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- Q1. **First name** Nick
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- Q6. **Postcode** [REDACTED]
- Q7. **Country** Australia
- Q8. **Stakeholder type** Other
- Q9. **Stakeholder type - Other**  
Political Party
- Q10. **Stakeholder type - Staff**  
not answered
- Q11. **Organisation name** Eurobodalla Greens
- Q12. **What is your preferred method of contact?** Email
- Q13. **Would you like to receive further information and updates on IFOA and forestry matters?** Yes
- Q14. **Can the EPA make your submission public?** Yes
- Q15. **Have you previously engaged with the EPA on forestry issues?** Yes
- Q16. **What parts of the draft Coastal IFOA are most important to you? Why?**  
See attached submission - Document 1
- Q17. **What parts of the draft Coastal IFOA do you think have a positive outcome on the management of environmental values or the production of sustainable timber? Why?**  
not answered

**Q18. What parts of the draft Coastal IFOA do you think have a negative outcome on the management of environmental values or the production of sustainable timber? Why?**

not answered

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**Q19. What are your views on the effectiveness of the combination of permanent environmental protections at the regional, landscape and operational scales (multi-scale protection)?**

not answered

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**Q20. In your opinion, would the draft Coastal IFOA be effective in managing environmental values and a sustainable timber industry? Why?**

not answered

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**Q21. General comments**

not answered

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**Q22. Attach your supporting documents (Document 1)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Q23. Attach your supporting documents (Document 2)**

not answered

**Q24. Attach your supporting documents (Document 3)**

not answered

## Submission to the NSW Coastal IFOAs review July 2018

### Eurobodalla Greens

Thank you for the opportunity to comment on the proposed Coastal IFOAs covering an area which totally includes Eurobodalla Shire. These comments relate to all the 3 NSW coastal areas. They are based on the extensive history of forest conservation undertaken by our members over decades with added insights from the NSW Greens Forests Policy, the Environmental Defenders Organisation (EDO) NSW and the National Parks Association (NPA) NSW.

#### **At the outset we assert that there should be no more logging in the native forests of NSW.**

Eurobodalla Greens object to the whole premise that a new IFOA will be signed into agreement. Public consultation arising from this premise is not credible as the outcome is pre-determined.

It is far better to seize this moment and use the end of the Regional Forest Agreements as a “trigger for a just exit from logging that would be both economically and environmentally clever.”

<https://npansw.org/wp-content/uploads/2018/06/Forests-For-All-Case-For-Change.pdf>

The National Parks Association NSW document, Forests For All, officially launched on 20<sup>th</sup> June 2018 sets out the comprehensive case for this transition. There is no point in our submission repeating all the points in this document as the EPA will no doubt be examining it in detail as part of the review process.

However, the Eurobodalla Greens offer the following points of relevance to the review process as a whole:

#### **1 The failure of accountability has destroyed public confidence in the ability of the land manager, Forestry Corporation NSW, over the past 20 years.**

The promised 5 yearly reviews of the effects of the current RFAs have either occurred in a very untimely manner OR not occurred at all. This failure to adhere to review practices in the field has meant that the public cannot see evidence of adherence to the principles of Ecologically Sustainable Forestry Management (ESFM) although the implementation and monitoring of these principles are specifically referred to on page 7 of the consultation draft of Coastal IFOA Conditions, May 2018. Furthermore, there is no scientific evidence to support the case for a further 20 year period of industrial logging. Indeed the community has witnessed continual breaches of approved harvest plans by logging contractors. For example, see the photo on the following page taken just above the headwaters of the Tomaga River, Mogo SF.

On June 22<sup>nd</sup> 2018 the State Government has pushed through Parliament a bill to increase the intensity and geographical spread of logging operations in NSW. Under these new laws, even for selective logging, the requirement is now to retain only 10 square meters of trees per hectare logged. (That is only 0.1% of the total area – virtual clearfelling) Currently in the Batemans Bay area FCNSW leaves a minimum of 10 trees per hectare plus stream buffers ranging from 10 to 50 metres depending on the size of the stream. Under the proposed RFAs stream buffer sizes would be **at least** halved in order to increase compartment yields. Given past performance, the public can expect a similar disregard for timeliness and thoroughness in reviews of any future RFAs. This is completely unacceptable given the intention to intensify logging regimes.

Then, on June 25<sup>th</sup> only 3 days, later the 'Independent Review' of NSW's Regional Forest Agreements was tabled in the Commonwealth Parliament. The Independent Review noted that the first five year review of the current IFOA was nine years late, the second one was 8 years late and now the third one is 3 years late. The Reviewer considered this reflects poorly on the "transparency, commitment and accountability" of the RFA process. The Eurobodalla Greens consider it to be a gross example of a negligent anti-evidence bias of the IFOA proposal and extraordinary insincerity and cynicism to be now asking for another 20 years (see Point 5 for more on the Independent Review).



Lack of sediment control post logging in Mogo State Forest -35.767725,150.188752

**2 It is unacceptable that the current limited collection of scientific data on threatened species will be even further diminished or not collected at all.**

The requirement for pre- **and post**-logging fauna and flora surveys should be strengthened and not diminished as is proposed for the next 20 years. As it is, the current under-resourcing of FCNSW ecologists results in inadequate pre-logging fauna and flora surveys in the field. For instance, the FC ecologist tasked with surveying the 400 hectares of compartments 147 and 148 Mogo SF was given just 20 hours in the field (1 hour per 20 hectares). Following these official FCNSW fauna surveys of the above compartment, a community led spotlighting walk discovered 2 Greater Gliders and 2 Yellow Bellied Gliders in an area where the ecologist had neither the time nor inclination to explore. (These individuals were duly recorded on the NSW BioNet Atlas). Clearly the FCNSW surveys were deficient in scope and quality and paid lip service to the requirement of FCNSW to comprehensively survey forests pre-logging for threatened and endangered species.

Citizen Science initiatives like the above should be promoted by FC to supplement the work done by its own overworked ecologists.

For example visit <https://atlas-budawangcoast.naturemapr.org/> and <https://atlasoflife.org.au> to see the explosion of interest in citizen science on the South Coast.

Harvest Plans need to be publicized widely and with enough time for members of the community to verify Threatened Species (TS) records and survey the compartments themselves especially at night when arboreal mammals are active and FCNSW staff are prevented from venturing off the vehicle tracks due to OHS factors.

Apart from these issues, under-resourcing has forced FCNSW to rely increasingly on so-called desktop reviews. These reviews are only as good as the data bases which are consulted. As such reliance on desktop surveys alone or even in part is at best barely adequate and at worst, negligent and culpable.

Furthermore, the reliance on in-house FC ecologists creates a conflict of interest within FCNSW because there is inherent bias in minimising the discovery of species which might trigger exclusion zones thereby reducing harvest volumes from any individual compartment.

In the light of these points we support the calls by the EDO that:

*“The Government should examine a broader range of measures to improve survey methods based on experience, assisted by OEH, the NRC or independent ecologists.*

*A precautionary approach must inform IFOA measures to protect threatened species.*

*New processes should be developed to encourage communities to share their local ecological knowledge with regulators in order to enhance protection and outcomes.*

*The Government should investigate how ecological survey data can be captured for publication, research and re-use within and outside government.*

*The review of the Threatened Species Licence framework by the Forest Practices Authority of Tasmania should be conducted jointly with OEH or independent ecologists.”*

<https://www.epa.nsw.gov.au/-/media/0F90838609F3423A900DF225F84FED1E.ashx?la=en>

### **3 The Paris Climate Accord of December 2015 demands that native forests be acknowledged in national carbon accounting practices**

The important role that our native forests play in capturing and storing carbon has only recently been understood. The proposed IFOAs do not even acknowledge this role, let alone how critical it could be in meeting our commitments under the Paris Accord.

A report entitled ‘Green Carbon – the role of natural forests in carbon storage’ puts it like this:

“The colour of carbon matters. Green carbon is the carbon stored in the plants and soil of natural ecosystems and is a vital part of the global carbon cycle”.

This report is the first in a series that examines the role of natural forests in the storage of carbon, the impacts of human land use activities, and the implications for climate change policy nationally and internationally.” <https://press.anu.edu.au/publications/green-carbon-part-1>

The IFOAs need to address the carbon credits potential of our forests before proposing any logging regimes. As such, they are seriously deficient in addressing all of the objectives of the Forestry Act 2012 (NSW), namely:

(b) to have regard to the interests of the community in which it operates,

(c) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the Protection of the Environment Administration Act 1991,

(Division 2 Objectives and functions of Forestry Corporation)

#### **4 Lack of 3<sup>rd</sup> party civil enforcement is out of step with the rest of the country and makes a mockery of accountability.**

The ability of the community to seek remedies and bring about environmental justice in the face of breaches of the operating licences is a critical step that is absent in current policy and ignored by the proposed IFOAs. This equivalent right has been used this year in Victoria to rein in the excesses of Vic Forests when it attempted to illegally log in old growth forest and Leadbeater Possum habitat. Given the extent of documented breaches by FCNSW compiled by the NSW EPA, the puny number of prosecutions is appalling. It leaves the community disempowered and angry. This in turn fuels conflict and confrontation in a space where recourse to justice is desperately needed. If the Government is serious about harmony in the forests it will act to reinstate 3<sup>rd</sup> party civil enforcement in NSW.

Furthermore the Eurobodalla Greens support the policy of Greens NSW in “Strengthening legislation that protects biodiversity, such as the Threatened Species Conservation Act 1995 and the Native Vegetation Act 2003 and take legal action against agencies, including State Forests, that contravene species protection legislation”.

Similarly it is unbelievable that the FCNSW is exempt from the provisions of the federal Environment Protection and Biodiversity Conservation Act 1999. Until this anomaly is corrected, forestry operations in NSW stand as a mockery of environmental protection of native flora and fauna.

In a bizarre salute to the worst Orwellian manipulation of the law by FCNSW, the Conditions of the current and proposed IFOAs specifically **authorise FCNSW to harm threatened species and threatened ecological communities!**

In section 16.2:

“The ***biodiversity conservation licence*** authorises ***FCNSW*** and any ***authorised person***, to carry out any ***forestry operation*** in accordance with the ***approval*** that is likely to result in one or more of the following:

(a) ***harm*** to any ***protected animal***;

(b) ***harm*** to any ***animal*** that:

- i. is, or is part of a ***threatened species*** or ***threatened ecological community***; and
- ii. is listed or considered by **Protocol 31...**” etc

With the use of this legal defence it is virtually impossible to secure convictions for even gross transgressions made during logging operations. It excuses the sloppy management of **publicly owned** forests and is a veritable carte blanche for bad logging behaviour locked in for the duration of the IFOAs

**5 The tabling of the 'Independent Review' of NSW's Regional Forest Agreements in the Commonwealth Parliament on 25 June 2018 has brought to light a whole raft of serious concerns.**

For example, of the 5,425 submissions to the Independent Review only 23 supported the Government's proposal to extend the RFAs for 20 years and give additional five-year rolling extensions after each future five-yearly review, and nearly all these were from the industry.

The Review noted 'The majority of submitters would like the State to cease native forest logging on public land, indicating it damages biodiversity, environmental values and environmental services such as water, carbon capture and amenity, and provides a low economic return'. Furthermore the Reviewer identified that only 110 of the 200 commitments given in the current RFAs have been achieved. We would argue that this is a very conservative estimate.

Without addressing these and many other community concerns about the proposed IFOAs, successive NSW Governments can only expect another 20 years of conflict in the State Forests of NSW.

Gillianne Tedder  
William A Douglas  
Co-Convenors  
Eurobodalla Greens

NSW