



North East Forest Alliance

NORTH EAST FOREST ALLIANCE

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Tony Chappel
Chief Executive Officer
Environment Protection Authority
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Dear Mr Chappel,

Compartments 31, 32, 33, 36, 38, 41 and 42 of Styx River State Forest are currently being logged. As it appears that the Forestry Corporation have made no attempt to identify the den trees of Yellow-bellied Glider and Southern Greater Glider as required by the CIFOA, despite numerous records in the logging area, NEFA requests an immediate Stop Work Order until the required searches are undertaken.

NEFA commissioned Dr Sally Townley to undertake a preliminary assessment of the adjacent compartments, during which she assessed part of these compartments. She identified 24 sight records of Greater Glider, including 3 den trees, and 3 of Yellow-bellied Glider. Within the current logging area she identifies a *"1 km transect along Simmos fire Road yielded 11 Greater Gliders, one Yellow-bellied Glider and one Greater Glider den tree in approximately 45 minutes"*. These records were recently provided to the Forestry Corporation and entered in bionet.

Dr Townley's report is attached (including the locations of the three den trees identified). I note that forests around Simmos Road are yet to be logged.

Since 1 January 2019 Bionet only includes Dr Townley's records of Southern Greater Glider and Yellow-bellied Glider for compartments 31, 32, 33, 36, 38, 41 and 42 of Styx River State forest. The Forestry Corporation have been logging there for months and not identified a single record of either species from their broad area habitat searches (BAHS) in Bionet.

Dr Townley's report identifies that a search of BioNet shows 313 records of Southern Greater Gliders in the whole of Styx River SF, and that her records of Yellow-bellied Glider are the only ones identified so far – emphasising the significance of Styx River for Greater Gliders and the importance of this apparently isolated population of Yellow-bellied Gliders.

The EPA have been investigating breaches in these compartments of Styx River State Forest for months. They investigated breaches reported by Dr Townley on 6 September 2023, finding that 3 trees reported cut down in an exclusion zone *"were located within a voluntary exclusion zone"* and that therefore as they were not *"within a valid and enforceable exclusion zone the EPA does not consider that a breach has occurred"*, further stating *"The EPA are still assessing whether FCNSW have met the requirements of the CIFOA regarding the powerline easement bisecting the Hastings River Mouse habitat exclusion zone"*. The fact that the voluntary measures adopted by FCNSW in significantly fire affected forests are not legally enforceable and can be breached with impunity highlights a significant flaw in the system.

The EPA also undertook three site inspections within compartment 33 of Styx River State Forest in September 2023 in response to complaints by Joe Sparkes. They dismissed his complaints regarding logging in mapped rainforest on the grounds the publicly available rainforest mapping was inaccurate, stating *"The Native Forestry map viewer rainforest spatial layer that you have highlighted is not the spatial layer that is used to create the FCNSW HPOM"*. They dismissed his complaint about logging in oldgrowth forest on the grounds it is **not** mapped as HCV oldgrowth and *"The EPA does not reassess areas of State Forest."*. In response to complaints about logging two

giant trees and leaving excessive debris around retained trees the EPA similarly claimed "*The EPA are investigating this alleged non-compliance*".

I note that the EPA's website misleadingly identifies that investigations only commenced in November.

The EPA's failure to take prompt action in response to outstanding complaints while logging continues unabated speaks volumes about their regulatory performance. Though it is equally telling that the EPA failed to recognise that FCNSW were failing to identify den trees of Southern Greater Glider and Yellow-bellied Glider in breach of the CIFOA, despite the numerous historical records of Southern Greater Glider.

The CIFOA Conditions (Table 2) identifies den trees of these species must be searched for during broad area habitat searches and Table 4 identifies that 50m exclusions are required around dens of Yellow-bellied Glider and Southern Greater Glider. These can only be identified by nocturnal searches and FCNSW only undertake their BAHS during the day and thus have no chance of detecting these.

NEFA previously identified a Southern Greater Glider den tree in Newry State Forest on 31 July and yet the EPA failed to intervene to ensure all den trees were identified. Similarly on 20 November we identified to the EPA two den trees in Moonpar State Forest where the EPA refused to stop work to allow additional den trees to be identified – we are yet to be told what assessments the EPA required to ensure den trees are identified.

It is apparent that the EPA are unwilling to enforce the CIFOA in regards to den trees in north-east NSW.

Based on the above assessment we request an immediate Stop Work Order while the required nocturnal searches are undertaken in Styx River State Forest. NEFA requests an urgent response to this request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dailan Pugh', with a stylized, cursive script.

Dailan Pugh OAM