



Department of  
Environment and Conservation

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Senator Anne McEwan  
Chair  
Senate Standing Committee on Environment, Communications and the Arts  
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Dear Senator McEwan

**RESPONSE TO SUBMISSION MADE TO THE SENATE INQUIRY INTO THE  
OPERATION OF THE *ENVIRONMENT PROTECTION AND BIODIVERSITY  
CONSERVATION ACT 1999***

Thank you for your letter dated 2 October 2008 and for the opportunity to respond to the submission made to the committee.

The extract of the submission provided in the attachment to your letter discusses two specific Actions listed in the *Forest Management Plan (2004-2013)* (FMP), not the WA Regional Forest Agreement (RFA). The FMP was prepared subsequent to the 1999 Regional Forest Agreement and incorporated significant additions to the reserve system, enhancements to measures for the protection of species and habitat, and further refinements to the calculation of sustainable timber yields. It is unclear how the issues stated in the submission relate to the Terms of Reference of the Inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999*, but I am pleased to provide the following information on each issue.

**Issue 1**

*Action 7.2.2 [under the Forest Management Plan (FMP)] requires the Department of Environment and Conservation (DEC) to prepare Guidelines for the Selection of Fauna Habitat Zones, with public consultation by 31 December 2004... More than three years after the specified date, DEC has not released a draft document for public consultation.*

Fauna habitat zones are areas of forest set aside from timber harvesting to provide refugia for fauna vulnerable to disturbance and to provide a source

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of fauna to recolonise disturbed areas as they regenerate. These areas complement the formal reserve system in the RFA area. During the preparation of the FMP, the indicative location of 283 zones of a minimum size of 200 hectares each, distributed systematically across the State forest available for timber production, was developed. The final location and boundaries of each zone are to be refined prior to disturbance operations proceeding in the vicinity. These settings, and the design considerations to be followed when finalising the location, are specified in Appendix 4 of the FMP.

The indicative location of the zones is maintained in the DEC planning systems and since the commencement of the plan, the process of finalising the location of each zone has proceeded in accordance with Appendix 4. For each zone, this detailed process has been extended to include liaison with the Conservation Commission of WA on the proposed final location, and in recent years, this has involved comments being sought from the Conservation Council of WA on the proposed location.

Draft *Guidelines for the Selection of Fauna Habitat Zones* which are consistent with Appendix 4 of the plan have been in preparation by DEC, and are intended to progress to the public consultation phase during 2008. While there has been a significant delay in progressing the document, in DEC's view the process and outcomes sought in the FMP for establishing these zones have continued to be met. In 2005 the Conservation Commission published a Performance Assessment on the process of finalising the location of the fauna habitat zones, which concluded that the management system developed by DEC satisfies the requirements contained in Appendix 4 of the FMP.

## **Issue 2**

*The FMP sets the allowable cut based on what is calculated to be a sustainable yield for WA's timber species. The data and modelling use appears to be inadequate and the modelling has not been made available publicly..... This represents a breach of Action 35.2.1 of the FMP which required DEC to develop and implement programs to provide the community with information on ecologically sustainable forest management, in particular information relating to the sustained yield statistics and models.*

This issue refers to the basis and data used in the calculation of sustained timber yields included in the FMP. In accordance with Clause 50 of the WA RFA, the data and methodology used by DEC in the estimation of the sustained yields for the FMP were examined by a six member independent panel of experts during the period April 2001 to June 2003. Stakeholder consultation during this review process commenced in 1999 with input on the terms of reference and composition of the panel, and subsequently involved written submissions and oral presentations. Panel representatives also provided briefings, including to the Conservation Council.

A series of three reports to the Conservation Commission was published during the review (Ferguson et al 2001a<sup>1</sup>, Ferguson et al 2001b<sup>2</sup>, and Ferguson et al 2003<sup>3</sup>). The Panel concluded (Ferguson et al 2001b, page 1):

*The Panel is satisfied that it has considered and addressed the issues repeatedly raised by members of the public and which are said to impact on the calculation of sustained yield. The Panel believes that, in principle, the simulation model uses appropriate data, assumptions and methods in calculating sustained yield.*

In regard to the development of programs to provide further information on ecologically sustainable forest management and the sustained yield statistics, I note that Action 35.2.1 of the FMP does not have a timeline specified for implementation, and given that the Plan expires in 2013, it is difficult to understand how the issue described in the submission could be interpreted as a 'breach of the FMP'. The FMP contains over 200 action items, and while the Department has aimed to progress all actions, a priority has been placed in the early years on ensuring the FMP was being implemented as intended in the field. DEC has recently released its new website and is planning to expand and update the content on managing Western Australian forests, including the provision of educational information on the sustained yields and models.

I trust that this information will assist the committee in its deliberations.

Yours sincerely



Keiran McNamara  
DIRECTOR GENERAL

13 October 2008

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<sup>1</sup> I. Ferguson, M. Adams, J. Bradshaw, S.Davey, R. McCormack, and J. Young (April 2001) Calculating Sustained Yield for the Forest Management Plan (2004-2013). A Preliminary Review.

<sup>2</sup> I. Ferguson, M. Adams, J. Bradshaw, S.Davey, R. McCormack, and J. Young (September 2001) Calculating the Sustained Yield for the Draft Forest Management Plan: A Preliminary Stage 2 Report.

<sup>3</sup> I. Ferguson, M. Adams, J. Bradshaw, S.Davey, R. McCormack, and J. Young (June 2003) Calculating Sustained Yield for the Forest Management Plan (2004-2013). Stage 3 Report.