

NORTH EAST FOREST ALLIANCE

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3 January 2022

The Hon. James Griffin
Minister for Environment
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Dear Minister,

I write to express my disgust with the Forestry Corporation's (FCNSW) application of the recommendations of the Natural Resources Commission's (NRC) report 'Final report Coastal IFOA operations post 2019/20 wildfires, June 2021', and to ask you to please fulfil your responsibilities and take action to ensure its minimalist recommendations are immediately implemented. Better late than never.

Minister, we write to you and not the EPA because this is clearly your personal responsibility, and not the EPAs because there are as yet no legal obligations to be complied with and thus they will do nothing. It's up to you. In summary:

- 1. it is now over 6 months since the NRC report was provided to your predecessor, Matt Kean, and the Forestry Minister, and it appears that no action has been taken. It is clear that FCNSW are not implementing NRC's minimal recommendations, except occasionally in a half-hearted manner. The intent was for urgent action to be taken in response to the fires to reduce serious and irreversible environmental harm from the compounding impacts of logging, why then has the Environment Minister not fulfilled his responsibility to reduce environmental impacts from logging, and will you do so now? Is the NSW Government waiting for the remaining year to expire so as to avoid doing anything?*
- 2. it is astounding that FCNSW are still logging in the extreme risk Taree MA in full knowledge they are causing serious and irreversible harm, contrary to the recommendation of the NRC, and that the responsible NSW Minister for the Environment is allowing them to. Will you please make them stop?*
- 3. it is apparent that FCNSW started logging in Wild Cattle Creek SF in the High Risk Dorrigo MA after the NRC report was provided to the Ministers, without applying any of NRC recommendations. FCNSW now identify the logging as suspended, will you now ensure it doesn't restart until the NRC recommendations are fully complied with?*
- 4. in Camira SF FCNSW are pretending to implement the NRC recommendation, but have shown complete contempt for the intent to protect forest 'mapped as unburnt, low and moderate severity' as post-fire habitat for temporary refuges by selecting the most heavily burnt and most recently logged forests as 'Fire Offsets' while excluding the unburnt and low severity areas. FCNSW are bereft of any shred of ecological integrity. What are you going to do about it?*
- 5. it is disgusting that FCNSW have re-released their 2019 harvesting plan for the Koala hotspot of compartments 6 and 7 Camira SF, despite widespread intensive burning of existing exclusions and NEFA's identification of Koala fire refuges, without identifying any LLA Fire Refuges what-so-ever. Will you allow them to get away with treating Koalas with such contempt?*
- 6. for the future of NSW's numerous hollow-dependant animals it is essential that you immediately direct FCNSW to implement the NRC recommendation to restore 8 hollow-*

bearing trees per hectare throughout native forests, with 2 recruitment trees for each tree retained as a hollow-bearing tree. These trees need to be selected from the largest healthy trees in the stand to have a chance of developing hollows in the required timeframes. To achieve this you need to ensure that replacement and recruitment trees are clearly defined and capable of legal enforcement.

- 7. it is apparent from the cited examples of Camira, Yarratt, Wild Cattle Creek, Cherry Tree and Braemar State Forests that until you require the retention of replacement and recruitment hollow-bearing trees that FCNSW will not abide by this recommendation of the NRC.*

The Government has suppressed the NRC report since June as FCNSW continued business as usual, despite the risk of serious and irreversible harm to environmental values from the cumulative impacts of fire and harvesting.

The NRC notes:

To address these concerns, the Commission recommends the following interim arrangements be adopted while the NSW Government fast-tracks the recommended condition and protocol.

the NSW Government request in writing that FCNSW:

- continues with existing forestry operations under SSOCs or the Coastal IFOA with FCNSW's additional supplementary measures in management zones classified by the Commission as medium or high risk, but harvesting in these operations must cease within six months, after which interim arrangements must be voluntarily adopted (described in the following point)*
- for all other forestry operations, adopt on a voluntary basis the risk assessment process, including fieldwork, and additional measures for planned or new forestry operations in management zones classified as medium and high risk, and apply until a new condition and protocol is adopted*

The general thrust is to require increased retention of unburnt and partially burnt forests for 3 years post fire, taken to mean until February 2023, depending on the assessed risk on a Management Area basis. The only long-term change NRC recommends, in response to the widespread loss of hollow-bearing trees, is improved protection for hollow-bearing trees and a resurrection of 'recruitment' trees.

Minister, it is now over 6 months since the NRC report was provided to your predecessor, Matt Kean, and the Forestry Minister, and it appears that no action has been taken. It is clear that FCNSW are not implementing NRC's minimal recommendations, except occasionally in a half-hearted manner. The intent was for urgent action to be taken in response to the fires to reduce serious and irreversible environmental harm from the compounding impacts of logging, why then has the Environment Minister not fulfilled his responsibility to reduce environmental impacts from logging, and will you do so now? Is the NSW Government waiting for the remaining year to expire so as to avoid doing anything?

Taree Management Area Suspension?

The NRC identified 3 forestry Management Areas, including Taree, as being at 'extreme risk' "of serious and irreversible harm to environmental values from the cumulative impacts of fire and harvesting", recommending that logging "must be temporarily suspended for three years from the time of fire".

Despite the extreme risk and contrary to the recommendation, on 26 July 2021 FCNSW started logging 1,187ha of Yarratt State Forest (SF) in the Taree MA, and are currently preparing plans to log 1,211 ha of the balance of Yarratt, and start logging in Kiwarra SF, in February. It is

reprehensible that FCNSW are intending to comprehensively log the only unburnt SF in the Taree MA.

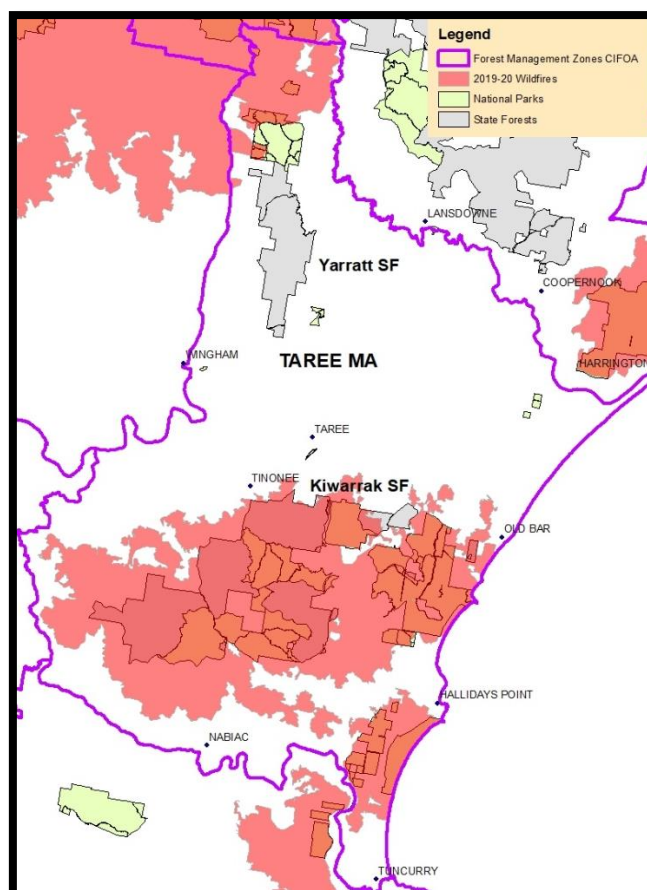


Fig 1: Extent of 2019/20 fires in the Taree Management Area, with locations of approved and proposed harvesting plans identified.

Minister, it is astounding that FCNSW are still logging in the extreme risk Taree MA in full knowledge they are causing serious and irreversible harm, contrary to the recommendation of the NRC, and that the responsible NSW Minister for the Environment is allowing them to. Will you please make them stop?

Dorrigo Management Area Fire Offsets?

The NRC identify 6 MAs as High Risk where 75% of a Local Landscape Area (a group of compartments) is required to be protected until 2023, this includes Dorrigo and Glenn Innes MAs on the north coast. The NRC identify “priority post-fire habitat for temporary refuges is forest mapped as unburnt, low and moderate severity”, and “No more than 25 percent of the local landscape area can be logged”. Further to this:

In the 25 percent of each local landscape area where harvesting is allowed:

- the operations must be conducted in accordance with the distribution, return time, adjacency and other limits specified in conditions under Division 2 of the Coastal IFOA conditions
- pre- and post-harvest burns are not allowed
- limited mechanical disturbance of groundcover or understorey to manage weed infestations or overstorey regeneration failure is permitted

Logging operations are identified as starting in compartments 39, 40, 42 and 44 of Wild Cattle Creek in the Dorrigo MA on 1 July 2021 and are still described as active in the FCNSW Plans Summary Report, though their map of plans have recently changed the status to ‘suspended’. The harvesting plan was prepared 11 March 2021 and was not updated to account for the NRC recommendations.

Minister, it is apparent that FCNSW started logging in Wild Cattle Creek SF in the High Risk Dorrig MA after the NRC report was provided to the Ministers, without applying any of NRC recommendations. FCNSW recently identified the logging as suspended, will you now ensure it doesn't restart until the NRC recommendations are fully complied with?

Casino Management Area Fire Offsets?

The Casino Management Area is further considered herein as an example of how FCNSW are implementing the NRC recommendations in Medium Risk areas. The Casino MA is one of 11 identified by the NRC as being of Medium Risk, for which they propose for each Local Landscape Area temporary retention of additional areas equivalent to areas in existing exclusions that have been affected by high and extreme severity fire that have not met a "spectral recovery threshold", as well as requiring increased protection for hollow-bearing trees and their recruits.

It is surprising that the Casino Management Area was only given an overall ranking of Medium Risk given that most State Forests were burnt in the 2019/20 fires. It is particularly reprehensible that the extensively and severely burnt forests of the Richmond lowlands are lumped in with unburnt forests to reduce their ranking from what should have been extreme to medium.

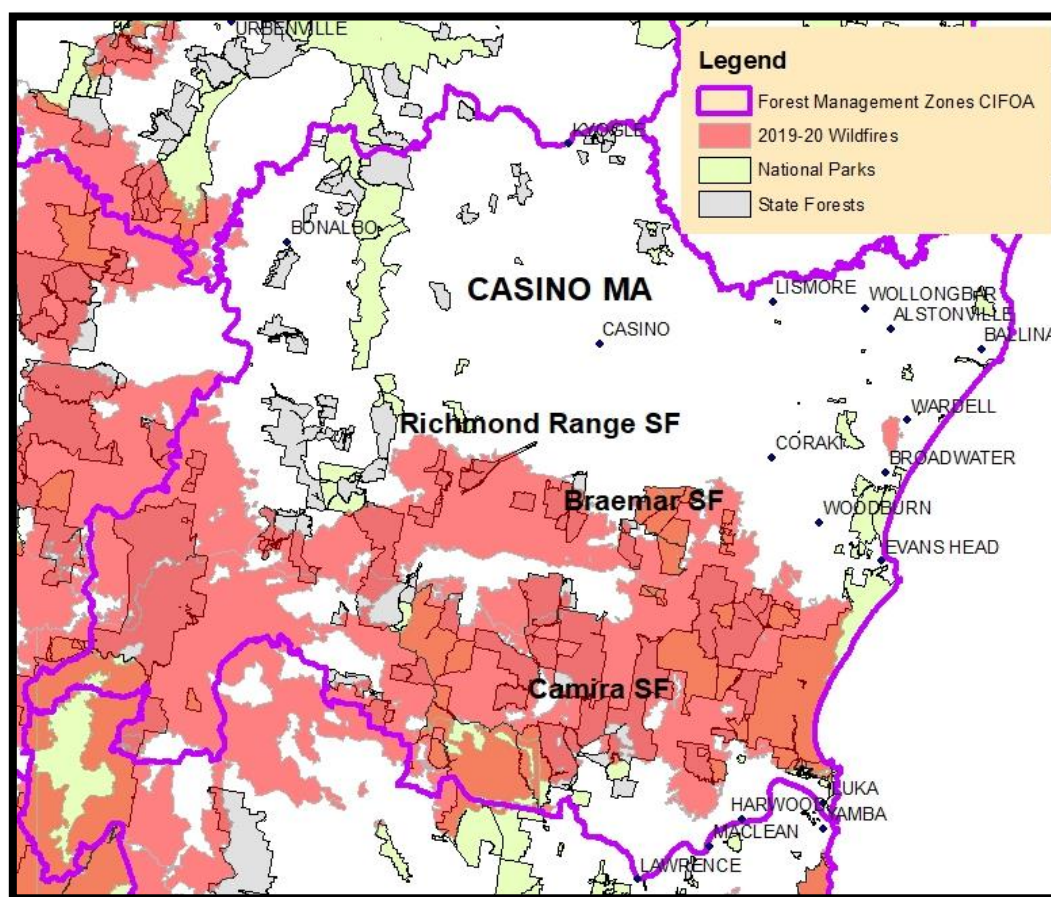


Fig 2: Extent of 2019/20 fires in the Casino Management Area, with locations of approved harvesting plans identified.

For Medium Risk MAs NRC propose:

Temporary refuges in priority post-fire habitat are retained across the local landscape area equivalent in size to the area of mapped exclusions affected by high and extreme severity fire that have not met the spectral recovery threshold ($\geq 80\%$ and $< 100\%$).

Mapped exclusions, and wildlife habitat and tree retention clumps are retained in accordance with standard Coastal IFOA prescriptions.

Priority post-fire habitat for temporary refuges is forest mapped as unburnt, low and moderate severity, except for local landscape areas dominated by obligate seeders such as alpine ash where priority post-fire habitat for temporary refuges is unburnt and low severity fire areas. This should be guided by fire refugia mapping (as mapped by the Commission for this review, see Box 8).

Within temporary refuges, the following are suggested for prioritisation with the retained area:

- areas adjacent to existing exclusions or clumps
- an additional 20-metre buffer on class 3 streams
- unburnt areas then lightly burnt areas showing stronger vegetation recovery.

If there is insufficient forest mapped as unburnt, low and moderate severity to meet the temporary refuge retention requirement, forest showing strong recovery can also be retained to meet the requirement (i.e. areas that experienced high or extreme severity fire that have met or exceeded the spectral recovery index threshold ($\geq 80\%$ and $< 100\%$), except for local landscape areas dominated by obligate seeders (for example, alpine ash) where areas of moderate, high or extreme severity classes that have met the spectral recovery index threshold could be considered)).

The minimum size requirement for temporary refuges is 0.5 hectares. There is no maximum size requirement. Note: the intent is to retain priority post-fire habitat where it exists across the local landscape area, especially areas where ecological structure and function are high.

In the proportion of the local landscape area where harvesting is allowed, the operations must be conducted in accordance with the distribution, return time, adjacency and other limits specified in conditions under Division 2 of the Coastal IFOA conditions.

In alpine ash forests, such as in the Bago-Maragle management zone, the Coastal IFOA requirement to retain all dead standing trees in the net harvest area under Condition 64.2(b) does not apply. However, large (> 30 cm DBH and > 3 metres tall) dead standing trees including with hollows should be retained at a rate between 2-5 per hectare. If there has been a large mortality event following the fires and there are no living hollow-bearing trees, large dead standing trees with hollows (if available or without if not available) should be retained at a rate of 10 per hectare.

If a broad area habitat search or a targeted flora or fauna survey has not been conducted since the wildfire event, these must be conducted prior to the harvesting operation in accordance with requirements in the standard Coastal IFOA prescriptions.

For a minimum period of 10 years, retain 2 recruitment trees per hollow-bearing tree required to be retained under standard Coastal IFOA prescriptions. If 8 hollow-bearing trees per hectare are not available retain suitable substitutes (in priority order: potential future hollow-bearing tree, largest mature tree in the stand, regrowth tree that is not suppressed). Hollow-bearing trees and recruitment trees can be retained in clumps or individually across the net harvest area.

There are currently 3 approved harvesting plans for the Casino MA, in Braemar, Camira and Richmond Range SFs. Richmond Range SF escaped the 2019/20 fires, though both Braemar and Camira were extensively burnt, with widespread severe burning.

Of these, only the plan for compartments 7-11 of Camira SF makes a token attempt to comply with the NRC recommendations. It maps what it claims are Local Land Area (LLA) Fire Offsets. The NRC identify "*priority post-fire habitat for temporary refuges is forest mapped as unburnt, low and moderate severity*". When the Camira LLA Fire Offsets are compared to the NRC identified 3 priorities for selection:

1. **areas adjacent to existing exclusions or clumps:** as obvious from Fig 3 the LLA Fire Offsets are not adjacent to existing Wildlife clumps and avoid the bulk of the existing exclusions – those included appear to be incidental.
2. **an additional 20m buffer on class 3 streams:** this (ie a 50m buffer) would result in the protection of 4.18 ha outside existing exclusions, though only 0.62 ha has been included in the LLA Fire Offsets – which would appear to be incidental.
3. **unburnt areas then lightly burnt areas showing stronger vegetation recovery:** as obvious from Fig 4 the unburnt and lightly burnt area in the south-east of the compartments have been studiously avoided, instead the most heavily burnt areas and those logged in 2005 appear to have been the areas preferentially chosen – the most heavily disturbed areas have been preferentially selected.

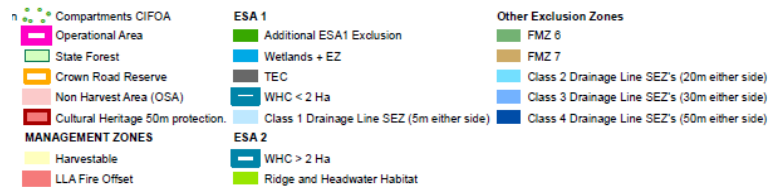
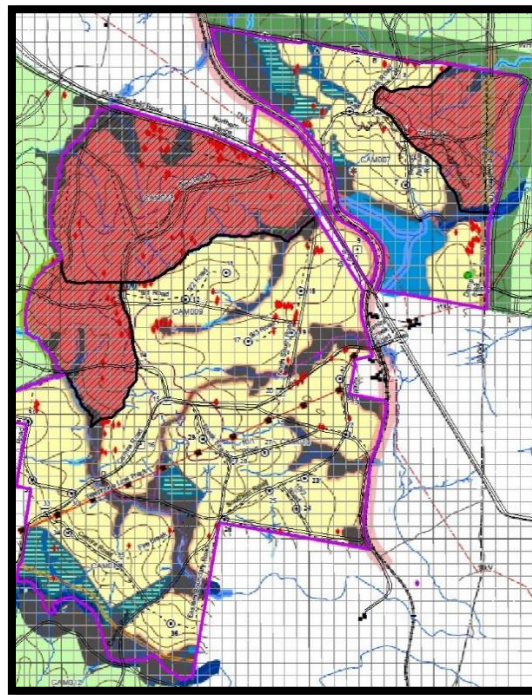


Fig 3: Extract from Harvesting Plan for compartments 7-11 Camira SF, showing the lack of correspondence of “LLA Fire offset” with existing exclusions (areas outside the yellow net logging area) and clumps (WHC > 2ha).

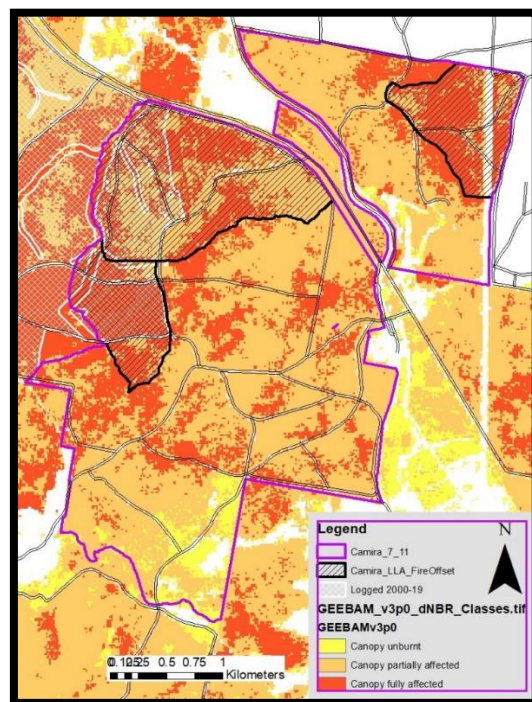


Fig 4: map showing burn severity and recent logging (2005) overlaid with FCNSW's 'LLA Fire Offsets'. This clearly shows that FCNSW have selected those offsets most severely burnt and most recently logged, while avoiding those areas mapped as unburnt and 'canopy unburnt' in the south-east of the compartments.

Minister, in Camira SF FCNSW are pretending to implement the NRC recommendation, but have shown complete contempt for the intent to protect forest 'mapped as unburnt, low and moderate severity' as post-fire habitat for temporary refuges by selecting the most heavily burnt and most recently logged forests as 'Fire Offsets' while excluding the unburnt and low severity areas. FCNSW are bereft of any shred of ecological integrity. What are you going to do about it?

FCNSW have only recently added compartments 6 and 7 of Braemar SF back onto the proposed logging lists, after dropping them in 2019, with logging scheduled to start on 14 November 2022. In another display of breathtaking ecological contempt they are relying on the 2019 plan prepared before NEFA's extensive Koala searches and the 2019/20 fires. After finding evidence of a regionally significant Koala population inhabiting the area NEFA made requests to the Premier (30 July 2019) and your predecessor Matt Kean (9 August 2019) to intervene to protect the significant Koala population we found.

FCNSW's response was to prepare a new harvesting plan under the new CIFOA rules in August 2019. In September 2019 we reviewed the Wildlife and Habitat Tree retention clumps, pointing out a variety of deficiencies, including that in contravention of the selection criteria these included an area of 2ha previously identified as a 20m buffer around an area of extreme erosion. NEFA are thus incredulous that such a blatant rort has been allowed to be retained.

NEFA then began preparing a reserve proposal '[Proposed Sandy Creek Koala Park](#)' covering 7,000 ha of State forests (including Braemar SF), for what was undoubtedly a regionally significant Koala population. The situation dramatically changed on the night of 8 October 2019 when the Busby's Flat fire burnt most of the proposal, eliminating Koalas from the most heavily burnt forests. After the fires drought persisted for two and a half months. NEFA's assessment of the impacts of the 2019 wildfire and drought on the proposed Sandy Creek Koala Park indicates the loss of 78-89% of Koalas and a surviving population of just 38-76 Koalas.

NEFA continued to undertake Koala scat searches after the fires, finding surviving Koalas and vainly asking Matt Kean to intervene to provide them with support. We put water out in places, though due to the ongoing drought they continued to decline. In August 2020 NEFA completed its '[Proposed Sandy Creek Koala Park](#)', documenting the effects of the fires on Koalas and identifying the economic benefits of protecting the forest, which was forwarded to Matt Kean.

We are thus shocked and disgusted that FCNSW have resurrected their 2019 harvesting plan for compartments 6 and 7 Braemar SF unchanged, without even incorporating the NRC recommendations.

We are disappointed that FCNSW have not reconfigured the locations of their Wildlife and Habitat Tree clumps in response to NEFA's Koala records, particularly post fire, as well as their rort of including an erosion gully as a habitat tree clump (Fig 5).

It is evident (Fig 6) that the existing exclusions were severely burnt, and thus in accord with the NRC recommendations there is a need to identify "*priority post-fire habitat for temporary refuges is forest mapped as unburnt, low and moderate severity*". In this case there needs to be extensive protection of moderate fire severity areas, which is where we found surviving Koalas, yet not a single additional hectare is proposed for retention as LLA Fire Offsets. This illustrates FNSW's utmost contempt for both Koalas and fire impacts.

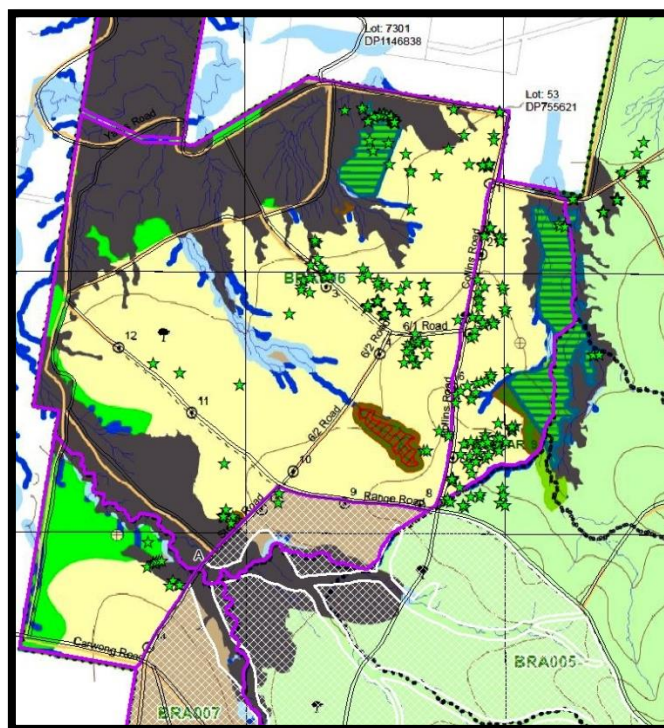


Fig 5: Detail of harvesting plan for compartments 6 and 7 of Braemar SF, with overlays of NEFA Koala records (green stars) and 2006 logging (white hatching).

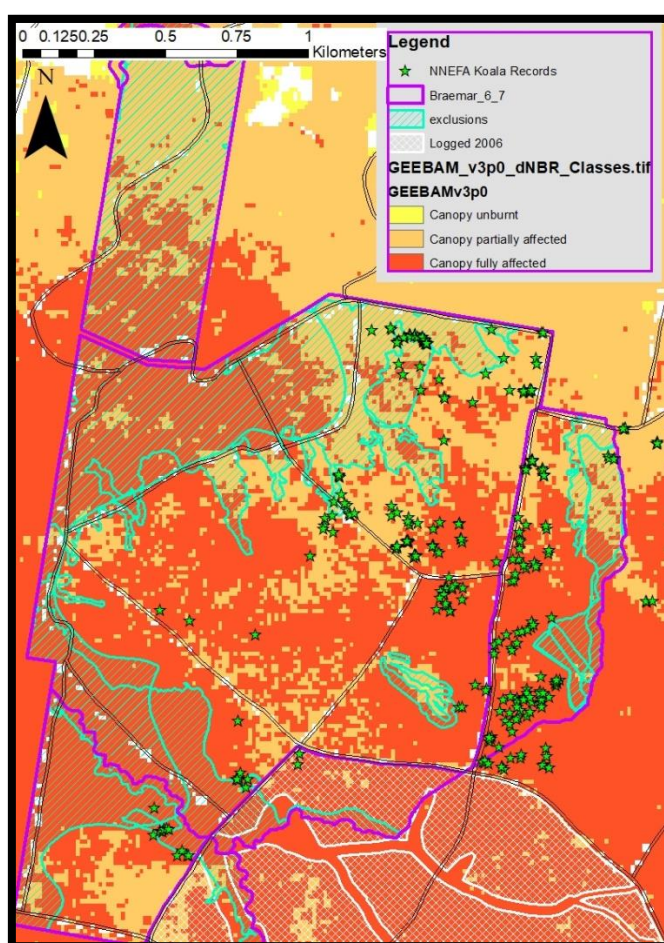


Fig 6: map showing burn severity and recent logging (2006) overlaid with FCNSW's mapped exclusions. The extensive intense burning clearly shows the need to FCNSW to have selected the least intensively burnt areas as LLA Fire Offsets, yet not a single additional hectare is proposed for retention.

Minister, it is disgusting that FCNSW have re-released their 2019 harvesting plan for the Koala hotspot of compartments 6 and 7 Camira SF, despite widespread intensive burning of existing exclusions and NEFA's identification of Koala fire refuges, without identifying any LLA Fire Refuges what-so-ever. Will you allow them to get away with treating Koalas with such contempt?

Hollow-bearing tree retention:

The only long-term change to the logging rules recommended by the NRC was:

The Commission has proposed temporary additional measures relating to hollow-bearing trees and recruitment trees for medium and high-risk zones. However, the Commission considers the following measures could also enhance the standard Coastal IFOA prescriptions:

- *retain a minimum of eight hollow-bearing trees per hectare where they exist (as per the requirement in the standard Coastal IFOA prescriptions)*
- *if hollow-bearing trees are not available, then retain suitable substitutes, in priority order being, potential future hollow-bearing trees, the largest mature tree in the stand or a regrowth tree that is not suppressed*
- *retain two recruitment trees per retained hollow-bearing tree*
- *adopt the FCNSW guidance material for hollow-bearing trees with expanded content to cover recruitment and substitute hollow-bearing trees and other forest types if relevant or other suitable guidance developed in conjunction with FCNSW*
- *recruitment trees can be retained in clumps*
- *hollow recruitment trees should be recorded and retained if they are outside of clumps*
- *at subsequent logging events these trees should be retained or replaced if they are no longer present.*

It is clear that the NRC consider that this change should be permanent and applied across all native State forests.

The NRC recognised:

The Coastal IFOA standard prescriptions do not provide effective retention of feed and habitat trees, including recruitment trees in timber harvest areas of state forests, to support the persistence of species dependent on these resources in a severely fire-affected landscape

Explaining:

... there is evidence that trees retained on logged sites have higher rates of mortality and collapse than trees in comparable unlogged sites and the mortality and collapse of trees retained in logged sites increases with logging intensity and the severity of post-logging fire.

To be effective, the retention of hollow-bearing trees and recruitment trees must be permanent.

Most importantly they need to be restored where they have been depleted:

... Advice received from the EPA and FCNSW during this review indicates that in some forests hollow bearing trees do not exist at [eight hollow-bearing trees per hectare] and the resource may be limited or non-existent. Our review also suggests that after the extensive and severe fires the hollow-bearing tree resource is at risk of loss.

For additional tree retention the NRC identify "if hollow-bearing trees are not available, then retain suitable substitutes, in priority order being, potential future hollow-bearing trees, the largest mature tree in the stand or a regrowth tree that is not suppressed". The NRC provide no definition for "potential future hollow-bearing trees", it is thus a vague term that could apply to almost any live

tree. The NRC “adopt the FCNSW guidance material for hollow-bearing trees with expanded content to cover recruitment and substitute hollow-bearing trees and other forest types if relevant or other suitable guidance developed in conjunction with FCNSW”.

The NRC cite the FCNSW document ‘Tree retention guidance South Coast and Eden, Coastal IFOA Implementation’ as the standard for identification of hollow-bearing trees, though this could not be found online. The EPA do have a reference document ‘[Coastal IFOA Guidance: Guidance for the identification of hollow-bearing trees](#)’, so it is surprising it was not used. The EPA document, and presumably the FCNSW document, provide no guidance as to what trees qualify as replacements or recruits.

The need for recruitment trees was abandoned in the 2018 CIFOA, though the definition prior to then would be the most appropriate for both replacement and recruitment trees. The pre-2018 definition in the Threatened Species Licence (TSL) was that they are “*not suppressed prior to harvesting and has good potential for hollow development and long term survival*” and that they have as many of the following characteristics as possible (Sec. 5.6.1. e):

- i. *belong to a cohort of trees with the largest dbhob,*
- ii. *located such that they result in retained trees being evenly scattered throughout the net logging area,*
- iii. *good crown development,*
- iv. *minimal butt damage,*
- v. *represent the range of hollow-bearing species that occur in the area.*

Both NEFA and the EPA found that under the TSL the most frequent and widespread breaches related to FCNSW failure to identify, retain and protect trees that met the legal definition of recruitment trees. This emphasises the need for a clear legally-enforceable definition that is capable of clear recognition and enforcement. As demonstrated herein, FCNSW can not be trusted to voluntarily protect recruitment trees, meaning you need to alter the logging rules (CIFOA) as soon as possible, and make it a compliance priority for the EPA, to ensure a modicum of protection.

Minister, for the future of NSW’s numerous hollow-dependant animals it is essential that you immediately change the CIFOA, and direct FCNSW, to implement the NRC recommendation to restore 8 hollow-bearing trees per hectare throughout native forests, with 2 recruitment trees for each tree retained as a hollow-bearing tree. These trees need to be selected from the largest healthy trees in the stand to have a chance of developing hollows in the required timeframes. To achieve this you need to ensure that replacement and recruitment trees are clearly defined and capable of legal enforcement.

The harvesting plan for Camira SF, approved by FCNSW in November 2021, includes a vague requirement to retain additional trees where 8 hollow-bearing trees aren’t available.

Hollow-bearing trees – Minimum of 8 per hectare must be retained (marked with “H”). Where there are insufficient hollow-bearing trees to achieve this number, trees with future hollow-bearing potential must be marked to ensure eight trees are retained per hectare.

With no definition for “trees with future hollow-bearing potential” such a requirement is next to useless, particularly as it is not legally enforceable. It is particularly significant that there is no mention of retaining the 16 recruitment trees.

Aside from Camira, none of those plans identified above require retention of replacement or recruitment trees. The harvesting plans for Yarratt SF, approved by FCNSW in July 2021, Wild Cattle Creek SF, approved by FCNSW in March 2021, Cherry Tree SF, approved by FCNSW in September 2021, and Braemar SF, approved by FCNSW in August 2019, only require for hollow-bearing trees “8 per ha must be retained where available”. No restoration to a minimum of 8 and no recruitment trees.

Minister, it is apparent from the cited examples of Camira, Yarratt, Wild Cattle Creek, Cherry Tree and Braemar State Forests that until you require the retention of replacement and recruitment hollow-bearing trees that FCNSW will not abide by this recommendation of the NRC.

Yours sincerely,

Dailan Pugh OAM, for the North East Forest Alliance.