



# ***SOUTH EAST FOREST RESCUE***

<http://www.myspace.com/southeastforestrescue>  
PO BOX 899 Moruya, NSW, 2537  
sefr@fastmail.fm

19 May 2011

OEH  
EPRG Forestry

Dear Forestry Unit,

## **Re: IFOA and TSL BREACHES BODALLA STATE FOREST**

Forests NSW announced on ABC South East that they were planning to burn Bodalla State Forest by dropping incendiary devices from a helicopter this morning. It is our understanding that this type of burning is termed 'aerial ignition burning'.

We spoke to Julian Armstrong of the FNSW Batemans Bay regional office. He informed us the burn would be near Reedy Ck Rd. We requested that this plan of burning be halted. This plan states the burn will cover Compartments 3061, 3062 and 3063. (Attached and marked "**Appendix A**")

When we did not obtain relief we rang Daniel Tuan the regional manager and requested the halting of this burning.

Koala records appear in Compartments 3065 and 3066 dating from Forests NSW harvest plans approved 2001. (Attached and marked "**Appendix B**"). In the Southern region where a koala record appears in or within two kilometres of compartments this triggers cl.6.11 of the IFOA Appendix B Threatened Species Licence.

### **1. TSL Breach: Sthn IFOA TSL 6.11**

The Sthn TSL states:

#### ***6.11 Koala Phascolarctos cinereus***

*For all specified forestry activities:*

*a) When koalas or evidence of koalas are detected in a compartment, habitat will be retained according to this Condition. Habitat retained under this condition must be mapped in the Harvesting Plan.*

#### *h) Browse Tree Retention*

*iii. Specified forestry activities and post-logging burning must minimise damage to retained Koala browse trees. The potential for damage should be minimised by techniques of directional felling. Felled heads must be flattened or removed from five metres of stems retained to meet this prescription.*

Hazard reduction is a 'specified forestry activity' as defined in the Sthn TSL Appendix B, page 8:

*"Specified forestry activities" means:*

- i. Tree felling or killing (excluding miscellaneous forestry operations);*
- ii. Construction and operation of log dumps;*
- iii. Construction and operation of snig tracks;*
- iv. Road construction (NB. routine road maintenance is not a specified forestry activity);*
- v. Road re-opening;*
- vi. Commercial collection of firewood;*
- vii. Bush fire hazard reduction work;*

## **2. TSL Breach: Sthn IFOA TSL 8.8.10**

In our view this action triggers the Southern IFOA TSL 8.8.10 Koala prescriptions. It is our understanding that Forests NSW have not undertaken adequate koala surveys for this area. Further as there are previous records we state this habitat is defined as ‘core habitat’.

### ***Sthn IFOA TSL 8.8.10***

*Where there is a Koala record within two kilometres of a compartment boundary, or local knowledge indicates that koalas are likely to be present, the following surveys must be implemented:*

#### ***a) Survey Method***

- i. Where habitat within the compartment has been identified as core Koala habitat by the Modelled Areas of Habitat Significance for Vertebrate Fauna in the Southern CRA, Condition 8.8.10 b) **Transect Survey with Quadrats** must be carried out in the modelled habitat.*

## **3. IFOA Breach: South Coast IFOA cl.44**

This burn has not appeared on FNSW plan of burning operations as aerial ignition, only as broad area ground ignition.

### ***44. Planning burning operations***

#### ***Annual plan of burning operations***

- (1) SFNSW is to prepare an annual plan (“annual plan of burning operations”) in relation to proposed burning for the purposes of bush fire hazard reduction or regeneration (“burning operations”) in the Southern Region.*
- (2) The annual plan of burning operations is to specify the following matters in respect of the 12 months to which the plan relates:*
  - (a) the location and timing (including season and frequency) of proposed burning operations by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests); and*
  - (b) any other matter relating to the matters set out in paragraph (a) that DoP informs SFNSW is to be specified.*
- (3) Burning operations may only be carried out in the locations and at the times specified in the annual plan of burning operations.*
- (4) SFNSW may, from time to time, amend the annual plan of burning operations, and where it does so, burning operations may be carried out in accordance with the amended plan.*

Further it is our understanding that Forests NSW must carry out a comparative assessment of the potential impacts on the environment.

#### **4. IFOA Breach: South Coast IFOA cl.44(5)**

##### ***Assessment prior to burning***

*(5) Prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must carry out a comparative assessment of the potential impacts on the environment of proceeding with the operations and the potential impacts on the environment of not proceeding with the operations.*

*(6) Without limiting the generality of subclause (5), in carrying out the comparative assessment, SFNSW must consider the frequency and intensity of any fires (including wildfires) that have occurred on the relevant tract of forested land.*

#### **5. IFOA Breach: South Coast IFOA cl.44(7)**

##### ***Site specific plan of burning operations***

*(7) Subject to subclause (13), prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must prepare a plan in respect of the tract (“site specific plan of burning operations”) which specifies the following:*

*(a) the measures to be taken to minimise any adverse impacts of the operations on the environment and the risk of wildfire resulting from the operations; and*

*(b) the steps to be taken to monitor the impacts of the operations on the environment.*

*(8) SFNSW must give effect to the site specific plan of burning operations.*

*(9) SFNSW may amend the site specific plan of burning operations (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (8) no longer applies.*

*(10) To the extent of any inconsistency between this approval and a site specific plan of burning operations (including an amended site specific plan of burning operations), this approval prevails.*

#### **6. TSL Breach: South Coast TSL 5.16**

To our knowledge there has been no Bush Fire Risk Management Plan undertaken for this area.

##### ***South Coast TSL 5.16 Burning***

*When fulfilling its responsibilities under the Rural Fires Act 1997, SFNSW must take account of the following principles:*

*a) Hazard reduction work must take account of wildfire history, intensity, frequency and seasonality, and reflect the ecological requirements of any threatened species, or their habitat, known or likely to occur in the area.*

*b) Hazard reduction work must be conducted in a manner which promotes and maintains an understorey mosaic which includes significant areas of dense understorey vegetation.*

*c) Hazard reduction work must be conducted in a manner which minimises the impact on large fallen logs (greater than 40 centimetres diameter and greater than five metres in length).*

*(Note: It is acknowledged that hazard reduction work will be covered by a Bush Fire Risk Management Plan and that this plan is required to take into account the impact of burning activities on threatened species including areas where fire intervals are less than five years.)*

#### **7. Fuel Management Plan Breach: Model Regional Fuel Management Plan (6.5)**

The Model Regional Fuel Management Plan states that modelled habitat must not be deliberately ignited. It also states that Ridge and Headwater Habitat must not be deliberately ignited.

##### ***6.5 Corporate Prescriptions in IFOA areas***

*Where fuel management burning operations are carried out within IFOA areas, a number of features*

*and their exclusion/protection zones require special treatment. Prescriptions for these features/zones are listed in Table 11.*

***Ridge and Headwater Habitat***

*Ridge and Headwater Habitat will not be deliberately ignited.*

***Modelled Habitat***

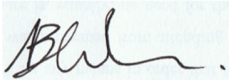
*Modelled Habitat will not be deliberately ignited.*

Of note is that there is an application lodged with the Commonwealth (DEWHAS) under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) s.9 and s.10. The area under investigation is in the burning drop zone. Further, there is concern as the last time FNSW undertook burning in the area the fire ‘jumped containment lines’ and burned the whole of Gulaga Mountain.

Attached is the area as we understand it. We have marked in red the s.9 and s10 area. (Attached and marked “**Appendix C**”)

Kind Regards,

*L Stone*



*B. Daines*