



To Kevin Jones, Soil Association/Woodmark
Andre de Freitas, FSC International, CEO
Natalie Reynolds, FSC Australia, Acting CEO

via Dr Tim Cadman

April 12, 2012

**Re: Repudiation of Boral Timber Fibre Exports (BTFE) controlled wood assessment process;
rejection of associated Forest Stewardship Council (FSC) accreditation process**

Dear Madam/Sir,

We, the relevant Non-Government Organisations (NGOs) initially contacted by Boral Timber Fibre Exports (BTFE) and the Soil Association to participate in the BTFE controlled wood related risk assessment are writing to both repudiate this process, and reject any associated FSC accreditation.

The BTFE Controlled Wood application applies to almost **all** the publicly and privately owned coastal forests in NSW (with the exclusion only of the Eden Region), an area of more than 14 million hectares. BTFE currently export more than 300,000 tonnes of woodchips a year, with the potential for increase. More than 2/3 of the woodchips originate in highly biodiverse native forests.

After more than a year of failed attempts to be adequately consulted, and meaningfully participate in the assessment of risk associated with the logging of high conservation values, we are no longer confident that the FSC process, or the Soil Association and their client BTFE have the capacity to protect High Conservation Value (HCV) forests that may be affected by controlled wood certification under the FSC scheme.

Towards the middle of last year environment groups in NSW attempted to engage in preliminary dialogue with BTFE, Soil Association and FSC Australia to resolve concerns that NGO participation was being exploited by BTFE for the purposes of manufacturing consent regarding BTFE sourcing of forest products from areas which may contain high conservation values.

Having provided BTFE with preliminary information, NGOs advised Soil Association that their materials were not to be classed as constituting consultation, and that NGOs withdrew their documentation from the assessment process, pending meaningful participation in consultation processes.

A meeting was held at the Opal Cove Resort near Coffs Harbour on July 14, 2011. Present were representatives from eight NGOs, environmental and social as well as Emily Blackwell from Soil Association, Keith Davidson and Tom Bertinshaw from BTFE, Kevin O'Grady as a consultant for BTFE and Dr Tim Cadman as facilitator.

Dr Cadman of the University of Southern Queensland was requested to produce the framework draft for the assistance of BTFE. The intention of this document was to lay down the parameters upon which independent, scientific review of high conservation values, could be based to the mutual satisfaction of both parties. BTFE would then consider/edit Dr Cadman's work and provide to NGOs a document for comment. Dr Cadman's draft, created on July 15, 2011 can be found at Appendix A.

BTFE did not fulfil this commitment and simply continued its own assessment procedures, in the absence of NGO support. There were numerous attempts by conservationists to encourage BORAL to follow through on the Opal Cove agreement. (The email chain and dates can be provided on request). In January 2012 NGOs offered BTFE six weeks to comply with the agreement at Opal Cove. BTFE has not complied.

NGOs now therefore have no option but to unequivocally reject the BTFE controlled wood assessment process, certification or accreditation that may eventuate and the role of the Soil Association in any resulting certification. In our view FSC Australia's legitimacy has been severely compromised through this 'assessment' and further instances of fundamentally flawed consultation will result in a broad rejection of FSC..

Until such time as BTFE, Soil Association, and FSC Australia recognise that NGOs have a fundamental right under FSC procedures to be properly consulted in all FSC-related assessments, NSW NGOs will continue to reject all and any part of BTFE related assessment activities in New South Wales. Unfortunately this fiasco brings the whole FSC process into disrepute and exposes the requirements for consultation as tokenism. It also exposes a fundamental flaw in the FSC system: that there is no avenue to 'object' prior to certification, which is then **too late**. We are not prepared to be participants in a system that takes years to redress it's own problems.

This situation is sorely testing the confidence of NGOs in the participatory standards of FSC, and their implementation in Australia. We have demonstrated willingness to engage in good faith to this end, however, should BTFE be awarded any form of certification, or should this situation be repeated elsewhere in Australia, we reserve the right to repudiate FSC.

Signed:

Dailan Pugh , North East Forest Alliance

Ashley Love, North Coast Environment Council

John Edwards, Clarence Environment Centre

Lisa Stone, South East Forest Rescue

Sean Burke, South East Region Conservation Alliance
Naomi Hogan, The Wilderness Society
Mike Thompson, NatureNet

APPENDIX A

Boral Timber and Fibre Exports – Environmental NGO Dialogue Regarding Forest Stewardship Council Controlled Wood Certification in NSW

Terms of Reference regarding peer review of high conservation value assessment and verification

NOTE: THIS DOCUMENT UNTIL OTHERWISE STATED ON THIS DOCUMENT IS FOR
INFORMAL DISCUSSION PURPOSES ONLY

Whereas the need to create transparency and involve stakeholders in the assessment and verification
of high conservation values associated with the development of the FSC Controlled Wood Standard
40-004:

BTFE and various NGOs in NSW

*Acknowledge that current assessment procedures, as they are laid down in the current
version of the BTFE procedures manual for HCV identification, and the Woodmark checklist
are at present incomplete and*

*Recognise the need for evidence of improvement of management of high conservation
values in NSW which meet both*

- a) Current state government regulations and*
- b) FSC Principles and Criteria and*

*Agree to creation of peer review processes, including firstly the development of Terms of
Reference and*

*Accept that any such process entered into is at this stage informal, but may, subject to
further discussions, form the basis for formal negotiation regarding controlled wood
certification for BTFE in NSW.*

Terms of Reference

Definitions

1. High conservation value below is to be understood in the context of FSC STD 01-001:

High Conservation Value Forests (HCVF)

High Conservation Value Forests are those that possess one or more of the following attributes:

- a) forest areas containing globally, regionally or nationally significant : - concentrations of biodiversity values (e.g. endemism, endangered species, refugia);
- and/or
- large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and

abundance.

b) forest areas that are in or contain rare, threatened or endangered ecosystems.

c) forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).

d) forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health) and/or critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

FSC Source: FSC-STD-01-001

Scope

2. The specific details relating to the assessment and verification of high conservation values, include but are not restricted to:

a) Presence;

b) Threats;

c) Management procedures to ensure high conservation values are:

i) Maintained and/or

ii) Enhanced and/or

iii) Mitigated (in the context of threats)

3. HCV assessment and verification is at the eco-regional and forest management unit level: the most relevant level to the conservation of high conservation values is to take priority in assessment and verification.

Source materials

4. Source materials are to include:

a) GIS data sets identifying high conservation values (all maps, governmental, non-governmental, etc.);

b) Lists of rare, threatened or endangered species;

c) Expert testimony

d) qualitative and quantitative data

Basis of discussions

5. Discussions regarding high conservation value assessment and verification are to cover:

a) More detailed HCV definitions;

b) Level of detail at which values are to be assessed and verified;

c) Role of Forests NSW information and

d) Collection of data