



North East Forest Alliance

NORTH EAST FOREST ALLIANCE

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6 November 2023

Penny Sharpe
Minister for the Environment
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Dear Penny,

I write to you to once again to plea for greater protection for Koalas on State Forests, this time to provide you with a recent paper on a long-term [Koala study by Dr. Andrew Smith and John Pile at Pine Creek](#) that provides more evidence that the NSW Natural Resources Commission's (NRC) claims that logging has no impact on Koalas are based on false assumptions.

This paper reinforces the urgent need for the NSW Government to urgently reconsider your fundamentally flawed Koala strategy and grossly inadequate logging rules for Koalas. It also exemplifies the need to reform the NRC due to their bias and failure to provide Koalas with the protection they urgently require.

The NRC's (2022) claims that logging '*did not adversely impact koala density*' and that despite logging '*koala occupancy has remained stable in north coast hinterland forests*' are based on assessments by DPI Forestry (Law *et al.* 2017, 2018, 2022) using recordings of male Koala calls in the breeding season to identify Koala habitat preferences and responses to logging. NEFA have [previously criticised](#) this work. Relying on male Koala calls is based upon the assumption that their calls are representative of female population densities and breeding habitat. This fundamental assumption has now been shown to be invalid.

Smith and Pile (2023) found that male Koalas call in a wide variety of degraded and poor quality habitat, which may in part reflect transient, dispersing males in unsuitable habitat, whereas observations of reproducing females were largely confined to the highest quality habitat '*characterized by a high density of trees across all size classes that have only been lightly selectively logged to remove large and old senescent trees, and that have a high diversity of locally preferred food tree species and an abundance of preferred koala food trees*'.

Smith and Pile (2023) state:

... claims are based on findings and conclusions of recent surveys (Law et al. 2017, 2018, 2022, NRC 2021,22) that used remote call recorders to model male koala distribution and response to harvesting in NSW timber production forests. These same surveys are also currently being used to justify expansion of clear-fell harvesting in northern NSW State Forests (NRC 2022) using practices comparable with those in 1960's and 1970's woodchip production areas of southern NSW and Victoria. The findings and conclusions of NRC (2022) and Law et al. (2017,2018, 2022ab) rely on an unproven assumption that male and female koala distribution and habitat preferences are identical, and that the frequency of male koala calls in intensively logged forest is a reliable and accurate indicator of core

female koala habitat, or female koala abundance and long-term reproductive success, in logged forest. The findings of this study demonstrate that this assumption is invalid.

Our findings lead us to conclude that the failure of Law et al. 2022b to find an impact of intensive logging on koalas is an example of a type 2 statistical error (acceptance of a null hypothesis that there is no effect of timber harvesting when in fact there is) caused by widespread distribution of transient male koalas in suboptimal or sink habitat, and deficiencies in habitat modelling ...

This study shows that the NRC have failed due diligence by blindly accepting the assumptions and methodologies that DPI Forestry applied, and basing the NRC's whole Koala strategy on DPI's erroneous conclusions. In doing this the NRC wilfully ignored other contradictory research available to them at the time. The NRC rely upon these flawed conclusions to retrospectively justify the NRC (2016) decision to side with the Forestry Corporation against a fauna panel and the EPA on the CIFOA logging rules by more than halving the recommended tree retention rates, and reducing tree sizes. Now they are using this fundamentally flawed research to claim logging has no impact on Koalas, which is being used to undermine the argument for a Great Koala National Park. The NRC are not an impartial overseer and have proven themselves to be a threat to the survival of Koalas. Unless reformed, the NRC need to be removed from their role in overseeing forestry operations.

Most urgently your Government needs to instigate real and meaningful protection for Koalas, and stop peddling the DPI Forestry and NRC fake news as an excuse for not meeting your promises to protect Koalas. It has long been evident that we need to fully protect the home ranges of breeding female Koalas if we want to improve their survival prospects, which has been reaffirmed by Smith and Pile's (2023) findings, and you should not allow the Forestry Corporation and NRC to delay this any longer.

NEFA previously wrote to you on 17 July 2023 detailing concerns about the NRC, particularly their roles in over-riding expert recommendations by reducing prescriptions for Koalas based on fraudulent claims of resource shortfalls, and funding, endorsing and promoting claims by DPI Forestry researchers that logging has no impact on Koalas. On 5 July 2023 NEFA wrote about the EPA misinforming people on your behalf that the logging rules (CIFOA) you once condemned are really very good at protecting Koalas.

NEFA obtained the [EPA's draft briefing note](#) to you in response to my previous letters to you (which I have previously provided to Cathy), which verifies many of the concerns we identified to you about the NRC and Koala prescriptions. For example in relation to their logging study the EPA states "EPA shares NEFA's concern that the NRC study of koala presence before and after selective harvesting has limitations", including that "There is uncertainty associated with the use of, and therefore the conclusions that can be drawn from, acoustic surveys". And in relation to Koala feed tree prescriptions determined by the NRC the EPA note "Similarly, EPA shares the concern that NRC's interpretation of available information on koala use by tree size has been inappropriately used in considering the adequacy of the koala prescription settings", "claims around the insignificance of tree diameter have limited support in literature" and "The EPA position in development of the CIFOA koala browse tree prescriptions was for much higher rates of retention of larger trees with a clear priority for protection of higher quality browse species". The EPA also highlights that the NRC's CIFOA monitoring program is dominated by DPI and FCNSW and not targeted at actually assessing the efficacy of the Koala prescription, just like over the previous 20 years they do not want to know how badly it is failing Koalas.

The EPA notes that they acknowledge NEFA's concerns about logging prescriptions "*and is currently in negotiations with FCNSW on the implementation of precautionary measures in the proposed GKNP area*" which "*may relate to the changes proposed by NEFA*". NEFA also pieced together the [EPA's failed attempts to amend the CIFOA Protocols](#) to protect Koalas within the Great Koala National Park (also provided to Cathy). It clearly shows that despite the EPA's intent to make relatively minor amendments to the Protocols since at least May 2023, the Forestry Corporation's agreement to do so, and drafting of the changes, on the 25 July the Protocol amendments were abandoned - apparently in consultation with you. The proposed changes included the Forestry Corporation supporting the EPA to look for Koalas ahead of logging, and legal amendments to:

- set retention of Koala feed trees as 10/ha
- require Koala Feed Trees to be greater than 30 cm DBHOB
- add Small-fruited Grey Gum as a primary browse tree
- require FCNSW to prioritise protection of high value Koala habitat in wildlife habitat clumps
- excluding moderate-high quality koala habitat from 'intensive harvesting'.

Why did you object to these?

Instead on 4 August the EPA's Tony Chappel wrote to FCNSW's Anshul Chaudhary detailing the proposed legally-unenforceable voluntary measures, with Chaudhary responding without committing to most of Chappel's requests (even though they had apparently previously been agreed to). This is despite the Forestry Corporation concurrently claiming in court that the EPA can quickly change the Protocols whenever they consider it necessary (Hemmings transcript of 15 August 2023 in NEFA vs Forestry Corporation):

If there was a concern that the koala was not adequately being protected because of the way in which the Browse trees were being retained, then that is an easy temporary fix, if I can express it that way, by the EPA, because you can amend protocol 23 and change the way in which we must retain trees for the koalas, and that could be done as an interim protection while there is the iterative process for changes to the condition itself, if that's what's required.

Penny, I hoped that when you were elected that with all your professed concern for Koalas there would be a change and that we could expect improved protection for Koalas. While I welcomed your belated move to protect Koala Hubs after we last met, I was disappointed it was limited to just the Great Koala National Park.

Koalas outside those hubs get more of the same, logging of their core habitat and crucial feed trees while you tell people its all good. As I outlined in my letter of 5 July the CIFOA does not include '*specific provisions for identifying and protecting koalas and koala habitats, including retaining important feed trees and excluding forestry activities from areas of active koala use*' as the EPA claim on your behalf, even though they know they are lies. This latest report is more evidence that you are spreading dis-information and fake news while you continue to drive Koalas towards extinction.

Once again I implore you to show you care and take urgent action to stop the Forestry Corporation logging important Koala habitat on State forests. NEFA reiterates our request of 5 July for State Forests:

1. **urgently re-instate the requirement for thorough pre-logging Koala surveys, this time undertaken by independent experts**
2. **exclude logging from, and rehabilitate, the most important habitat for Koalas, including:**

- a. areas with high Koala usage, including home ranges
 - b. patches with relatively high densities and diversities of Preferred Koala Feed Trees
 - c. likely refugia from the impacts of climate change, including droughts, heatwaves and wildfires.
3. protect mature (>30 cm DBH) Preferred Koala Feed Trees in potential and linking habitat.

Please let us know if you intend to take any further action to protect Koalas on State forests and reign in the NRC's propaganda and misinformation campaign.

Yours sincerely,

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

Dailan Pugh OAM

ATTACHED: ***Smith, A. and Pile J. (2023) Koala density, habitat, conservation, and response to logging in eucalyptus forest, a review and critical evaluation of call monitoring. November 2023, Submitted for Publication.***