

10th September 2009

The Manager
Resource & Conservation Unit
NSW Dept of Environment and Climate Change
PO Box A290
Sydney NSW 1232

Dear Sir

**Submission on Review Of Southern Region Forestry Agreement (Tumut
Subregion)**

I accessed the documents on the internet with guidelines etc for submissions but can not find anywhere which states clearly where to send submissions to so if you are not the correct destination for my submission could you please forward to the correct office / authority.

Thank you.

Yours faithfully,

8th September 2009

The Manager
Resource & Conservation Unit
NSW Dept of Environment and Climate Change
PO Box A290
Sydney NSW 1232

Dear Sir or Madam,

**Re: Review of Southern Region Forestry Agreement (Tumut Subregion)
(2001)**

I wish to submit the following comments and observations in relation to the terms and conditions of the above mentioned regional forestry agreement.

Unlike the treatment by the State Government over the submission on the terms of reference submitted by local conservation group HCCA Inc recently where only acknowledgement of receipt of that organisation's submission was the only correspondence received from the state government, I expect and in fact demand a reply from you, firstly acknowledging receipt of this submission, along with follow-up consultation from the State and Commonwealth ministers on the outcome of the current review, particularly relating to the matters I have raised.

Thank you.

Yours faithfully

**Submission On The Review Of The Southern Region Forestry
Agreement (for the Tumut Subregion)**

8th September 2009

Preamble

As a member of the public I find the current review process for the Southern RFA and associated IFOA licence conditions totally offensive. The entire process, from the view of a member of the public, in effect disempowers the public and is clearly discriminatory against public input and comments such as mine. I have little doubt that is the very purpose of the process.

As such I have no false illusions as to the significance of such responses to the current review believing that responses such as mine will no doubt be relegated by your government (supposedly our government) to the realm of alleged shadowy delusions held by those such as my self, regardless of education and qualifications and experience, who actually have substantially scientifically based grounds for concerns over the performance of the existing RFA in relation to environmental conservation, primarily flora and fauna and Aboriginal heritage issues, in our region's 'high country' state forests (i.e. Bago and Maragle State Forests).

However, regardless, and for the record, I make the following observations on the basis of conscience, without much hope of notice and even less hope of attention from your government, apparently commercially driven hell-bent on environmental destruction of our region's montane native forests for commercial gain; destruction based upon spurious and often falsely presented 'facts' designed, with no doubt, to ensure a ready supply of native timber products at the expense of the environment, whilst paying only lip-service to all recognized environmental obligations both real and statutory.

The result, currently in play, is the same.....how can it be otherwise when the current Regional Forest Agreement for the Tumut subregion is based largely upon masses of unknown science and data using a 'one size fits all approach' to environmental management of our region's state forests (under the CRA process which was developed to provide cate blance access to our region's forest resources whilst allowing licence to destroy / impact endangered species), and commonly employing non-science based and unproven conservation strategies most notably in the area of Aboriginal archaeological heritage and flawed and unfounded scientific principles in the government's statutory obligations with regards to the protection of this region's remaining unique native flora and fauna.

I do not propose to spend excesses of my valuable time and energy wasted on the deaf ears of a commercially driven state government hell-bent on the exploitation of our natural environment -- the expenditure of such energies is in my opinion largely a wasted

exercise given the current evidence of so called forest management in our region to date with what appears one purpose in mind, apart from the deception of the broader public into believing that appropriate environmental management is occurring of our region's state forests (and adjacent national parks) at the hands of a cash strapped state government, and overseen by the Commonwealth Government and commercially driven private enterprise – that one purpose being totally commercially driven with only lip service to the state's moral and statutory obligations to the protection of our region's unique montane forest environments.

As such I make the following brief observations in point form in relation to the current grossly deficient standards applied to environmental management in our region's state forests (and adjacent national park, primarily, Kosciuszko National Park) at the hands of forest and park managers employing grossly scientifically flawed environmental management standards and practices.

Document of Deceit

My general comment upon the nature of the forestry industry in our region, particularly in the Tumbarumba district of the Tumut Subregion, is as a totally exploitative industry paying only lip-service to established environmental protocols established in the RFA document (2001) – the very contents of which are a national environmental disgrace.

The current RFA deceives the largely uninformed public into believing logging of our high country state forests, primarily Bago and Maragle, is, from an ecologically and cultural heritage perspective, a sustainable industry, when the facts indicate the degree of misinformation in that regard – this conclusion is further supported by the disclosure by FNSW recently in our region's local print media of the commercial failure and nonviability of native hardwood logging operations in Bago and Maragle state forests.

The current RFA review guidelines (Australian Government, NSW Government 2009) are from the very outset, a process of public misinformation and deceit based upon spurious data no doubt provided by NSW Government (?) and obtained during the shameful and scientifically flawed CRA assessment process, the basis of the Southern Region Forestry Agreement between the State and Commonwealth.

1.0 Aboriginal Heritage Management

The current review guidelines start out by 'misrepresenting' the facts over Aboriginal 'site' destruction during operations within Bago and Maragle State Forests since the inception of the relevant RFA in 2001.

The review document indicates, falsely, that only a 'handful' of Aboriginal archaeological 'heritage' sites have been impacted by current forestry management practices in our region's two montane state forests.

This of course is a **gross deception**. I am a qualified archaeologist and cultural heritage manager with degrees in relevant fields from University of Canberra and University of New England and considerable experience in 'high country' Aboriginal archaeology of

the montane region to the east of Tumbarumba, with particularly extensive knowledge of Aboriginal archaeology within Kosciuszko National Park between the Tumut River and Tumbarumba, including the Park and Bago and Maragle State Forests and surrounding private forests and associated lands.

During the years 2003-2005 I documented, and notified in accordance with s.91 of the NPW Act 1974, the presence of in excess of 200 Aboriginal archaeological 'sites' within specific areas of Bago and Maragle State Forests (i.e. many thousands of Aboriginal 'Objects' as defined under the Act (1974).

During the same period, I documented the destruction of in excess of 60 Aboriginal archaeological cultural sites (and disturbance of many hundreds of 'Aboriginal Objects' by Forests NSW / contractors during Forests NSW logging operations in Bago State Forest Logging Compartments 117 and 118 – the true figure is on a massive scale probably in excess of hundreds of Aboriginal archaeological sites!!!!!! and using current DECC terminology in excess of many many thousands of Aboriginal 'Objects' (as defined under the Act (1974), have been illegally impacted by Forests NSW activities in Bago and Maragle State Forests alone.

In addition, I also raised concerns in a number of cases within Bago State Forest that many tens, perhaps hundreds of Aboriginal Objects had been removed from logging operations sites within Bago State Forest by persons unknown but suspected as having been removed by Forests NSW or accompanying DECC officers during 'site inspections' in 2003-2004.

This cultural information has ALL been lodged in the appropriate manner and in accordance with s.91 of the National Parks Act (as Amended 1974) with the NSW NPWS Aboriginal Heritage Management System database.

1.1 NPW Act 1974 Application In Forest Management Contrary to International Conventions Regarding The Significance of Place (i.e. ICOMOS).

The current application of the NPW Act 1974 in the management of Aboriginal archaeological cultural heritage resources in our region's state forests flies in the face and from all intents appears to be in contempt of ALL international conventions with regards to the significance and protection of PLACE within the landscape.

The current interpretation of the Act (1974) with regards to the protection and management of Aboriginal archaeological cultural resources applies totally flawed 'ancient' Eurocentric standards and approaches and is based upon grossly inappropriate OBJECT oriented protective principles not seen in most parts of the world since the early advances in archaeological investigation in the middle eastern context where individual objects were all that was valued by plundering European 'archaeologists' and the value and protection of the archaeological resource was a very poor, second consideration.

It would appear that in Australia we have suffered a regression in our cultural heritage management values very much suited to forest management where individual objects are valued by our lawmakers over the arguably much more scientifically and culturally significant importance of archaeological and cultural context.

The NSW Government must take full responsibility for the apparent inappropriate standards of cultural heritage management in our region's state forests, national parks and private lands – however, the impacts of the government's poor performance in legislation relating to the protection of our state's cultural heritage resources are responsible for the most heinous and unjustified destruction of cultural heritage sites in the history of this country – whilst occurring at a state level, constitute a National Disgrace and adds to the already massive loss of indigenous culture perpetrated over our indigenous people and in fact against the public by those that have the responsibility to govern this land.

1.2 Failure of RFA to Provide for the Conduct Appropriate Scientifically Based Aboriginal Archaeological Heritage Studies In Our Region's State Forests Responsible for Ongoing and Massive Aboriginal Heritage Destruction

Searches of NSW DECC records indicate that despite the destruction of in excess of 60 Aboriginal archaeological sites in Bago and Maragle State Forests within the specified period and up until the very present, in 2009, despite massive Aboriginal 'site' destruction in the two state forests, **not one s.90 / s.87 / DECCW AHIP application has been made by Forests NSW for the destruction of such sites.**

The above fact is hardly surprising when apart from a handful of isolated non-forestry based archaeological investigations in the broader region's two state forests (Bago and Maragle) and isolated investigations initiated by other than the NSW government and in particular Forests NSW bodies and individuals designed to highlight the failures of current Aboriginal heritage management procedures used by Forests NSW administrators supposedly under the current RFA (2001) but actually in contradiction and contravention of the DECC NPWS Guidelines for Aboriginal heritage assessment (1995) within forest estates referred to in the current IFOA licence associated with the current Tumut Subregion RFA.

Whilst Forests NSW will continue to reject this repeated assertion, the assessment of Aboriginal archaeological cultural values within identified forest logging compartments MUST be LANDSCAPE Based and conducted by appropriately tertiary qualified and APPROPRIATELY SKILLED archaeologists, in consultation with the relevant Aboriginal community representatives.

The current methods employed by Forests NSW for the assessment of Aboriginal cultural values contained within specific logging compartments have led to the totally uncontrolled and largely undetected mass destruction of Aboriginal archaeological cultural resources contained within the two forests previously mentioned. However, that pattern is not isolated to the Tumut Subregion but is being repeated across state

administered native forests within NSW where current native timber logging operations persist and in fact where current softwood harvesting operations are ongoing.

2.0 Failure to Protect Threatened Yellow bellied Gliders Populations In Bago and Maragle State Forests

Current IFOA licence requirements do not provide adequate protection of NSW TSC Act 1995 listed Yellow bellied Glider populations in our region's state forests, especially in Bago and Maragle State Forests where the existing, struggling population of gliders has been gazetted under the Act 1995 as a Threatened Population due primarily to its vulnerability to extinction created by its geographic isolation and current ongoing loss of habitat caused by logging operations.

An example of the mismanagement of the Bago Plateau Yellow bellied Glider (YBG) threatened population at the hands of Forests NSW, the NSW Government and under the terms of the current IFOA / RFA can be clearly evidenced in the scientifically flawed conditions laid down in the IFOA supposedly for the protection of Yellow bellied Gliders in our region's state forests, including Bago and Maragle.

The absolute and scientifically unfounded nonsense whereby the IFOA licence requires the retention of all 'marked' YBG feed trees identified during logging compartmental environmental assessments and supposedly provides for the retention of 10 trees (why not 5 trees or 30 trees?) of the same species and age within a 100m of identified feed trees, meanwhile, whilst allowing the destruction of all other trees suitable for harvest within the radius, is a scientific absurdity!

On what scientific basis does this procedure provide for the protection of habitat for this endangered species and threatened population?

This process does not justify how the retention of similar trees of similar age etc within a selected radius of an existing known feed tree will provide for future habitat (food resources, nest hollows and even an appropriate habitat allowing for safe movement of the species of glider through the forest canopy. Regarding the issue of humans selecting future feed resources for these endangered species, to me it is particularly clear when in many areas of state forest in our region, there may be a distance of many kilometers between existing identified 'feed trees' and that science still does not know how the species selects suitable feed trees and that no amount of trees selected by Forests NSW under the terms of the IFOA licence will encourage this species to exploit trees of unsuitable characteristics, **selectability characteristics which at present are not conclusively known to science.**

Of course none of the above takes into consideration other feed resource (and habitat) requirements during periods when tree sap is not a seasonally sort feed resource.

On the basis of the above one can not be blamed for questioning who it is within our government system and science that 'makes up' such harvesting conditions and on what basis?

However, quite a considerable achievement was made with regard to the management and protection of the Bago Plateau Yellow bellied Glider population back in 2008 with the gazettal of the population as being Threatened under the NSW TSC Act 1995.

This is but one example of what can only be described as a gross inadequacy and experimentation upon the ecological resources and biodiversity of our region's state forests through the application of scientifically unfounded management regimes such as that currently in force for the protection of the vulnerable listed gliding species which inhabits Bago and Maragle State Forests.

The problems of surviving the horrendous impacts of logging upon our region's native fauna are many-fold and complex and yet it would appear that the NSW Government can devise scientifically unfounded and inappropriately simplistic strategies supposedly intended by some well-meaning conservationists employed within their department and monitor the loss of species and habitat as a basis for their grossly inadequate approaches to government when impacts appear unacceptable, only to have their faint cries overridden by a fear of jeopardizing their careers, and by the greedy and corrupt shouts of sections of government and industry.

The current failure of the IFOA for the Tumut Subregion to accommodate the habitat requirements of the Yellow bellied Glider just to mention one of an array of similarly threatened species contained within our state forests has to be addressed under the current review but from my experience with the NSW Government, Forests NSW and DECC these issues will be shoved under the carpet – in the 'too hard basket' or the 'don't give a damn basket'?

3.0 Terrestrial Native Orchid Conservation in Bago and Maragle State Forests
Bago State Forest is so far known to contain in excess of 60 different terrestrial native orchid species.

The NSW list of Endangered Terrestrial Native Orchid Species known to occur within the Bago State Forest is in the vicinity of six species, a further six species are currently with the NSW Scientific Committee for consideration for Endangered / Critically Endangered listing, three of which are also currently before the Commonwealth EPBC Act 1999 Scientific Committee for consideration for Commonwealth Endangered Species listing.

The current NSW TSC Act 1995 assessment process, whilst geared to protect species considered by appropriately qualified persons to be endangered with Interim Listing is not being appropriately applied within the RFA / IFOA system. Why? In the meantime, such species are continually threatened with destruction from logging.

Current logging practices and IFOA licence conditions allow for mass destruction of Endangered species / populations of this region's montane terrestrial native orchids.

Current IFOA licence application supposedly enforced by DECC officers actually contribute to the destruction of Endangered native orchid species and those not currently considered Endangered status and in fact contradict the very principles of biodiversity conservation.

Firstly, the lack of knowledge of native orchid ecology and population bio-dynamics by scientists added to by the failure of Forests NSW to carry out appropriately timed flora surveys suitably designed to the ecology of these species – not a rigidly set ‘2 survey’ sham as currently occurs in Bago and Maragle State Forests by FNSW after pressure brought to bare by DECC in response to pressure brought to bare by private citizens with a concern for appropriate survey standards for these targeted species – this concession for a second orchid survey process to occur in Bago State Forests did not come about until myself and other orchid enthusiasts in our local area lobbied for more comprehensive survey of local terrestrial orchid species in our region’s state forests.

To date, we know that two populations of Endangered status orchid species are now extinct in Bago State Forests, i.e. *Thelymitra atronitida* and *Chiloglottis aff. valida* (Jones 2001) as a direct consequence of Forests NSW logging operations in Compartments 117 / 118 Bago State Forest.

DECC was made aware of these circumstances and investigated back in 2003. No follow-up surveys have occurred in relation further confirmation of the loss of these populations and there is currently no provision within the RFA / IFOA for such to occur.

What a disgusting record – and these are only for two known extinctions!

4.0 Macro Invertebrates and Other Currently Ignored Forest Biota

The current IFOA licences provides no protection or even requirement for the survey and identification of macro-invertebrate species within our region’s state forests. These important species are none-the-less significant in a complete and healthy forest ecosystem and yet the environmental licence conditions currently in force ignore totally the status of such species. The failure to do so displays an complete ignorance by the statutory authority, primarily DECC, to provide for a holistic approach to forest ecology management.

WHY?

Another example of scientific bias and mismanagement in our region’s state forests. During a half hour assessment of lichen along a 300m section of one creek in Bago State Forest in July 2009, an independent, qualified ecologist with a deep interest in lichen species identified and catalogued 10 different lichen species growing in Bago State Forest **within 15 minutes**. Where is the provision within the current IFOA licence conditions for the assessment and where necessary, protection and management of this significant aspect of forest ecology?

This is just an example of the relatively unknown biological resource of the forest. The point is that the effects of logging and related activities and other environmental pressures within our region's state forests are largely unknown and yet licences continue to remain in force for the destruction of vast areas of native forests without even a basic knowledge of the complexity and diversity of forest ecology – again, this can be described as nothing short of a national disgrace.

5.0 Cattle Grazing and Failure To Meet RFA Benchmarks In Establishing Approved Grazing Management Plan For Bago and Maragle State Forests

The failure of the NSW Government and FNSW in particular to have an approved grazing management plan in place by 2003 as part of its RFA obligations is nothing short of disgraceful and displays utter contempt for the RFA process by FNSW, NSW Government and DECC.

The implications of this failure are dire indeed with the ongoing and largely irreversible mass destruction of NSW TSC Act 1995 gazetted Endangered Ecological Community – Montane Peatlands and Swamps through the effects of grazing and trampling by domestic cattle grazed within Bago and Maragle State Forests under licence from the NSW Government / Forests NSW. The additional failure of the NSW Government / Forests NSW / DECC to remove the devastating effects of burgeoning feral horse populations in Bago and Maragle State Forests is a further indictment of the current RFA / IFOA process as applied to the Tumut Subregion of the Southern RFA.

The criminality of the NSW Government to allow this destruction of these fragile and sensitive forest ecosystems is added to further by the failure of the government to acknowledge the massive scale of the destruction and with recent events, an ongoing breach of the Commonwealth EPBC Act 1999 which has also gazetted these fragile ecosystems, defining them as Alpine Bog Communities, as an Endangered at a NATIONAL LEVEL!

Any review of the RFA / IFOA process currently underway must seek to not only cause the cessation of all domestic stock impact upon these fragile ecosystems within Bago and Maragle State Forests (domestic meaning cattle and feral horses) and seek to initiate a progressive proactive rehabilitation programme of impacted peatlands / alpine bog communities within Bago and Maragle State Forests.

No one has even sort to identify the ongoing effects of cattle grazing and feral horse impact upon other forest ecosystems, i.e. grasslands, heaths, wet and dry sclerophyll forests. And yet licences continue to be granted by NSW Government / Forests NSW to mostly non local wealthy cattle 'barrons' from Melbourne and elsewhere at the expense of our montane environment.

6.0 Soil Erosion

An example of the failure of the NSW Government to recognize the effects of soil erosion in our montane forests is highlighted by the results of a recent study along a 4km section of Plain Creek, McPhersons Plain, approximately 40km east of Tumbarumba,

which includes a length of montane stream – peatlands occurring for a distance of approximately 3.5km of Bago State Forests (Kelton, in prep, 2009).

The scientifically based study has identified a loss of alluvial stream deposits and peatlands in the vicinity of 14,000 tonnes along the 4.1km length of Plain Creek, directly attributable primarily to the degradation of stream banks and beds caused by grazing and trampling domestic cattle and horses.

There is little doubt that the NSW Government will deny these impacts but the facts support themselves. Forests NSW has been continually alerted to this damage and even attended onsite inspections at specific sites within Bago State Forest.

7.0 Fire Management

Where can one begin with this issue? We experienced a classic example of Forests NSW's current incompetence in fire management in Bago State Forest in March 2005. Tumbarumba Forests NSW conducted a fuel reduction burn in compartment 118 / 119 of Bago State Forest.

The fire was ignited by FNSW during an exceedingly dry period at the end of a very warm and dry summer period. The fire was massive in its scale with intense heat and destruction resulting from the burn, including an area of not less than 5% of the burnt area comprised of environmentally stressed montane peatlands (NSW Endangered Ecological Community / Commonwealth EPBC Act 1999 Alpine Bog Communities).

It is now 2009 and natural rehabilitation of these devastated peatlands has in effect not occurred.

Included in the 2005 forest burning, was one of two known populations of NSW Endangered listed *Pterostylois oreophila* (native orchid) found recently in Bago State Forest. This species habitat in Bago SF, sphagnum bogs, along the edge of the forest east of East Bago Powerline Rd was totally obliterated by the inappropriate burning and despite independent monitoring every year since 2005, it appears that this population is now extinct as a consequence of inappropriate and irrational burning practices by FNSW.

Neither has DECC, the statutory authority invested with the responsibility to protect such species, shown any interest in this matter apart from cursory inspections of forest burning at the request of the complainant.

As such the current RFA / IFOA conditions fail to provide adequate guidelines and physical protection for such species / populations and ongoing inappropriate and scientifically flawed burning strategies by FNSW will continue to lead to the destruction / extinction of other endangered species / populations and lead to increased pressure upon as yet unlisted species (which as the destruction occurs, should also be added to endangered status lists, both Commonwealth and State).

**8.0 Failure of The RFA Process To Protect State and Commonwealth
Endangered Species, Endangered / Threatened Populations and Ecological
Communities**

The current RFA process as it applies to the Tumut Subregion of the Southern RFA fails miserably in even acknowledging the potential and real effects of climate change upon fragile montane ecosystems found within our region's two state forests, Bago and Maragle state forests.

The facts indicate that there are a number of NSW and Commonwealth listed Endangered Species, both flora and fauna, and associated habitat which have their very survival on the face of this planet threatened by the effects of global climate change. I challenge both the State and Commonwealth to deny this point, and yet, what are you going to do about it....nothing I would suggest, just continue ravaging our natural resources as if there is no tomorrow – and perhaps that is exactly where we are heading.....?

The effects of logging and other forest management related activities upon CO2 emissions are not addressed anywhere within the current RFA and I don't believe that either the State or Commonwealth will have the gumption to even go part-way to rectifying this massive short-coming in the management of our region's state forests. Most concerning though, when there occurs an abundance of literature on the benefits of retaining oldgrowth forest ecosystems, including intact forest structure and associated peatlands, in the natural carbon storage process – not to mention the deleterious effects of logging upon this country's biodiversity of which there can be no argument against the ongoing depletion caused directly by habitat destruction and removal and clearly evidenced in our region's state forests at the hands of the NSW Government.

28th September 2009

The Manager
Resource & Conservation Unit
NSW Dept of Environment and Climate Change
PO Box A290
Sydney NSW 1232

Dear Sir or Madam,

**Re: Review of Southern Region Forestry Agreement (Tunut Subregion)
(2001)**

I wish to submit the following addendum to my previous comments and observations dated 8th Sept 2009.

Yours faithfully

Addendum To:

Submission On The Review Of The Southern Region Forestry Agreement (for the Tumut Subregion)

8th September 2009:

Addendum Dated: 28th September 2009

Failure Of The Southern RFA To Provide Proactive Effective Management of Of Special Forest Management Zones / Harvesting Exclusion Zones

Using current forestry operations in Bago State Forest within the Tumut Subregion of The Southern Regional Forestry Agreement 2001 (RFA) as an example, it is clear to even the least informed members of the public that the provision of such zones within the RFA have been totally farcical.

Firstly, whilst there are known to be numerous although generally isolated areas of recognized high ecological / oldgrowth forest and archaeological cultural heritage sites within Bago State Forest, very few of the areas of high natural and cultural values are protected within identified Special Forest Management Zones – a clear failure of the entire ESFM Plan for the Southern region.

I bring into question the very basis for the establishment of FMZs in Bago State Forest. The existing FMZs in the forest, which from my knowledge of the relevant RFA do not include any Special Protection Zones (FMZ1) or Special Management Zones (FMZ2) and a limited number of Harvesting Exclusion Zones (FMZ3).

Failure of The RFA to Protect Aboriginal Sites / Cultural Landscapes Within Existing FMZs

And yet, Bago State Forest is known to contain a vast number of Aboriginal archaeological sites (including many thousands of Aboriginal archaeological artefacts defined as 'Aboriginal Objects' under the NPW Act 1974), most notable of these being the large suite of Aboriginal sites contained within the 900ha Brandy Marys Bago State Forest Crown Leases (lease numbers 1952/1 & 1964/1).

The Brandy Marys Aboriginal sites form a complex of Aboriginal sites considered by the local Aboriginal community to be of high cultural significance and formally assessed by a specialist in the field (Mills 2006) to comprise an intact example of a montane Aboriginal archaeological landscape', worthy of protection under the NPW Act 1974 for Aboriginal Place declaration by the Minister (Mills, 2006).

What protection does this highly significant location have under the current general terms of the RFA and particularly within the FMZ structure? Answer: **Absolutely none.**

The Minister responsible for the leases, Minister MacDonald, recently (3rd June 2009, pers coms) advised the lessees of the leases that the Brandy Marys leases can be effectively managed under the terms of the RFA and yet, Forests NSW have and continue to request that the leases be grazed under the terms of the RFA – a clear threat to the integrity of known Aboriginal sites contained within the leases particularly open campsite – stone artifact scatter sites.

To act upon FNSW's requests to recommence grazing (which the current lessees have resisted so far) would clearly be a breach of s.90 of the NPW Act 1974 which states that **it is an offence under the Act to knowingly cause or permit the destruction or defacement of or damage to a relic or Aboriginal Place.**

As such, FNSW and the lessees would both be guilty of breaches of the Act. Permitting and conducting grazing operations, which have in the past already caused considerable damage to known (DECCW AHIMS database listed) Aboriginal sites within the leases, is totally in breach of the provisions of the NPW Act relating to the protection of Aboriginal sites and especially in contradiction of the Principles of the Southern RFA relating to Aboriginal heritage within forest estates (i.e. Attachment 10, Attachment 13, Principle 4, and the IFOA Cultural Heritage Guidelines which quite specifically refer to FNSW obligations with regard to the identification, protection and management of Aboriginal cultural values contained within state forests within the Southern RFA Tumut Subregion.

How does all of the above relate to the allegation of the ineffectiveness and inappropriate provision of Special Management / Harvesting Exclusion Zones within the Bago State Forest?

The Brandy Marys Crown leases contain two FMZ3A areas. However, the vast majority of the around 200 known Aboriginal sites contained within the Brandy Marys Crown leases, and in particular the most culturally and scientifically significant sites (on the DECCW database) are located outside of the two FMZ3A areas! These sites which are in fact a related suite of archaeological sites representing a range of past cultural activities by Aboriginal people in the area cover many tens of hectares of land within the leases, including areas within potential logging areas, along with large areas of identified archaeologically sensitive landform (where surface visibility has impeded or totally prevented surface inspection by archaeologists) and which contain an assessed high sub-surface archaeological potential (see Mills 2006).

The proposed management of the above mentioned extremely high Aboriginal cultural values contained within the Brandy Marys Crown leases under the current terms of the RFA is grossly inadequate and contemptuous of Aboriginal cultural values within the Bago State Forest on the part of the NSW Government and in particular Forests NSW.

Rezoning Brandy Marys State Forest Crown Leases

At the very least the Aboriginal archaeological cultural landscape contained within the Brandy Marys leases should be protected under Special Management Zone (FMZ 1) or Harvesting Exclusion Zone FMZ 3A (which provide for specific management of dedicated Crown leases within forest estate, but under certain lease conditions relating to the protection of Aboriginal cultural values – conditions which currently don't exist).

Failure of RFA FMZs to Protect NSW / Commonwealth Gazetted Threatened Ecological Communities / Populations and Endangered Species

The current FMZ zoning within the Bago State Forests fails to adequately provide protection for a large number of Endangered Ecological Communities / Populations and Endangered Species known to occur within Bago State Forest.

The Brandy Marys Bago State Forest Crown leases are known to contain around 60 species of terrestrial native orchids. McPhersons Plain, which is partially covered by an existing FMZ3A zoning has at least 4 NSW TSC Act 1995 Endangered / Critically Endangered terrestrial native orchid species protected within the zone – however, at the time of the designation of the FMZ3A zoning, none of the above species had been gazetted by the NSW Scientific Committeeand no one in Forests NSW has been able to tell me what the basis for the inclusion of McPhersons Plain in the FMZ3A zoning under the terms of the RFA was (which incidentally also covers an adjacent area of forests bordering private land to the west which was 'accidentally' logged in 1985 by private logging operations which illegally overlapped the Brandy Marys boundary.

The remainder of Endangered listed terrestrial orchids found within the Brandy Marys Crown leases and those awaiting consideration by the Scientific Committee, around 8 species in all, are found in non – aquatic forest environments within the leases, much of which is identified for logging by Forests NSW.

The other FMZ3A area within the leases contains none of the above mentioned 8 species. Forests NSW reps when spoken to about the failure of this second FMZ3A area to protect large numbers of Endangered species of orchids along with the habitat of Endangered listed quolls, powerful owl, broad toothed rats, olive and golden whistler, etc etc,

So what is the SCIENTIFIC basis of the designation of this second FMZ3A area? None that I can see and certainly not to protect threatened species (or Aboriginal cultural heritage), all of which were not known at the time of the implementation of the RFA.

Failure OF RFA To Provide Specific Proactive FMZ Management

When questioned by the author, local FNSW staff indicated that they had no idea of the significance of, the reasoning behind their specific designation under the terms to the RFA, nor of any specific management requirements for existing FMZs within Bago State Forest.

Of four FMZ3A areas within a 5km radius of our home in Bago State Forest, the two which are located outside the Brandy Marys Crown leases are currently ecologically under great stress from current FNSW mismanagement or in fact an absence of any proactive management, not to mention the destruction of Aboriginal cultural values.

Cattle grazing is allowed to continue resulting in forest and peatland degradation, feral horses continue to cause massive environmental damage, firewood cutting is even promoted within one FMZ3A area adjacent to Elliott Way, there is no feral animal or weed control in the latter area and a further area north of the Brandy Marys leases, forest burning by FNSW is totally inappropriate where Endangered Ecological Communities and populations of Critically Endangered terrestrial orchid species are being completely obliterated and the list goes on.

All the while, DECCW, the authority with the statutory obligation to ensure the appropriate management of such special management zones occurs in accordance with the terms of the RFA / IFOA, does absolutely nothing to ensure that these areas are managed proactively for their ecological and cultural values.

The absence of any accountability by FNSW under the terms of the RFA is so apparent – with DECCW virtually useless in their supposed upholding of the relevant legislation.

Conclusion

I have little doubt that there are other 'anomalies' within the Bago State Forest such as that which is found within the Brandy Marys leases which may warrant similar specialist assessment of their ecological and cultural values but I believe that the state government and in particular FNSW have no intention of committing to any such programme but one can at least hope.

As stated previously I have no false illusions as to the significance of responses such as mine to the current review believing that such responses will no doubt be relegated by your government to the don't give a damn pile and don't read heap. But still, what I have had to say needs saying and at least I know I will go to my grave having tried.....