

Extracts from SO52_NSW EPA_Public forest harvesting operations in NSW_b447-734.pdf

This set of documents include liason between the FC and EPA to improve Koala prescriptions within the GKNP – including proposed amendments to the CIFOA Koala prescriptions for GKNP; lots on soil assessments in Oaks SF; EPA's identification of specific erosion problems and identification of specific corrective actions; problem with mis-identification of Northern Quoll; EPA's summary and response to NEFA's letters supporting our concerns about the NRC, NRC's Koala claims, and inadequacies of Koala prescriptions; discussion with Dr Gillepsie from DPE Koala Science about prioritising cmpts for thermal drone surveys; Request for CIFOA Protocol 5 restricted activities approval in Oaks (a road thru Rufous Scrub Bird habitat?) which was refused due to inadequacies; proposals for managing Koalas in Pine Creek SF; discussion about plantation mapping problems; mentions of problems in Bulga;.

Dear Mr Chappel

Please find attached a letter from Anshul Chaudhary, FCNSW CEO in response to your letter of 4 August 2023 in relation to this matter.

Kind regards
Ann

**Ann Denlow | Secretariat & Executive Support Coordinator
Forestry Corporation of NSW**

The letter includes a lot of self-justification, reiteration of existing requirements, but also:

11 August 2023

Dear Mr Chappel

Timber harvesting in the proposed Great Koala National Park assessment area.

I refer to the letter from the Environment Protection Authority (EPA) to Forestry Corporation of NSW (Forestry Corporation) dated 4 August 2023, requesting that Forestry Corporation implement precautionary measures in relation to the proposed Great Koala National Park (GKNP) assessment area.

- Increase the retention of koala browse trees to a minimum of 10 per hectare. This doubles the feed tree protection rate that is specified in the Coastal IFOA for most operational areas, resulting in additional protection for koala habitat.
- Ensure that contemporary, peer reviewed research is applied when selecting koala browse trees. This will result in preferential selection of tallowwoods with a diameter at breast height between 25 centimetres and 50 centimetres where available, without contravening the Coastal IFOA requirement to select scattered trees.



Anshul Chaudhary
Chief Executive Officer

Further down (amongst the Oaks docs) is “GKNP precautionary measures – protocol updates” to apply to ‘precautionary measures area’. This includes:

- Setting retention of Koala feed trees as 10/ha
 - Koala FT to be greater than 30 cm DBHOB
 - Possibly adding Small-fruited Grey Gum as a primary browse tree
 - Requiring FCNSW to prioritise protection of high value Koala habitat in wildlife habitat clumps
 - Excluding the ‘precautionary measures area’ from ‘intensive harvesting’, by changing map.
 - Provide EPA with harvesting plans 3 weeks prior rather than 2 days – maybe also to the community:
- Ensure operational plans are also made available to the public at least three weeks prior to the commencement of the forestry operation, and any revisions to the operation plan due to engagement with the EPA or the community are provided within a reasonable timeframe ahead of operations commencing. This is to provide transparency on proposed operations and controls in place.

There is lots about soil issues in Oaks, most importantly the EPA’s assessment of problems and detailed request for corrective actions:

REQUEST FOR CORRECTIVE ACTIONS TO BE UNDERTAKEN **Oaks State Forest – Compartments 18 to 21**

On 24 August 2023, in response to community concerns, The EPA conducted an inspection of certain aspects of the roading operation being undertaken by FCNSW within Compartments 18, 19, 20 and 21 of Oaks State Forest (the forest).

The inspection at the forest identified a number of issues and alleged contraventions of the Coastal Integrated Forestry Operations Approval (CIFOA) in relation to the following:

- **The management of drainage feature crossings,**
- **The management of road surface drainage structures, and**
- **The management of road batters.**

To give effect to the outcome statement for Division 4 of Chapter 5 of the CIFOA, and to ensure compliance with the CIFOA in relation to the above listed issues, corrective actions are required.

Request for CIFOA Protocol 5 restricted activities approval in Oaks (a road thru Rufous Scrub Bird habitat) which was refused by EPA:

Dear Mr Howat,

**Re: Protocol 5 Report - Road upgrade works within a Category 1 ESA of a subject species
Cpts 18, 19, 20 & 21 of Oakes State Forest**

I refer to the Restricted Activity Report submitted by Forestry Corporation of NSW (FCNSW) to the NSW Environment Protection Authority (EPA) on 7 July 2023.

The EPA has reviewed the provided application, noting it outlines activities that likely comprise the most extensive restricted activity proposed to date. This review identified multiple, significant deficiencies in the application that prevent a proper assessment of the proposed activity. Accordingly, the EPA will not be providing written approval for the proposed activity.

The proposed activity presents significant environmental risks. The majority of the activity is within Rufous Scrub-Bird Micro-Habitat – some of which is proposed to be cleared. It is also situated within compartments in which slope, mass movement and Inherent Hazard Level 3 exclusions apply, making roading activities particularly challenging.

It is apparent that the proposed **restricted activity** comprises a substantial length of **road upgrade** through **environmentally significant areas** in order to access what appears to be a limited potential harvest area extent. The EPA notes that a very limited attempt has been made at addressing the requirements of Protocol 5 in regard to this proposal including basic planning and survey expectations. FCNSW should bear in mind that a significantly higher level of diligence in addressing the Protocol 5 requirements will be required in order for reassessment of a new application for **restricted activity** to gain approval.

Chris Fraser
Chris Fraser
Unit Head – Soil and Ecology
Technical AWNSG
Regulatory Practice and Services (RPS)

This is what they say about post fires SSOCs:

Actions following the 2019-20 bushfires

- As an interim measure immediately following the fires, the EPA worked with FCNSW to develop site-specific operating conditions (SSOC) in the Coastal IFOA that addressed environmental risks and allowed logging to continue at certain 'low risk' sites.
- However, these SSOCs can only be triggered by FCNSW. FCNSW sought a return to normal logging operations as soon as they considered they could comply with the IFOA, and ceased requests for the issuing of SSOCs in September 2020. In some circumstances, FCNSW has applied voluntary conditions which are not enforceable by the EPA.
- Forestry Corporation of NSW is currently operating under standard Coastal IFOA conditions and has committed to applying additional voluntary measures where it considers they are necessary. These conditions are not approved or able to be enforced by the EPA.
- The EPA is aware that operations are occurring in areas where the Natural Resources Commission (NRC) advise logging should temporarily cease, and where the Coastal IFOA should be augmented with additional controls.
- The EPA continues to advocate the need to implement this advice to the NSW Government and FCNSW.

For internal background only:

- In addition, the Environment and Heritage Group Remote Sensing of Fire program has recently commenced analysis of remote sensing and field data to assess post-fire recovery of vegetation cover in forests for the third year since the fires.
- Their preliminary findings identify that fire affected forests are still ecologically recovering and at risk from further disturbances from logging and climate change related risks.
- In many areas, vegetation cover showed a vigorous response (either by resprouting or from seed) across the first three years since the fires, but this should not be taken to prove full recovery.
 - Based on the literature, vegetation cover in dry sclerophyll forests in south-eastern Australia may return to pre-fire levels at around four to six years post-fire, and height and vertical structure may be significantly altered for 10 years or more
 - Research from the Australian Museum has found that frog species recovery has been mixed, and this is likely to be the case for birds, mammals, and other groups.
- The effect of multiple compounding stressors (e.g. short fire intervals, pre-fire drought, high severity fire, post-fire logging) on post-fire recovery is not well known.
- Further analysis and data is needed to understand the impact of forestry operations at the landscape level to ensure biodiversity is not jeopardised.

For those into streams, the issue of identifying the channel head from which the stream is identified as starting is a key issue, which is getting some attention:

Channel heads	FCNSW are seeking to better understand the EPA position on channel heads identification, with particular reference to recent examples in Bulga SF. We note the EPA has also provided comment on channel head location in relation to investigations at Lower Bucca, Candole and Yambulla SF's.
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Bulga gets mentioned again:

In the Hannah's LLA is in the Bulga State Forest, inland of Port Macquarie. FCNSW have submitted a LLA request to EPA but there are inconsistencies in spatial data available to assess the area. The authorised plantation boundary appears to be based on the cadastre (lot); this is what FCNSW claim is not native forest. Satellite imagery and FMZ layers available from the EPA P-drive show native forest within this boundary. Some of this will be riparian zones, but other areas are large tracts of land (~4 ha).

There was concern when Braemar and Newry were approved:

Hi Ali,

This morning, I received a call from FCNSW confirming that the following contentious forestry operations are moving to active status:

- * Braemar 6,7 (north of Grafton) – ERAT score of Medium - Historically contentious particular interest from NEFA re Koala habitat.
- * Newry 21, 22, 26, 27, 28 (south of Coffs Harbour) – ERAT score of High (and located within potential GKNP boundaries) – History of contentious issues and strong local interest.

For information.

Regards Steve

Steve Orr
Director Regulatory Operations
NSW Environment Protection Authority
M 0436 438 221 E steve.orr@epa.nsw.gov.au

There were 2 documents produced in response to NEFA's letters to Penny Sharpe about Koalas and NRC. There is no covering letters/emails to explain them, though the version with a letterhead is a sanitised version:

Background

- The North East Forest Alliance (NEFA) is an alliance of groups and individuals throughout north-east NSW, with the principal aims of protecting rainforest, old growth, wilderness and threatened species.
- NEFA is an active stakeholder in the forestry portfolio, having written to the EPA on multiple occasions in relation to native forestry operations in north-east NSW.
- NEFA advocates for a swift transition out of native forest logging in NSW. They have been critical of the NSW Government's forestry policy in the past. For example:
 - They withdrew from the Coastal IFOA remake consultation process in 2018, citing strong concerns that their views would not be given due consideration.
 - They have lodged a case in the Federal Court against the Commonwealth and NSW Governments in relation to the extension of the north-east Regional Forest Agreement, arguing that the governments did not properly assess the impacts of this extension on threatened species.
- NEFA wrote to the Hon Penny Sharpe MLC, Minister for the Environment on 5 July 2023 and 17 July 2023 outlining their concerns with the Natural Resources Commission's (NRC) work in relation to koala prescriptions in the Coastal Integrated Forestry Approval (CIFOA) and advocating various proposals to preserve koala habitat (J1023/2811 notes).
- The meeting with the Minister is expected to be regarding the content within these two letters.

Response to NEFA's concerns regarding the NRC

- NEFA's letter to the Minister for Environment on 17 July 2023 outlines various concerns they have about the NRC. Namely, they criticise NRC's role in winding back koala prescriptions during the CIFOA remake, as well as NRC's recent study in May 2023 claiming that selective harvesting in particular sites did not adversely impact koala density or habitat.
- EPA shares NEFA's concern that the NRC study of koala presence before and after selective harvesting operations has limitations. In particular:
 - The research appears to be limited to a narrow range of forest types and operational approach, therefore limiting its general applicability;
 - There is uncertainty associated with the use of, and therefore the conclusions that can be drawn from, acoustic surveys;
 - The rubifolius analysis of tree species may be of limited applicability to CIFOA settings due to competing factors such as timber value and habitat usage; and
 - There is limited ability to determine the effects of tree size on koala occupancy.
- Similarly, EPA shares the concern that NRC's interpretation of available information on koala use by tree size has been inappropriately used in considering the adequacy of the koala prescription settings.
- The EPA position in development of the CIFOA koala browse tree prescriptions was for much higher rates of retention of larger trees with a clear priority for protection of higher quality browse species.
- The substantially reduced Koala prescription settings of the current CIFOA is an outcome of NRC's arbitration of those settings when agreement could not be reached between the EPA and the Forestry Corporation of NSW (FCNSW).
- The EPA and the Environment, Energy and Science Group (EES) are continuing to engage with the NRC on the CIFOA monitoring and research program development through technical and steering committees. The bulk of the work in this program is led by FCNSW, the Department of Primary Industries, NRC and consultants.

- Through these forums, the EPA has been encouraging the NRC to expand its research to include sites containing other forest types and silvicultural approaches which will serve to improve available data.
- NEPA also expresses concern in their 17 July 2023 letter that the NRC may be tasked with determining the boundaries of the proposed Great Koala National Park (GKNP). The NRC is not currently involved in the discussions relating to the GKNP boundaries.

Koala prescription amendments are being considered in the GKNP area.

- NEPA's letter to the Minister for the Environment on the 5 July 2023 raises concerns about the continued logging of preferred koala food trees and proposes a range of amendments to address these concerns.
- The EPA acknowledges these concerns and is currently in negotiations with FCNSW on the implementation of precautionary measures in the proposed GKNP area.
- Some of these precautionary measures may relate to the changes proposed by NEPA in its letter.
- The EPA will continue to regulate activities in the proposed Great Koala National Park area to ensure the rules in place to protect biodiversity and the environment are adhered to.
- Regulatory action may include issuing notices for information and records, issuing orders or directions and taking compliance action in respect of breaches.

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- Much of the NRC's CIFOA monitoring and research program development and is undertaken by FCNSW, DPI, NCR and consultants. While EPA (as well as RES) have engagement in the program via technical and steering committees, the EPA's influence in these circumstances is limited despite substantial allocation of time and financial resources.
 - There appears to be a reluctance to directly evaluate if the CIFOA's koala prescription settings (determined by the NRC through an arbitration process in 2016) improve outcomes for koalas and their habitat compared to what would result from the regular basal area retention requirements in selective harvesting operations under CIFOA.
 - While some of the NRC's koala research topics are of merit in the broader context of koala biology and ecology, many are of limited relevance or tangential to the koala prescription settings.
 - For example, nutritional analysis of various eucalypt species provides new information for koala conservation broadly but may not necessarily be appropriate to directly inform prescriptive settings despite the desire to realise immediate value from the work. In this case factors such risks from forestry due to high timber value (e.g. tallowood) and apparent habitat usage are more appropriate primary considerations in setting prescriptions.
 - It is noted that NEPA's letter dated 17 July begins by identifying their concern that the NRC may be tasked with determining the boundaries of the proposed Great Koala National Park. The remainder of the submission and the items considered in this briefing deal predominantly with general concern about the performance of the NRC (along with other government agencies). These concerns should not distract from the intended message that an appropriate arm of government show leadership in identification of appropriate boundaries for the proposed park.

EPA's view of NEPA criticism regarding current Koala protections

- NEFA has raised concerns that the EPA are misleading the public in its characterisation of the Koala protections provided by the current Coastal IFOA.
- As part of a broader government decision in moving away from the koala protections of the previous IFOA's Threatened Species Licence involving scat surveys and identification of koala high use areas, the EPA acknowledged that those settings were not an efficient use of the available resources and often left important habitats unprotected.
- As detailed in NEFA's letter dated 17 July 2023 the EPA position in development of the Coastal IFOA koala browse tree prescriptions was for much higher rates of retention, of larger trees with a clear priority for protection of higher quality browse species which the EPA considered to be necessary to adequately mitigate the risk from logging. The substantially reduced Koala prescription settings of the current Coastal IFOA is an outcome of NRC's (Advice on Coastal Integrated Forestry Operations Approval Renewal 2016) arbitration of those settings when agreement could not be reached between the EPA and FCNSW.

Final Dot Points

- The EPA continues to have concerns that the limitations from the current research have not been adequately acknowledged, namely that is limited to a narrow range of forest types and operational approach.
- The research findings should appropriately be restricted to the limited forest types and the harvesting impacts covered in the project but have been extrapolated to a degree to conclude that the research did not identify impacts to koalas in selective harvesting operations throughout the CIFOA.
- The EPA supports the expansion of the research to include sites containing other forest types and silvicultural approaches (mainly focal tree species for harvest and varying harvest intensities) which will serve to improve available data.
- The EPA has identified other issues with the study including:
 - o Unacknowledged uncertainty associated with the use of, and therefore the conclusions that can be drawn from, acoustic surveys;
 - o Nutritional analysis of tree species may be of limited applicability to CIFOA settings due to competing factors such as timber value and habitat usage.
 - o The project has a limited ability to determine the effects of tree size on koala occupancy and the claims around the insignificance of tree diameter have limited support in literature.

[It is generally recognised that Koalas browse on smaller trees of some species such as tallowwood, but find other smaller trees of other species, such as small fruited grey gum unpalatable. However, NRC research has considered tree species and size separately without assessing the combination of those factors. NRC's consideration of koala browse tree size also disregards the lower capacity for small trees to produce foliage to for koalas to browse on.]

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Dot points request

North East Forest Alliance

Background

- The North East Forest Alliance (NEFA) is an alliance of groups and individuals throughout northeast NSW, with the principal aims of protecting rainforest, old growth, wilderness and threatened species.
- NEFA is an active stakeholder in the forestry portfolio, with some of the most knowledgeable members on the regulatory rules and regimes for native forestry.
- NEFA often undertakes their own audits of native forestry operations, producing lengthy reports on what they consider are breaches of the Integrated Forestry Operations Approvals (IFOA). While not always correct, they do provide useful information on potential compliance issues from time to time.
- NEFA advocates for a swift transition out of native forest logging in NSW. They have been critical of the NSW Government's forestry policy in the past. For example:
 - NEFA withdrew from the Coastal IFOA remake consultation process in 2018, citing strong concerns that their views would not be given due consideration. They continue to raise concerns with the Coastal IFOA process, and the adequacy of its design.
 - NEFA have lodged a case in the Federal Court against the Australian and NSW governments in relation to the extension of the north-east Regional Forest Agreement, arguing that the governments did not properly assess the impacts of this extension on threatened species.
 - NEFA have sought an urgent court injunction (www.adm.org.au/2023/07/31/forests-defenders-sue-injunction-to-stop-new-forestry-corporation-logging-koala-habitat/) to prevent forestry operations commencing in Myrtle and Braemar State Forests in northern NSW. They allege the areas are critical koala habitat. The forests are outside the proposed Great Koala National Park and are located in low-quality habitat that, prior to the 2019/20 fires, was known to support a regionally significant koala population. A court hearing was on 7 August [Note: seek an update from the NSW Environment Protection Authority (EPA) on the matter before the meeting].
- NEFA wrote to Minister Sharpe on 5 July 2023 and 17 July 2023 outlining their concerns with the Natural Resources Commissioner's (NRC) work in relation to koala prescriptions in the Coastal Integrated Forestry Approval (CIFOA) and advocating various proposals to preserve koala habitat (Tab 1).
- The NSW Environment and Heritage Group (EHG) has advised that because the latter criticises the NRC's research, use of literature and interpretation, it should be forwarded to the NRC to provide it with an opportunity to respond.
- NEFA's meeting with Minister Sharpe in August is expected to focus on the content of these two letters, as well as operations occurring in koala habitat on the north coast.

NRC research funded under the NSW Koala Strategy

- In 2019, under the previous NSW Koala Strategy (2019-2021), the NSW Government asked the NRC to oversee an independent research program to better understand how koalas are responding to intensive harvesting in state forests on the NSW North Coast.
- Due to the impacts of the 2019-20 bushfires on the North Coast, the Forestry Corporation of NSW (FCNSW) postponed intensive harvesting at the three research sites and undertook selective harvesting instead. The research program was subsequently modified to investigate how koalas responded to selective harvesting at the same sites.
- NRC, with input from an independent expert panel, commissioned three research projects to deliver the program:
 - Study 1 – Assessing the effects of selective harvesting on koala density using acoustics and faecal deoxyribonucleic acid (DNA) – led by the Department of Primary Industries (DPI) Forest Science Unit.

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14/02/2024

(APG)

- Study 2 – Determining the effects of selective harvesting on habitat nutritional quality for koalas – led by Australian National University.
- Study 3 – Using molecular and chemical faecal analysis to understand the impact of selective harvesting on the tree species koalas eat – led by Western Sydney University.
- Overall, the research found selective harvesting did not adversely impact koala density nor the nutritional quality of koala habitat.
- The NRC advised that the research findings suggested that the koala and wider landscape protections effectively mitigate the risks from selective harvesting.
- **SENSITIVE – FOR MO INFORMATION ONLY:** EHG (formerly NSW Environment, Energy and Science) and the EPA raised concerns that the draft report had over-generalised the findings, as the research was conducted under low-intensity harvesting that resulted in minor changes to canopy cover.
- The NRC included several caveats in its first report (released September 2021) to help prevent the research findings from being applied out of context in response to feedback provided by EHG and the EPA.
- Under the current Koala Strategy (2021-2025), up to \$265,000 (excluding GST) has been committed to the NRC over three years (from December 2022-December 2025) to continue to investigate koala responses to selective harvesting on the North Coast.

Response to NEFA's concerns regarding the NRC

- NEFA's letter to Minister Sharpe on 17 July 2023 outlines various concerns they have about the NRC. They criticise NRC's role in winding back koala prescriptions during the CIFOA remake, as well as NRC's recent study in May 2023, claiming that selective harvesting in particular sites did not adversely impact koala density or habitat.

CIFOA remake

- Koala prescriptions were extremely contentious in the remake of the CIFOA, which was finalised in 2018 following a protracted review period.
- The NRC arbitrated negotiations between the EPA and DPI on these settings, including koala browse tree prescriptions.
- The challenge in setting koala protections was to balance environmental outcomes with the maintenance of timber supply. Preferred koala food trees (tallowwood) are also one of the most favoured timber species and are also known to occur in association with the most prized timber species, blackbutt. Consequently, the koala habitat is where some of the most productive timber harvesting occurs in NSW.
- The CIFOA also moved away from historic provisions that were impossible to enforce and yielded little protection outcomes for koalas in the 23 years they were in place. This included the requirement to do thorough surveys of koala food trees for evidence of use. Instead, it moved to a map-based model, which assumes koalas are present, irrespective of the need to look for them. NEFA did not support this change.
- The EPA considers the CIFOA settings could be improved to better protect koalas, and this view was included in the NRC's 2018 CIFOA report.
- However, this may have implications for timber supply and is a matter the government will need to consider as part of upcoming reviews of the CIFOA and the Forestry Industry Roadmap.

Selective harvesting research

- The NRC's study of koala presence before and after selective harvesting operations has limitations and should be interpreted with caveats. In particular:
 - The research was limited to a narrow range of forest types and operational approaches, therefore limiting its general applicability.
 - The use of acoustic surveys for sampling koala populations does not necessarily indicate a breeding population and assumptions of occupancy and habitat use can be misleading.
 - The nutritional analysis of tree species has limited applicability to CIFOA settings due to competing factors such as timber value and habitat usage.
 - There is limited ability to determine the effects of tree size on koala occupancy.

(APG)

- The EPA and EHG are continuing to engage with the NRC on the CIFOA monitoring and research program development through technical and steering committees. The bulk of the work in this program is led by FCNSW, DPI, the NRC and consultants.
- Through these forums, the EPA has been encouraging the NRC to expand its research to include sites containing other forest types and silvicultural approaches, which will serve to improve available data.
- The EPA has also cautioned the need for greater independence in the research to ensure there is greater public acceptance of the findings. The EPA is concerned there is a risk, or perception, that relying on FCNSW and DPI to do the research has biased the research project.

NRC's role in the Great Koala National Park proposal

- NEFA also expressed concern in their 17 July 2023 letter that the NRC may be tasked with determining the boundaries of the proposed Great Koala National Park (GKNP).
- They consider the NRC are not impartial, given their history in the CIFOA process and koala research.
- The NRC is not currently involved in the discussions relating to the establishment of the GKNP.
- There is also no legislated requirement for the NRC to become involved in this work; that will be a matter for the Government to decide.

Precautionary koala prescriptions are being considered in the GKNP area

- NEFA's letter to Minister Sharpe on 5 July 2023 raises concerns about the continued logging of preferred koala feed trees. It proposes a range of amendments to address these concerns.
- The EPA acknowledges these concerns and is currently in negotiations with FCNSW on the implementation of precautionary measures in the proposed GKNP area.
- Some of these precautionary measures may relate to the changes proposed by NEFA in its letter.
- At this stage, FCNSW are willing to only implement a subset of precautionary measures on a voluntary basis.
- The EPA will continue to regulate activities in the proposed GKNP area to ensure the rules in place to protect biodiversity and the environment are adhered to, and if precautionary measures are not being applied, it will consider amendment to IFOA Protocols to ensure they can be enforced.
- Regulatory action may include issuing notices for information and records, issuing orders or directions and taking compliance action in respect of breaches.

Contact and approval

Contact officer	Position	Phone
Jackie Miles	Director, Regulatory Policy and Reform, EPA	0427 386 694
Approving officer	Position	Date
Nancy Chang	Executive Director, Regulatory Policy Initiatives and Advice, EPA	02/08/2023

Attachments

Tab	Title
1	Additional Corro - Koala Habitat - Logging concerns - D Pugh - North East Forest Alliance

This letter is also of interest:

FCNSW interactions on planned operations in the proposed GKNP

From: Jacquelyn Miles <jacquelynmiles@epa.nsw.gov.au>
:
To: Tony Chappel <tony.chappel@epa.nsw.gov.au>
Cc: Asela Atapattu <asela.atapattu@epa.nsw.gov.au>, Carmen Dwyer <carmen.dwyer@epa.nsw.gov.au>, Lauren Shone <lauren.shone@epa.nsw.gov.au>
Date: Thu, 25 May 2023 00:50:16 +0000

Hi All

The Ministers recent media and the Forestry PN outlines that "the EPA is also engaging with the Forestry Corporation of NSW to encourage it to take a precautionary approach to conducting forestry operations in areas with highly suitable koala habitat within the proposed Great Koala National Park, and to ensure such values are maintained if forestry operations are necessary in these areas."

In the MoU Ops Working Group yesterday, this was discussed. We outlined the current pressures, asked about the accuracy of their planning portal and opportunities for better collaboration on planning and designed if protection measures in operations occurring in the proposed GKNP.

FCNSW response was as expected, and may be better raised at the SOG or directly between CEOs (verbally or in a formal letter) to move them to a more precautionary approach given the circumstances.

In summary:

- As they have not received any Ministerial direction other than to keep fulfilling their obligations under WSA, they will not be making any changes in their approach.
- They are not privy to any discussions and not aware of the proposed boundaries of the GKNP (noting these are publicly available in the NCC report)
- They have no reason to think this should be factored into planning for current or future operations
- The operations that they know may fall into the proposed boundary were planned well before the election [we agree with this assertion, and it accords with my records]
- They agreed to have a look at the portal and tidy up where they can, acknowledging that they don't always know that they are going in until weeks in advance, so they need to maintain operational flexibility.

It left with the expectation this will be an ongoing discussion.

Something we can also discuss in the forestry BN catch up this arvo if you want,

J

Jackie Miles
Director Regulatory Policy and Reform

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FW: FCSW advice that they are deploying more harvesting operations teams to Newry and Conglomerate State Forests

From: Jacquelyn Miles <jacquelyn.miles@epa.nsw.gov.au>
To: Lauren Shore <lauren.shore@epa.nsw.gov.au>
Date: Fri, 04 Aug 2023 06:21:32 +0000

From: Steve Orr <steve.orr@epa.nsw.gov.au>
Sent: Friday, 4 August 2023 3:51 PM
To: Jacquelyn Miles <jacquelyn.miles@epa.nsw.gov.au>; Nancy Chang <Nancy.Chang@epa.nsw.gov.au>; Tarry Chappel <tarry.chappel@epa.nsw.gov.au>; Jacqueline Moore <Jacqueline.Moore@epa.nsw.gov.au>; Stephen Beaman <Stephen.Beamen@epa.nsw.gov.au>; Arminda Ryan <Arminda.Ryan@epa.nsw.gov.au>
Subject: FCSW advice that they are deploying more harvesting operations teams to Newry and Conglomerate State Forests

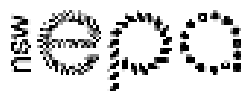
Hi All,

I have just received a phone call from FCSW advising the following:

- * FCSW are ceasing forestry operations in the Braemar and Myrtle State Forests due to ongoing legal proceedings instituted by the EDO on behalf of NLFA (seeking court injunctions).
- * FCSW are redeploying their harvesting teams to the Newry and Conglomerate State Forests.
- * This will mean that Newry SF will have 2 harvesting operations running in the forest which will double harvesting rates.
- * Conglomerate State Forest is also located in the proposed boundaries of the GKNP so this action will be highly sensitive to the community.
- * Conglomerate harvesting operations are currently listed as suspended on the FCSW Portal. This is likely to be updated to active today.
- * FCSW did not provide a clear timeframe for commencement of these operations (purportedly based on advice from NSW Police to reduce protester activities) but did indicate they may move the harvesting machinery over the weekend with a view to commencing operations within 48 hours.

Steve

Steve Orr
Director Regulatory Operations
NSW Environment Protection Authority
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The EPA acknowledges the traditional custodians
of the land and waters where we work. As part of the

GKNP precautionary measures - URGENT

From: Jacquelyn Miles <jacquelyn.miles@epa.nsw.gov.au>
To: Lauren Shone <lauren.shone@epa.nsw.gov.au>, Steve Orr <steve.orr@epa.nsw.gov.au>, Sonya Errington <sonya.errington@epa.nsw.gov.au>
Cc: EPA RSD Regulatory Policy & Reform Mailbox <regulatory.policy@epa.nsw.gov.au>
Date: Thu, 27 Jul 2023 09:08:23 +0000

Lauren,

Note what Tony has agreed to – highlighted below.

Can you please turn the precautionary measure letter into a final, but removes the protocol amendments section. Instead say the EPA will consider the need to impose these requirements via amendments to existing protocols, particularly if we see FC not operating within the intentions of this letter. Can I get this by COB today.

Please save it as a different GMD version, so we have a record of the changes.

Hit hold on the protocol amendments, but I expect we may end up there in time, so it's not wasted effort.

Steve and Sonya - FYI, this will mean there will need to be some hand holding in the operational planning and mark upstages, and ensuing compliance checks are ahead of operations. In GKNP areas. We will need to advance some guidelines to support this.

J

From: Nancy Cheng <Nancy.Cheng@epa.nsw.gov.au>
Sent: Tuesday, 25 July 2023 4:31 PM
To: Jacquelyn Miles <Jacquelyn.Miles@epa.nsw.gov.au>
Subject: FW: EPA+FC precautionary measures meeting

Nancy Cheng
Executive Director Regulatory Policy, Initiatives and Advice

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Our ref: DDC20X56386

Mr Anshul Chaudhary
Chief Executive Officer
Forestry Corporation of NSW
PO BOX 100
BEECROFT NSW 2119

By email: anshul.chaudhary@fonsw.nsw.au

Dear Mr Chaudhary

Precautionary approaches to harvesting in the proposed Great Koala National Park assessment area

As we discussed at the NSW Environment Protection Authority (EPA) and Forestry Corporation of NSW (FCNSW) Senior Officers Group meeting on 29 May 2023 and in subsequent meetings and discussions, the EPA is requesting FCNSW immediately implement additional precautionary measures in koala habitat within the proposed Great Koala National Park (GKNP) assessment area.

Noting that FCNSW is required under the *Forestry Act 2012* (the *Act*) to carry out forestry operations in accordance with the Coastal Integrated Forestry Operations Approval (CIFOA), there is flexibility in the *Act* and the CIFOA's design and operation to enable greater identification and protection of high value koala habitat in alignment with the principles of ecologically sustainable forest management.

As the process for assessing the area for the proposed GKNP is being established, the EPA will consider all forestry operations in the proposed GKNP assessment area as high risk. We have adjusted our inspection program to match the increased risks. Should any non-compliances be identified, the EPA will take enforcement action as appropriate.

The EPA requests FCNSW implement the following precautionary measures in the proposed Great Koala National Park assessment area:

1. Planning, reporting and public transparency

- Update the FCNSW planning portal within the next two weeks, and monthly thereafter, to remove, or register as completed, any forestry operations where there is no intention of commencing or re-commencing forestry operations in the next 12-months. This is to ensure records of current and proposed harvesting activities are accurate and stakeholders have visibility of planned and completed operations. I understand FCNSW have already progressed this measure.
- Operations Register and Plan of Operations services provided on epa.mapservices.fonsw.net.au/cgi/services to be updated weekly to reduce discrepancies between FCNSW planning portal information and service information. The EPA and FCNSW spatial teams will meet to facilitate an improved process for data exchange to deliver this measure in early August.

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- Provide the EPA with the operational plan for a forestry operation, at least three weeks prior to the commencement of the forestry operation (instead of the current two business days) to ensure opportunities for engagement on these precautionary measures. Where this is not possible for urgent logistical reasons, the EPA expect FCNSW to notify the EPA as soon as possible in advance of forestry operations commencing.
- Ensure operational plans are also made available to the public at the earliest opportunity prior to the commencement of the forestry operation, and any revisions to the operation plan due to engagement with the EPA or the community are provided within a reasonable timeframe ahead of operations commencing. This is to provide transparency on proposed operations and controls in place.
- Work with the EPA and the Department of Primary Industries to deliver a communications strategy that provides public transparency and accountability of operations, and factual information that can be disseminated on such activities. This should extend to information on the establishment and management of plantations in the area.
- Publish a dedicated information web page on the FCNSW website to inform the community about forestry operations in the proposed GKNP assessment area and the steps taken by FCNSW to protect koalas, koala habitat and environmental values that will contribute to the proposed GKNP.

2. Strategic design of permanent habitat protections

- FCNSW prioritise the protection of high value koala habitat, and areas with evidence of koala habitat, in wildlife habitat dumps and tree retention dumps. The EPA will issue FCNSW guidelines to support this, and to ensure other important habitat such as tree hollows are being retained.
- EPA and FCNSW to undertake fact-based meetings to discuss dump design, and the application of 'Protocol 22: Wildlife habitat and tree retention dumps' and supporting guidelines.
- Only selective harvesting in accordance with condition 48 of the IFOA be undertaken. If there is an environmental or forest health need to conduct intensive harvesting (as per condition 48), it must first be agreed to by the EPA in writing to ensure key park and environmental values will be maintained.

3. Application of koala browse tree protocols

- Apply koala browse tree prescription 1 to all forestry operations, resulting in a higher retention of koala browse trees where they are available.
- Koala browse tree selection must prioritise trees over a 30cm diameter at breast height over bark to koala browse trees to reflect contemporary research that koalas use a variety of tree sizes. Where this size is not available, then the next largest tree(s) should be selected.
- Increase the proportion of koala browse trees that are a primary browse tree species where they are available and prioritise the retention of secondary browse tree species that koalas have shown dietary or shelter preferences for under the Natural Resources Commission's koala research. The EPA will provide further guidelines to FCNSW on these measures.

4. Monitoring and quality assurance

- Support the EPA to undertake targeted koala surveys in select areas, where the EPA considers it may be necessary to ensure occupied habitat is better considered in the design of permanent habitat protections. This includes the provision of any necessary research permits, scientific licences, animal ethics approval and logistics and field assistance if it is required.
- Ensure that areas where evidence of koalas is identified during broad area habitat searches, or via targeted surveys, are prioritised for retention as koala browse trees or in tree retention dumps.

We request these measures are implemented immediately and be applied until the NSW Government has completed the establishment of the proposed GKNP assessment area, or until the EPA otherwise advises of new arrangements. We will provide a data layer showing the indicative location of the proposed GKNP assessment area to guide FONSW's implementation of these precautionary measures.

The EPA will continue to regulate activities in the proposed GKNP assessment area to ensure the rules in place to protect biodiversity and the environment are adhered to. Regulatory action may include issuing notices for information and records, issuing orders or directions and taking compliance action in respect of breaches.

As we have discussed, the EPA will closely monitor all harvesting operations in the proposed GKNP assessment area and may require adjustments to the Coastal IPCA Protocol if adherence to these measures is not demonstrated, or become otherwise required, and will consult with you on proposed amendments if these are deemed necessary.

If you have any further questions about these measures, or would like to discuss additional ideas, please contact Jackie Miles, Director Policy and Strategy, EPA, on 0427 386 694 or at jacquelyn.miles@epa.nsw.gov.au.

Sincerely



TONY CHAPPEL
Chief Executive Officer

4 August 2023

cc: Daniel Tuan, General Manager Hardwood Forests Division, FONSW via email Daniel.Tuan@fonsw.com.au



Advice request

Logging at Pine Creek State Forest

Key points

- There are no forestry operations currently planned or occurring in Pine Creek State Forest.
- Forestry Corporation of NSW (FCNSW) has indicated a proposal to harvest in the forest this year, however they are yet to submit their plans to the NSW Environment Protection Authority (EPA) or indicate the timing for this operation. The EPA is closely monitoring proposals for this operation.
- FCNSW is required to comply with the Coastal Integrated Forestry Operations Approvals (Coastal IFOA), which includes specific provisions to identify and protect koala habitat and feed trees.
- Recent media and koala experts have suggested deficiencies in the Coastal IFOA koala protections, primarily associated with the amount, size and species of koala feed trees that should be maintained. There is validity to the issues raised.
- Significant improvements to the Coastal IFOA can only be made jointly by the Minister for the Environment and the Minister for Agriculture. However, there are also a range of options the EPA can progress to increase protections for koalas.

Forestry operations in Pine Creek State Forest

- The Pine Creek State Forest is located between Coffs Harbour and Nambucca Heads on the Mid North Coast, and is within the proposed Great Koala National Park area. The remaining State Forest is predominantly plantation forests, with small pockets of native forest.
- The Mid North Coast was severely impacted by the 2019-20 bushfires. Pine Creek State Forest was not badly impacted by the fires, which means that it is an important refuge, particularly for koalas.
- Forestry operations in this region are strongly opposed by community groups, and this opposition has increased after the 2019-20 bushfires and with the Government's election commitment to establish the Great Koala National Park.
- An examination of the FCNSW Plan Portal confirmed that there are no active or approved forestry operations within the forest; however, there is a native hardwood 'proposed operation' listed.
- A 'proposed operation' means there is no harvest plan developed, so the EPA cannot determine what will be harvested, where harvesting will occur and what environmental protections will be put in place by FCNSW.

What current protections apply to koala habitat in Pine Creek State Forest

- All forestry operations must comply with the requirements set out in the Coastal IFOA. The IFOA includes requirements to retain important koala feed trees, prioritise koala habitat being set aside in permanently protected areas, look for koalas in every tree before felling them, and temporarily protect occupied habitat.
- The IFOA settings were set by the Natural Resources Commission (NRC) in 2016 as a means of balancing koala conservation with the delivery of the State's wood supply agreements on the north coast. The EPA raised concerns at the time that the settings may not adequately protect koalas based on our own research on koala habitat use in 2016.
- NRC, FCNSW and the Department of Primary Industries commenced research into the impacts of otherwise of forestry on koala habitat. The work is yet to be published, but EPA understands that it may indicate some adjustments to the IFOA may be necessary, particularly relating the amount, size and species of feed trees.
- Current scientific evidence also indicates that the Coastal IFOA was not designed to mitigate risks of harvesting in severely fire-affected landscapes, and these landscapes are still in a sensitive state of ecological recovery. The EPA is progressing a briefing note to the Minister's Office on the response to the NRC's report on the 2019-20 bushfires and recommended next steps.

Options for Increasing koala protections in Pine Creek State Forest

- The Coastal IFOA is made of IFOA Conditions, which can only be amended jointly by the Minister for the Environment and the Minister for Agriculture following public consultation processes set out in the Forestry Act 2012. In addition, the Coastal IFOA can adopt IFOA Protocols which are amended by the EPA from time to time. This framework provides several scalable options to improve koala protection.
- Powers under the Protection of the Environment Operations Act 1997 could be explored, however the EPA's position is that such regulatory powers should only be considered if the options below are exhausted.

Option	Action	Opportunities	Risks
Option 1 - Significant improvements to the koala protections via IFOA amendments (recommended)	Ministers can jointly amend the IFOA to: <ul style="list-style-type: none"> • Restrict forestry in certain habitat for refuge • increase the amount of koala trees to be retained, or • reduce logging intensity in koala habitat. 	This approach can also address outstanding actions from the NRC's bushfire advice.	The Act requires a complex public consultation process and will take a few months. The changes may impact on the wood supply agreements.
Option 2 – Modest improvements to koala protections via Protocol amendments (recommended)	The EPA can amend several IFOA Protocols to: <ul style="list-style-type: none"> • increase the size of koala feed trees to ensure the largest trees are being retained; • increase the proportion that should be the preferred feed tree species; and, • require koala habitat to be preferentially retained in permanent protected areas (clumps). 	The EPA is preparing a package of Protocol amendments to ensure their continual improvement, and this can progress with or in advance of these changes.	FCNSW (and industry) dispute that EPA can make Protocol amendments and may legally challenge the changes – Government support may be required to mitigate the legal risks
Option 3 – Interim improvements via Site Specific Operating Conditions (SSOCs) (not recommended)	The NSW Government can ask FCNSW to obtain SSOCs from the EPA in certain areas of koala habitat.	A flexible approach which enables the EPA to design bespoke protections depending on the habitat value and circumstances.	SSOCs can only be imposed by the EPA where FCNSW request them. If they choose to ignore the government's request, there is no regulatory or legal avenue the EPA can pursue.

Option	Action	Opportunities	Risks
Option 4 – Voluntary measures (not recommended)	The EPA can continue working with FCNSW to encourage a precautionary approach to forestry operations in areas of high value koala habitat. This could include voluntary measures, or deferring forestry operations if they are not critical.	N/A	The EPA cannot enforce voluntary measures if they aren't complied with.
Option 5 – bring forward the Coastal IFOA statutory review (not recommended)	The IFOA must be reviewed every five years to ensure its ongoing effectiveness. The first review is due to commence in November 2023. The review could be brought forward to consider improvements to the koala protections.	This approach can also address outstanding actions from the NRC's bushfire advice, and ensure other threatened species settings are fit for purpose.	This review will take up to a year to finalise. Ideally, this review should occur in tandem with economic analysis for the Great Koala National Park proposal, as they are intrinsically connected.

Contact and approval

Contact officer	Position	Phone
Jackie Miles	Director Regulatory Policy and Reform	0427 388 694
Steve Orr	Director Regulatory Operations	0436 438 221
Approving officer	Position	Date
Carmen Dwyer	Executive Director Regulatory Operations	22/05/2023
Asela Atapattu	As/Executive Director, Regulatory Policy, Initiatives and Advice	22/05/2023
Tony Chappel	Chief Executive Officer, EPA	23/05/2023

Fwd: Pine Creek State Forest

From: Tony Chappel <tony.chappel@epa.nsw.gov.au>
:
To: EPA Chief Executive Officer Mailbox <epa.chiefexecutive@epa.nsw.gov.au>, _EPA-Executive <g-di-corp-epa-executive@environment.nsw.gov.au>
Bcc: Nancy Chang <nancy.chang@epa.nsw.gov.au>
Date: Wed, 19 Jul 2023 07:48:47 +0000

Tony Chappel

CEO

NSW Environment Protection Authority

0408131236

From: David McPherson <david.mcpherson@dpi.nsw.gov.au>

Sent: Wednesday, July 19, 2023 5:30:29 PM

To: Tony Chappel <tony.chappel@epa.nsw.gov.au>

Subject: Pine Creek State Forest

Hi Tony

Just writing to provide you with an update on Pine Creek State Forest.

Our Minister has recently made arrangements for an evaluation and preparation of a report concerning unique and special wildlife values under the *Plantations and Reforestation Act 1999*. DPI has been in contact with Forestry Corporation and they have voluntarily suspended planned forestry operations on the Authorised Plantation CH0723.

Minister Moriarty has written to Minister Sharpe as per the provisions of the Act to notify her that the process is underway.

There is no action required from the NSW EPA or Minister Sharpe.

Once the evaluation report has been received by Minister Moriarty she will determine if any further action is required to minimise any adverse impacts that may occur because of the planned operations.

If you have any further questions, please give me a call as I'm happy to discuss this with you.

Regards

Dave

David McPherson

Deputy Director General

NSW Department of Primary Industries

Department of Regional NSW

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Coffs Harbour



Department of Regional NSW

We stand on Country that always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.



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11 August 2023

Reference Number: DDC23/886886
Our Ref: COUT23/0011

Mr Tony Chappell
Chief Executive Officer
NSW Environment Protection Authority
Via email: eps.chiefexecutive@epa.nsw.gov.au

Dear Mr Chappell

Timber harvesting in the proposed Great Koala National Park assessment area.

I refer to the letter from the Environment Protection Authority (EPA) to Forestry Corporation of NSW (Forestry Corporation) dated 4 August 2023, requesting that Forestry Corporation implement precautionary measures in relation to the proposed Great Koala National Park (GKNP) assessment area.

As you are aware, Forestry Corporation has approval to carry out forestry operations in the Coastal Integrated Forestry Operations Approval (IFOA) Region, including within areas of koala habitat on the NSW mid-north coast, in accordance with the conditions of the Coastal IFOA. The Coastal IFOA contains a range of settings that are intended to provide habitat retention to support viable and resilient populations of koalas across their range and minimise potential for direct impacts to individuals. Consequently, the koala is listed in Protocol 31 of the Coastal IFOA as a fauna species protected by the application of a species-specific condition.

We note the NSW Government's commitment to create a GKNP and understand that the development will be informed by expert scientific advice and independent economic assessment, as well as a consultation process with stakeholders. Forestry Corporation looks forward to participating in this process. However, as this process is yet to be undertaken, the precise size and location of the GKNP is not yet known. We confirm that you will provide a data layer showing the indicative location of the proposed GKNP assessment area and we note that the precautionary measures referred to in your letter and any measures discussed below are intended to apply to that area.

1. Harvesting extent and public information

We acknowledge that, while the koala continues to be protected by the settings in the Coastal IFOA, some stakeholders are concerned about harvesting activities within State forests that may ultimately be revoked to establish the GKNP. In recognition of these concerns, Forestry Corporation intends to implement (or has already implemented) the following measures:

- The rate at which forests are harvested will not exceed 10 per cent of the net harvest area of each Coastal IFOA management zone per year, and during the assessment period, harvesting operations in the assessment area will be restricted to selective harvesting.

- Continue to update Forestry Corporation's Plan Portal so that operations that are no longer intended to be undertaken are removed, expected commencement dates are updated and those operations that have been completed are recorded as such. This work is well underway and is expected to be published by the end of August.
- Provide improved web content in relation to the planned timing, location, and extent of operations for both hardwood plantations and native forests in the proposed GKNP assessment area, in order to improve community information and transparency. This page is under development and is anticipated to be published on Forestry Corporation's website in the coming weeks.
- Enhance information on the Forestry Corporation website in relation to how koala habitats are protected during timber harvesting. This page has been published at <https://www.forestrycorporation.com.au/operations/about-our-harvesting-operations/koalas-on-the-nsw-north-coast>
- Adhere to the requirement for publishing approved harvest plans two days prior to operations commencing and endeavour to do so in advance of this timeframe whenever possible, noting that there are a range of reasons why this may not always be possible. In this regard we note that areas proposed for harvesting in the upcoming months are listed on the Plan Portal even if the plan is not yet approved, thereby providing advance notice and transparency to the EPA and other stakeholders.
- Engage with the EPA spatial team to discuss provision of Plan of Operations information.
- Provide regular information to the Minister for Agriculture on upcoming operations which can then be shared more broadly within Government as relevant.
- Work with the EPA and the Department of Primary Industries to further improve communications and public transparency in relation to forestry operations.

2. Environmental measures

Contemporary research shows that koalas continue to utilise both reserved corridors and harvested areas following timber harvesting operations conducted under the Coastal IFOA settings. In recognition of the heightened community interest in relation to areas of koala habitat and koala food trees, Forestry Corporation intends to implement (or has already implemented) the following precautionary measures within the proposed GKNP assessment area during the assessment period:

- On average, exclude 40 per cent of any operational area from tree-felling.
- Prioritise areas where koala browse prescription 1 or koala browse prescription 2 would otherwise apply for inclusion in new wildlife habitat clumps, without contravening the Coastal IFOA requirements to include other habitats.
- Prioritise areas containing high numbers of koala browse trees for inclusion in new tree retention clumps, without contravening the Coastal IFOA requirements to include other retained trees and habitat features.
- Increase the retention of koala browse trees to a minimum of 10 per hectare. This doubles the food tree protection rate that is specified in the Coastal IFOA for most operational areas, resulting in additional protection for koala habitat.
- Ensure that contemporary, peer reviewed research is applied when selecting koala browse trees. This will result in preferential selection of tallwoods with a diameter at breast height between 25 centimetres and 50 centimetres where available, without contravening the Coastal IFOA requirement to select scattered trees.

In order to ensure that any additional precautionary measures complement our existing obligations to comply with the Coastal IFOA Forestry Corporation will need to take a thorough and structured approach to their implementation. In this regard, we note that we will need to undertake the following:

- operational plans will require amendment;
- procedures will need to be updated and rolled out;
- staff and contractors will require training in the new requirements;
- the script that calculates the required number of koala browse trees must be redeveloped; and
- monitoring procedures will need to be updated prior to any new precautionary measures being implemented.

Consequently, we expect that the new measures will be fully implemented across the assessment area as quickly as possible over the coming months, noting that some of them are already in place. This is subject to the spatial data referred to above indicating the location of the proposed GKNP assessment area is provided within sufficient time to allow this work to be undertaken.

If your team has any questions about these measures, please have them contact our Senior Compliance Manager, Linda Brackman, at linda.brackman@fcrsw.com.au or phone 08 9411 2100.

Sincerely



Anshul Chaudhary
Chief Executive Officer



Our ref: EGC23/006350

Mr Anshul Chaudhary
Chief Executive Officer
Forestry Corporation of NSW
PO BOX 100
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By email: anshul.chaudhary@fcnsw.nsw.au

Dear Mr Chaudhary

Precautionary approaches to harvesting in the proposed Great Koala National Park assessment area

As we discussed at the NSW Environment Protection Authority (EPA) and Forestry Corporation of NSW (FCNSW) Senior Officers Group meeting on 20 May 2023 and in subsequent meetings and discussions, the EPA is requesting FCNSW immediately implement additional precautionary measures in koala habitat within the proposed Great Koala National Park (GKNP) assessment area.

Noting that FCNSW is required under the Forestry Act 2012 (the Act) to carry out forestry operations in accordance with the Coastal Integrated Forestry Operations Approval (CIFOA), there is flexibility in the Act and the CIFOA's design and operation to enable greater identification and protection of high value koala habitat in alignment with the principles of ecologically sustainable forest management.

As the process for assessing the area for the proposed GKNP is being established, the EPA will consider all forestry operations in the proposed GKNP assessment area as high risk. We have adjusted our inspection program to match the increased risks. Should any non-compliances be identified, the EPA will take enforcement action as appropriate.

The EPA requests FCNSW implement the following precautionary measures in the proposed Great Koala National Park assessment area:

1. Planning, reporting and public transparency

- Update the FCNSW planning portal within the next two weeks, and monthly thereafter, to remove, or register as completed, any forestry operations where there is no intention of commencing or re-commencing forestry operations in the next 12 months. This is to ensure records of current and proposed harvesting activities are accurate and stakeholders have visibility of planned and completed operations. I understand FCNSW have already progressed this measure.
- Operations Register and Plan of Operations services provided on epa.mapservices.fcnsw.net/arcgis/services to be updated weekly to reduce discrepancies between FCNSW planning portal information and service information. The EPA and FCNSW spatial teams will meet to facilitate an improved process for data exchange to deliver this measure in early August.

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- Provide the EPA with the operational plan for a forestry operation at least three weeks prior to the commencement of the forestry operation (instead of the current two business days) to ensure opportunities for engagement on these precautionary measures. Where this is not possible for urgent logistical reasons, the EPA expect FCNSW to notify the EPA as soon as possible in advance of forestry operations commencing.
- Ensure operational plans are also made available to the public at the earliest opportunity prior to the commencement of the forestry operation, and any revisions to the operation plan due to engagement with the EPA or the community are provided within a reasonable timeframe ahead of operations commencing. This is to provide transparency on proposed operations and controls in place.
- Work with the EPA and the Department of Primary Industries to deliver a communications strategy that provides public transparency and accountability of operations, and factual information that can be disseminated on such activities. This should extend to information on the establishment and management of plantations in the area.
- Publish a dedicated information web page on the FCNSW website to inform the community about forestry operations in the proposed GKNP assessment area and the steps taken by FCNSW to protect koalas, koala habitat and environmental values that will contribute to the proposed GKNP.

2. Strategic design of permanent habitat protections

- FCNSW prioritise the protection of high value koala habitat, and areas with evidence of koala habitat, in wildlife habitat clumps and tree retention clumps. The EPA will issue FCNSW guidelines to support this, and to ensure other important habitat such as tree hollows are being retained.
- EPA and FCNSW to undertake field-based meetings to discuss clump design, and the application of 'Protocol 22: Wildlife habitat and tree retention clumps' and supporting guidelines.
- Only selective harvesting in accordance with condition 4B of the IFQA be undertaken, if there is an environmental or forest health need to conduct intensive harvesting (as per condition 4B), it must first be agreed to by the EPA in writing to ensure key park and environmental values will be maintained.

3. Application of koala browse tree protocols

- Apply koala browse tree prescription 1 to all forestry operations, resulting in a higher retention of koala browse trees where they are available.
- Koala browse tree selection must prioritise trees over a 30cm diameter at breast height over bark to koala browse trees to reflect contemporary research that koalas use a variety of tree sizes. Where this size is not available, then the next largest tree(s) should be selected.
- Increase the proportion of koala browse trees that are a primary browse tree species where they are available and prioritise the retention of secondary browse tree species that koalas have shown dietary or shelter preferences for under the Natural Resources Commission's koala research. The EPA will provide further guidelines to FCNSW on these measures.

4. Monitoring and quality assurance

- Support the EPA to undertake targeted koala surveys in select areas, where the EPA considers it may be necessary to ensure occupied habitat is better considered in the design of permanent habitat protections. This includes the provision of any necessary research permits, scientific licences, animal ethics approval and logistics and field assistance if it is required.
- Ensure that areas where evidence of koalas is identified during broad area habitat searches, or via targeted surveys, are prioritised for retention as koala browse trees or in tree retention clumps.

We request these measures are implemented immediately and be applied until the NSW Government has completed the establishment of the proposed GKNP assessment area, or until the EPA otherwise advises of new arrangements. We will provide a data layer showing the indicative location of the proposed GKNP assessment area to guide PCNSW's implementation of these precautionary measures.

The EPA will continue to regulate activities in the proposed GKNP assessment area to ensure the rules in place to protect biodiversity and the environment are adhered to. Regulatory action may include issuing notices for information and records, issuing orders or directions and taking compliance action in respect of breaches.

As we have discussed, the EPA will closely monitor all harvesting operations in the proposed GKNP assessment area and may require adjustments to the Coastal IFOA Protocols if adherence to these measures is not demonstrated, or become otherwise required, and will consult with you on proposed amendments if these are deemed necessary.

If you have any further questions about these measures, or would like to discuss additional ideas, please contact Jackie Miles, Director Policy and Strategy, EPA, on 02 959 2900 or at jaquelyn.miles@epa.nsw.gov.au.

Sincerely



TONY CHAPPEL
Chief Executive Officer

4 August 2023

cc: Daniel Tuohy, General Manager Hardwood Forests Division, PCNSW via email Daniel.Tuohy@pcnsw.com.au