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**From:** Keith Muir [mailto:keith@colongwilderness.org.au]  
**Sent:** Wednesday, 14 October 2009 6:34 PM  
**To:** Felicity Calvert  
**Subject:** Colong letter on River Red Gums

The Commissioners  
Forests Assessment  
Natural Resources Commission  
GPO Box 4206  
Sydney NSW 2001

Dear Commissioners,

Please find attached a copy of the letter sent to Premier Rees this afternoon regarding the preliminary assessment of the river red gum forests.

Yours faithfully,

Keith Muir  
Director

cc. The Commissioners, Natural Resources Commission

Suite 201, Fortuna House  
Level 2, 332 Pitt Street  
Colong Foundation for Wilderness  
Phone (02) 9261-2400



Wednesday 14 October, 2009

Mr Nathan Rees  
Premier of NSW  
Level 40 Governor Macquarie Tower,  
1 Farrer Place, Sydney NSW 2000

email: [thepremier@www.nsw.gov.au](mailto:thepremier@www.nsw.gov.au)

Dear Premier Rees,

The River Red Gum wetlands of the floodplains of south-western NSW occupy a unique ecological niche that requires frequent inundation. These forests are part of the Australian identity. Success of the current forest process, and adequate protection for these iconic forests in national parks, would be significant achievements for your administration. The low level of protection and very high level of on-going threat to these forests will enhance the prestige of taking effective action.

The time for decision making will soon come forward, and reservation of River Red Gum forests in the Riverina bioregion should from now be a high priority for your office.

Regrettably the National Resources Commission's main goal for its Preliminary Report, an ecologically-based, objective forest assessment, has not been achieved. The preliminary report did not outline the process by which the Commission intends to address its terms of reference, and describes the Riverina's values in a partisan and confusing manner that does not help decision making.

The preliminary report presents data with no agreed basis in science or other systematic land use planning that would permit the Commission to make recommendations by the end of the year. For this reason, the Commission has not delivered on terms of reference one as required.

The Commission has presented large amounts of information from pro-logging and resource extraction interest groups and not undertaken independent assessment of this information. As a result any subsequent recommendations reliant upon this 'assessment' will have little credibility as an objective process based on agreed science and accepted principles of conservation planning.

Noting these defects and based on our experience from previous forest processes, the Colong Foundation believes the preliminary report is well below the necessary standard for decision making processes and should be set aside.

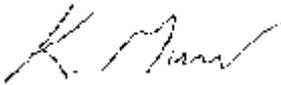
The Colong Foundation for Wilderness requests that the following remedies be adopted to address the above deficiencies in the Commission's preliminary report:

- Immediately reschedule logging activities away from all potential high conservation value areas to prevent high-intensity logging operations in candidate reserve areas;

- An independent, scientific, ecologically-based vegetation classification system be applied to the existing vegetation data sets to ensure the nationally agreed JANIS reserve criteria (or equivalent) can be applied;
- Undertake an adequate forest assessment using proven off-the-shelf conservation assessment software, the nationally agreed JANIS reserve criteria (or equivalent), and a reserve selection process that adequately protects under-represented diversity in vegetation communities (including all fauna), threatened species and all the RAMSAR wetlands;
- Free access to the information used in the assessment, including the electronic data and forest resource and management evaluation modelling, so that all parties may make representations from a common knowledge base;
- Provision of a fair business exit package for individuals and businesses affected by the changes.

The Colong Foundation also requests that a recommended reservation outcome for an extensive suite of new national parks along the Murray and Murrumbidgee Rivers and water allocations for the River Red Gum wetlands be made before the end of this year.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'K. Muir', with a stylized flourish at the end.

Keith Muir  
Director

cc. The Hon John Robertson, MLC  
The Commissioners, Natural Resources Commission



Wednesday 14 October, 2009

The Commissioners  
Forests Assessment  
Natural Resources Commission  
GPO Box 4206  
Sydney NSW 2001

Email: [forests@nrc.nsw.gov.au](mailto:forests@nrc.nsw.gov.au)

**Re: River Red Gum Forest Preliminary Assessment Report**

Dear Commissioners,

The Natural Resources Commission's the preliminary assessment report for the River Red Gum and Cypress forests of the Riverina bioregion of NSW is a disappointing document. The report is a poor forest assessment that does not present well organised data to progress the forest assessment to the recommendation stage.

The Commission did not adequately discharge its duty in relation to its term of reference one by impartially integrating and summarising forest information. The Foundation is surprised that the assessment process has not structured the data around nationally agreed conservation criteria. It is even more surprising that this preliminary assessment does not explain the reasoning behind not taking such action. The report presents no data organising principles at all.

The preliminary report presents are very confused picture of the Riverina's values. The report has many tracts of boiler-plated text obtained from the environmental impact statement prepared for Forests NSW. This could lead to claims of bias.

The Colong Foundation is disappointed that interim protection measures were not proposed while the assessment is being conducted, for example, for the forests of potential reservation value on the current logging schedule.

Areas of heavy stock grazing and areas of patch-clearfell logging are key omissions from the forest assessment.

The adequacy of the logging code to regulate logging activity was not examined. The preliminary report does not present a summary of the extent of illegal patch-clearfelling that can extend to one hectare in size. The last decade of logging history provides an indicator of areas that have been logged heavily using patch-clearfelling practices. These logging history data should have been examined by the report in this context.

The twenty metre logging buffer for the major rivers should have been assessed for adequacy to protect steam banks and forest habitats. Pre-logging surveys are also inadequate, being required for only two endangered species. The adequacy of two habitat trees retained in each hectare under the logging code, compared with five in other parts of the state should have been assessed.

Forest growth rate data indicates a decline in growth rate over the last fifteen years of 75 percent. Forest NSW logging rates, however, have continued at exactly the same rate since the 1980s. The Commission's Preliminary Report does not state that Forests NSW has failed to review its sustained yield estimates for timber since 1985.

Forest NSW has never achieved sustained yield for these forests, and according to the Preliminary Report now, is facing a further yield loss of 50 per cent. Logging in many areas is more equivalent to salvage operations than to achieving sustained yield. The assessment did not report on these sustained yield issues but rather published without any critical review the material Forest NSW presented. This is an extraordinary abrogation of the Commission's duty toward reference one.

Given the above omissions from the assessment of logging operations, the Commission's preliminary report is biased toward Forests NSW. It presents an idealised version logging operations in the Riverina that may be approximated in areas not recently logged.

Without drastic quota cuts, it is a mathematical certainty that the remaining forests will be destroyed by overcutting to meet unsustainable logging targets. All economic and employment data are impacted by this reality, yet the Commission has chosen to ignore these self-evident contingent outcomes.

The Natural Resources Commission should have undertaken a more systematic threat assessment for the River Red Gum wetlands, particularly regarding the history of logging and regulation of water flows.

Fortunately the Preliminary Report's poor analysis on forest health can be augmented by an examination of the work done in Victorian forests that contradicts the gloomy downstream scenario presented. These studies imply that there are likely to be several examples of downstream forests in good health, and not a uniform trend of downstream decline due to reduced water flows as presented. The preliminary report does, like the Victorian studies, note the important role of the Barmah Coke to forest health.

As the Barmah Coke case illustrates, the survival of the River Red Gum communities in the Riverina is contingent upon secure water allocations. The preliminary report did examine water flows options and River Red Gum health but how this will be applied to decision making remains unclear.

The Preliminary Report should have outlined an assessment strategy for the likely range of water allocations for conservation outcomes to ensure protection of forest values. How water flows will be considered in a decision making model to best make use these allocations for forest conservation should have been examined.

A casual reading of the preliminary report gives the impression that consumptive use on these forest wetlands generates beneficial nature conservation outcomes. Consumptive use of forests causes ecological impacts and the preliminary report fails to independently examine these threat issues. A threat assessment, focused on logging and water flow history, would probably support a conclusion that large new National Parks were needed to protect the River Red Gum communities from environmentally damaging uses, such as logging, mining, intensive grazing and high impact recreation. The omission of such an assessment is of concern.

Given Forest NSW history of logging abuse, (for that is how logging in excess of sustained yield should be described), the Commission should have indicated its intention to impose logging moratoria for areas of potential high conservation value for the duration of the forest assessments.

The preliminary report should have better explained Ramsar wetland values that are subject to EPBC Act provisions. Understanding these values and the duties laid down by Federal and international obligations is essential for protection under any subsequent reserve and forest approval regime established under NSW law. This is yet another failure of the Preliminary Assessment.

Section 3.4.4 on page 68 of the preliminary report regarding JANIS reservation targets is just a passing reference. The Preliminary Assessment Report, however, did not go on to consider an alternative way to proceed without these nationally agreed criteria. As the Commission has not presented a superior means to discharge its duty toward its terms of reference than the nationally agreed forest reserve criteria, then it should proceed with the nationally accepted model.

Under the Commission's terms of reference the severe crisis facing River Red Gum communities must be immediately and effectively addressed by the end of the year. The preliminary assessment should have presented recommendations for such a data driven assessment process to meet terms of reference two and three.

The intellectual basis for a comprehensive, representative and adequate system of River Red Gum and Cyprus National Parks should have been presented in the preliminary report. It should have been based on the nationally agreed JANIS criteria.

The Commission's main goal for term of reference one, an ecologically-based, objective forest assessment, has not been achieved. The community does not have confidence in the future assessment outcomes for its other terms of reference as the Commission has failed to rely upon well-recognised experts in forest ecology and conservation planning to provide it with the independent advice it needs.

The precautionary principle must be strongly applied to the conservation outcomes for Riverina and South-Western Cypress regions to mitigate the consequences of uncertainty arising from a poor assessment. Of course omission of any consideration of the precautionary principle from the preliminary assessment is another serious flaw in the report.

A precautionary approach required for the CAR reserve system to ensure the survival of biodiversity under the duress of climate change, necessitates adequate water resources and large, interlinked reserves. The River Red Gum woodlands of the Riverina are the only remaining large drought refuges and their potential as wildlife refuges in a warming climate cannot be underestimated.

The Foundation believes that the Commission should have mention that the cypress forests would to be subject to an equivalent JANIS forest assessment process. The Preliminary Report should have clarified consistent assessment procedures for both regions that related back to the regional forest agreement processes.

## **Recommendations**

The preliminary report is a mistake and should be set aside.

The Colong Foundation for Wilderness requests that the following remedies be adopted to address the above deficiencies in the Commission's preliminary report:

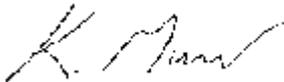
- Immediately reschedule logging activities away from all potential high conservation value areas to prevent high-intensity logging operations in candidate reserve areas;

- An independent, scientific, ecologically-based vegetation classification system be applied to the existing vegetation data sets to ensure the nationally agreed JANIS reserve criteria (or equivalent) can be applied;
- Undertake an adequate forest assessment using proven off-the-shelf conservation assessment software, the nationally agreed JANIS reserve criteria (or equivalent), and a reserve selection process that adequately protects under-represented diversity in vegetation communities (including all fauna), threatened species and all the RAMSAR wetlands;
- Free access to the information used in the assessment, including the electronic data and forest resource and management evaluation modelling, so that all parties may make representations from a common knowledge base;
- Provision of a fair business exit package for individuals and businesses affected by the changes.

The Colong Foundation also requests that a recommended reservation outcome for an extensive suite of new national parks along the Murray and Murrumbidgee Rivers and water allocations for the River Red Gum wetlands be made before the end of this year.

Thank you for the opportunity to make a submission to this preliminary report.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Muir', written in a cursive style.

Keith Muir  
Director  
The Colong Foundation for Wilderness Ltd