Biodiversity Council

Submission to Regional Forest Agreement Outcomes report 5 yearly review

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About The Biodiversity Council

The Biodiversity Council brings together leading experts including Indigenous knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. The Council was founded by 11 universities with the support of Australian philanthropists.

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Introduction

The Biodiversity Council welcomes the opportunity to provide feedback on the Regional Forest Agreement Outcomes report 5 yearly review (Outcomes Report).

The purpose of the Outcomes report is to facilitate the extension of the Regional Forest Agreement (RFA). This is done by reporting against an agreed set of criteria as outlined in the Tasmanian RFA, demonstrating ecological sustainable forest management in Tasmania. These criteria demonstrate how Tasmania provides for maintenance of a balance of environmental, social and economic values of its forests.

The Tasmanian RFA was first signed on 8 November 1997, and covers the whole state of Tasmania. On 18 August 2017 the Tasmanian RFA was varied by the Australian and Tasmanian Governments to establish a 20-year extension, with the introduction of a rolling extension contingent on the satisfactory completion of five-yearly reviews.

The *Variation of Tasmanian Regional Forest Agreement* states that the purpose of the 5-yearly review is to examine Tasmania's forest management to demonstrate Ecologically Sustainable Forest Management, including to:

1) demonstrate adaptive forest management in accordance with the RFA framework;
2) demonstrate how the Parties have provided for the protection of Matters of National Environmental Significance, including trends and the status of Matters of National Environmental Significance or other environmental values, which may be impacted by Forestry Operations;
3) demonstrate how relevant Statutory Conservation Planning Documents have been implemented as part of the Forest Management System;
4) demonstrate how social and economic benefits of forestry and other forest uses are being achieved; and
5) assess the extent to which key findings and/or recommendations for preceding 5 yearly reviews have been addressed.

The Outcomes Report, along with the *State of the Forests Report 2022 data report* and *Tasmania's Forest Management System: An Overview 2021* form a package that collectively satisfies the reporting requirements for the RFA 5-yearly review.

The Biodiversity Council views the existing national forest policy architecture as failing to protect biodiversity. In this submission we outline some fundamental problems with the Outcomes Report and other documents in the RFA 5-yearly review package. The use of a regulatory framework first developed in the 1990s by continual rolling extensions, is flawed. The latest independent review of the EPBC Act[1] found that there are 'fundamental shortcomings in the interactions between RFAs and the EPBC Act'. This necessitates wholesale reform of the approach to regulating forestry activities under RFAs. Forestry operations should be suspended until Tasmania provides credible scientific evidence for the protection of Matters of National Environmental Significance and other environmental values which are potentially impacted.

[1] See page 16 in Samuel, G (2020) *Independent Review of the EPBC Act – Final Report*, Department of Agriculture, Water and the Environment, Canberra. .https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf

Key concerns

1. There is insufficient information to determine the risk to biodiversity from forestry

Criterion b for the 5-yearly review requires demonstration of how parties have provided for the protection of matters of national environmental significance (MNES) and environmental values including trends and status of MNES.

In reporting against this criterion, the Outcomes Report notes:

> *"that the trends and status of relevant MNES and other environmental values are addressed comprehensively in the State of the Forests Report"* and that
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> *"additional information to address any changes to the trend and status of MNES and environmental values that occurred in 2022 as well as any relevant information on MNES and environmental values that is not included in the State of the Forests Report"* (pp. 36).

Both the Outcomes Report and State of the Forests Data Report 2016-2021 summarise how many nationally listed threatened species are found in Tasmania, including which ones are associated with native forest. The latest information, provided in the Outcomes Report, states that 147 listed threatened species are 'of relevance to the Tasmanian RFA (that is the species use forest); 107 are flora species and 40 are fauna species. Both the Outcomes Report and State of the Forests Data Report 2016-2021 also provide summary information on changes to listing status of forest species.

Neither the Outcomes Report nor the State of the Forests Data Report 2016-2021 provide information about the extent to which populations of, or suitable habitat for, threatened forest species occurs within areas that may be harvested.

The State of the Forests Data Report 2016-2021 provides summary data from a genetic risk assessment for forest species. The risk assessment identifies that 16 out of 30 (53%) forest-associated threatened animal species, and 335 out of 368 (91%) of forest-associated threatened flora species, are at moderate to high risk of loss of genetic variation.

The Outcomes Report does not discuss genetic risk. While providing summary statistics, the Data report does not list species at moderate to high risk of loss of genetic variation, nor does it discuss whether forestry activities are likely to elevate the risk.

The Outcomes Report has a short section about protection of threatened species that simply refers to the requirement of the Forest Practices Code "that threatened species must be managed in accordance with the Agreed procedures for the management of threatened species under the forest practices system." (pp. 39).

Neither the Outcomes Report nor the State of the Forests Data Report 2016-2021 provide information about levels of compliance with the procedures to manage threatened species.

Neither the Outcomes Report nor the State of the Forests Data Report 2016-2021 provide information about whether the procedures have been evaluated to determine if they are effective at protecting threatened species.

Neither the Outcomes Report nor the State of the Forests Data Report 2016-2021 provide sufficient information about how MNES are being impacted by activities authorised under the RFA

2. Monitoring is inadequate to understand population trends

The Outcomes Report has a small section on monitoring which provides examples of species for which some monitoring has been undertaken. It notes that population-level monitoring has been undertaken for focal species such as the critically endangered swift parrot (*Lathamus discolor*) and the endangered Tasmanian devil (*Sarcophilus harrisii*) and that targeted surveys were undertaken for the shy susan (*Tetratheca gunnii*); Miena jewel beetle (*Castiarina insculpta*), Chaostola skipper (*Antipodia chaostola subsp. leucophaea*), pretty leek-orchid (*Prasophyllum pulchellum*), Arthur River greenhood (*Pterostylis rubenachii*); and green-lined ground beetle (*Catadromus lacordairei*). The report notes that:

> "*These surveys were conducted to confirm 39 Tasmanian Regional Forest Agreement Outcomes Report 2017–2022 presence of the species within a known area, or to scope new potential sites for the species, and as such may not contain enough information to support assessment of trend at the population or subpopulation level.*" (pp.38-39)

No information on the outcomes from the monitoring program are provided in the Outcomes Report.

The State of the Forests Data Report 2016-2021 provides more information on monitoring than the Outcomes Report. It graphs trends in statewide abundance for the Tasmanian pademelon (*Thylogale billardierii*), Bennett's wallaby (*Notamacropus rufogriseus*), brush-tailed possum (*Trichosurus vulpecula*), common wombat (*Vombatus ursinus*) and Tasmanian devil (*Sarcophilus harrisii*). Apart from the Tasmanian devil, these species are not considered threatened. The data report summarises the monitoring activities occurring in species-specific projects and programs for three mammal species, seven bird species, four freshwater species (galaxias and Giant Freshwater Crayfish), the Marrawah skipper butterfly, growling grass frog and one threatened plant, *Hibbertia calycina*. Very little information is provided on findings from these programs. For some species, the monitoring programs were unsuccessful. For instance, for Tasmanian masked owl it notes that "low detection rates hindered the development of confident occupancy predictions" (pp. 61) and for giant freshwater crayfish, "eDNA was detected at some sites where field searching found no animals" (pp. 62).

There is inadequate information provided in the Outcomes Report and the Data Report to understand the trends and the status of Matters of National Environmental Significance which may be impacted by Forestry Operations.

3. There is little information on the types of vegetation that are reserved

The Outcomes Report states that:

> *"Under the RFA, the Tasmanian Government has agreed to establish and progressively add to the CAR reserve system for the purpose of ensuring the long-term conservation and protection of environmental, cultural and heritage values, including state- and Commonwealth-listed species and communities. In the CAR reserve system, 'comprehensive' means the full range of recognised forest communities should be included, 'adequate' means that sufficient area is reserved to maintain the ecological viability and integrity of populations, species and communities, and 'representative' means that areas reserved should reasonably reflect the biotic diversity of the communities (Commonwealth of Australia 1995)."* (pp. 26).

The Outcomes Report notes the total increase in area of the reserved system and the increase in old growth forest contained within it. It does not report on how the reserve system is meeting the CAR principles.

The State of the Forests Data Report 2016-2021 provides a slightly more detailed analysis of reservation. For four forest vegetation types - 'dry eucalypt', 'wet eucalypt', 'sub-alpine eucalypt' and 'non-eucalypt' it quantifies the hectares within each IUCN category and reserve class, the proportion of existing forest now in reserves and the proportion of pre-1750 forest extent in reserves.

Appendix 1 of the data report provides a more detailed breakdown of vegetation communities by land tenure for 51 vegetation communities. However, it does not summarise the hectares within each IUCN category, the proportion of existing forest now in reserves, or the proportion of pre-1750 forest extent in reserves. This makes it difficult to determine whether there are vegetation communities that are under-represented in the current reserve systems and should be excluded from forestry operations, and eventually reserved. This is not a data problem, given the spatial data available in TASVEG, it should be easy to calculate and summarise.

There is inadequate information provided in the Outcomes Report and the Data Report to understand whether vegetation communities are adequately reserved, and therefore whether the forest CAR principles are met.

4. The forest planning process lacks transparency

In the 2015 independent review into the Tasmanian RFA, it was recommended that

> *"The State considers continuing improvements to transparency in the development of Forest Practice Plans and the accessibility to non-private information for these plans."* (Recommendation 2).

The 2016 joint government response, stated that:

> *"The parties agree that transparency and access to information is important in the management of forests on both public and private land. Forest practices plans are developed by applicants in accordance with the Forest Practices Act 1985 (Tas), the Forest Practices Regulations 2007, the Forest Practices Code and associated planning tools. This information,*

> *and the procedures used by forest planners and forest practices officers, are available on the Forest Practices Authority website. The state will continue to provide access to forest practices plans through the Forest Practices Authority, and will continue to refer enquiries on the preparation of draft documents and background material directly to forest practices plan applicants. The state will continue to seek opportunities to improve transparency in the development of forest practices plans following consultation with the Forest Practices Authority Board and the Forest Practices Advisory Council." (*pp. 4)

The Outcomes Report states that the recommendation is 'partially complete'. At present, to access the Forest Practice Plan for a specific coupe you must request it from Sustainable Timber Tasmania. Making Forest Practice Plans available online is a 'future action'. This makes it difficult to determine the adequacy of assessments by forest planners prior to forestry operations, particularly what threatened species they have found and whether they are likely to have missed threatened species. This is not a trivial question. The monitoring studies summarised in the Outcomes Report note detection issues for fauna (see Section 2, above), but flora are of potentially greater concern.

The Habitat descriptions and survey notes for Tasmania's threatened flora species document is intended to provide "Forest Practices Officers, forest planners and others involved in the preparation of Forest Practices Plans (FPPs) with information to assist with completing the biodiversity evaluation sheets and completing a survey if required" (pp. 1). The notes include 498 plant species listed under either the *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These are categorised into the level of survey skills required to identify them. Of the 498 plant species, 18 (3.6%) are in survey skill level 1, meaning that "an FPO or forest planner can undertake surveys" and 94 (18.9%) are in survey skill level 2, meaning that "a flora-competent forest planner can undertake surveys". The remaining 386 (77.5%) of threatened plant species are "non-distinctive species and species occupying specialised niches" for which the notes state that "only experienced field botanists can undertake surveys (e.g. orchids, lichens, many herbs, some shrubs". The Outcomes report and the State of the Forests Data Report 2016-2021 provide no detail about flora surveys that have been undertaken, or any studies to determine the likelihood that flora are missed during the assessment process.

The RFA system is considerably less transparent than the assessment processes under the EPBC Act. For instance, applications for referral under the EPBC Act require the applicant to summarise the flora and fauna surveys that have been undertaken (see pp.11-12 of the EPBC Act referral form application template - preparation guide) and a clear statement of the potential impact on each identified threatened species or ecological community (pp. 32-33 of the EPBC Act referral form application template - preparation guide). The referrals are then made publicly available, with 10 days for public comment (See EPBC Act Public Portal). This is consistent with findings from the Samuel Review into the EPBC Act that:

> *"There are fundamental shortcomings in the interactions between RFAs and the EPBC Act. The Review has low confidence that environmental considerations under the RFA Act are equivalent to those imposed under the EPBC Act, but recognises that some RFAs afford environmental protections that exceed the requirements of the RFA Act"* (pp. 16).

The forest planning system is opaque. It is difficult to determine if the pre-harvest assessment process is adequate to detect threatened species, let alone the impacts on these species and how they will be managed.