RAN response to Forestry Tasmania's report, *Stewards of the forest.*

In June 2007, Rainforest Action Network (RAN) issued an important new research report, *"The Truth Behind Tasmanian Forest Destruction and the Japanese Paper Industry: Who Logs Them? Who Buys Them?"*[1] The purpose of this RAN report is to shed light on the relationship that exists between forest destruction in Tasmania and the purchasing decisions of paper manufacturing and paper buying companies in Japan. Subsequently, Forestry Tasmania (FT), which is one of the principal logging concerns in Tasmania, released a document that takes issue with some of our findings and attempts to obscure the key controversies in Tasmania.

Forestry Tasmania mischaracterizes a number of the issues raised in our report by paraphrasing them inaccurately and otherwise misrepresenting them. They claim to have found what they call twenty two "errors and omissions". We would like to set the record straight. Below you can find our responses and further clarifications to each of the purported problems as characterized by Forestry Tasmania.

Forestry Tasmania's report does not refute the central thesis and findings of our research. That is, some of Tasmania's most ecologically valuable forests and wildlife, including endangered species, are directly threatened by industrial logging, and woodchips from such logging then enters international markets, with Japan far and away the largest importer.

Therefore, we call on Japanese companies, which wish to avoid becoming an accomplice to endangered forest destruction in Tasmania, to:

1. Establish and enforce paper procurement policies to not purchase raw materials that originate from high conservation value forest (HCVF) or old growth forest[2].

2. Request the cooperation of your company's suppliers in implementing such paper procurement policies.

3. Prioritize FSC (Forest Stewardship Council) as the preferred forestry scheme for third party certification.

For paper purchasers in Japan wishing to avoid association with the problematic woodchips that originate from Gunns Limited's destructive logging practices in Tasmania, it is important to pay particular attention to paper manufactured by Oji Paper, Nippon Paper and Chu-etsu Paper.[3]

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1 http://treesnotgunns.org/fileadmin/materials/old_growth/trees_not_gunns/reports/01_RAN_TheTruthBehindTasmanianForestDestruction_final.pdf

2 ＨＣＶＦ includes oldgrowth forests as old trees, primary/oldgrowth forest as untouched forests, and habitats of endangered species.

Forestry Tasmania comments and RAN responses.

Below we present the full "comment" text from Forestry Tasmania for each of the purported twenty two "errors and omissions" they have identified, followed by RAN's response and rebuttal.

Forestry Tasmania Comment One: *"45% of Tasmanian forests are protected – one of the highest levels of protection in the world. 95% of the 1996 forest cover will always be maintained. Forest cover in Tasmania has increased over the last 10 years."*

RAN RESPONSE: Forestry Tasmania intentionally misleads the reader by using a very general definition of "forest" that includes everything from clearcuts to monoculture plantations to primary old-growth native forests. Our report, by contrast, focuses on and accurately describes the rapid decline of "biologically unique" and "ancient" forests currently lacking protection in Tasmania, including old-growth *Eucalyptus regnans* dominated forests (the tallest hardwood tree species in the world) and other High Conservation Value Forests. These forests are critical to sustain Tasmania's unique globally significant biodiversity.

The increased forest cover described by Forestry Tasmania is largely attributable to tree farms and plantations. By 2006, about 250,000 ha of plantation (100,000 in state forest and 150,000 on private land) have been planted. While industrial plantations, tree farms and primary forests all contain trees, they are incomparable in terms of biodiversity and ecological function within bioregions. As our report points out (p.8), the forest areas of wet eucalyptus in Tasmania decreased by 7% (more than 60,000ha) from 1996 to 2006. In particular, *Eucalypt regnans* forest communities overall decreased by more than 20% in the decade, with particularly steep declines of 31.6% in *E. regnens* forest in the Woolnorth region and 31.9% in Ben Lomond bioregion, according to the Forest Practices Authority.

Forestry Tasmania Comment Two: *"Forestry Tasmania does not use 1080."*

RAN RESPONSE: Actually, we are not claiming that Forestry Tasmania still uses 1080. Nonetheless, Forestry Tasmania misleads again. They appear to want customers to believe that the highly toxic 1080 poison is no longer used in Tasmania. As we accurately describe in our report (p.13), however, "While the use of this highly controversial toxin was finally banned in state forests at the end of 2005, 1080 compound continues to be routinely used *by Gunns on private land*".

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[3] Ibid

Forestry Tasmania Comment Three: *"All logging operations comply with Australian and Tasmanian Law."*

RAN RESPONSE: Our report describes a string of regulatory violations documented with evidence presented before the Australian Senate. Mr. Manning gave evidence to the Senate that,

> "*In 2000-01 I carried out a statewide audit of the forest practices plans for compliance with fauna protection provisions. Across the state I found 80-plus breaches in the 40 per cent of the coupes which I audited. Sixty per cent of the coupes were not audited because they did not have endangered species within their boundaries.*"[4]

In Tasmania, there are investigations on alleged breaches received by the Forest Practices Board/Authority(the Board was changed to Authority in 2005).[5] Many cases are followed by "notice issued to require corrective action", "penalty imposed or formal warning given", "legal action taken", or "apparent breach but insufficient evidence or out of time to proceed with legal action". See Table 1 below.

Table 1.

	Outcome of completed investigations					Legal Enforcement	
	Notice issued to require Corrective action	Penalty imposed	Legal Action Taken	Apparent Breach but insufficient evidence or out of time to proceed with legal action	Total problematic cases / Total investigation	Notice issued by Forest Practices Officers	Fines imposed
2000/2001	10	4	1	4	19 / 102 (18.6%)	37	1
2001/2002	14	7	0	3	24 / 83 (28.9%)	39	5
2002/2003	18	5	3	8	34 / 103 (33.0%)	30	7
2003/2004	41	16	2	14	73 / 128 (57.0%)	26	8
2004/2005	47	3	1	16	67/ 136 (49.3%)	23	22
2005/2006	32	6	0	13	51 / 93 (54.8%)	20	11

According to *The Annual Report of the Forest Practices Authority 2005-2006*,

> *"The FPA received 120 reports of alleged breaches in 2005-6. There were 40 investigations on State forest, one on Crown land, 18 on industrial private land and 61 on non-industrial private land. The alleged breaches involved operating without a plan (37), boundary incursions (15), streamside reserves (30), natural and cultural values (17) and other matters (32)."*[6]

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[4] RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE , SANATE, COMMONWEALTH OF AUSTRALIA, Proof Committee Hansard, 8 October, 2003, RRA&T 505. See the reference #34 of our report at p32.

[5] Forest Practices Board, *Annual Report 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005* and Forest Practices Authority, *Annual Report 2005-2006.*

[6] Forest Practices Authority, *The Annual Report 2005-2006* , p.24.

Outcome of completed investigations about the reports showed that there were 51(54.8%) problematic cases among 93 completed investigation cases. And there were 20 cases of "Notice issued to require Corrective action" and 11 cases of "Penalty imposed or formal warning given" as legal enforcement cases.

In addition to cases described in our report, Forestry Tasmania and Gunns have been directly fined repeatedly by the Forest Practices Board/Authority. See more in detail in the footnote[7].

Other cases are reported in the Reedy Marsh and Dazzler areas as well[8]. The Dazzler Report pointed out the wrong identification of its slopes or soil classification and breaches like

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[7] In 2005/2006, "Gunns Tamar was fined $5000 for breaches relating to the construction of a road contrary to the requirements of the Forest Practice Plan." "Forestry Tasmania(Derwent District) was fined $5000 for incorrectly making a boundary, resulting in the felling of 17 trees within an area excluded from harvesting under the Forest Practices Plan." In 2004/2005, "FT(Murchison District) was fined $5,000 for failing to make a section of a streamside reserve, resulting in the harvesting of a section of the reserve.", "FT(Huon District) was fined $3,000 for breaches of an FPP in relation to the construction of a road.". In 2003/2004, FT Bass District was fined $5,000 for failing to complete the marking of a streamside reserve, resulting in the harvesting of seven trees from the reserve. Gunns Burnie was fined $5,000 for failing to mark a section of buffer along a boundary adjoining the Helleyer Reserve, resulting in the harvesting and clearing of forest within the buffer(but now within the reserve). Forestry Tasmania Murchison District was fined $5,000 for failing to correctly mark the boundary of a streamside reserve, resulting in the harvesting of sections of the reserve. In 2002/2003, Forestry Tasmania (Bass District) was fined $10,000 for allowing contractors to use non-compliant stream crossings in a coupe in the Weld forest in northeast Tasmania. The Board found that the operation was not of an acceptable standard. Gunns was fined and ordered to pay costs totaling $15,000 for breaches relating to inadequate road drainage and for operating too close to a small stream on private land at Middleton, south of Hobart. Gunns was also fined a record $50,000 for breaching the Forest Practices Code by causing major damage to a stream in a road-widening operation on the Tasman Peninsula.

[8] In terms of Reedy Marsh, see *CHANNEL NINE'S 'SUNDAY' EXPOSE ON GUNNS AND THE TASMANIAN LOGGING INDUSTRY* at http://www.bobbrown.org.au/files/campaigns/extras/GUNNS%20-%20SUNDAY%20PROGRAM%20TRANSCRIPT.pdf "It was a plan submitted by two forest practices officers employed by Gunns to send the bulldozers in here, to fell these native trees at Reedy Marsh and establish a plantation. The problem is they're rare and endangered forest communities; Gunns had been told so by the board's botanist. But its two officers didn't mention them in the application to log."

In terms of Dazzler Ranges, Pete Godfrey, *The Dazzler Report: The Failure to implement Tasmanian Forest Practice*, January 2005. In the report, "My reason for writing is to point out where the laws and codes of this state are being ignored and the long- term sustainability of our forests are being compromised." "I am disappointed with the replies I have received from the Board so far; it would appear that the Forest Practice Board is not interested in ensuring the implementation of the Forest Practice Code."

destruction of streamside reserves in Forest Practices Plan or Forest Practices Code in state forest. Judging from the correspondences in the Dazzler Report and Manning evidences, it would be better to understand that these fined breaches above are just the tip of the iceberg.

At the same time, there are deeper issues related to compliance with Federal Endangered Species protections.

- In December 2006, the Federal Court found loggings at Wielangta to be illegal for violation of Regional Forest Agreement (RFA) and Environment Protection and Biodiversity Conservation (EPBC) Act because of failing to protect endangered species. According to news reports, ***"Legal experts have advised Mr Lennon (Premier of Tasmania State) the decision's ramifications would 'go way beyond Wielangta' because the eagle's habitat stretched across Tasmania."***[9] This shows that this ruling is applicable not only to Wielangta but also other areas in Tasmania. However, FT appealed this case to full bench court and its decision was made at the end of Nov 2007. The full court decided, in essence, that RFA did not require an enforceable obligation to protect threatened species, that logging operations in Wielangta were not in breach of the RFA, and therefore that it is legal because they are exempt from Commonwealth environmental laws, EPBC. In short, a decision was made on legal technicalities rather than on addressing the threats from logging to endangered species. Senator Brown is asking Australia's High Court to appeal the Full Federal Court's decision. So, it is still under dispute.

- In the decision of "Brown vs Forestry Tasmania",[10] set aside areas meant to protect the endangered swift parrot were found to be logged by Forestry Tasmania "by mistake."

Forestry Tasmania Comment Four: *"There are many timber companies operating in Tasmania, including those involved in the growth in plantations. There are larger processors including Amcor, Norske3 Skog, Forest Enterprises Australia, Auspine, TaAnn Tasmania, Futuris, and over 2,500 independent contractors."*

RAN RESPONSE: Forestry Tasmania appears to want to obscure the overwhelming influence held by Gunns over Tasmania's logging industry. Gunns owns all four of Tasmania's export-woodchip mills. It exports more woodchips from Tasmania than are exported from all mainland states in Australia combined. While a few operators retain some small operations, Gunns owns over two thirds of the eucalypt sawmilling industry, and operates two major

[9] PHILIPPA DUNCAN, "Lennon warning on decision", *Mercury*, December 20, 2006. See the article at http://www.news.com.au/mercury/story/0,22884,20957416-3462,00.html

[10] para 291 of "Brown v Forestry Tasmania (No 4) [2006] FCA 1729"

eucalypt veneer mills. By any measure, such market dominance amounts to a near "virtual monopoly". Japanese customer focus on GUNNS is well justified.

Forestry Tasmania Comment Five: *"No species has become extinct as a result of forestry operations over the last 150 years. 79 per cent of old growth is protected, only one percent of State forests is harvested and regrown annually."*

RAN RESPONSE: Forestry Tasmania's argument exposes its cynical approach to sustainable forestry. First of all, their assertion that there have been no species extinctions in Tasmania from forestry operations is absolutely un-provable. At the same time, there are a number of very emblematic species that have been scientifically justified for listing as endangered species, e.g. species at threat of extinction. It is also the case that forestry operations are a contributing factor to species being threatened with extinction in Tasmania, including the Wedge-tailed eagle and the swift parrot. In any case, reducing good forestry to the presence or absence of documented species extinctions, at a time when scientists are still discovering new species in these forests every year, produces a wholly inadequate picture of the health and biodiversity of a forest. This deeply flawed reasoning at FT produces policies that can only achieve too little, too late.

Forestry Tasmania also misses the mark on its calculation of Old Growth protection. Its definitions are vague (see RAN response to comment 10 and 19 below) and tend to exclude the most commercially attractive forests, thereby obscuring the threat posed to Tasmania's rich biodiversity by industrial logging. Therefore, urgent action needs to be taken to protect Tasmania's high conservation value forests and endangered wildlife.

Further FT claims in respect of species extinction relate to the pre-industrial era of logging. A report prepared for Forestry Tasmania that examined 11 forest dependant species, including the Endangered Tasmanian Wedge-tailed eagle, demonstrated that continued high intensity logging would lead to the almost certain extinction of the species in the region under examination in the report[11]. Two of the authors of this report (Dr Brendan Wintle and Dr Sarah Bekesy) recently prepared an article for The Melbourne Age newspaper[12]. A quote from

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[11] Fox *et al*, 2004. Linking landscape ecology and management to population viability analysis, Report 2: Population viability analyses for eleven forest dependant

[12] Dr Brendan Wintle is a senior research fellow in environmental science at the University of Melbourne and a member of the Australian Forestry Standard Technical Reference Committee.

Dr Sarah Bekessy is a senior lecturer in environment and planning, RMIT University.*

http://www.theage.com.au/news/opinion/time-for-clear-goalposts-on-gunns-plan/2007/09/19/1189881592234.html

their article concerning Gunns proposed pulp mill is included below.

> *"So how should these arguments be tested? Some insight can be gained from examining the results of a study we conducted with Forestry Tasmania that assessed forestry activities in the north-east of the state. Funded by Forestry Tasmania and the Commonwealth Government, the research aimed to quantify the impact of various forest management scenarios on the viability of 11 forest-dependent species, including mammals, birds, plants and invertebrates.*
>
> *The study showed that all 11 species were at least partly sensitive to forestry. Some listed threatened species, including the spotted-tailed quoll, were predicted to decline substantially, while others were relatively resilient. One species, the Tasmanian wedge-tailed eagle, clearly suffers an increased risk of local extinction under current practices. Considering that the study sampled only 11 species out of the roughly 10,000 to 50,000 species that exist in these forests, it is likely that other species are at similar risk.*
>
> *While the results of this study are worrying, more problematic is the lack of an adequate response from Forestry Tasmania. When the results of the research emerged, the researchers involved may have anticipated changes to the management plans. No substantial shift in management occurred. A recent court case involving the Wielangta forest found that Forestry Tasmania failed to adequately protect threatened species as required by the Tasmanian Regional Forest Agreement and the Environment Protection and Biodiversity Conservation Act."*

Forestry Tasmania Comment Six: *"The forest industry is sawlog driven. Forestry Tasmania is required by legislation to make available a minimum of 300,000 cubic meters of sawlogs annually. Only lower-quality logs that can't be used for sawn timber is used for pulp. Initiatives such as Ta Ann Tasmania's rotary veneer mills in the North West and South of the State will recover an additional 300,000+ cubic metres from logs that would otherwise be used as pulpwood, for value-added products."*

RAN RESPONSE: Forestry Tasmania would appear to be trying to evade the fact that Tasmania's forest industry is over-dependent on woodchip exports and lacks sufficient value-added manufacturing that would bring better-paying jobs to Tasmania. Woodchips represent nearly 90% of the total volume of hardwood forest products from Tasmania state owned forest,

with the balance devoted to the products from "Sawlogs, veneer and peeler".[13] Clearly, the vast majority of this logging is for woodchips. Further, Timber Workers for Forests criticized that "waste of good sawlogs and potential sawlogs continues"[14]. "In an old growth clearfelling operation, as much as 75% of the timber logged never leaves the coupe and is left to be burned."[15] There are many potential sawlogs left in the coupes like special species timbers. There are wastes of good sawlogs because "At least 25% of the timber being woodchipped in Tasmania is of sawlog or veneer quality"[16]. "There has long been anecdotal evidence from timber

[13] Symetrics, (2004) Impact of the Policy to cease Clearfelling of old growth Forests in 2010: An overview of productivity, Financial and Employment Impacts, A report prepared for the Tasmanian Forest & Timber Industries. Table 6.1: Volume(m3) of Logs by Product and Forest Type(1998 to a half of 2004). Pulpwood total was 89.6%(21,143,234 m3), while other products including sawn log and veneer, special species timber was 10.4%(2,442,159m3). In recent years, according to Annual Report 2006-2007 of Forestry Tasmania, pulpwood volume can be calculated as 87.6% of hardwood forest products from native state forests, assuming roughly half of them goes to woodchips based on the 1999 Ryan Report commissioned by Forests Minister Paul Lennon.

Table 2.

Wood products	2006-2007	2005-2006	2004-2005
Hardwood-pulpwood(tonnes)	2,136,687	2,191,132	2,724,303
Hardwood-pulpwood(m3) Convered from tonnes to m3 by coefficient rate of 1.2(tonnes/m3)	1,780,573	1,825,943	2,270,253
Hardwood-sawlog, veneer and peeler(m3)	585,406	579,530	635,803
Total volume(m3)	2,365,979	2,405,473	2,906,056
Gross Rate of pulpwood	75.3%	75.9%	78.1%
Output rate of woodchips including residues from processing sawlog, veneer, peeler, assuming half of them goes to woodchips.	87.6%	88.0%	89.1%

Acoording to the research in oldgrowth coupes(EPO74D) by Graham Green of Timber Workers for Forest, Table 2(Timber extracted from EP074D by contractors) shows the composition of timber product. "Export pulpwood" is 85%, "Eucalypt sawlog" is 11%, "Domestic pulpwood" is 2% other is 2%. Graham Green, *Esperance 74D (EPO74D), Logging Coupe Inventory*, Timber Workers for Forests.(April 2002)

[14] TWFF comment on the Tasmanian Community Forest Agreement. (TCFA) Supplementary Tasmanian Regional Forest Agreement , June, 2005, p.3

[15] *Deceptive misuse of imagery by industrial loggers* By Graham Green of Timber Workers for Forests Inc. See http://www.twff.com.au/artastimes.pdf

[16] Graham Green, *CLEARFELLING and WOODCHIPPING IN TASMANIA - AN ECONOMIC APPRAISAL,* Timber Workers for Forests Inc. May 2003, p.2 "At least 25% of the timber being woodchipped in Tasmania is of sawlog or veneer quality. The report demonstrates that the major impediment to increasing downstream processing in Tasmania is the profit margin earned on woodchips, which is significantly higher than the profit margin earned on sawn timber. This

workers that it is common practice for sawlogs to be split in the bush to enable a consignment of pulp logs to be filled."

Forestry Tasmania Comment Seven: *"7.19 percent of Australian voted for the Greens – the only political party promoting policies that are opposed to the forest industry."*

RAN RESPONSE: Forestry Tasmania is attempting to mask the very broad public support for protecting Tasmania's most ecologically valuable forests that cuts across political party lines. The Tasmania Together process, which reflects the concerns people expressed during two of the biggest community consultation processes ever undertaken in Tasmania (in 2000 and 2005), issued recommendations to Parliament "to value and protect old-growth forests" and to "phase out of clear felling in those forests by 2010"[17]. Further polling in 2007 by Newspoll has shown that among the electorate of Bass in Tasmania, in the heart of the timber industry, 65% of those polled support the immediate protection of all the remaining old-growth in Tasmania[18]

Forestry Tasmania Comment Eight: *"RAN omits to mention less than 0.5 per cent of State forests is clearfelled and regrown each year. RAN omits to mention, clearfelling of old growth will only be used where there is no safe or viable alternative. RAN omits that local ENGOs like WWF have acknowledged that some eucalypt forest will only naturally regenerate using this approach."*

RAN RESPONSE: Forestry Tasmania obscures the threat to biodiversity posed by the woodchip industry in Tasmania by using overly broad definitions of forests that produce reassuring statistics. Forestry Tasmania's 0.5 percent figure refers to all state forests in Tasmania—including protected, inaccessible, unattractive and regenerated or plantation forests. Narrowing the calculation to recent logging in Tasmania's native (unlogged) forests (private and public) paints a much different picture. Our report cites official surveys showing logging of native forest averaging over 35,000 ha for each of the last seven years, of which 15,852 ha were "clear-fell". According to the latest survey from Tasmania's Forest Practices Authority, "clear-fell" logging in native forests increased to 16,418 ha. in the year ending June 30, 2006—almost 45 football fields per day.19 As total coupes of native forest in state owned

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relationship means that timber companies currently have a financial incentive for woodchipping as much timber as possible, even if it is of sawlog or veneer quality."

[17] Tasmania Together (Revised 2006) – Recommendations to Parliament

http://www.tasmaniatogether.tas.gov.au/5_year_review

[18] See this site. http://www.tapvision.info/node/127

[19]Tasmania Forest Practices Authority Annual Report 2005/2006. Available at

forests would be about 640,000ha (according to the info of Japan Forest Product Journal given by FT) with 17,000ha of annual average logging area and 9,200 ha of annual average clearfelling within that. So, 2.65% of coupes are logged annually, which means on average all logging coupes will be logged in less than 38 years. We know a safe and viable alternative to clear-felling in old-growth forests: stop logging them.

WWF in a June 2007 posting on its website states, "WWF is therefore reiterating its calls on Tasmanians to end all remaining forest conversion and the clearing of any form of native vegetation, and the Tasmanian government to enshrine the end of forest conversion and land clearing in law," [20]

Forestry Tasmania Comment Nine: *"FT and Gunns no longer convert native forest to Plantations – all harvested native forests are regenerated to their natural state in processes that support biodiversity."*

RAN RESPONSE: The latest survey from the Forest Practices Authority indicates that 12,510 ha of native forests were cleared for plantations in the year ending June 30, 2007 (78.9% of the total).21 Forestry Tasmania announced an end to this practice in June 2007. RAN supports this decision. Nonetheless, clear-felling of native forests including old-growth or HCVF continues and significant areas of ecologically valuable forests in Tasmania remain threatened by clear-fell logging to supply Japanese paper companies with woodchips. Along the way, the relevant provisions of the Australian Forestry Standard(AFS), which have been amended to force this change, contain loopholes that allow Forestry Tasmania to continue to convert smaller but significant areas of native forest to plantations[22].

Forestry Tasmania Comment Ten: *"100 million old growth trees are permanently protected in Tasmania. 79 percent (1 million hectares) of old growth forests are protected from logging by the Parliaments."*

RAN RESPONSE: Again, Forestry Tasmania attempts to dodge our focus on Tasmania's most

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http://www.fpa.tas.gov.au/index.php?id=81&tx_avotherresources_pi1[action]=UpdateVisits&tx_avotherresources_pi1[link]=111

[20] See http://www.panda.org/about_wwf/where_we_work/oceania/index.cfm?uNewsID=105961

[21] Ibid.

[22] AFS(AS4708-2007) 4.3.2, which says that "The forest manager shall not convert native vegetation to plantation forest cover or non-forest cover except in the limited circumstances, as follows: b) Small-scale clearing (less than10%, up to a limit of 40 hectares on a single forest management unit) with appropriate offsets."

ecologically valuable native forests. Of the approximately one million ha. cited by FT, 505,055 ha (52.0%) are non-eucalyptus forest communities and 293,410 ha (30.2%) are dry eucalyptus forests according to the data of RFA(2005). Just 172,380 ha (17.8%) are represented by Tasmania's most ecologically valuable wet eucalyptus forests. As we documented in our report (p. 9), as of 2006, 31.5 percent of wet eucalypt forests and 43.7 percent of *Eucalyptus regnans* forests defined as old growth in 1996 remain open for logging.

As we noted in our report, definition or identification of old-growth forests in Tasmania is so narrow, vague or inappropriate, that many 'non-old-growth forests' defined by RFA contain old-growth forests. Forestry Tasmania's own report, "*Towards a new silviculture in Tasmania Old-growth Forests: Final Advice to Tasmanian Government"* (April 2005), recognized this and used the concept of 'coupes containing old-growth'. Based on the FT report, we wrote in our report that "there are many 'non-old-growth coupes containing old-growth'. For example, there are 165,000 ha of dry and wet Eucalyptus forest areas classified within logging 'coupes containing more than 15 percent old-growth'." "In addition, there are 130,000 ha classified as 'non-old growth' forests with logging 'coupes with less than 15 percent old growth.' Overall, native Eucalypt state forest logging coupes are estimated to contain 672,000 ha, with coupes containing 'old growth' forests, as defined by Forestry Tasmania, estimated to comprise 44 percent (295,000 ha) of all native Eucalyptus state forest logging coupes." Therefore, many of the coupes where FT logs contain old-growth forests, which are being progressively depleted.

Forestry Tasmania Comment Eleven: *"Forestry is the only recognized carbon positive industry in Australia. Carbon continues to be stored in wood products after harvesting. The carbon released by harvesting and regeneration burning on State forest is offset by the annual growth of the forest (ie. one percent of 1.5 million hectares of growing forests is harvested and regenerated annually). Native forests are no longer converted to plantations."*

RAN RESPONSE: This statement by FT is very misleading. Tasmania's most recent report on carbon emissions identifies that land use change and forestry is responsible for 30% of all of Tasmania's emissions[23]. Peer reviewed science[24] has shown that some areas of old-growth *E.*

[23] Land use change and forestry contribution to Tasmania GHG emissions. http://www.dpiw.tas.gov.au/inter.nsf/Attachments/PMAS-6UF3SU/$FILE/TasClimateChangeStrategy-DraftOct06.pdf
Page 12 of this report shows total emissions from Tasmania in 2004 of 10.7 million tons of CO2e. Land use change and forestry is the largest single source, representing 3.2Mt or about 30%.
This data is generated by the Australian Greenhouse Office annual surveys of State and Territories greenhouse gas emission inventories using Kyoto Protocol reporting standards. http://www.greenhouse.gov.au/inventory/stateinv/index.html

[24] Dean, C., Mackey, B.G., and Roxburgh, S.H. (2003), Growth Modelling of Eucalyptus regnans for carbon

regnans store 1,200 tonnes of carbon/ha. After five 80 year forestry rotations these sites are projected to come into equilibrium with a net permanent loss of 800 tonnes of carbon/ha. And if rotation lengths fall to 30 years, as foreseen under some scenarios, the situation is even worse. In either case, the result is significant long term reductions in the carbon stored in these forests. It should also be noted that because old-growth *E. regnans* forests have particularly high per hectare carbon densities, this absolute loss under forestry rotations is more than the carbon loss from complete deforestation of other less carbon dense forest ecosystem types.

Forestry Tasmania Comment Twelve: *"FT has been researching alternatives to clearfelling for seven years and has found biodiversity within harvested coupes is enhanced by variable retention harvesting techniques. Using these methods, the majority of the harvested area is within one tree length of retained forest. Further trials are being conducted. This approach to harvesting has been used in British Columbia, Canada for around 10 years, with positive outcomes for maintaining biodiversity. It is supported by Canadian conservation biologists and ENGOs, as well as the WWF."*

RAN RESPONSE: RAN encourages FT to implement alternatives to clearfelling of native forests but views variable retention as another case of FT policies achieving too little too late. FT uses this practice as alternatives for Community Forest Agreement (2005) target of reducing clearfelling in old-growth forests to 20% of the annual old-growth harvest by 2010. So, they intend to continue logging in old-growth forests after 2010. While British Columbia foresters may have a ten year head start over their Tasmanian counterparts, even there these old-growth logging practices remain experimental and not without significant on-going controversy as to the adequacy of this approach at this stage of the industry's development to address critical conservation biology goals. Forestry Tasmania's practices have not earned the support of Canadian conservation biologists or ENGOs including WWF.

Forestry Tasmania Comment Thirteen: *"FT no longer converts native forest to plantation. No species has ever been made extinct by forestry operations."*

RAN RESPONSE: These are the same claims as FT made in its comments 5 and 9. See our response to comments 5 and 9 above.

Forestry Tasmania Comment Fourteen: *"FT no longer uses 1080 and is assisting other companies find alternatives to control browsing animals. 1080 is no longer used in State forest*

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accounting at the landscape scale, In: Amaro, A., Reed, D., Soares, P. (eds.), Modelling Forest systems, CABI Publishing, Walliford, U.K.

by any company, including Gunns. Use of 1080 has declined dramatically over recent years and will continue to decline on private land."

RAN RESPONSE: This is the same claim as FT made in its comment 2. See our response to comment 2 above.

Forestry Tasmania Comment Fifteen: *"RAN misunderstands the Federal Court ruling [on violations of federal legislation by FT]. The ruling was based on one interpretation of the Regional Forest Agreement applied to a small area (46 hectares). FT has complied with all Court rulings. The Australian and Tasmanian Governments have clarified the laws and all logging operations must comply with Australian law. The ruling is currently under appeal to the full bench of the Federal Court."*

RAN RESPONSE: Forestry Tasmania chooses to fight court decisions rather than enhance species protections. Paragraph 282 of Judge Marshall's ruling states "It is unlikely the State can, by management prescriptions, protect the eagle. As to the beetle and the parrot, the State must urge Forestry Tasmania to take a far more protective stance in respect of these species by relevant management prescriptions before it can be said it will protect them. On the evidence before the Court, given Forestry Tasmania's satisfaction with current arrangements, I consider that protection by management prescriptions in the future is unlikely."[25] The "one interpretation of Regional Forest Agreement" that Forestry Tasmania refers to is the above decision by Judge Marshall of the Federal Court. And this ruling is relevant not only to the Wielangta area but also to other areas in Tasmania according to the legal experts as we mentioned in argument 3 above, though this is still under dispute.

Forestry Tasmania Comment Sixteen: *"FT regularly conducts aerial and ground-based searches for eagle nests, finding more and more nests each year. There are currently 531 known eagle nests on State forest, and the latest research has estimated the total population of eagles in Tasmania at between 1200 and 1500. It also estimated that 50% of this population are breeding birds. Forestry Tasmania protects all eagle nests within minimum 10-hectare reserves."*

RAN RESPONSE: See our response to Forestry Tasmania's comments 5 and 15 above. The same research cited by FT indicates that, "A population decline is inferred due to loss of nesting habitat, nest disturbance from land clearance and other inappropriate land management practices and from unnatural mortality, including persecution."26 The federal

[25] Text of the decision can be found at http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/1729.html

[26] Threatened Tasmanian Eagles Recovery Plan: 2006-2010.

court decision referenced above cites conclusions of a court-appointed expert in stating, "Importantly, Mr. Mooney gave evidence that the following proposition put to him was inevitable: '...there are a host of risk factors introduced for eagles from forestry operations even with management prescriptions...'." Paragraph 280 continues, "Mr. Mooney also questioned the thoroughness of the searches for nests during logging." Finally, in paragraph 278 he further concludes "The management prescriptions for the eagle refer to the breeding season as August to January. Mr. Mooney considered the breeding season should really be July (or even earlier) to January and that the official dates (August to January) are 'a compromise with industry'."27 These shows FT searching activities are not complete and unknown nests can be cut down or disturbed by logging activities. And Federal Court found that the management prescriptions are not enough to protect the endangered eagles.

Forestry Tasmania Comment Seventeen: *"AFS[The Australian Forestry Standard] is an endorsed standard under the PEFC, the world's largest organization for assessing forest certification schemes. PEFC endorsement is recognized worldwide, providing an assurance that wood products are sourced from legal, sustainably managed forests. International and independent assessments show that the technical standards in each scheme[AFS and FSC] for forest operations are very similar. The AFS has recently been reviewed and has been approved by Australia's National Standards Office as a full Australian Standard. It has been formally endorsed by the Ecological Society of Australia, which participated in the review."*

RAN RESPONSE: RAN encourages buyers to choose forest certification systems that best deliver on economic, environmental and social value – the triple bottom line. The AFS, developed by the forest products industry, most closely matches business-as-usual forestry in Tasmania. FSC represents a higher standard of forest management, and it includes protection provisions for High Conservation Value Forests, such as those found in Tasmania, that the AFS standard lacks. A 2007 Price Waterhouse report on the Global Forest, Paper and Packaging Industry confirms FSC is the preferred certification choice among the industry's top 100 companies, with 49% having achieved FSC certification in one or more operations.[28]

The Ecological Society does not represent ENGOs and has never claimed to. It is an organization of science professionals including foresters. The Independent Scientist who sits on the technical reference committee of the AFS is Dr Brendan Wintle. Dr Wintle is deeply critical of Forestry Tasmania's response to the looming extinction crisis in Tasmania's Forests

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http://www.google.com/url?sa=t&ct=res&cd=3&url=http%3A%2F%2Fwww.environment.gov.au%2Fbiodiversity%2Fthreatened%2Fpublications%2Fpubs%2Ftasmanian-wedge-tailed.pdf

[27] Ibid.

[28] http://www.fsc.org/en/whats_new/news/news/112

(see above), in effect highlighting the deficiencies of the AFS which is certifying completely unsustainable forestry practices. Also, there is no representative from consumer organization in spite of Standard Australia's policy of Standardization Guides (SG-011), which mentions that balancing technical committee needs diverse participation like representatives from "consumers and community interests" in "5. A Balanced Committee"[29].

Forestry Tasmania Comment Eighteen: *"The Regional Forest Agreement established a Comprehensive, Adequate and Representative (CAR) reserve system for Tasmania. This means that viable examples of all 50 Tasmania's forest types are included in the reserve system. In total, 47% of Tasmania's forests are protected in reserves. The CAR system has focused on ensuring the protection of high conservation value forests."*

RAN RESPONSE: While the goals of the CAR system aim to protect Tasmania's High Conservation Value Forests, its implementation in practice has so far failed, as evidenced by the "Statement from Concerned Scientists" in our report (p.32 n.28) The scientists said that,

> *"The Tasmanian Regional Forest Agreement (RFA) is widely perceived in the scientific community to have failed to deliver the intended protection for environmental, wilderness and heritage values that state and federal governments committed to when they signed the National Forest Policy in 1992. The scientific processes in the Tasmanian RFA were overwhelmed by political compromises. Established criteria for forest conservation were not fully applied. There are large areas of high-value conservation forest that would have been reserved if the RFA criteria for forest conservation had been fully applied."*[30]

Also, Professor Jamie Kirkpatrick states,

> *"1. The Tasmania Regional Forest Agreement (RFA) was not a scientific process. It was a political decision negotiated between State and Commonwealth bureaucrats. Scientific criteria for forest conservation were not fully applied – they were compromised for wood production.*
>
> *"2. There are large areas of Tasmanian native forest that I believe should be protected for their landscape values (beauty, wilderness, outstanding natural phenomena), and are not. These include the remaining large areas of unlogged Eucalyptus regnans forest, such as the Styx Valley…"*[31]

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[29] about Technical Reference Committee(TRC) of AFS, see AFS(AS4708-2007) at the website below. http://www.forestrystandard.org.au/files/4708.pdf Standards Australia's Standardization Guide policies. See below. https://committees.standards.org.au/POLICY/SG-011/STANDARDIZATIONGUIDE-SG-011.HTM

[30] See http://www.abc.net.au/rn/science/earth/docs/scientists_072004.pdf

[31] Wilderness Society, Australian Conservation Foundation and Greenpeace Australia-Pacific, Tarkine National Coalition, Friends of Blue Tier, South East Forests Protection Group, Doctors for Forests, Reedy

The Tasmania Together process (Goal 24.2 of Tasmanian Together Goals and Benchmarks in 2001) mentioned above identified many High Conservation Value Old Growth forest protection priorities, including: the proposed eastern extensions of the Tasmanian Wilderness World Heritage Area; Styx Valley; NE Highlands; Tasman Peninsula; Eastern Tiers; Great Western Tiers; Reedy Marsh; and the Ben Lomond extensions. Most of these areas have not been fully protected yet, as noted in our report (p.12).

Protections of habitat for endangered species is fundamental for effective conservation strategies. Tellingly, the court found that "The majority of the eagle's territories and nests are outside the CAR Reserve System;" "wedge-tailed eagles were not an absolute priority in the CAR system;" and, "The evidence supports the view that the State has not protected the eagle through the CAR Reserve System."[32]

Forestry Tasmania Comment Nineteen: *"Tasmania uses the Australian Government's definition for old growth forest, which is:* Old growth forest is ecologically mature forest where the effects of disturbance are now negligible*. This has been unchanged for many decades. Under this definition , there are 1.24 million hectares of old growth forest in Tasmania. One million hectares of old growth forests are protected forever within Tasmania's conservation reserve system (most old growth forest is protected in the Tasmanian Wilderness World Heritage Area)."*

RAN RESPONSE: This begs the key issue raised in our report: Do Japanese companies wish to support, through their purchasing, the on-going destruction of some of Tasmania's oldest, most biologically valuable forests that are excluded from Old-Growth classification? Actually there are several decision rules of Old-Growth applied in Tasmania depending on the forest communities. So, the general definition is "Old growth forest is ecologically mature forest where the effects of disturbance are now negligible." But the decision rules applied to respective forest communities are different. Especially the definitions for non-eucalyptus forest communities are loose, while some of wet eucalyptus communities are set very

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Marsh Forest Conservation Group. Tasmanian National Parks Association, Huon Valley Environment Centre, Arts for Forests, The Environment Association, North East Bioregional Network, Great Western Tiers Nationl Park Campaign, Mount Arthur Environment Management Group, Launceston Environment Centre, Canyon and Bluff Working Group, Panama Forest and Denison River Catchment Group, Jackeys Marsh Residents Association, Tasmanian Conservation Trust(North West Branch). *Protecting Forests, Growing Jobs*. 2004

[32] Ibid

narrowly.[33] In this way, FT's narrow interpretations seek to minimize restoration and maximize commercial availability within Tasmania's original native forests that they are most interested in logging. Also, there are so-called 'non-oldgrowth' forests containing old-growth as we mentioned in our response to argument 10 above. Critics of the assessment process used to identify old-growth forest point to the fact that the assessment in Tasmania did not map old-growth forests but instead mapped units containing old-growth forests. Where units were large and contained a minority of old-growth trees they were excluded. In some cases this meant that patches of old-growth as large as 50 ha were excluded[34]

Therefore, forests currently classified as non-oldgrowth forest communities (regrowth forest) in fact contain many old-growth forest or untouched primary forest stands. Further, most of the old-growth forests that are protected are not wet eucalyptus forest community and those old-growth wet eucalyptus forests are under-represented as we mentioned at our response to FT comment 10. In late 2007, the UNESCO World Heritage Committee officially expressed concern about impacts of forestry operations on *Tasmanian Wilderness World Heritage Area* and adjacent areas to it, and these concerns are documented more fully in a recent report by Australian conservationists[35].

Forestry Tasmania Comment Twenty: *"The AFS is fully accredited by Standards Australia as meeting its requirements for an official standard. The AFS was developed by a broad stakeholder group representing governments, forest industry, independent scientists, community and consumer interests. Recent decisions to restrict all native forest conversion have been welcomed by Australia's largest group of professional ecologists, the Ecological*

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[33] See *Tasmania-Commonwealth Regional Forest Agreement Background Report Part C, Environment and Heritage Reports vol.1*(1996), Chapter4 Oldgrowth and Appendix U as we mentioned in our report note #9.

[34] *See Tasmanian-Commonwealth Resional Forest Agreement, Environment and Heritage Report, Vol.I, Background Report, Part C (Nov. 1996). "All identification, coding, collation of datasets and assessment of old-growth values was undertaken using 1:25 000 map sheets." "Apart from where polygons were split over 1:25 000 map sheet boundaries, only one SENCODE(a combination of a 'senescence' code and a 'visible disturbance' code) was allocated to each polygon. Heterogeneous or large PI polygons were not subdivided. If the polygon contained a range of values or was split across map sheets, it was coded at the highest level of senescence and the lowest level of disturbance, on the condition that each value was present in at least 30 per cent of the polygon."*

http://www.stors.tas.gov.au/item/stors/7b1a99a1-b1c5-3568-3d36-1ace96793eeb/1/ch4.html#Chapter4Oldgrowth-4.4Identificationofold-growthforest

[35] See Decision 31COM7B.43, p73 at http://whc.unesco.org/archive/2007/whc07-31com-24e.pdf and NGOs report, *The Tasmanian Wilderness World Heritage Area: World Heritage in Danger* by The Huon Valley Environment Centre and The Wilderness Society at http://www.huon.org/WHreportcomp.pdf

Society of Australia"

RAN RESPONSE: Forestry Tasmania tries to imply support for its AFS standard than actually exists. Environmental NGOs including WWF walked away from the standard development process after it became clear that standards development would not incorporate core environmental concerns. Not surprisingly, the AFS has been unable to find any credible ENGO organizations willing to fill the two vacant seats on the Technical Reference Committee (TRC) reserved for Environmental Non Governmental Organizations. (See also our response to comment 17, above.) As mentioned above, there is no representative from consumer organization for AFS TRC.

Forestry Tasmania Comment Twenty One: *"CPET has fully recognized PEFC."*

RAN RESPONSE: See our response to Forestry Tasmania comments 17 and 20. Forestry Tasmania again appears to misrepresent our report. RAN acknowledges that CPET recognized PEFC in December 2006, describes the controversy surrounding this decision, and explains our objections.

Forestry Tasmania Comment Twenty-two: *"Mr. Manning's allegations were comprehensively investigated and independent statutory authorities found Forestry Tasmania had no case to answer."*

RAN RESPONSE: Forestry Tasmania misleads by implying that allegations by a whistleblower inside forestry sector have no merit. In fact, despite extensive photo documentation and other evidence, FT refused to investigate his allegations on a technicality subsequently upheld by statutory authorities. The truth of Mr. Manning's allegations have never been disputed by FT.

Forestry Tasmania Argument about Use of Fire: *"Regeneration burns are an essential component of wet eucalypt forest harvesting. Most species of eucalypt require the disturbance created by fire in order to regenerate. Fire has been a part of the ecology of eucalypt forests for millions of years. Aboriginal people use fire for 60,000 years in eucalypt forests. The silviculture techniques used mimic the effect of natural stand-replacing wildfires, by creating ash beds high in nutrients and light levels in which young eucalypts can grow without competition from other species. Seeds collected from harvested trees are sown in the seed bed created by fire. No chemicals are used to regenerate native forests."*

RAN RESPONSE: Burning after clear-felling is significantly different from wildfire. Wildfire

in wet eucalypt forests occurs once in 80-100 years. As Dr.McQuillan pointed out, wildfire leaves much of woody biomass in place. Many trees survive the fire, leading to multi-aged forests while regeneration burning after clear-felling leads to even-aged forests like plantations. Also, many of the trees in threatend forests such as the Styx, Tarkine, Blue Tier etc. are more than 400 years old while fire has played a role in the ecology of these forest, Forestry Tasmania's regime of cut, burn, sow and then repeat after 40-80 years means that those forests never grow to ecological maturity.

Forestry Tasmania Argument of the photo on page 25: *"The Rainforest Action Network suggested the environmental damage depicted in this photograph taken many years ago was caused by forestry. It had in fact been caused by mining. Forestry Tasmania staff visited the site and found nature was already starting to repair the damage that occurred as a result of over 100 years of mining. It is disappointing that the use of this photograph was intended to mislead people who are not familiar with the history of this region of Tasmania."*

RAN RESPONSE: We appreciate Forestry Tasmania's identification of the correct attribution for this untitled photo in the report. This photo in the report shows forest destruction from a mining site. We regret the we failed to detect the error that the photo was selected by mistake. We would like to express our apology to readers about this error. All other photos in the report relate to the issue of destructive forestry operations in Tasmania.