



Protecting Exclusion Areas

NEFA BACKGROUND PAPER

Protecting Exclusion Areas

Prepared by: Dailan Pugh, 2014

The Threatened Species Licence (TSL) is required to regulate activities so as to protect State and national threatened species of terrestrial animals and plants. Within State Forests logging is excluded by the TSL from a variety of important habitats – mapped rainforest, “high conservation value” oldgrowth forest, riparian habitat along mapped streams, wetlands, heathland, rock outcrops, ridge and headwater habitat (wildlife corridors) and a variety of additional areas around records of threatened fauna and flora. Such areas are counted by the TSL as providing adequate protection for most threatened species.

Most of these were mapped for protection as an outcome of the Regional Forest Agreement and zoned for protection as Forest Management Zones (FMZ) 1, 2, or 3A. These zones, along with “rare-non-commercial forest types” were identified as “informal reserves” and counted as contributing to ecosystem targets as part of the North East Regional Forest Agreement (RFA) between the NSW and Commonwealth Governments. Even with their inclusion there remain major shortfalls in national ecosystem targets, meaning more of our forests need to be reserved..

In 2004, an additional 20,000 hectares of mapped oldgrowth forest in north-east NSW was identified for protection, and included with FMZs 1, 2, 3A, in the 310,000 hectares of State Forest in the region identified as Special Management Zones which are protected from logging under the Forestry Act 1916.

The TSL reinforces protection for many of these landscape features, and is the means of providing legal protection to a variety of others, such as rare non-commercial forest types, riparian areas, wetlands, heathlands, rock outcrops and caves, ridge and headwater habitat (corridors) and additional areas of rainforest. Endangered Ecological Communities are specifically excluded from the TSL and thus protected under the NPWS Act, though remain unmapped.

Rainforest had been identified for protection in extensive public campaigns in NSW in the late 1970s and early 1980s, with logging of mapped rainforest on public land being finally stopped by NEFA blockades and a court challenge over North Washpool in 1989/90. Rainforest was remapped across all tenures as part of the CRA, with those stands on public land being protected by the TSL.

Oldgrowth forest was the focus of public campaigns in the late 1980s and 1990s. The Federal Reserve (JANIS 1997) criteria specified the protection of a minimum of 60% of the remaining extent of oldgrowth forest (across all tenures) should be included in the reserve system. Those areas of mapped oldgrowth on public land excluded from the reserve system were assessed in the CRA, with thresholds being applied by the agencies to identify the High Conservation Value Oldgrowth Forest now protected by the TSL. Additional areas of mapped oldgrowth were also protected in 2004, thereby protecting most larger patches of remaining oldgrowth forest on State Forests.

Rare, non-commercial, forest types are mapped occurrences of inadequately reserved forest types that the Forestry Corporation allowed to be protected to better satisfy ecosystem targets for the Regional Forest Agreement. They are, by definition, only those ecosystems of low timber value.

Ridge and Headwater habitat are 80m wide wildlife corridors, linking major streams, identified at a landscape scale by the Forestry Corporation in accordance with the TSL The

TSL also requires protection of wetlands, heathlands, caves, cliffs and rock outcrops. Riparian areas requiring protection are those areas also required to be protected by the EPL.

Taken together these exclusions, along with habitat tree retention, constitute the General Conditions of the TSL. They are effectively landscape provisions. And for the purposes of the TSL these are taken as providing adequate protection for a suite of threatened forest species.

Species records also trigger the creation of exclusion zones for a select variety of threatened animals, and most threatened plants. These vary from patches of habitat for owls, Rufous Scrub-birds, Brush-tailed Phascogale, Tiger Quoll, Hastings River Mouse and Koalas, through wider riparian buffers for a variety of frogs and bats, Alberts Lyrebirds and Marbled Frogmouths along streams near records, to the 20-50m exclusions around records of most threatened plants.

Endangered Ecological Communities are excluded from Forestry Corporation's licence, making the undertaking of forestry operations within them a direct offence under the National Parks and Wildlife Act 1974 where it is an offence to pick or harm endangered ecological communities.

NEFA's limited audits have found a variety of incursions into required exclusion areas. It is concerning that so many have been revealed by such a small sample of operations. We regularly find intrusions into the boundaries of mapped exclusion areas, most frequently around streams and rainforest. It is assumed that they occur so frequently because the Forestry Corporation often get away with it and because when action is taken it is tokenistic.

The required, but unmapped, exclusion areas are regularly totally ignored. Establishment of many exclusion areas is dependent up on them being identified in the field. Unfortunately the foresters or foremen looking for threatened plants, fauna signs, and endangered ecological communities have no idea what they are looking for, and often the contractors don't care (see also **Doing Surveys**). Even when they are obvious they often are not identified, for example:

- At least two wetlands at Yabbra that were required to be protected with 10m buffers were trashed (Pugh 2009). As they were likely habitat for the endangered Richmond's Frog a survey was required. Forestry Corporation were issued with two Penalty Notices and fined \$600 for "timber felling within a wetland and wetland exclusion zone" and "machinery entry within a wetland and wetland exclusion zone". Forestry Corporation were issued a warning letter for not identifying habitat and surveying for Richmond's Frog. No rehabilitation was required.
- A 2.7ha stand of mapped rainforest at Yabbra was logged, primarily to remove flooded gum planted for rehabilitation when it was last logged, though mature rainforest trees were logged and hundreds of rainforest trees were bulldozed into piles in an apparent attempt to maximise damage to the rainforest (Pugh 2009, 2010a). Forestry Corporation were issued with a PIN and fined \$300 for "harvesting timber within IFOA mapped rainforest". No rehabilitation was required.
- A wetland at Doubleduke that was required to be protected with 10m buffer had trees felled into it and tracks bulldozed through it (Pugh 2010c). The impacts also affected a large population of the endangered fern, *Lindsaea incisa*, that was required to be

protected with a *50m buffer*. The EPA refused to assess this complaint while auditing logging of Endangered Ecological Communities in the vicinity. No rehabilitation was required.

- Koala High use Areas, required to be protected with 20m buffers, were being logged at Royal Camp SF until stopped by NEFA (Pugh 2012), though continued in another part of the forest. Forestry Corporation were issued with 3 Penalty Notices totalling \$900 dollars.

An ecological community is a group of plants and animals that occur together in a particular area including trees, shrubs and understorey plants. An Endangered Ecological Community is an ecological community listed under the *Threatened Species Conservation Act 1995* as being at risk of extinction unless threats affecting these areas are managed and reduced. They are currently excluded from the licence and are required to be identified and excluded from logging.

At Doubleduke Forestry Corporation failed to take adequate measures to identify and protect the Endangered Ecological Community (EEC) *Sub-tropical Coastal Floodplain Forest of the NSW North Coast bioregion* that was known to occur but was not mapped (Pugh 2010b). A NEFA audit initially identified 20 trees logged at one location within the EEC and a range of other breaches (Pugh 2010b). A subsequent inspection of a nearby area *found a further 46 trees* to have been logged and 1,387 other trees and shrubs bulldozed out of the ground, trampled by machinery, or had trees dropped on them *within the EEC (Pugh 2010c)*. EPA commenced legal proceedings against Forestry Corporation for logging 120 trees in 7.5 ha of the EEC Subtropical Coastal Floodplain Forest, only to later drop the case.

Following complaints from the Clarence Environment Centre the Forestry Corporation were fined \$3,000 for logging 0.5 ha of the Lowland Rainforest EEC in Grange SF, no rehabilitation was required.

The EPA's inspections of NEFAs complaints about logging into the boundary of the Lowland Rainforest EEC at Wedding Bells SF found that the EECs had been damaged but that because the logging was so severe up to the boundary it was not possible to determine to what extent logging had intruded into the EEC, so they took no regulatory action despite their botanist identifying that "*ongoing deleterious impacts will continue to damage the EEC communities into the future*", no rehabilitation was required.

Establishing exclusion areas for special vegetation and occupied habitat of threatened species is a sound principle, though it is evident that the exclusion areas need to be identified independently of the Forestry Corporation and include buffers where appropriate.

Threatened Species

The Battle to Protect Threatened Species

Doing Surveys

Protecting Threatened Fish

The Need for Stream Buffers

REFERENCES

JANIS - Joint ANZECC / MCFFA National Forest Policy Statement Implementation Subcommittee (1997) Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia. Commonwealth of Australia.

Pugh, D. (2009) Preliminary Audit of Yabbra State Forest Compartments 162 and 163. North East Forest Alliance, December 2009.

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Pugh, D. (2010b) Preliminary Audit of Doubleduke State Forest Compartments 144, 145 and 146. North East Forest Alliance, June 2010.

Pugh, D. (2010c) Preliminary Audit of Doubleduke State Forest Compartments 144, 145 and 146, Supplementary Report. North East Forest Alliance, November 2010

Pugh (2012e) NEFA Audit of Royal Camp State Forest. North East Forest Alliance.