

Support document for appeal against the EPA report and recommendations on the Proposed Forest Management Plan 2014 – 2023, Report 1483, July 2013

Grounds for concern and outcomes sought regarding the proposed Forest Management Plan 2014-2023 (pFMP)

- **Impact of logging on biodiversity, in particular impact on threatened wildlife;**
- **Unsustainable timber extraction;**
- **The role of forests in climate change mitigation;**
- **Compliance with Forest Management Plan 2014-2023**
- **Duration of Forest Management Plan 2014**

Impact of logging on biodiversity, in particular impact on threatened wildlife

Ground One

Because of the excessive allowable cut, the large area of forest that would have to be logged to produce it and the environmental damage caused by logging, the proposed Forest Management Plan cannot deliver ecologically sustainable forest management (ESFM.)

Describe Concern

The area of forest that would have to be logged for the lower level of average annual allowable cut (15,500 ha) and for the upper limit of average annual allowable cut (20,500 ha) (pFMP, p. 91) was not mentioned in the dFMP. It is up to double the current average area logged under the current FMP (8,600 ha).

If the lower level of average annual allowable cut is achieved, 155,000 ha of forest would be cut over by 2023.

If the upper limit is achieved, 205,000 ha of forest would be cut over by 2023. This amounts to almost one quarter of all the forest available for logging so the whole area could be logged within about 40 years.

Section 19 of the *Conservation and Land Management act 1984* requires the Conservation Commission to advise the Minister for Environment on the application of the principles of ecologically sustainable forest management (ESFM). The proposed plan does not comply with the principles of ESFM.

Outcome Sought

It is clear that given the huge area required to produce the proposed levels cut, both are unsustainable. The proposed Forest Management Plan should be rewritten so that it complies with the requirements of the CALM Act and delivers ESFM.

Ground Two**Continued logging risks driving threatened species closer to local and total extinction.****Describe Concern**

Logging and burning are the main disturbances in our State forests, which are the last refuge for increasing numbers of threatened species of birds (including the three species of cockatoos) and mammals (including numbats, woylies, Western ringtail possums). Six forest dependent fauna species have moved to a higher category of threat since the current FMP came into operation in 2004.ⁱ

Outcome Sought

Critical habitat for threatened species including forest that retains the structure of the original forests should be urgently protected from degradation and loss.

Ground Three**There are insufficient corridors for fauna to move through the forests in response to climate change.****Describe Concern**

Climate change is causing the eastern and northern parts of the south-west forests to become hotter and drier, with many negative consequences for forest health and the functioning of ecosystems. Fauna need to move to the south and west in order to survive.

Outcome Sought

Additional corridors for fauna movement should be urgently incorporated into the conservation reserve system to link refuge areas.

Ground Four**The proponent has drawn unjustified conclusions from the ForestCheck data, which do not support the claim that forest biodiversity is resilient to disturbance from silvicultural operations.****Describe Concern**

The DEC had a clear conflict of interest in undertaking self-assessment of the impacts of the DEC's forest management on biodiversity using the DEC's own ForestCheck system.

The ForestCheck methodology, findings and interpretation of findings by the proponent cannot be relied upon as a scientific basis for assessing the impacts of logging activities permitted under the pFMP. There is a lack of adequate, independently peer-reviewed science on the ecological impacts of logging activities, and a lack of adequate or effective measures to ensure that the proposal does not have adverse impacts on threatened forest species.

The proponent has relied heavily upon the ForestCheck system as an information base for decision-making (pFMP, p. 36). However the monitoring system is fundamentally inadequate for assessing impact on the distribution and abundance of threatened species. Many of the threatened species that are of concern have not been monitored by the ForestCheck system, including black cockatoos and numbats.

The end-of-term audit report on implementation of the current FMP suggests that the ForestCheck study shows that select species composition is similar in regenerated forest 40 years after logging, when compared with unlogged forest. This does not prove that logging has no impact on threatened species, especially given the limited number of species monitored by ForestCheck.

With a number of species close to the brink of collapse, populations of these species cannot sustain even temporary loss of habitat. In another 40 years from now, there is a very high risk that there will not be any viable populations of numbats, black cockatoos and other threatened species to re-colonise logged areas, so the comparison of species composition between logged and unlogged forests 40 years after logging is largely irrelevant.

Outcome Sought

No logging of threatened species habitat should be allowed unless independent, peer-reviewed scientific evidence exists to show logging will not negatively impact on those species in any way.

A comprehensive scientific audit of forest ecosystem values and health is required to establish the necessary baseline data to allow the assessment of the pFMP and the implementation of management regimes pursuant to the plan.

Ground Five

Because the south-west forests are subject to the 1999 Regional Forest Agreement for Western Australia, the pFMP is exempt from Commonwealth Government assessment of its impacts on EPBC-listed threatened species

Describe Concern

The exemption from Commonwealth Government assessment of the pFMP's impacts on EPBC-listed threatened species is invalid because:

- a) standards for the assessment and protection of threatened species have significantly changed since the RFA came into effect to reflect the increasing level of threat to these species;
- b) there is significant evidence that logging activities have already had a significant impact on threatened species;
- c) the proposed 10-year FMP extends four years beyond the 2019 term of the RFA.

Outcome Sought

For all threatened species, the same methodology applied currently under the Commonwealth *Environmental Protection and Biodiversity Conservation (EPBC) Act* must be used to assess impacts on threatened species from proposed activities under the FMP 2014-2023. The proponent's claim that logging activities are not impacting threatening species has no credibility unless the proposed forest management activities are assessed according to the same criteria as applied to other proposals that are subject to EPBC Act assessment.

The pFMP must be assessed by the Commonwealth Government under the EPBC Act.

Ground Six

The reliance on sparse, outdated and inadequate data on the range and abundance of threatened species in order to inform management prescriptions is not acceptable.

Describe Concern

The protection of habitat values for threatened species within their anticipated current and historical range is not adequate given that future climate change is likely to drive these species into areas that they have not previously occupied.

Outcome Sought

Management practices that protect habitat values for threatened species must apply across the entire FMP area.

Thorough, detailed and independent fauna surveys must be conducted prior to any disturbance activities planned under the FMP, and logging should not proceed in any locations where threatened species are found to be present.

Ground Seven

The EPA has approved a reduction in the total area of fauna habitat zones (FHZs) from 52,673 ha to 48,400 ha and in the minimum area of each FHZ, from 200 ha to 50 ha (EPA Report, p. 9).

Describe Concern

There are no supporting data to show that a 50-ha FHZ is large enough to support and maintain biodiversity until the adjacent logged forest provides pre-logging habitat and there is no scientific justification for the reduction in the total area of FHZs.

Outcome Sought

The current provisions for fauna habitat zones (FHZs) should be retained with no reduction in total area or in the area of each FHZ.

Ground Eight

The proposal to transfer the administration of the public nomination process of old growth forest from the Conservation Commission to DEC is not acceptable.

Describe Concern

There have been numerous recent examples where the community has identified areas of old-growth forest, some under imminent threat from logging. It is clear there is inadequate mapping of old-growth forest areas. DEC cannot be relied on to make an unbiased assessment.

Outcome Sought

The area of old growth forest as currently identified should be retained and community members should continue to be allowed to nominate potential old growth forest to the Conservation Commission for assessment. This assessment should be conducted in a timely and rigorous manner with the full participation of the community.

Ground Nine

Phytophthora dieback is having major impacts on flora and fauna. The pFMP has not taken this issue nearly seriously enough despite significant government agency and independent advice on the matter.

Describe Concern

Logging, as well as other disturbance activities, spread dieback. Areas free of dieback have become rare and are increasingly vulnerable to infestation.

Outcome Sought

Forests currently free of *Phytophthora cinnamomi* should be protected from activities that could introduce dieback.

Ground Ten

The proposal to kill trees and understorey vegetation to increase run-off into streams and dams is not scientifically credible and causes environmental damage.

Describe Concern

The proposal to kill trees and understorey vegetation in an attempt to increase run-off into streams and dams ('silviculture for ecosystem health', 'silviculture for water production') cannot prevent the inevitable consequences of climate change and would only increase environmental damage in our forests by for example removing even more mature trees with nesting hollows and spreading dieback. Given that the Water Corporation no longer regards surface water as a potential source of water, DEC should not consider killing trees in an attempt to increase run-off. It is clear that what is being proposed is simply another excuse to continue logging, not a scientifically credible response to climate change. The amount of glyphosate required to kill trees and understorey species to a basal level of 8 to 10 m² per hectareⁱⁱ (p. 76) and the risk of spills in water catchments strongly militate against implementation of this proposal.

Outcome Sought

The proposal to kill trees and understorey vegetation to increase run-off into streams and dams using glyphosate or any other method ('silviculture for ecosystem health,' 'silviculture for water production') must be rejected. Water in rivers, streams, wetlands and aquifers should be protected from the impacts of logging and clearing.

Unsustainable timber extraction

Ground One

The pFMP foreshadows potential new mining operations in the south-west forests (p. 35).

Describe Concern

The independent expert panel on sustained yield says that the identification and verification of the net productive area of forest is a fundamental component of the inventory system because all subsequent volume estimates relate to the area so identified (Report, page vi).

There are several bauxite mining companies with exploration licences over large areas of forest and more licences are being sought. If the results are favourable the companies will probably seek mining leases. Much of the northern jarrah forest is already under mining leases granted to Alcoa and Worsley Alumina, which destroy about 1000 ha of forest a year. Any further loss of forest to mining cannot be tolerated.

Outcome Sought

No further exploration licences and no mining lease whatsoever must be granted over forest.

Ground Two

DEC has seriously overestimated the volume of wood the forests produce and clearly the allowable cut is unsustainable.

Describe Concern

The Auditor General found that the FPC removed an average on 19 per cent less product than was forecast (Auditor General's Report, p. 16). Despite the current annual allowable cut of 1st and 2nd grade jarrah sawlogs being 131,000 cubic metres, in 2011-2012 the FPC sold only 42,000 cubic metres.

Outcome Sought

The allowable cut must be reduced to a level that is demonstrably sustainable in perpetuity.

Ground Three

It is unacceptable for the pFMP to set out two levels of logging. It appears that the environmental implications of extracting the upper level have not been examined by the EPA.

Describe Concern

The environmental implications of extracting the upper level allowable cut would be devastating. The proposal to allow this increase in forest destruction, if markets can be found, is reckless and the serious environmental implications have not been taken into account by the EPA. The EPA should be prioritising environmental implications, not market considerations.

Outcome Sought

The upper level average annual allowable cut should be scrapped.

Ground Four

Because of climate change, especially decreasing rainfall, and the impacts of pests and diseases, especially increasing numbers of fungal pathogens, forest that is logged now will not regrow to its present size, health and structure so logging cannot be sustainable.

Describe concern

Trees being logged now will not regrow to their former size and structure because rainfall has decreased by 15 per cent since the mid 1970s and the models for climate change in the South-West indicate rainfall will continue to decrease by up to 60 per cent.

Amazingly, the ‘independent expert panel’ on sustained yield claims, “The findings suggest that there is little impact on sustained yield over the next 50 years, so there is time to refine knowledge and adapt to those changes without incurring undue stress on timber production and associated biodiversity and water values.” (p. 31)

Yet it contradicts this assurance by stating that the 10-year period the FMP is to cover is too long and that a five-year period would be more appropriate to enable the plan to adapt to shocks, such as major fires, cyclones or pest or disease outbreaks (all impacted by climate change) and global trade and economic change. (p. xii).

Outcome Sought

Jarrah forests receiving less than 600 mm of rain per annum, and jarrah forests projected to receive less than 600 mm of rain per annum by 2030 should be protected.

Karri forests receiving less than 1000 mm of rain per annum, and karri forests projected to receive less than 1000 mm of rain per annum by 2030 should be protected.

Ground Five

Although logging for 1st and 2nd grade sawlogs for high value products is the pretext for logging, most of the wood produced is wasted on low value products.

Describe Concern

The quantity of 1st and 2nd grade jarrah and karri sawlogs has declined considerably since 2004. There aren't enough good quality sawlogs to keep the native forest sawmilling industry going, so producing sawn timber is no longer a justification for continuing to log our native forests.

Based on sawn timber recovery rates given by the Forest Products Commission, as little as 15 per cent of the wood from the native forest logs sold by the FPC becomes sawn timber, and this includes hundreds of thousands of timber railway sleepers. The figures for 1st and 2nd grade karri sawlogs are based on a recovery rate of 43 per cent. However, reports from sawmillers say that the recovery rate for what the FPC is selling as 1st and 2nd grade sawlogs is not 43 per cent but as low as 28 per cent.

Most native forest logs are of too low quality to go to sawmills and go directly to the woodchip mill (karri) or to commercial firewood merchants and Simcoa (jarrah). Woodchips, firewood, charcoal are not acceptable uses for our native forest trees.

Outcome Sought

No logging of native forest should be allowed. If the FMP does allow for some native forest logging the allowable cut should be dramatically reduced and there should be no allocation for woodchips, firewood, charcoal, railway sleepers or biomass fuel.

Ground Six

Markets are being sought for very large amounts of low-grade logs just to keep a native forest logging industry going.

Describe Concern

The Government is considering selling native forest logs to be burnt to produce electricity as another way to prop up the non-viable native forest logging industry. This is no justification for continuing to log our forests.

Outcome Sought

Burning native forest logs to produce electricity is a completely unacceptable use of our forests and must be prohibited and proposals to continue and even increase native forest logging must be rejected.

Ground Seven

There are flaws with the approach that has been taken in the pFMP regarding the use of forests, with log production the only use given full consideration without adequate regard for its impacts.

Describe concern

The flaws with the approach that has been taken in the in the pFMP regarding the utilization of forest products are:

- a) The pFMP places too great an emphasis on the extractive use of forests as a management objective at the expense of other management outcomes such as ecosystem health, maintenance of biological diversity and protection of cultural values; even where legislation requires that these objectives are given a higher priority in management planning.
- b) The pFMP makes the mistake of defining 'forest products' only as timber and fibre without adequate investigation of other more profitable and sustainable uses or models of forest resource utilization (such as carbon sequestration services).
- c) By continuing an established high volume-low value resource utilization model, the pFMP fails to optimize the economic and social value derived from forests. This arises from a faulty assumption implicit in the pFMP that higher volume of timber and fibre production will necessarily lead to higher value to the community and state and that the current structure of the forest products industry is economically and socially optimal.

The pFMP has failed to satisfy the CALM Act principle of achieving an optimum yield in production by a) restricting production to only wood products, and b) failing to undertake a comprehensive assessment of ALL possible forest utilisation options in order to identify the optimal option.

Outcome sought

The FMP must be rejected in its current form on the basis that it would lock in another decade (or more) of market failure, leading to ongoing social, economic and ecological value destruction by an unsustainable industry that at best provides marginal returns to the State and more likely is heavily subsidised.

The pFMP must be amended so that complies with the relevant legislation, including undertaking a thorough analysis of all forest management and forest use options to identify the socially, environmentally and economically optimal option.

The role of forests in climate change mitigation

Ground

Given the unique role forests can play in managing global carbon cycles as well as the economic opportunities arising from the sale of carbon credits, maintaining and enhancing the carbon sequestration and storage potential of south-west forests must be a primary goal of the FMP.

Describe Concern

The information provided in the pFMP on carbon pollution from planned forest management activities is so selective as to be seriously misleading. The failure to disclose significant carbon emission sources resulting from the proposal is unacceptable, and constitutes a direct breach of the EPA Guidance Statement on Greenhouse gas mitigation, and the requirement for maintenance of global carbon cycles as required under the ESFM principles established in the RFA.

The failure to recognise the significant soil carbon storage potential of native forests, (including the impacts of this carbon store by logging and burning and the potential for this carbon store to continuously increase over time in undisturbed forests) has led to faulty and perverse decisions regarding the management of forest carbon in the FMP.

The reliance on establishing carbon monitoring plots during the term of the FMP as a replacement for more accurate assessment and mitigation of carbon pollution at the planning stage is unacceptable and does not comply with the precautionary principle.

The failure to assess the economic opportunities arising from the sale of carbon credits form avoided deforestation constitutes a breach of the CALM act, ESFM principles and Environmental Protection act principles.

The following are key findings from the report *Carbon credits from Western Australia's multiple use public native forests: a first pass assessment*:

- a) It is highly likely that the forests managed under the pFMP will soon fall under a Forestry Management credits regime.
- b) On average, the cessation of harvesting in the FMP forests would lead to the generation of between 1.8 and 2.9 million Kyoto ACCUs yr-1 over the period 2013-2032.
- c) The value of carbon credits under such a regime is likely to be high.
- d) The estimated annual value of carbon credits that could be generated from avoided logging in FMP forests is between \$16 million and \$438 million per annum (2013 A\$), depending on the future carbon price path, and using a social time preference rate of 2.7%, while he estimates the net present value estimated at between \$376 million and \$3,348 million (2013 A\$).

Outcome Sought

The proponent must assess ALL carbon emissions from activities under the pFMP. This must include all carbon emissions from logging and burning activities proposed under the FMP, including emissions from release of soil carbon.

The Minister should consider the forgone value of carbon credits resulting from logging activities as this matter lies within its jurisdiction.

The value of Western Australia's south-west forests as a carbon store should be recognised, accounted for and prioritised above conflicting uses.

Compliance with Forest Management Plan 2014-2023

Ground

There are serious problems with compliance yet the EPA has declined to recommend that any ministerial conditions be imposed on implementation of the FMP when these would be the only legally binding provisions that could ensure compliance by government agencies. As with the ministerial conditions for the current FMP, the conditions should cover a range of requirements.

Describe Concern

The serious existing governance failures with the current FMP have been well documented by the EPA and more recently by the Auditor General.

- During the current FMP the DEC has been in continual non-compliance as a result of its failure to develop on time or at all a range of subsidiary management documents required by the FMP.
- Over the course of the existing FMP there have been hundreds of serious ‘on-ground’ compliance breaches documented by the DEC
- Despite these ‘on ground’ breaches, there has been a systematic failure of the part of the FPC to enforce the provisions in commercial contracts with logging operators, which appears to be the only legal instrument that can be used to require compliance by the contractors.
- The fauna provisions of the WA Wildlife Conservation Act do not apply to state government agencies or their contractors.
- The EPA has publicly documented and reported on most or all of the above concerns on several occasions as can be seen in its mid-term and end-of-term audits of performance of the current FMP.
- The EPA has recommended amendments to relevant legislation to establish appropriate enforcement and compliance powers. However no corrective action has been taken by the State Government.
- The recent Auditor General’s report into the supply and sale of native timber found serious issues including:
 - the Forest Products Commission is operating in the absence of finalised operational logging planning guidance material;
 - monitoring of logging contractor compliance with contractual obligations is limited to instances of inconsistent product recovery and grading practices at forest coupes and evidence of breaches of environmental standards.

The pFMP does not appear to do anything to correct this situation.

The establishment of an independently accredited and audited adaptive management system is a critical element in ensuring that forest management activities do not have an unacceptable impact on social, ecological and cultural values of the forests.

Outcome Sought

On the basis that there is a very high risk of implementation failure due to the lack of a sound compliance and enforcement regime, the EPA must recommend that the following ministerial conditions be imposed on implementation of the FMP 2014-2023:

1. The proponent shall prepare an audit program and submit compliance reports that address:

(a) the status of implementation of the proposal as defined in the Forest Management Plan 2014-2023;

(b) Evidence of compliance with the conditions:

2. DEC and the FPC must comply with the FMP 2014-2023.
3. The proponent shall submit the mid-term audit of performance report and the end-of-term audit of performance report to the Environmental Protection Authority by 31 December 2018 and 31 December 2022, respectively.
4. The Environmental Protection Authority will review each audit of performance report referred to in condition 1 and provide advice to the Minister for the Environment in a public report on compliance with the conditions in this Statement.
5. The proponent shall amend the Proposed Forest Management Plan prior to it being transmitted to the Minister for the Environment under the Conservation and Land Management Act 1984 in line with the following:
 - (a) The incorporation of specific timeframes for the completion of the key subsidiary management guideline documents.
 - (b) The incorporation of requirements for the Forest Products Commission to provide publicly available reports on the compliance of forestry operations with the provisions of the Forest Management Plan and subsidiary management guideline documents, on a regular basis.
 - (c) The development and implementation of a programme for the improved public availability of information relating to the sustained yield statistics and models.
 - (d) provision of indicative timeframes for each action or sub action listed the plan.
6. The Department of Environment and Conservation and the Forest Products Commission will undertake management and operations on land subject to the Forest Management Plan 2014-2023 in accordance with the Plan, the Conservation and Land Management Act 1984 and the Forest Products Act 2000, as appropriate.

Duration of the Forest Management Plan 2014

Ground

Given the rapidly changing climatic conditions and their unpredictable impacts on growth rates, disease and fire in the forests, the FMP 2014 should be reviewed after five years.

Describe Concern

The independent expert Panel believes that 10-year period the FMP is to cover is too long and that a five-year period would be more appropriate to enable the plan to adapt to shocks, such as major fires, cyclones or pest or disease outbreaks and global trade and economic change (p. xii).

Outcome Sought

The EPA should recommend a ministerial condition that the FMP be reviewed by 31 December 2018, which almost coincides with the current expiry date of the RFA.

NB: References to the Department of Environment and Conservation (DEC) are intended to refer to the new Department of Parks and Wildlife.