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**DRAFT**

WA Appeals Convener

Level 22 Forrest Centre

221 St Georges Terrace  
PERTH WA 6000

Dear WA Appeals Convener,

**WA Forest Alliance appeal in relation to the EPA’s assessment of the Forest Management Plan 2024 – 2023 (Report 1745)**

The WA Forest Alliance (WAFA) is submitting this appeal following close consideration of the EPA’s assessment of the Forest Management Plan 2024-2023. We believe that the EPA’s assessment approach has resulted in a report that does not provide adequate or substantive information on the likely impacts of the FMP’s proposed management activities or sufficient recommended conditions. The Authority’s high-level, process-based approach; lack of substantive, quantified assessment of impacts; and insufficient and subjective recommended conditions mean that, in our view, the report cannot be relied on by the Minister or others and that further assessment and clear, prescriptive conditions are required.

WAFA represents 27 forest conservation groups in Western Australia and we have been advocating for the protection of South West forests from various threats since 1990. We submitted detailed information to the EPA on the likely impacts of the management activities in the Proposed Forest Management Plan 2024-2023; issues surrounding the inadequacy of the proposal in terms of the level of detail provided and its performance assessment framework; as well as the broader regulatory context and reasons the EPA cannot rely on other Decision Making Authorities to ensure delivery of environmental, social and climate protections. We summarise some of that previously submitted information here, with further information provided in the appendix.

**Introduction**The Forest Management Plan 2024-2033 represents a substantial shift in forest policy and management, and in how we value and interact with the South West forests. This shift has been a very long time coming, and the WA community is significantly invested in realising its potential. WAFA strongly supports the end of native forest logging and the improved emphasis on joint management with Traditional Owners. However, the Proposed Forest Management Plan does not satisfy planning, implementation, monitoring or regulatory concerns associated with management activities that have the potential to result in major environmental, social and climate impacts.

The management activities set out in the FMP include prescribed burning, thinning and clearing, as well as other activities including management of weeds, pests and feral animals, recreation, and plant pathogens and diseases.

These management activities have highly significant impacts on species and ecosystems within the FMP area, and in the case of prescribed burning, thinning and clearing, have the potential to release huge volumes of carbon into the atmosphere over the next decade.

In many cases the FMP activities are likely to be the most significant factor affecting the long-term ecological health, integrity and resilience of these systems. The cumulative effects of management activities together with climate change impacts have already transformed parts of these ecosystems in ways that are likely to be irreversible.

The Proposed FMP contains little to no detailed information on the application of thinning and burning. In terms of thinning - it does not set out where thinning would occur, at what level of intensity or by what methods. According to the Proposed FMP, the plans for thinning may involve a program that affects up to 8000 ha per year (this is a signficant size, 1500ha greater than the area logged per year on average in recent years) but no detail or certainty has been provided in terms of site selection criteria, locations, intensity, size of trees to be removed, or likely impacts on soil, vegetation, fungi, pathogens or fauna.

Similarly, the manner in which prescribed burning is undertaken, including frequency, intensity, location and weather conditions have a huge bearing on its ecological impacts yet this detail, or any other ecological assessment information, is absent from the Proposed FMP. Broad statements are made about the importance of prescribed burning as a means of biodiversity protection and carbon abatement, however little scientific justification for these statements is provided and significant scientific evidence to the contrary is ignored.

Given these deficiencies, WAFA submitted to the EPA that a full public assessment of the Proposed FMP was required and that a far greater level of detail must be provided by the proponent (DBCA and CPC) on the proposed activities and their likely environmental impacts.

The EPA has instead carried out a high-level, superficial assessment on referral information in the absence of detailed information. As a result, the report does not contain any specific, substantive assessment of likely impacts; any prescriptive requirements to avoid or mitigate them; or an adequate suite of recommended conditions.

WAFA assumes that the EPA conducted the assessment in this way because its assessment was that other Decision-Making Authorities are adequate to ensure that environmental protections are in place. If this is the case, we submit to the Appeals Convenor that this assessment needs to be closely interrogated. It is our view, and experience from previous FMPs, that other Decision-Making Authorities are demonstrably inadequate and that a detailed, substantive assessment and a comprehensive suite of prescriptive (rather than broad and subjective) enforceable conditions must be imposed on the FMP to ensure that major environmental impacts are avoided. (Please see attached *Analysis of limitations of DM processes re FMP).*

**Grounds of appeal**

1. **Inadequate inclusion of relevant factors – failure to include GHG, Air Quality and Human Health.**

The EPA identified Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings as the factors for its assessment. WAFA and others submitted to the EPA that there was a clear need to also assess in terms of the EPA factors Greenhouse Gas Emissions (GHG), Air Quality and Human Health (please see attached *Submissions to EPA on FMP – GHG and Air Quality\_Health).*

Prescribed burning and thinning have the potential to release up to 88.87 Mt of GHG emissions over the period of the FMP.

DBCA estimates of thinning emissions indicate that the program could release as much as 1.87Mt of CO2 per year. No estimates of emissions from prescribed burning have been provided – which is unacceptable in the first instance – but using a range of estimates from similar forests and burning regimes in Eastern Australia, it can be estimated that the program would release between 5 and 7 Mt of CO2 per annum. Over the 10-year period of the plan, this equals an upper level estimate of 88.87 Mt of emissions, clearly triggering the EPA’s GHG Environmental Factor Guideline.   
  
The EPA acknowledged the need for the GHG emissions resulting from prescribed burning to be assessed in the Other Advice provided to the Minister, but it has not conducted any assessment itself, or made any recommendations for Ministerial Conditions to limit or avoid these emissions. The recommendations for a review into prescribed burning, and the inclusion of GHG emissions in the terms of reference, is supported. However, there is no certainty that such a review will go ahead or that it will be conducted by appropriate experts, or that its findings would be meaningfully adopted. The EPA should not have approved the plan without a proper substantive assessment of the likely GHG emissions.

Analysis of health impacts of prescribed burning in Western Australia between 2002 and 2017 published in the *Medical Journal of Australia*5 shows that smoke from prescribed burning exerts a higher mortality than any other source of particulate pollution (including wildfires). The study also finds that mortality attributable to smoke from prescribed burning is far higher than direct mortality from wildfires caused by flames, heat and other direct impacts.

The study estimated with a 95% confidence that smoke from prescribed burns killed an estimated 21 people in Western Australia over a 15-year period – a rate of 1.4 people per annum. This exceeds the rate of death directly from bushfires (0.5 per annum) and the death rate from wildfire smoke (1.1 per annum.6 As the authors of this study point out, this analysis is likely to be conservative as it included only days when PM2.5 concentrations exceeded the national standard, excluding smoky days on which the air quality standard was not breached and the selection of health outcomes did not encompass the total health burden attributable to smoke exposure.

The EPA has not given any explanation for omitting these factors from its assessment. WAFA submits that the Proposed FMP should be remitted to the EPA for a detailed assessment on these factors, and that clear prescriptive conditions to limit, reduce and avoid emissions and health impacts should be applied to the FMP’s approval.

1. **Inadequate assessment of impacts related to identified factors**

The EPA did not require the proponent to provide data and information regarding impacts on flora, fauna, inland waters or social surroundings, instead taking a very superficial process-based assessment approach.

WAFA submitted detailed evidence of the impacts of prescribed burning on flora and vegetation, fauna and inland waters, and we are aware of other substantive submissions that the EPA received. However, the EPA has carried out what seems to be an irregular assessment approach, not considering the quantifiable, particular impacts related to each of the factors. As a result, the report lacks detail on impacts and measures to avoid, limit or mitigate them, and lacks clear, prescriptive recommended conditions to enforce those measures.

1. **The EPA has seemingly relied on other inadequate Decision-Making Authorities**

The EPA appears to have inappropriately relied on other Decision-Making Authorities and a very broadly applied, unenforceable and discretionary adaptive management approach to meet its environmental objectives for the FMP.

While WAFA strongly supports the EPA’s recommendationfor an inquiry into prescribed burning, passing on the recommendation under Other Advice does not offer any certainty that such an inquiry will be conducted or that the provisions of the EP Act or its objectives will be met.

It was expected that the EPA would assess the impacts of the management activities in the Proposed FMP itself, according to the powers and responsibilities of the Authority, and make the necessary recommendations for enforceable conditions to the Minister to ensure appropriate limits and protections are in place and enforceable.   
  
Instead, on both prescribed and thinning, the EPA has left assessments and precise content of the outcomes to be achieved to the discretion of the proponent and government, without providing an explanation of any assessment it may have undertaken regarding the adequacy of other Decision-Making Authorities and processes to meet the EPA’s objectives. This approach perpetuates an on-going problem with the weakness of CALM Act management plans – which is that DBCA (and its predecessors) deliberately leave the commitments or requirements (eg performance criteria) vague and aspirational – because substantively all the CALM requires is that DBCA manage the land “in accordance with” the management plan. This makes the role of the EPA all the important, and the abdication of the responsibility all the more problematic.

During the development of the Draft and Proposed FMPs, DBCA and the CPC did not assess the GHG emissions, air quality or human health factors associated with the plan. It is within the scope of the EPA to conduct these assessments, but the Authority has not conducted any substantive assessment of these major issues, and instead passed it on for possible, yet uncertain and untied interrogation at the discretion of government.   
  
Similarly, DBCA and the CPC have not provided detailed prescriptions, objectives or outcomes for the proposed thinning program, leaving the plan very vague and aspirational and providing little to no detail or certainty, and the EPA has not used its powers and responsibilities to assess likely impacts and set out prescriptive conditions.

1. **The conditions recommended by the EPA are inadequate and do not satisfy the requirements of the Environmental Protection Act or the EPA’s Administrative Procedures**

The conditions recommended by the EPA are very broad and subjective, and cannot be relied on to provide the clarity, certainty or enforceability required. The FMP covers a range of management activities that have been sketched out in very general terms by the proponent, but that have the potential to have serious and irreversible environmental, social and climate impacts.   
   
Given the lack of objective facts regarding precise impacts both in the proposal and the EPA’s assessment report, approval of the proposal should have only been based on a suite of clear, prescriptive and enforceable conditions. This is the only way that the proposal could have been reliably recommended for approval. WAFA submits that before any approval of the proposal is considered by the Minister, a far more substantive list of clear conditions for thinning, burning and development and gazettal of new National Parks and Nature Reserves be developed.

Thank you for considering this appeal.

Yours sincerely,

Jess Beckerling

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21st September 2023