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RULING 01-2015

AS 4708:2013

## Ruling on Requirements Relating to the Recovery of Forest Products from a Water Body

October 2015

### **BACKGROUND**

Australian Forestry Standard Limited has been asked for a ruling on the Australian Standard® for Sustainable Forest Management AS 4708:2013 relating to the recovery of forest products from an existing water body. The Standard Review Committee that revised the Standard in 2013 has provided this ruling to assist certification bodies to make decisions about cases where forest products are salvaged, reclaimed or recovered from a body of water.

The relevant definitions from the Standard are:

damage agent	A factor that can cause a reduction to forest values or impact on forest ecosystem health and vitality including endemic or exotic species, and physical processes like cyclones and bushfires.
defined forest area	An area of forest (including land and water) to which the requirements of the Standard are applied. It includes productive and non-productive forest areas, streamside reserves, conservation areas, and roads, etc. The defined forest area is described by survey plans, legal title(s), gazettal notices or GIS shape files, whether as freehold, joint venture, agreement, lease or crown land. The forest manager seeking certification to the Standard will need to demonstrate management control and legal rights over the forest operations in the defined forest area through appropriate agreements or contracts, which allows them to achieve all of the requirements. The forest manager is precluded from omitting elements of its operation which would otherwise be included in its defined forest area from the scope of its certification.
forest	An area of land, incorporating all living and non-living components, that is dominated by trees having usually a single stem and a mature or potentially mature stand height exceeding two metres and crown cover or potential crown cover of overstorey strata about equal to or greater than 20 per cent. This definition includes Australia's diverse native forests and plantations, regardless of age. It is also sufficiently broad to encompass areas of trees that are sometimes described as woodlands.

native vegetation conversion      Removing native vegetation, or a significant portion of the characteristic suite of species for the native vegetation community, to establish a plantation or replace with non-forest cover.

The relevant requirements from the Standard are:

<p>3.9 NATIVE VEGETATION CONVERSION</p>	<p>1 The forest manager shall not convert native vegetation to plantation or to non-forest except in the limited circumstances outlined below:</p> <ul style="list-style-type: none"> <li>a. infrastructure development required by the Forest Management Plan; or</li> <li>b. the establishment of practical operational units of a plantation, re-alignment of boundaries for subsequent rotations and incorporation of new areas within the defined forest area limited to an area of 5 per cent up to a maximum of 5 hectares of a single forest operation and limited to a total per annum of 5 hectares or 1% of the annual harvest area.</li> </ul>
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<p>5.7 DAMAGE AGENT SALVAGE OPERATIONS</p>	<p>1 The forest manager may conduct salvage operations to recover forest products from forests within the defined forest area that have been affected by damage agents.</p>
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<p>9.2 OPTIMAL USE</p>	<p>1 The forest manager shall pursue the efficient and optimal use of harvested forest products to encourage best use of forests within the defined forest area having due regard to the environmental, economic, social and cultural requirements of the Standard.</p> <p>2 The recovery and value adding of otherwise wasted forest products shall be encouraged wherever possible.</p>
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There is guidance provided for certification bodies and the operation of the Australian Forest Certification Scheme in the document: Sustainable Forest Management - Guidance for the certification of forest management (Guidance Note 01 to AS 4708:2013). The relevant material from this guidance is:

*Requirement 3.9 Native Vegetation Conversion*

GUIDE TO VERIFICATION

The intent of this requirement is to acknowledge as a general principle that conversion of native vegetation to plantations or non forest uses is not sustainable.

The forest manager should not convert native vegetation on the defined forest area to plantation. The requirement acknowledges that limited conversion may be allowable under specific circumstances. Routine conversion up to the specified limits simply to increase the available area of plantation development should be considered as a failure to comply with this requirement.

The Forest Management Plan can specify the clearing of forest for required infrastructure development.

Offsets are required for all losses of native vegetation and offsets must be protected in the long-term.

Significant Biodiversity Values must be protected from conversion and clearing for non-forest uses.

The conversion of native vegetation to plantation was allowed by AS4708(Int) - 2003. AS4708 - 2007 required that conversion did not occur after 31 December 2006 unless commenced prior to that date and in other limited circumstances. It is important that forest managers demonstrate that the defined forest area does not include any plantations established after that date that are on converted native vegetation sites unless they comply with the requirements of the Standard that applied at the time of plantation establishment operations.

## GUIDE TO IMPLEMENTATION

The specific circumstances in which this requirement allows for native vegetation clearance are limited to clearing for infrastructure and for plantation design. The following guidance is designed to help identify the situations in which clearing may be considered appropriate under these two prescribed circumstances.

### Infrastructure

There are two circumstances:

1 The conversion of native vegetation on the defined forest area relates to the necessary infrastructure required by the forest manager to implement the approved Forest Management Plan to ensure a sustainable enterprise. In this context, infrastructure can be considered as roads and associated structures, powerlines, buildings, permanent fences, fire towers, quarries, communications facilities, research plots, fire protection measures (helipads, boundary cleared breaks, internal cleared breaks), walking tracks, recreational facilities or other relevant activities especially for occupational health and safety or public safety activities that are associated with the forest manager's approved Forest Management Plan. These areas are to be retained within the defined forest area. The forest manager may salvage and recover all forest products generated from such clearing. Such forest products can be sold as certified subject to the retention of the certificate by the forest manager. Such clearing of native vegetation must be included in the Forest Management Plan, have offset provisions to compensate for environmental values and must not impact on Significant Biodiversity Values.

2. Infrastructure could also be related to Commonwealth, State or Territory legislation or regulation which empowers Government agencies or their authorized agents to undertake necessary clearing for national or State/Territory infrastructure development e.g. for essential public purposes - including but not limited to highways, powerlines, gas pipelines, mining operations, communications or defence facilities. These areas may be excluded from the defined forest area when they are no longer under the control of the forest manager. The

forest manager may undertake harvesting operations ahead of the clearing operations for infrastructure development consistent with the Forest Management Plan and the requirements of the Standard. Where the clearing for infrastructure development occurs before the land is transferred out of the defined forest area and forest products are generated a forest manager can sell such forest products as certified where it meets requirement 9.2 and the forest manager retains the certificate.

#### *Requirement 5.7 Damage Agent Salvage Operations*

##### GUIDE TO VERIFICATION

The intent of this requirement is to ensure that salvage operations following a fire or disease outbreak are undertaken in a manner that does not increase any negative environmental, social and cultural impacts of the event and can protect the economic values in the affected forest products.

##### GUIDE TO IMPLEMENTATION

In the absence of a fire or disease outbreak this requirement does not apply. Salvage operations may never be required by a forest manager. The aspect and impacts of potential damage to stands should be considered and assessed for significance and control measures. The recovery of forest products can be pre-planned to meet the conditions specified in this requirement. If not pre-planned then procedures can be in place to ensure adequate planning occurs before salvage operations commence.

The additional stringent conditions for salvage operations can be set by the forest manager and shall be a risk based approach to protect the affected values. The reserve areas to be excluded from salvage include all areas identified by the Forest Management Plan to be excluded from harvesting operations.

#### *Requirement 9.2 Optimal use*

##### GUIDE TO VERIFICATION

The intent of this requirement is to encourage forest managers to consider opportunities for value adding and procedures to maximise value of production, recognising that the market ultimately determines what is a saleable product and that forest managers can only harvest for sale what the forest is producing.

##### GUIDE TO IMPLEMENTATION

Appropriate actions might include where appropriate to scale:

- ensuring felling and handling of the forest resource is carried out to maximise net log value recovery;
- competitive access to forest produce for large scale enterprises;
- providing for small scale and specialist market opportunities by product specification, pricing and segregation;

- exploring new and potential markets commensurate with resource estimates;
- optimising recovery and use of products from operations where economically viable and within environmental constraints;
- exploring opportunities for local processing of the forest's diversity of products;
- contributing to the planning, establishing and maintenance of infrastructure (such as roads and bridges) to facilitate efficient delivery of forest products and services; and
- providing opportunities for non-wood products as an integrated component of the output of the forest rotation/cutting cycle.

## **ASSESSMENT**

The removal of forest products from a water body should not be treated as salvage under requirement 5.7 because the flooding although it is a potential damage agent, will or has resulted in a permanent loss of forest whereas this requirement is specifically for damage agents that have affected or will affect the health, vitality or age class of the forest.

The overriding requirement is 9.2 which allows for the recovery of otherwise wasted forest products where possible. The recovery of forest products that are still marketable from former forest sites is considered consistent with this requirement if the operations can be carried on in an environmentally and socially suitable manner. The Standard criteria 1, 2, 3, 5, 6, 7, 8 and 9 provide requirements that may still be appropriate for assessment of the compliance of the recovery operations. Additional site specific requirements can be determined by the forest manager and assessed by the certification body.

The creation of a water body on land formerly containing forest is considered conversion which is generally not allowed except in some limited circumstances. Requirement 3.9 needs further interpretation in a case where the conversion has already occurred and therefore cannot be avoided. An assessment of Significant Biodiversity Values (SBV) should still occur of the current condition of the forest and water body. Avoiding the conversion occurring where former SBV were present is no longer possible. Protecting any recognised offsets or offsetting for the forest lost is also likely to no longer be possible or practical.

Requirement 3.9.3 applies to the conversion of native forest to plantation and provides a transition date from a former standard to the current Standard and does not apply in this interpretation. It is therefore considered not critical when the water body was created but only the circumstances and intent.

The guidance material on the conversion of forest to non forest for the purposes of establishing infrastructure identifies two possibilities; where the infrastructure is required for the operation of the defined forest area as a managed landscape and where the infrastructure is required for the broader regional or national interest.

The first applies where the forest manager needs to create a water body for the operation of the defined forest area and it is planned and controlled by the Forest Management Plan. The

water body may be required for irrigation water storage, fire protection or any other purpose consistent with the forest manager's objectives and the operation of the Forest Management Plan.

The requirement 3.9.2 would apply to the creation of any future water body and any water body created by the current forest manager whilst certified to Standard AS4708:2013. The requirement cannot apply to existing water bodies that were in the defined forest area when acquired by the current forest manager. Requirement 9.2 could be used to recover forest products from these existing water bodies provided all of the other requirements of the Standard can be met excluding those that are no longer applicable.

The second circumstance considers where the defined forest area is about to be affected by a transfer to another land use for other national or regional infrastructure goals. If the defined forest area is to be acquired by another organisation for the creation of a water body then the guidance document states clearly that the recovery of forest products ahead of the transfer can be considered as consistent with the Standard and can be sold as certified.

If in a case where all the forest products were not recovered prior to flooding and the water body was created by another organisation and the site is now or still included in the defined forest area, the recovery of the forest products, subject to the relevant requirements of the Standard, should also be considered as consistent with the Standard and can be sold as certified.

## **RULING**

Forest products recovered from an existing water body **can** be included in the scope of an AFS certificate on the basis that it avoids the otherwise wasting of forest products (Requirement 9.2).

This ruling only applies in the following circumstances:

- The site can be demonstrated as being in the defined forest area according to the definition; and
- Aspects and impacts of the recovery activities have been identified and assessed as detailed by requirement 1.2.2.b; and
- All relevant requirements of the Standard apply; and
- The certification body, working with the forest manager, shall determine which requirements will apply to the forest operations for the recovery, recognising that conversion has already occurred and the future use of the site is not as forest which is expected to limit the application of a number of the requirements and in particular criterion 4; and
- Where required, additional site requirements should be applied by the forest manager to the satisfaction of the certification body that the criteria of the Standard can still be met in achieving the recovery objective; and

- Where the water body was created by the forest manager for purposes detailed in the Forest Management Plan; or
- Where the water body was created by another organisation for purposes required by them at the time and where the management and control required to be considered as part of the defined forest area has been transferred or retained by the forest manager.

The determination to include such forest products within the scope of a certificate remains with the certification body, subject to the information provided above.

Approved by SRC 4708- 30<sup>th</sup> October, 2015

Australian Forestry Standard Limited

30<sup>th</sup> October 2015