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CCWA Submission on Draft Forest Management Plan

The Conservation Council of Western Australia (CCWA) is Western Australia's peak non-government environment, conservation and sustainability organisation. CCWA represents nearly 100 community-based member groups and hundreds of thousands of Western Australians.

Executive Summary

CCWA believes that Western Australia's remaining native forests should be managed in a way that maximises and enhances the ecological, social, economic and carbon sequestration services provided by forests in a sustainable way. We believe that this necessarily means the management of state forests to the exclusion of commercial logging activities which have an unacceptable and unsustainable environmental impact, destroy economic value, and irreversibly impact the cultural values of the forest.

The Western Australian community overwhelmingly supports the phasing out of native forest logging in Western Australia. For example, a recent opinion poll conducted by the *Sunday Times* Newspaper found that 71% of readers support a ban of karri logging, and over the past 18 months, over 20,000 submissions or statements supporting an end to native forest logging in WA have been made via CCWA's website alone.

Rather than responding to the expectations of the majority of Western Australians, the draft FMP fails to set out an adequate plan for managing Western Australia's forest and should be rejected by the EPA in its present form. If implemented the plan would continue, and potentially accelerate the systematic degradation of the ecological and cultural values of Southwest forests that has occurred over the past 150 years.

The draft FMP continues all of the most significant underlying structural failures of the existing FMP, which have been noted in previous EPA reviews. Specifically, the Draft FMP is subject to a range of critical shortcomings including;

- Decisions regarding the utilisation of native forests forest products in the FMP are the result of fundamentally flawed decision making that does not comply with requirements set out in law, or the contemporary expectations of the Western Australian community. The FMP places high volume – low value timber and fibre production as the effective primary management objective, without examination of alternative forest management options that would deliver greater economic and social benefits in a more sustainable way.
- The community (or the EPA) cannot have any confidence in the implementation of the FMP due to a failed and failing regime of governance and compliance enforcement at all levels of forest management. The FMP fails to establish a legally robust compliance regime to ensure its implementation, thereby continuing the well-documented compliance failures of the existing FMP. In addition, there is no indication that an effective and independently accredited adaptive management system will be used to implement the FMP (as required under the Regional Forest Agreement). The combination of a lack of enforceability and a lack of adaptive management framework renders the performance measures in the draft FMP meaningless.
- The draft FMP does not provide an adequate basis for assessment of environmental impact due to serious inadequacies in the scientific information and analysis of the ecological impacts that would result from planned management activities. In particular the information presented in the FMP is fundamentally deficient in at least the following key areas; impact on threatened and endangered forest species, global carbon cycles, cultural values and the long-term sustainability of forest ecosystems in a changing climate. The FMP fails to take a precautionary approach to managing environmental impact. As a result its implementation would lead to the lock-in of activities that are likely to have serious and irreversible impacts to the social, cultural and environmental and economic values of the forests.

The following pages provide a more thorough analysis of some of the major failings of the draft FMP, and why it should be rejected by the EPA in its current form.

This consultation process, previous consultation by proponent and focus of this submission

CCWA is aware that this consultation process is occurring under both the CALM Act and the Environmental Protection Act in parallel; however, based on experience to date, we have very little confidence that the proponents of the draft FMP will take their obligations for community consultation seriously.

CCWA has provided extensive input to DEC and the Conservation Commission during informal consultation prior to the release of the draft FMP, and again during the scoping phase for the draft FMP document. In addition, thousands of Western Australians have also made submissions rejecting plans to allow increased logging in Western Australia's state forests, and raising a range of other serious concerns with the proponents plans for managing state forest. Unfortunately there is no evidence that any of the substantive issues raised in previous submissions or consultation have been adequately addressed by the proponents of the FMP.

Given this situation, we have focused the majority of our comments towards the EPA and its role in assessing the FMP under Part IV of the Environmental Protection Act, in the

hope that the independent scrutiny provided by this process may force the proponents to address the numerous fatal flaws in the draft FMP that we have identified.

- 1) CCWA submits that previous consultation efforts by the proponent have been inadequate and have not been conducted in good faith. We therefore request that the EPA ensure that independent scrutiny is applied to the process for analysing and responding to submissions on the draft FMP.**

During the public consultation on the scoping document for the FMP, over 4,500 people made the following submission, in addition to detailed submissions made by CCWA and others.

Send DEC's logging plan back to the drawing board

The Forest Management scoping document released for consultation outlines a devastating proposal for increased native forest logging which would have disastrous impacts on WA's unique forests and the threatened animals that rely on them for survival. The proposal should be rejected by the EPA as it is clear that continued or increased forest logging is both unacceptable and unsustainable, including for the following reasons:

- Many of WA's forest-dwelling species are on the brink of extinction. Tree deaths resulting from climate change and disease are being recorded in huge numbers with huge risks for our native animals. Continued or increased forest logging represents an unacceptable threat to the survival of numerous species which cannot sustain any further loss of habitat.*
- Destruction of WA's natural carbon stores (and the significant economic value they represent) by a loss-making native forest logging industry totally unacceptable.*
- Continued logging of forests impacted by climate change is not sustainable. The plan fails to address the EPA's previous findings that low and medium rainfall forests are not regrowing after logging.*
- Any industrial-scale logging of WA's native forests is likely to be totally at odds with the protection of indigenous cultural values as now required under legislation.*
- Continued operation of any logging activities under current inadequate legislation is totally unacceptable as management policies cannot be enforced. Neither the community nor the EPA can have confidence in this system without significant reform.*

If allowed to proceed past the scoping phase, this plan will inevitably lock in unacceptable impacts to WA's environment and cultural values. The proponents of this plan have left no choice but for the EPA to judge this proposal "Assessed on Proponent Information –Proposal unlikely to be Environmentally Acceptable"

The proponents must go back to the drawing board and develop a new proposal with the following features:

- The plan must apply the precautionary approach by assuming that all logging activity is unsustainable unless proven otherwise with rigorous, independently peer-reviewed science.*
- The plan must directly manage all forest threats (including mining, prescribed burning, tourism etc.) and not rely on subsidiary policies.*
- Impacts on threatened species must be assessed using the same methodology that is applied by the Commonwealth Government for other sectors under the EPBC Act.*
- Biodiversity values, indigenous cultural values and forest carbon values (including economic) must be thoroughly assessed and protected by any Forest Management Plan prior to its implementation.*
- The plan must be supported by reformed governance arrangements that enable effective prosecution and enforcement where breaches occur (including where DEC activities lead to breaches).*

Thank you for considering the points made in this submission.

- 2) CCWA submits that the proponents of the draft FMP have failed to address almost every point raised in the thousands of submissions on the scoping document; and the EPA have now become complicit in this consultation failure by allowing the release of the draft FMP for further community consultation.**

We are also concerned that the Draft FMP is not a final proposal as required under the Environmental Protection Act for the purposes of Public Environmental Review, and as such cannot be used to satisfy the consultation requirements under Part IV of the Environmental Protection Act.

- 3) CCWA submits that the EPA breached its administrative procedures in allowing an incomplete draft FMP to be released for public consultation. The EPA should require the proponent to develop a final, comprehensive proposal for public consultation under Part IV of the Environmental Protection Act.**

Community expectations regarding forest management in Western Australia

The Draft FMP is seriously out of step with community expectations and sentiment regarding the use and management of native forests. Rather than a continuation or increase in unsustainable and ecologically destructive native forest logging activities, the vast majority of Western Australians would like to see a phasing out of this industry.

A recent opinion poll conducted by the *Sunday Times* Newspaper found that 71% of readers support a ban of karri logging, and over the past 12 months, well over 10,000 people have made submissions or statements supporting an end to native forest logging through the CCWA website.

During the various consultation phases relating to the FMP (and prior to this) there have been over 20,000 individual expressions of support for an end to native forest logging through the CCWA website.

- In 2011, over 4,500 people sent a letter to Minister Marmion and Premier Barnett calling on the WA Government to ensure that ALL remaining cockatoo habitat was protected.
- In early 2012, nearly 5,000 Western Australians sent a letter to Premier Barnett and Minister Marmion calling for the immediate cessation of logging in high-conservation value forest blocks including Helms, Warrup, Arcadia, Merribup and Koonan forest blocks to protect these critical food resources for black cockatoos. These people also called for the EPA to conduct an urgent and comprehensive audit to identify remaining food resources for black cockatoos, and actions that can be taken to protect them.
- Over 2,000 people have contacted Opposition Leader Mark McGowan MLA encouraging him to support a policy of ending all logging in WA native forests.
- Over 2000 people have sent letters to the WA Government calling for a comprehensive review of DEC's prescribed burning policies.

- During the scoping phase for the FMP, over 4500 Western Australians made a submissions calling for a Forest Management Plan that protected all native forests from logging:

In addition, during the current statutory submission period for the draft FMP, nearly 3,000 western Australians have submitted the following comment through the CCWA website (names of submitters and additional personal comments made are provided at **attachment A**)

Our native forests provide homes for endangered species, help tackle climate change, are important for maintaining Aboriginal culture and are part of who we are as Western Australians. I do not support any further logging of south-west forests and find the proposals for continued and increased logging in the draft Forest Management Plan to be totally unacceptable.

I ask the EPA to reject the proposals for continued logging in the draft Forest Management Plan on the basis that such activities are environmentally unacceptable for the following reasons.

- *Continued logging of native forests places threatened wildlife at a high risk of extinction. The ForestCheck monitoring system used by DEC has failed to assess the impact of logging on numbats, and the majority of the other threatened forest – dependent species. I request the EPA apply the same assessment criteria for threatened species as used by the Commonwealth Government for other developments that impact on these species.*
- *Marri trees of all ages are critical to the survival of WA's endangered black cockatoos, yet the draft FMP proposes increased logging of marri trees and provides insufficient protection of marri habitat trees. There should be no further destruction of Marri trees whatsoever.*
- *The FMP has failed to properly assess the impact of logging on Aboriginal cultural values of south-west forests at a landscape scale as required under legislation. The EPA must independently assess the impact continued logging will have on Aboriginal cultural values.*
- *The Department of Environment and Conservation lacks the powers to enforce compliance with The FMP, which is inadequate as a regulatory instrument. It is not acceptable that forest logging operations are exempt from legislation to protect our threatened species and that there are no effective regulatory sanctions for non compliance with the FMP.*
- *The FMP totally fails to manage the impact of logging operations on natural carbon stocks. The EPA must require a thorough audit of carbon stocks in south-west forests and ensure that the natural carbon stored in these forests is maintained, not degraded and destroyed by logging activities.*

The draft FMP does not comply with principles for Ecologically Sustainable Forest Management and there has not been any assessment of alternative uses for the forest, such as the generation of carbon credits.

- 4) CCWA submits that the overwhelming majority of Western Australians support an end to native forest logging in Western Australia. Over 20,000 expressions of support for this objective have been registered through the CCWA website including 3,000 during this consultation period and over 4,500 during the scoping phase for the FMP.**

Management objectives and the high volume – low value forest utilization model

Perhaps the most serious failure of the draft FMP is the flawed approach that has been taken towards determining the appropriate management objectives for the forest, and optimizing the social, economic and environmental outcomes.

- 5) CCWA submits that there are three basic flaws with the approach that has been taken in the Draft FMP regarding the utilization of forest products;**
- a) The FMP places too great an emphasis on the extractive use of forest products 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 FMP makes the mistake of defining 'forest products' only as timber and fiber produced from the forest; without adequate investigation of other more profitable and sustainable markets or models of forest resource utilization (such as carbon sequestration services).**
- c) By continuing an established high volume –low value resource utilization model, the FMP fails to optimize the economic and social value derived from timber and fiber products. This derives from a faulty assumption implicit in the FMP that higher volume of timber and fiber 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.**

- 6) CCWA submits that the fundamental errors described above result in a draft FMP that breaches the Regional Forest Agreement, the CALM Act and the Environmental Protection Act, and therefore must be rejected by the EPA.**

To lock in another decade of high volume, low value timber and fibre production from WA's forests without even examining the economic alternatives represents a gross failure of management planning. This would perpetuate and exacerbate significant market failures resulting in higher costs to all Western Australians, and would result in massive unnecessary damage to the ecological and cultural values of the forest, including contributing to the extinction of several endangered species.

The emphasis towards high volume – low value forest product utilization implicit in the FMP derives from a mistaken assumption that the current structure and make-up of the forest products industry in Western Australia is economically and socially optimal.

- 7) CCWA submits that the structure of WA's forest products industry is socially and economically sub-optimal, as it facilitates the destruction of economic, ecological and social value while producing little return to the state or communities. The current industry is a product of past management planning failures in WA state forest, and a range of historical market drivers which are now substantially redundant.**

The high volume, low value model of forest product utilisation is no longer appropriate in the current forest management planning context. More efficient plantation forestry is already supplying the vast majority of historical markets for native timber products, including construction timber and pulp products. At the same time, other potential markets for native forest products have emerged such as carbon sequestration and climate moderation, as well as high value - low volume timber utilisation options that have not been assessed or investigated.

Current policy settings distort the market for forest products such that ancient 600-year-old karri trees are being clear-felled for low value wood chips, and the worlds last remaining prime jarrah trees to be turned into railway sleepers by an industry that delivers very little economic return to the state of Western Australia. At the same time, other high value - low volume industries that could deliver far greater employment and other economic benefits (such as craft wood and furniture production) are effectively prevented from accessing

forest products due to the structural orientation of forest management planning towards the provision for high volume-low value markets.

There are a number of examples where current policy settings produce highly perverse outcomes that systematically destroy economic value:

- Prime veneer-grade jarrah logs are milled into low-value railway sleepers, while at the same time the supply of forest products to furniture manufacturers is so constrained that only the very rich that can afford jarrah furniture in their homes.
- Ancient 600-year-old karri trees are clear felled for woodchips and firewood at less than \$15 per tonne, while the potential for a sustainable income stream to be generated through the sale of carbon credits from avoided deforestation is not even investigated.
- The state government pays contractors to poison thousands of mature marri trees in state forests, while at the same time mining and other industries are forced to pay tens of millions to plant marri trees or to protect existing marri habitat on private lands under offset requirements imposed by the State and Commonwealth Governments.

These outcomes are the result of historical gross resource mismanagement leading to serious market failures that would be continued and potentially exacerbated by the draft FMP. By continuing (and potentially increasing) the focus on high volume-low value forest product supply, the draft FMP will inevitably fail to deliver outcomes that are socially, economically or environmentally optimal.

8) CCWA submits that there are a range of possible scenarios for delivering much greater economic value from the forest in a more sustainable way that have not been examined by the proponents of the Draft FMP.

Despite CCWA's previous requests for examination of a broader range of options, the terms of reference for the Social and Economic Study were deliberately constrained by the proponent to prevent consideration and investigation of any alternative than the high volume low value model. A letter explaining why this methodology was rejected by community-based conservation groups is provided at **attachment 1**.

Even if the supply of forest products for the purposes of the FMP is to be narrowly defined as extraction of timber and fibre, re-orienting management planning objectives towards the supply of low volume - high value industries is likely to deliver far greater economic value to the state. At the same time, this would allow a more ecologically sustainable forest management regime that does not systematically degrade cultural and ecological values to the extent that would result if the draft FMP were to be implemented.

9) CCWA submits that significantly constraining the supply of forest products is the first necessary step in transitioning the current forest product utilisation model to one that is socially and economically and ecologically sustainable.

Reduced supply will lead to higher demand for, and greater market utilisation of high-value products, while at the same time constraining the current low value - high volume resource utilisation model that is so destructive to the economic, environmental and social values of WA's state forests.

Clearly, some form of government - assisted restructuring package will be necessary in order to transition WA's forest product industries to an ecologically and economically sustainable footing. However, the draft FMP would have the effect of preventing the implementation of such an approach, by effectively locking in the high volume low value forest product utilisation model for another decade. If the draft FMP is implemented, long term high volume - low value contracts will be signed with timber mills that will likely render such a restructure prohibitive.

10)CCWA submits that the EPA must reject the FMP 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 provides at best marginal returns to the state.

The failure of the proponents of the draft FMP to properly assess other models of forest product utilisation is not only startlingly poor management practice, but breaches several policies and laws government forest management in WA.

In particular, the of the FMP to assess and provide for the highest value utilisation of forest products contravenes the ESFM principles set out in the RFA, as well as the CALM Act principles for the development of Management Plans and the Environmental Protection Act principles for protecting the environment of the State.

The ESFM principles specify the following requirements for forest use:

- *Maintenance and enhancement of long-term multiple socio-economic benefits to meet the needs of societies (principle 6b)*

Fundamental to this principle is the need to ensure the net socio-economic benefit provided by forests is *optimised* or *maximised*. This is consistent with the interpretation given to this principle in the 1997 Independent Expert Advisory Group report Assessment of Ecologically Sustainable Forest Management (ESFM) in the South-West Forest Region of Western Australia. In respect of ESFM Principle 6b, the report states:

*Implicit in this is the optimum use of the forest economy's capital stock (human, made by humans, and natural resources) so that it is managed in such a way as to **maximise the long-term welfare of or benefit to society** in terms of the goods and services it requires.*

11)CCWA submits that the draft FMP has failed to satisfy the intent of ESFM principle 6b (i.e. to ensure that to ensure that the net socio-economic benefit is maximised) by failing to undertake a comprehensive assessment of ALL possible economic forest product utilization options.

In addition to the ESFM principles, the Conservation and Land Management (CALM) Act provides further guidance in the form of principles to be applied to the development of Management Plans.

The Act includes the principle of:

*Achieving the **optimum yield in production** consistent with the satisfaction of long-term social and economic needs on State forests and reserves;*

In the case of the FMP, production must include, but not be limited to forest products. Under the Act, the definition of Forest Products includes:

Trees or parts of trees located on public land or share farmed land.

The definition provided is not restrictive to any particular economic end use of 'forest products'. Given this, we consider that a wide range of potential economic uses of the forests including tourism, as well as the use of trees or parts of trees as a carbon sequestration and storage, is within the definition of *production* for which an *optimum yield* must be obtained.

12) CCWA submits that the draft FMP has failed to satisfy the CALM Act principle of achieving an optimum yield in production by a) restricting production to include only timber and pulp, and b) failing to undertake a comprehensive assessment of ALL possible forest product utilisation options in order to identify the optimal option.

Finally, the *Environmental Protection Act*, under which the EPA will be assessing the FMP also contains clear guidance on principles relating to improved valuation, pricing and incentive mechanisms in the protection of the environment.

Section 4a of the *Environmental Protection Act* provides that:

- *The health, diversity and **productivity** of the environment is maintained or enhanced for the benefit of future generations.*
- *Environmental factors should be included in the **valuation of assets and services**;*
and
- *The users of goods and services should pay prices based on the **full life cycle costs** of providing goods and services, including the use of natural resources and assets, and the disposal of any wastes.*

Clearly, by perpetuating and exacerbating the current low value - high volume forest product utilisation model without assessment of alternatives, the draft FMP does not, and cannot meet the intent of either the RFA, the CALM Act or the Environmental Protection Act.

13) CCWA submits that the EPA must reject the draft FMP on this basis that it fails to comply with ESFM principles, it fails to comply with CALM Act principles and it fails to meet the objectives set out in the *Environmental Protection Act*.

14) CCWA submits that EPA must require the proponent to prepare an FMP that is compliant with the relevant legislation, including by undertaking a thorough analysis of all forest management and forest product supply options to identify the socially, environmentally and economically optimal option.

Governance

The serious existing governance failures with the current FMP have been well documented by the EPA.

- During the current FMP the DEC have been in continual non-compliance as a result of their failure to develop 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 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.
- The provisions of the WA *Wildlife Conservation Act* do not apply to state government agencies or their contractors.
- The proponents of the existing FMP are also in breach of the Ministerial Conditions that apply to the FMP, however no enforcement action has ever been taken in this regard.
- The lack of enforcement powers in relation to the implementation of the FMP means that the DEC are in breach of their own compliance and enforcement policy (see attachment 2).
- The EPA have publicly documented and reported on most or all of the above concerns on several occasions, including recommending amendments to relevant legislation to establish appropriate enforcement and compliance powers, however no corrective action has been taken by the State Government.
- The lack of an adequate enforcement and compliance regime under the FMP, and the lack of an independently accredited Environmental Management System (EMS) are breaches of the RFA, however no corrective action has been taken and the RFA has not been reviewed as required.

The Draft FMP does not appear to do anything substantial to correct this situation.

15) CCWA submits that neither the EPA or the Western Australian community can have any confidence that critical elements of the Draft FMP will be implemented or complied with, as there is no effective compliance and enforcement regime associated with the Management Plan.

16) CCWA submits that the Draft FMP should be rejected by the EPA on the basis that there is a very high risk of implementation failure due to the lack of a sound compliance and enforcement regime.

17) CCWA submits that if the Draft FMP is not rejected by the EPA as suggested above, then the EPA must establish an adequate compliance and enforcement regime through the application of detailed Ministerial Conditions to require compliance with ALL aspects of the FMP by the proponent. In this case the proponent must also be accountable for breaches by the FPC or their contractors.

Given the complexity of the forest management task established by the FMP, it is appropriate that an independently accredited adaptive management system is put into place to ensure the goals and objectives of the FMP are met. Such a system would be accredited under ISO 14001 or similar, and would provide a framework for modifying management prescriptions as necessary in response to continuous real time ecological monitoring which would include management impacts as well as external environmental impacts such as forest diseases, climatic changes and fire events. Such a system is required under the RFA, but has not been proposed in the draft FMP.

18) CCWA submits that 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.

A management system of this nature would require accurate baseline information on a comprehensive range of indicators of social, ecological, cultural and carbon values, and a monitoring framework that measured changes in these indicators on an ongoing basis. The FMP contains no such indicators, and no comprehensive baseline information exists in many of these areas.

The lack of an effective compliance enforcement regime and the lack of an adaptive management system that is capable of responding to changes in the state of forests renders the performance indicators contained in the draft FMP effectively meaningless. If there is no comprehensive management system to respond when performance indicators are not being met, then there is little point in monitoring them, other than to document the gradual degradation of ecological, social and cultural values over time as a result of management activities.

19) CCWA submits that the performance indicators outlined in the draft FMP are virtually meaningless in the absence of an adaptive management regime and an effective compliance enforcement regime.

20) CCWA submits that the existing suite of indicators in the draft FMP are inadequate as a basis for effective adaptive management decisions, and that in most cases the baseline information required to adopt adequate indicators has not been provided by the proponent.

21) CCWA submits that a comprehensive scientific audit of forest ecosystem values and health is required to establish the necessary baseline data to allow the assessment of the draft FMP and the implementation of management regimes pursuant to the plan.

Ecological impact of forest logging, including impact on threatened and endangered wildlife

One of the most concerning aspects of the draft FMP is the lack of adequate, independently peer-reviewed science on the ecological impacts of logging activities, and the lack of adequate or effective measures to ensure that the proposal does not have adverse impacts on threatened and endangered forest species.

The proponents of the FMP have heavily relied upon the ForestCheck system as an information base for decision-making, however its 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 are not monitored by the ForestCheck system, including black cockatoos and numbats.

The End of Term Audit report on implementation of the existing FMP suggests that the ForestCheck study shows that select species composition is similar in regenerated forest 40 years after logging, when compared with un-logged forest. This does not prove that logging has no impact on threatened species, especially given that a number of threatened species are not 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 almost completely irrelevant.

22) CCWA submits that the Proponents have drawn faulty conclusions from the ForestCheck data, which does not support the conclusion that forest logging has minimal impact on threatened species within timeframes that are relevant to the viability of populations in their current condition. The ForestCheck methodology, findings and interpretation of findings by the proponent cannot be relied upon as a scientific basis for assessing the impacts of forest logging activities proposed under the draft FMP.

23) CCWA submits that the DEC has a clear conflict of interest in undertaking self- assessment of the impacts of the DEC's forest management on threatened species using the DEC's own ForestCheck system, and relying only upon internal peer review by the DEC's staff. Assessment of the impact of forest logging and other forest management activity on native species must be undertaken by an independent body drawing from published peer-reviewed literature produced by independent scientists in the relevant fields.

According to the End of Term Audit of performance report on the existing FMP, 12 flora species and six fauna species have gone to a higher category of threat since implementation of the current FMP began (1 January 2004). It is almost impossible to imagine a scenario where FMP activities have not at least contributed to the increased threat status for these species, however this is exactly what the proponents have claimed.

There is no independently peer-reviewed science to support this claim and there is no transparent process established in the FMP to assess causal links between forest management activities and changes to the threat status for species in the future.

- 24) CCWA submits that before conclusions can be drawn about the impact of future logging activities in threatened species, there must be an independent peer-reviewed scientific assessment undertaken to establish;**
- a) what impact management activities under the Current FMP have had on threatened species; and**
 - b) a comprehensive baseline study of the status of threatened forest-dwelling species**

This analysis should be repeated every two years and the results should be used as the basis for key performance indicators in the FMP regarding impact on threatened species.

- 25) CCWA submits that a precautionary approach must be established in the FMP, such that increases to the threat status of forest-dwelling species is assumed to result from forest management activities, until independently peer-reviewed science can demonstrate otherwise.**

There is significant evidence in the published scientific literature demonstrating that logging (and for that matter prescribed burning) has a very real impact on threatened species, including those listed under the EPBC Act.

DEC's own published documents provide evidence of impacts of logging on threatened species. The official DEC Recovery plan for Forest Black Cockatoos 2007-2016 states:
6.3 Habitat Loss (Page 14)

*Habitat loss for agriculture, **timber harvesting, wood chipping** and mining appears to be the principal cause of the historical decline of Baudin's Cockatoo and the Forest Red-tailed Black Cockatoo....*

*In the remaining habitat, selective removal of Marri for **timber, mining, wood chipping** and agriculture has resulted in further declines...*

In fact, the official Fauna Nomination Form for Forest Red-Tailed Black Cockatoos under the WA *Wildlife Conservation Act* completed in 2004, DEC's own Chief Zoologist Dr. Peter Mawson states:

13: Summary Status Assessment: "...critical nesting and feeding resources are declining due to continued logging and competition from feral bees and wood ducks."

This form highlights the impact of past and proposed logging activities on the nesting and feeding resources for the cockatoos. Among the 'Management needs and implications' recommended in the nomination, it states:

"Retain mature and over-mature Marri trees for nest a food source as part of forest Management prescriptions [Currently the species of tree selected for habitat trees is not specified and there is no sivicultural prescriptions for Marri, unlike karri and Jarrah.]"

While other proponents whose proposals are subject to the EPBC Act are required to undertake increasingly onerous and expensive measures to mitigate their impacts on black cockatoos the Draft FMP describes equivalent mitigation requirements for impacts caused by logging or burning.

During the last decade (and since the RFA came into effect), the methodology for assessment and standards for protection of black cockatoos has changed significantly, to reflect improved scientific understanding and the ongoing decline in the species. For example, the recently updated guidelines for referral of actions for Commonwealth Assessment under the EPBC Act for black cockatoos now suggests referral of projects that would destroy just one nesting tree for these birds and the Commonwealth Government is imposing offset requirements to achieve no net loss of cockatoo habitat.

In stark contrast to this the Draft FMP proposed a forest management regime that would systematically degrade the quality and quantity of foraging and nesting habitat for cockatoos.

26)CCWA submits that the mitigation arrangements for impact on threatened species habitat established in the Draft FMP are inadequate

27)CCWA submits that given the significant impact of drought, climate change and forest diseases on cockatoo habitat, a primary goal for the FMP must be to protect and *restore* habitat values for threatened species, not to allow any further degradation of these values by logging or other management activities.

28)CCWA submits that there must be a thorough, independent baseline assessment of all foraging and nesting habitat for cockatoos in the FMP area to accurately determine the abundance, distribution and condition of these resources.

29) CCWA submits that before the commencement of any planned disturbance activities under the FMP (including logging, burning etc.) a thorough audit of cockatoo foraging and nesting habitat in the area is undertaken, and management practices developed to ensure that these resources are not impacted.

30)CCWA acknowledges that additional measures have been put in place to protect marri tree habitat, however we do not have confidence that that these measures will be enforced or implemented effectively on ground.

31)CCWA submits that there is no clear goal, or performance indicator for the protection of marri in the draft FMP, and this must be rectified. Such an indicator must be linked back to a thorough, independent assessment of the current status of marri habitat, which is repeated at regular intervals, and supported by detailed auditing of marri habitat prior to any disturbance activities taking place.

32)CCWA submits that the additional protection measures for Marri trees will not prevent the systematic degradation of marri habitat over time, and do not place sufficient emphasis on the maintenance of foraging habitat and will not

prevent the further decline in critical habitat values for cockatoo and other hollow-dependent species.

33) CCWA submits that the maintenance and enhancement of foraging habitat for cockatoos will require preservation of all food-bearing tree species including Jarrah and Marri trees with in the FMP area.

34) CCWA submits that 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. The proponents 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 assessment.

35) CCWA submits that the exemption from Commonwealth Government assessment of the Draft FMP on the impacts of EPBC-listed threatened species established under the RFA is invalid given that:

- 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 Draft FMP proposes a 10-year management program that extends beyond the term of the RFA**

Therefore the FMP must be assessed by the Commonwealth Government under the EPBC act.

36) CCWA submits that the key performance indicator provided in the draft plan for impact on threatened species (no species to increase its threat status in the formal listing process) is misguided and inadequate as a measure of success in the protection of threatened species.

As identified by the WA Auditor General in his report on the management of threatened species, the listing process that the FMP proposes to rely upon is highly problematic for a number of reasons. The Auditor General conclude that the listing status of threatened species was many cases a poor indicator of the degree of threat, but rather the status of information, the availability of resources and other factors including the bias of the agencies responsible for the listing process.

37) Given that the agency responsible for implementation of the FMP is also responsible for increasing the level of threat status for species under the *Wildlife Conservation Act*, the use of this performance indicator establishes a serious conflict of interest that seriously undermines the integrity of both the listing process and the FMP.

38) CCWA submits that 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.

- 39) CCWA submits that the protection of habitat values for threatened species within their anticipated current and historical range is not adequate given that future climatic variability is likely to drive these species into areas that they have not previously occurred.**
- 40) CCWA submits that management practices that protect habitat values for threatened species must apply across the entire FMP area.**
- 41) CCWA submits that there must be thorough, detailed and independent fauna surveys conducted prior to any disturbance activities planned under the FMP, and that logging should not proceed in any locations where threatened species are found to be present.**

Protection of Indigenous cultural values, including the cultural landscape of Southwest forests

Recent amendments to the Conservation and Land Management Act require the assessment and protection of cultural values of state forests as a higher priority management objective than the provision of forest products.

CCWA submits that the proponents of the draft FMP have fundamentally failed to adequately assess the cultural values of the forest, and have presented a management plan that, if implemented, will result in the systematic degradation of these values.

It appears that the proponents expect to provide for the protection of cultural values only as an afterthought - i.e. only after the supply of forest products has been provided for and allocated by the FMP. This approach relies on post management planning (and post timber allocation) coupe-by-coupe assessment of archaeological values prior to logging activities, with necessary adjustments made to harvesting plans to protect these values.

The approach outlined in the draft FMP fundamentally misses the point about recognition and protection of cultural values. Contemporary assessments of Aboriginal cultural values (such as the one recently undertaken by the Australian Heritage Council in the Kimberley) recognise that Aboriginal cultural heritage values exist across the entire landscape, at a landscape scale. These values include the presence of critical cultural factors including totems (such as the forest red-tailed cockatoo), and song lines - both of which that exist over very large areas in time and space. These are critical factors that make up the cultural landscape of the forests which must be identified and protected under the FMP.

It is impossible to provide for the protection of such values through the mechanism proposed by the draft FMP. The proposed methodology for assessment and protection of cultural values cannot adequately deal with the cumulative impacts of multiple logging operations on the cultural landscape of the forest.

To the extent that logging or other management activities planned under the FMP (such as prescribed burning) may be fundamentally at odds with the goal of maintaining and protecting cultural values, these tensions must be understood and resolved at the management planning stage, rather than an add-on at some point in the future where significant changes to planned management strategies will be impossible.

- 42) CCWA submits the proponents planned approach for the assessment and protection of cultural values is at fundamentally at odds with CALM Act Management Planning Principles, and will not provide for adequate protection of the values that together make up the cultural landscape of forest areas managed under the draft FMP.**
- 43) CCWA submits that any native forest logging is likely to be fundamentally inconsistent with the maintenance and protection of the Aboriginal cultural landscape.**
- 44) CCWA submits that a comprehensive assessment of landscape-scale cultural values must be undertaken with and by Traditional Owners *before* any management planning decisions that relate to extractive use of forest products, including logging prescriptions, areas to be logged or log volume allocation. To do otherwise is to treat the cultural values of the forest as an afterthought, and would breach the intent of management planning principles set out in the CALM Act.**
- 45) CCWA submits that the impact of the FMP on the cultural values and cultural landscape of state forest must be comprehensively assessed by the EPA under Part IV of the *Environmental Protection Act*, as these factors are covered within the definition of 'environment' provided in the Act.**

The recent CALM act amendments also provide a framework for indigenous joint management of areas vested in the Conservation Commission, including state forest areas managed under the FMP.

CCWA believes that there may be significant social and economic opportunities arising from Joint Management of some or all of the state forest; and that such arrangements will be essential in the maintenance of the Aboriginal cultural values of southwest forests. In particular, the active practice of Aboriginal culture will be a critical factor in the continuation and protection of cultural values, and joint management provides a framework for this to occur.

- 46) CCWA submits that Indigenous Joint Management arrangements that facilitate the practice of Aboriginal culture, decision-making and custodianship over land must be put in place over all state forest as an essential element in the protection and maintenance of Aboriginal cultural values of the forest.**

The draft FMP will effectively preclude this for state forest areas, by locking in the provision of high volume - low value forest products as a primary management objective, including through facilitating commercial contracts for timber products which will fundamentally constrain future joint management options.

- 47) CCWA submits that the current FMP process should be suspended to allow comprehensive engagement with Southwest Traditional Owners to establish an Indigenous Joint Management Plan to replace the draft FMP.**

Maintenance of global carbon cycles and management of the forest for carbon sequestration

Given the serious threats posed by global climate change, CCWA considers that the role forest play in moderating local and global climatic impacts, including through carbon sequestration must be one of the central factors in forest management. Forests are one of the only ways that exist to sustainably remove carbon pollution from the atmosphere.

48) CCWA submits that given the unique role that 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 southwest forests must be a primary goal of the FMP.

Instead, the draft FMP proposes activities that would significantly degrade carbon storage potential over time and provides virtually no meaningful or scientifically robust analysis of these impacts. Such a cursory treatment would not be accepted by the EPA in any other sector of for any other proponent.

The ESFM principles specify the following requirement for forest management planning:

- *Maintenance of global carbon cycles (principle 5)*

The figures for carbon sequestration potential of state forests provided in the draft FMP are so misleading as to suggest a deliberate attempt to seriously misrepresent the issue to the Australian public and to conceal the real carbon pollution impact of the forest logging and burning activities that would be sanctioned under the draft FMP.

The figures provided in the FMP do not disclose the very significant carbon pollution arising from logging and burning practices planned by the FMP, and do not provide an estimate of the carbon storage potential of the forest if logging and prescribed burning were not undertaken as planned under the FMP.

In addition, draft FMP does not address the very significant carbon loss from forest soils or dead woody matter, as it contains estimates of only above-ground living biomass. Logging and burning activities have the effect of systematically drying the forest and forest soils through exposure of soils to solar radiation, wind and water erosion, by raising the soil surface temperature, through mechanical soil disturbance, and by removing the protective layer of leaf litter and other accumulated debris on the forest floor. These processes result in huge losses of soil carbon to the atmosphere which may not be replaced for decades or centuries. The draft FMP has failed to account for this emissions source which will occur as a direct result of logging and burning activities planned under the FMP.

49)CCWA submits that the information provided in the draft FMP 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 draft FMP states that '*fully stocked forest in the mature and senescent stages of growth is generally at its maximum carbon storage potential and is no longer accumulating carbon*'. This is inaccurate and

This may be true for the living biomass fraction of forest carbon however it overlooks the fact that there is a continual building of soil carbon stores over time in mature forest ecosystems.

50) CCWA submits that the failure to recognize the significant soil carbon storage potential of native forests, (including the impacts of this carbon store by logging 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.

51) CCWA submits that the proponent must assess ALL carbon emissions from proposed activities under the FMP. This must include all carbon emissions from logging and burning activities proposed under the FMP, including soil carbon.

52) CCWA submits that 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.

53) CCWA submits that the failure to assess the economic opportunities arising from the sale of carbon credits from avoided deforestation constitutes a breach of the CALM act, ESFM principles and Environmental Protection act principles. The EPA should consider the forgone value of carbon credits resulting from logging activities as this matter lies within its jurisdiction.

The proponents of the FMP have stated that there currently is no Commonwealth policy framework to allow carbon credits from avoided logging to be sold into the compliance market.

This is not correct, as there is an opportunity for third parties (such as the WA Government) to submit a methodology for accreditation of carbon sequestration activities under the *Carbon Farming Initiative* (CFI) which could allow the sale of carbon credits from avoided logging. Even if this pro-active opportunity is not pursued, there is a strong likelihood that during the term of the draft FMP, Forest Management emissions will be formally integrated into the Commonwealth Government's emission trading regime. To develop and implement a management plan that prevents a rational response to this policy change by locking in a management regime that destroys carbon values is irresponsible.

CCWA has commissioned an independent report to quantify both the potential for the generation of carbon sequestration credits from avoided logging in Southwest forest managed under the FMP, and the potential value of these credits.

This report (provided at **attachment 3**) has been prepared by Dr Andrew Macintosh, Associate Director of the Australian National University Centre for Climate Law and Policy. Andrew is environmental law and policy expert, and he has a particular expertise in carbon accounting and modelling.

- 54) CCWA submits the following key findings from the report *Carbon credits from Western Australia's multiple use public native forests: a first pass assessment***
- a) That it is highly likely that the forests managed under the proposed FMP will soon fall under a Forestry Management credits regime**
 - b) That, 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) That 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\$).**

In conclusion

- 55) CCWA submits that the EPA must reject the current draft FMP as a proposal that, if implemented will cause unacceptable impacts on the WA environment and the cultural and economic values associated with Western Australia's state forests.**