

Hon Simon O'Brien MLC  
Chair, Standing Committee on Environment and Public Affairs  
Parliament House, Perth WA 6000  
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11 February 2015

Dear Chair,

**RE: Submission regarding Petition No. 74 – Mowen Forest Logging**

I refer to the submission provided by Save Mowen Forest regarding Petition number 74: Mowen Forest logging. The Standing Committee on Environment and Public Affairs will consider this petition on Monday 16 February 2015.

I am writing to share important updated information about operational errors in the Forest Products Commission's current logging activity in Mowen Forest, and I request that this supplementary information is taken into consideration in the Committee's deliberations at the meeting.

Margaret River campaign group Save Mowen Forest has been monitoring the Forest Products Commission (FPC) activities in Mowen Forest since July 2014. In January 2015, the FPC commenced logging in Mowen 02 coupe. We are aware of a number of procedural inconsistencies that are cause of concern, and indicate the need for further investigation, auditing and a comprehensive inquiry into the logging of Mowen Forest.

**1. FPC working under expired permits to conduct road upgrading in Mowen 02 coupe**

We believe the Forest Products Commission (FPC)'s road upgrading within Coupe 02 of Margaret River's Mowen Forest was in breach of operating protocols. Two forms were used by Department of Parks and Wildlife (DPAW) to give permission to the FPC to either facilitate new road construction or existing road upgrades. The expiry date of these permissions was 12 December 2014, yet we observed FPC contractors engaged in road upgrades on 14 and 15 January 2015, one month beyond the expiry date. FPC was thus in breach of its operating protocols as regards road upgrading in Mowen 02. The Margaret River police can verify that road upgrading operations were underway on 15 January 2015.

The two DPAW forms giving FPC permission to road in Mowen 02 until the 14<sup>th</sup> of December 2014, these were the:

- *Mowen 0213 Threatened Flora Assessment for Alignments*, and the;
- *Mowen 0213 Planning Checklist for Disturbance Activities*.

Dated the 12 December 2013, the forms state that:

*"This authorization is valid 12 months from the date of approval and will require DEC recheck after this time" (p. 4, Mowen 0213 Threatened Flora Assessment for Alignments).*

The 'Planning Checklist for Disturbance Activities' conditions require:

*"3. The operation is discontinued once the expiry date has passed unless and agreed review process between DPaW and the proponent has been undertaken. The review process will be documented in the existing 'Planning checklist for disturbance activities'" (p. 1, Mowen 0213 Planning Checklist for Disturbance Activities).*

A description of operations for which approval was required can be found on page 2 of the *Planning Checklist for Disturbance Activities* and includes: "Road construction, maintenance and upgrade". The activities underway at the time in question were maintenance and

upgrade, including road widening, laying gravel surfaces (with grader and bulldozer) and installing pipes.

In item 15 of the values checklist of the Planning Checklist for Disturbance Activities a description of upgrading is given as:

*“Upgrade includes widening of existing road where required, limited removal of trees, installation of pipes and drains where required”* (Item 15, p.4, Mowen 0213 Planning Checklist for Disturbance Activities).

Activities observed to have occurred in Mowen 02 are consistent with the above description (widening of existing road, installation of pipes and drains) and therefore the activities being undertaken by the FPC at the time in question meet the definition of road upgrading.

In follow up to these observations and the immediately preceding rationale we request clarification as to whether any review process was documented in the existing ‘Planning checklist for disturbance activities’ (as required as per point 3, p.1, *Mowen 0213 Planning Checklist for Disturbance Activities*). We request to see this documentation.

After unsuccessfully attempting to contact Brad Cummings, regional manager at DPAW Busselton, Save Mowen Forest representatives attended the scene of the clearing requesting that work was stopped until the permits were validated. FPC put us in contact with Mr. Chick from DPAW, who was not available to answer our phone call, and did not return our call. We have since written letters to the Minister for the Environment, Minister for Forestry, DPAW head office and Hon. Barry House requesting information regarding our concerns, and no government representative has provided us with a response regarding whether the road clearing activity was legal or not. We request a moratorium on logging in Mowen Forest until this matter is adequately addressed.

## **2. Call for an audit of habitat tree marking**

Prior to commencing logging in Mowen 02, FPC marked trees that were to be protected for fauna habitat purposes. The logging contractor Warren Forrest Services recently began felling trees in Mowen 02, and our photographs (see attachments) from the site show that primary habitat trees have not been adequately protected. Large trees in later stage of life have been logged and stockpiled (photo 1-2), while trees that have been protected for habitat are noticeably small (photo 3). While we understand the importance of protecting both current and future habitat trees (primary and secondary habitat trees), we are concerned that the trees that are marked and protected as ‘habitat’ trees are not old enough to provide habitat. Baudin’s cockatoo, for example, seek habitat in trees that are at least 120 years old, which would have a wide diameter. Consequently, we request an investigation focused the identification and protection of habitat trees. We also request that logging of other cells and coupes in Mowen Forest be postponed until it has been demonstrated that the marking of habitat trees is representative and appropriate, and can be statistically demonstrated as such.

In a cursive visit to other cells in Mowen Forest, we have identified the presence of unmarked trees with characteristics of habitat trees. The location and photo of one unmarked habitat tree in Mowen 02 was passed on to FPC and was later marked as ‘habitat’ by their staff (photo 3-4). FPC has also requested that if Save Mowen Forest campaigners identify further habitat trees, that we request the tree is marked.

We are concerned that FPC has not are not sufficiently qualified to be responsible for the protection of essential habitat. Additionally, as campaigners are not allowed into the logging work site, we cannot access the area to sufficiently check the markings. Current marking procedures reflect a significant conflict of interest, as FPC is responsible for marking *and*

