaps. This was intended to be the most intensive type of harvesting allowed.

Single Tree Selection was intended to be selective logging, requiring 60% of the basal area (area of the cross section of a tree trunk) of the trees in a harvesting area to be left after a logging operation, that is, removing only 40%.

Forestry Corporation since 2009, and across our public native forests on the northcoast of NSW has been using an illegal interpretation of STS to log intensively (above the 40% basal area removal) and even clearfelling areas as large as 110ha. They base their rationale for this on what they call "offsetting". ... pretending to "set aside" adjoining areas where they won't log in that operation so that overall the average removal is still 40%. The offset areas have usually been logged within the last 5 or 6 years or will be logged in the next few years. Thus they are rolling through the landscape with intensive and clearfell logging that is outside the authorisation of the logging rules (the IFOA).

The only thing the government intends to do about this is change the rules (the IFOA) to legalise this practice and allow intensive and clearfell logging across over 100,000 hectares of public native forest between Grafton and Taree.

Following is evidence of the above claims and a case study of an area in Kerewong State Forest to illustrate the point.

The definition of Single Tree Selection in the Integrated Forestry Operations Approval (IFOA):

"Single Tree Selection" refers to a silvicultural practice, which in relation to a tract of forested land has the following elements:

- (a) trees selected for logging have trunks, that in cross-section, measured 1.3 metres above ground level, have a diameter (including bark) of 20cm or more (that is, a diameter at breast height over bark of 20 cm or more); and*
- (b) trees are selected for logging with the objective of ensuring that the sum of the basal areas of trees removed comprises no more than 40% of the sum of the basal areas of all trees existing immediately prior to logging within the net harvestable area of the tract.*

The Environment Protection Authority (EPA) who regulate Forestry Corporation NSW, writing on behalf of the Minister for the Environment, stated in May 2016, that Forestry Corporation's "intensive harvesting is outside the authorisation of the IFOAs".

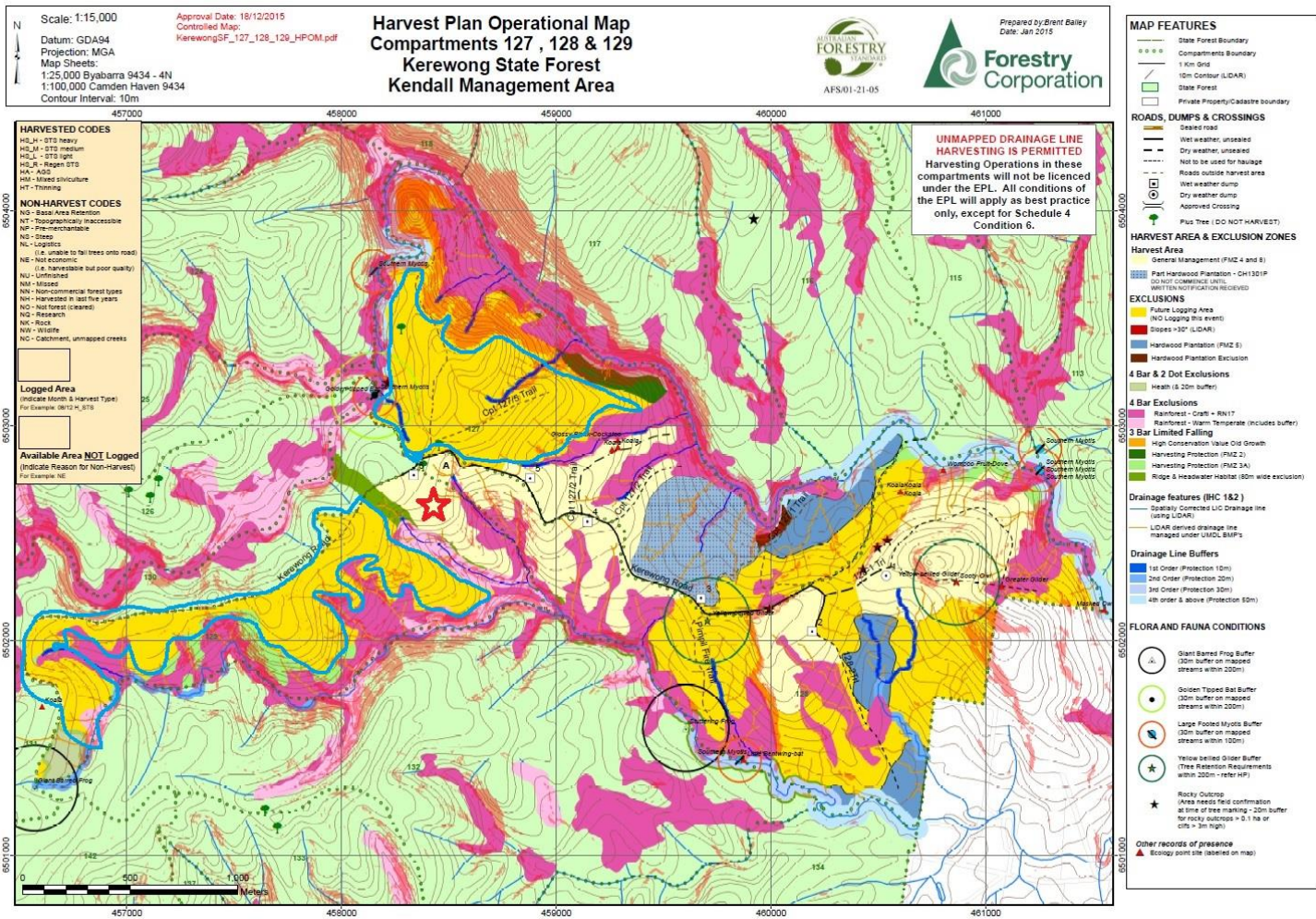
Letter from Gary Whytcross Director South and Forestry Environmental Protection Authority on behalf of Minister for the Environment, the Hon Mark Speakman SC MP to Ms Orrego of Nambucca Valley Conservation Association May 5 2016

EPA also state FC interpretation of STS is not consistent with Forestry Corporation's own silvicultural guidelines: "Thus clearfelling will not be used in New South Wales' native forests."

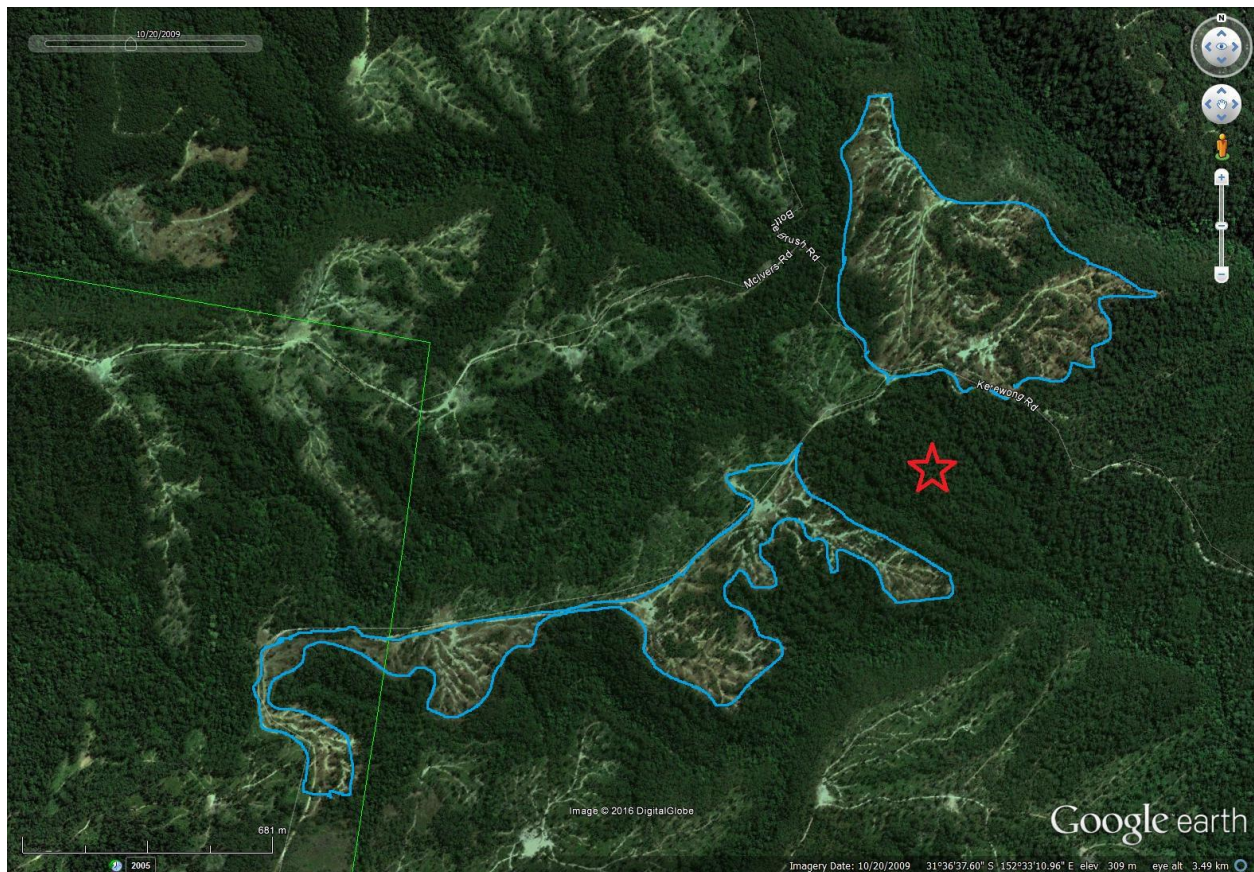
Forestry Corporation Native Forest Silviculture Manual Version 2 2015 Review date: 31/12/2018
Trim D00085147 Page 12

Ironically FC also call their intensive and clearfelling harvesting "Regeneration Harvesting"

Following is a case study of FC's illegal interpretation of STS in Kerewong State Forest:



Kerwong State Forest Compartments 127-9 - December 2015 Harvest Plan
 Pale yellow is logging area, Dark yellow is "offset" area called "Future Logging area".
 Note shape of blue line added and location of red star



Kerewong State Forest Oct 2009 Compartments 127-9

The so-called “Future logging area” (in blue line) logged just 6 years before.

Person



Kerewong State Forest March 2016 Compartments 127-9 “Single tree Selection – Medium”

Photo: Lyn Orrego

This is the scene taken at the red star  on previous pages

Biodiversity

Even small “gaps” or clearfells, reduce biodiversity by twice the amount as selective logging.

Gaps and Clusters Silviculture – similar to Australian Group Selection (AGS) – was rejected by the government of the day (1995) based on a scientific report which acknowledged that the north eastern forests of NSW have the richest faunal diversity outside the wet tropics.

“On the basis of available evidence, application of gaps and clusters could be expected to reduce the average abundance and variety of vertebrate fauna in logged forest areas by about 18-30% which is approximately twice the level of reduction evident in north-east forest areas which have been selectively logged in the past.”(1)

The impact of clearfelling on our forest dependent threatened species such as the koala is disastrous.

The number of koalas on the east coast of Australia declined by more than 40 per cent in the 20 years between 1990 and 2010. (2) And on the north coast they koalas populations have crashed by 50%.(3)

According to Ecologist David Milledge, “Clearfelling has a substantial adverse effect on biodiversity, reducing forest structure and floristics and severely disadvantaging forest-dependent vertebrate species requiring tree hollows for nesting and denning, and nectar, pollen and exudates for food. This is evidenced by the high proportion of such species listed as threatened under the *Threatened*

Species Conservation (TSC) Act 1995. It is diametrically opposed to Ecological Sustainable Development.”(3a) And “The practice is likely to lead to breakdowns in ecosystem functioning and an attendant exacerbation of Key Threatening Processes (*TSC Act 1995*) including the Invasion, Establishment and Spread of Lantana and Bell Miner Associated Dieback.”(3b)

References for this section:

(1) Gaps and Clusters Silviculture: How well does it balance wood production and biodiversity conservation? A Report by the Review Panel to the Ministerial Committee established to review the principles and application of the Gaps and Clusters technique: Peter Attiwill, Mark Burgman, Andrew Smith

(2)McAlpine, C, Melzer, A, Lunney, D, Foley, B, Adams-Hosking, C, Lawler, I, Whisson, D, Phillips, S, Kavanagh, R, Baxter, G, Gordon, G, et al. (2014). Working Group Workshop - Conserving koalas in the 21st century: synthesising the dynamics of Australia's koala populations. *Australian Centre for Ecological Analysis and Synthesis*. http://www.aceas.org.au/conserving_koalas_report.pdf

(3) Koala populations in NSW and Queensland fell 42% from 326,400 to 188,000 (a loss of 138,400 individuals) in the 20 years from 1990 to 2010. On current trends, koalas will be extinct in the wild in NSW by 2030. Habitat loss, fragmentation and degradation, predation (dogs and vehicle strike), disease, drought, climate change, and inbreeding are keys threats.

www.environment.gov.au/cgibin/sprat/public/publicspecies.pl?taxon_id=85104#population_information and http://www.aceas.org.au/conserving_koalas_report.pdf

(4a) Personal Communication to NCEC David Milledge Ecologist, Landmark Ecological Services May 2016

(4b) Brief report on a field inspection to demonstrate proposed changes to IFOA prescriptions designed to protect threatened species and their habitats during forestry operations, Compartment 10, Queens Lake State Forest, 30 June 2015 David Milledge July 2015

Note: Pages 9-21 of D Pugh’s Report Clearing Koalas Away (available on nefa website) I commend to you as part of this submission on this topic of excessive, illegal and intense/clearfell style logging, its scale and impacts especially on high quality koala habitat. All these statements are based on FC own data layer and documents received under GIPA process by the North Coast Environment Council on June 24 2017.

4. Comprehensive Adequate and Representative (CAR) reserve system NOT delivered

“As at 2004 an assessment of overall achievement of reserve targets for the upper and lower north-east shows that there is still a shortfall of over 670,000 ha (36%) in the attainment of the JANIS reserve targets for ecosystems within the formal reserve system. 282,000 ha of these unmet targets could be satisfied from public lands if the Government wanted to, though the balance would need to be sourced from private lands. If allowance is made for informal reserves on state forests and logging prescriptions then the shortfall in ecosystem protection is still over 410,000 ha, of which some 115,000 ha could be protected on public lands.”

From NEFA BACKGROUND PAPER CAR Reserves Prepared by: Dailan Pugh, 2014

And since this assessment in 2004 there has been 13 years of intensive logging degrading the values on a per hectare basis likely requiring many more hectares than quoted as being needed above, in order to deliver on the most fundamental promise of the National Forest Policy Statement 1992 and the objectives of the NE RFAs.

The point is: a scientifically based CAR Reserve system was promised, was an obligation (that is the definition of commitment) but has not been delivered.

7. A competitive timber industry has NOT been created

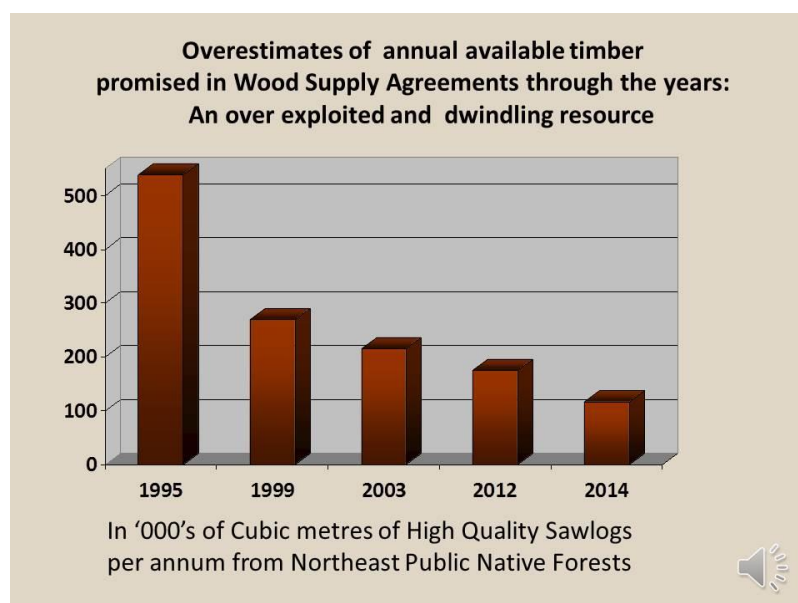
The state owned Forestry Corporation does not pay Local Government rates for the land from which they manage and allow timber extraction and then haulage over roads maintained by the ratepayers of the Local Government area. Timber businesses growing or sourcing timber from private land have had rates paid on that land. This alone puts the FCs business model into the unfair category as it provides an unfair advantage to them. Thus it is not a competitive industry.

The subsidy this provides to the FC is significant. For details see the below report which I support and commend to you in its entirety and which I ask you to consider as part of this submission.

Sweeney, O.F. (2016). Regional Forest Agreements in NSW: have they achieved their aims? The National Parks Association of NSW Inc, Sydney

The Local Government areas on the north coast struggling to fund road maintenance and sick of their roads being degraded by logging trucks (which cause 10,000 times the damage as a car) are now banding together to try to change this situation so roads can be kept in good order and users of those roads pay fairly for their maintenance and repair.

7B. An industry cutting itself out of a sawlog future



Figures drawn from D Pugh Background Paper The Battle for Sustainable Yields is Lost at www.nefa.org.au

The State and Federal governments must know that the quantities of timber committed to the timber industry have been and still are higher than what exists on the ground. Why else would FC be desperate to keep pushing to change the rules to allow more intensive logging, reduce buffers on headwater streams, reduce prescriptions for threatened forest fauna assessment and protection ... and do this relentlessly, and unfortunately quite successfully, through the life of the current RFA?

And why else would they now be proposing the draconian measure of building 3 wood-fired power plants on the north coast NSW (Grafton, Kempsey and Taree) to burn the so-called “residues” from logging operations? And bear in mind, those residues have to be trunks of trees, not heads and butts, and can include mature trees. In the Report, “North Coast Residues A Project Undertaken as part of the 2023 North Coast Forestry Project Dept primary Industries” it is stated (page 2) “that for the purposes of this report the residue available in native forests (public and private) is limited to logs meeting pulp specification only” and later on (page 3) that “logs meeting pulpwood specifications for an average mature tallowwood or flooded gum” showing clearly that large mature trees will be considered residues, will be chipped, pelletized then burnt in wood-fired power stations. That’s until they’re eliminated from the forest and only very young regrowth replaces it.

What was once mixed age, multi species complex and living ecosystems – the public native forest estate – is already largely stick forests with cutting cycles of as short as 5 years.

If this is the case as it seems to be and they do know the volumes promised throughout the current RFA and the volumes that are likely to be promised in any renewal of the RFAs are more than exists in the forests after they have met the other CAR reserve system and ESFM obligations, then any signing away of such non existent timber would constitute an outrageous raid of the public purse and even fraud, in that when the timber proves to be unavailable millions of dollars of compensation will be payable to the timber companies.

There have been many buybacks for timber that never existed during the current RFAs – such as paying Boral 12.9 million dollars of taxpayers money to buy back 50,000m³/year for 5 years of timber that couldn’t be supplied. The fact that at the same time as the Boral buy back Boral was given the right to the 50,000m³/year for after the 5 year period AND given that right extending out to 2028 leads to the well-based supposition that the overestimates and promises of timber quantities plus the compensation clauses in the RFAs are part of the governments’ plans to favour this uneconomic industry - the Hardwood native forest timber industry. This alone warrants a Royal Commission to investigate the drivers of this behaviour.



Lyn Orrego in Oakes SF cpt 392 with a 69m tall (was) Tallowwood tree stump of 2.4 m diameter
Logged April/May 2016. Photo taken October 2016

Thank you for your attention to my submission and any action you can take consistent with its concerns.

Sincerely,



Lyn Orrego
March 2 2018