

## **Supplementary breach report Compartment 2002, Bermagui State Forest, Eden Regional Forest Agreement Area.**

On 4 August 2010 a complaint about perceived breaches of the IFOA in Cpt 2002 was forwarded to the Department of Conservation Forestry Compliance unit and NCS International, auditors of the Australian Forestry Standard.

The following information refers to the inference in the complaint of 4 August 2010 that more than 60% of the Net Harvest Area was approved for logging. After suspending operations on 6 January 2010 logging resumed on 14 September 2011 with a new Harvesting Plan but apparently under the same 'event ID' number.

As indicated in the IFOA (Part 1- 6. {2}), Section 35 of the National Forestry and National Park Estate Act (1998) states:

### **35 Enforcement of relevant licence**

(1) The terms of a relevant licence set out in an integrated forestry operations approval are to be enforced (subject to this Act) in the same way as any other licence under the relevant Act. However, the terms of a relevant licence set out in an integrated forestry operations approval cannot be varied, and the licence cannot be revoked, under the relevant Act.

**Note.** A contravention of the terms of a relevant licence makes the person carrying out the forestry operations liable for offences for which the licence provides a defence (eg damage to critical habitat of threatened species under the *National Parks and Wildlife Act 1974*; offence of polluting waters under the *Protection of the Environment Operations Act 1997*).

(2) The government agency responsible for the enforcement of a relevant licence must notify the Ministers who granted the approval of any contravention (of which it becomes aware) of the terms of the licence by the persons carrying out forestry operations covered by the approval.

**Note.** Section 31 provides that the Ministers may amend, suspend or revoke an approval at any time.

According to the IFOA:

(11) In this clause:

“alternate coupe harvesting” refers to a silvicultural practice carried out in a compartment of State forest having the following elements:

(A) harvesting across the compartment as a whole takes place in two harvesting operations; and

(B) in any one harvesting operation:

(b) the area logged comprises no more than 60% of the net harvestable area of the compartment in existence immediately prior to logging, and

(c) each coupe in which logging is carried out adjoins at least one coupe that is not logged; and

(C) once any harvesting operation is completed in any coupes in the compartment no logging (other than thinning) is carried out again in those coupes until a further harvesting operation has been completed in the remaining coupes in the compartment; and

(D) there is a period of at least 5 years between the completion of logging in one harvesting operation and commencement of another in the compartment.  
 Note: The aim of alternate coupe harvesting is to disperse the environmental impacts of harvesting across space and time.

The following table provides the area figures from NHA 'shape-files' reconstructed for Cpt 2002 and as illustrated in the attached graphic (Appendix 1). While using Forests NSW first NHA figures as a percentage of the 'new NHA' provides for 59.6% of the NHA being approved for logging. Replacing FNSW's NHA figures with the 'new NHA' area figures provides for logging of 63.8% of the NHA in Cpt 2002.

Forests NSW new but, as yet unsighted Harvesting Plan, also provided for logging in at least coupes 3 and 4, raising the percentage of the NHA approved for logging, according to the 'new NHA' figures, to 69.6% of the NHA.

<b>Coupe No.</b>	<b>HP Net Area (ha)</b>	<b>% New NHA</b>	<b>New Net Area (ha)</b>	<b>New NHA logged (ha)</b>	<b>% of New NHA logged</b>
<b>1</b>	<b>19.2</b>	<b>12.4</b>	<b>20.685</b>	<b>20.685</b>	<b>13.3</b>
<b>2</b>	<b>28</b>	<b>18.1</b>	<b>26.771</b>	<b>26.771</b>	<b>17.3</b>
<b>3</b>	<b>N/A</b>	<b>N/A</b>	<b>3.566</b>	<b>3.566</b>	<b>2.3</b>
<b>4</b>	<b>N/A</b>	<b>N/A</b>	<b>5.365</b>	<b>5.365</b>	<b>3.5</b>
<b>5</b>	<b>N/A</b>	<b>N/A</b>	<b>5.542</b>	<b>0.0</b>	<b>0.0</b>
<b>6</b>	<b>N/A</b>	<b>N/A</b>	<b>17.284</b>	<b>0.0</b>	<b>0.0</b>
<b>7</b>	<b>N/A</b>	<b>N/A</b>	<b>8.192</b>	<b>0.0</b>	<b>0.0</b>
<b>8</b>	<b>N/A</b>	<b>N/A</b>	<b>15.268</b>	<b>0.0</b>	<b>0.0</b>
<b>9</b>	<b>23.5</b>	<b>15.1</b>	<b>26.953</b>	<b>26.953</b>	<b>17.4</b>
<b>10</b>	<b>21.7</b>	<b>14.0</b>	<b>25.493</b>	<b>24.615</b>	<b>15.9</b>
<b>Totals</b>	<b>92.4</b>	<b>59.6</b>	<b>155.1</b>	<b>107.955</b>	<b>69.6</b>

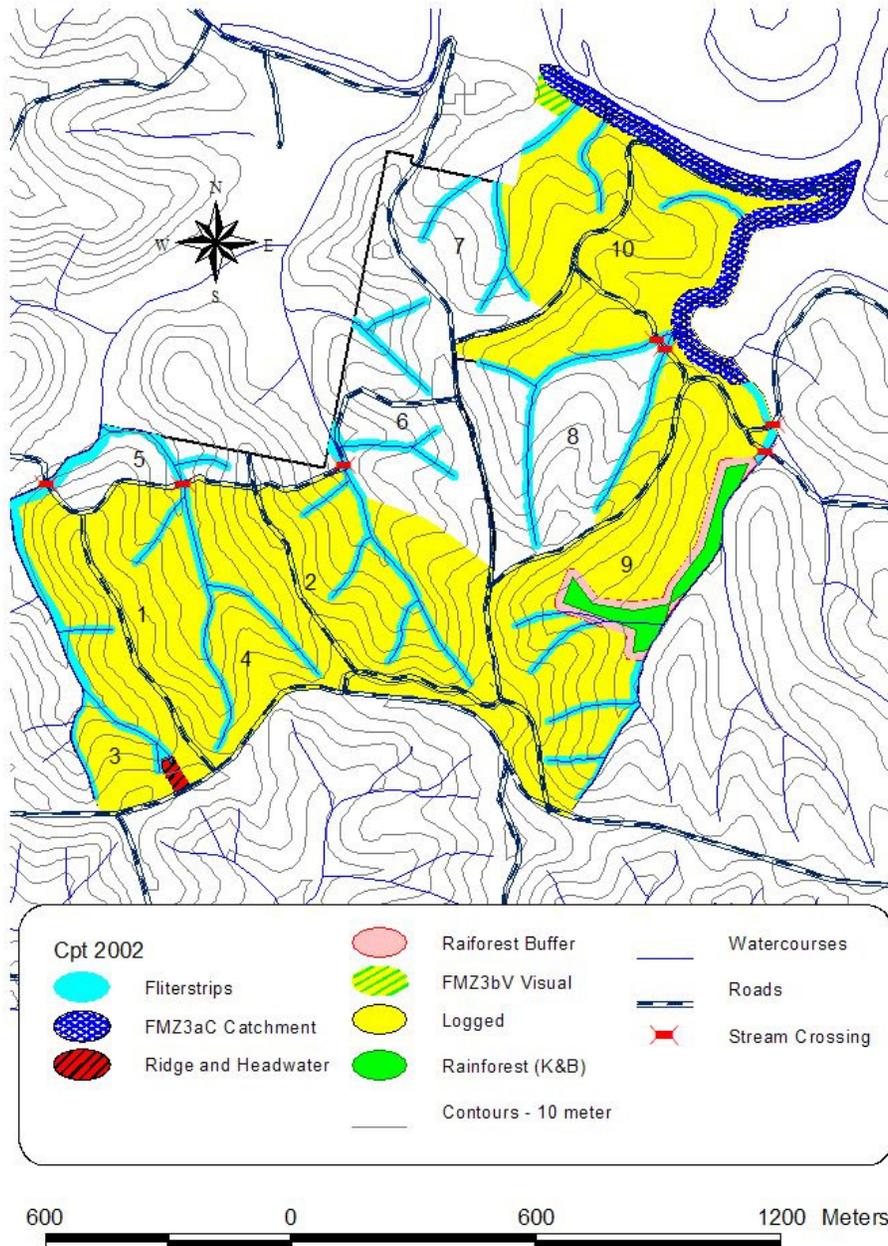
As indicated in the map five (5) adjacent coupes have been logged since the original Harvesting Plan was released in 2009.

Other aspects of the IFOA about which there are concerns regarding compliance during logging of Cpt 2002 are listed after the map (Appendix 2).

Robert Bertram  
 Friends of the Five Forests  
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<http://www.fiveforests.net>

Attachment 1

### Compartment 2002- Net Harvest Area & Coupes logged



## **Appendix 2.**

### **23. Site specific plans of harvesting operations**

- (1) Before any harvesting operation is carried out, SFNSW is to prepare a site specific plan in respect of the harvesting operation.
- (2) The plan is to contain one or more maps identifying the following:
  - (a) the location of the proposed harvesting operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where harvesting is not to be carried out, including any area within which harvesting is prohibited under this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the harvesting operation.
- (5) A harvesting operation should only be carried out in accordance with a plan prepared under this clause. However, if a harvesting operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the harvesting operation varies from the plan and keep this document with the plan.
- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.

### **8. Best practice**

- (1) In carrying out, or authorising the carrying out of, forestry operations SFNSW must give effect to the principles of best practice that apply to the operations concerned.
- (2) In this clause, “best practice” means the management of a forestry operation to achieve the ongoing minimisation of any adverse impacts of the forestry operation on the environment.