



South East Forest Rescue

Stoppin' the Choppin'

<http://www.myspace.com/southeastforestrescue>

PO BOX 899 Moruya, NSW, 2537

sefr@fastmail.fm fastigata@hotmail.com

Mr Steve Hartley,
Manager, Crown Forestry Policy and Regulation,
Department of Environment Climate Change and Water.

Sunday, 13 June 2010

Dear Mr Hartley,

RE: BOYNE SF CPT 102 INSPECTION-Area Listed on the Register of National Estate

Following an inspection of Boyne State Forest on 12/6/10 we feel obliged to inform you of our observations of the forestry operations being conducted in the area.

We inspected the logged area around the active dump site on Saltwater Creek Road at AGD coordinates 0244425/6055509, which seems to be at or about dump 9 on the FNSW operational map. It seems likely that the actual position of this dump is about 200-250 metres further east along Saltwater Creek Road than what is depicted on the map.

We have three main points of concern:

1 AGS gap oversize

As the Southern IFOA states:

5. Description of forestry operations to which this approval applies

(11) In this clause:

“AGS Light”, “AGS Medium” and “AGS Heavy” refer to silvicultural practices, which in relation to a tract of forested land have the following elements:

(A) in any one harvesting operation:

(b) **in the South Coast Subregion**, the area of each group of trees selected for logging (as measured from the outermost crown edges of trees standing on the outer boundary of the group prior to logging), is:

- (i) in the case of AGS Light - no more than 0.13 hectares,
- (ii) in the case of AGS Medium – more than 0.13 hectares and no more than 0.39 hectares, and
- (iii) in the case of AGS Heavy – more than 0.39 hectares and no more than 0.79 hectares,

Note: Clause 26 sets out restrictions on the use of AGS Heavy in the South Coast Subregion.

Note to paragraphs (b) and (c): 0.13 hectares, 0.39 hectares, 0.5 hectares and 0.79 hectares are the approximate areas of circles that have a radius of 20 metres, 35 metres, 40 metres and 50 metres respectively.

20. Australian Group Selection and Single Tree Selection to be carried out in accordance with guidelines

(1) The silvicultural practices of AGS Light, AGS Medium, AGS Heavy or Single Tree Selection are to be applied in the Southern Region in accordance with the document, “Implementation of IFOA Silviculture in the Southern Forest Agreement Region” (State Forests of New South Wales, April 2002).

The operational map states that the net harvest area is subject to 'AGS Medium' treatment. This means that the logging gap must be no more than 70 metres wide. What we saw was far in excess of this. Even

if 'AGS Heavy' was allowed in this compartment, which the Arcview shape file (see map attached) we have shows that there is no AGS Heavy within compartment 102, the gap the operations had created is we believe also in excess of the maximum allowed under that treatment. Attached on the photos page are a sequence of four shots which go some way to depicting the enormity of the treated area. We were aghast at the size of this AGS gap and feel that it is a significant breach of the conditions of the IFOA.

2 Hollow-bearing trees felled

As the TSL states:

5.6 Tree Retention

The following condition must be implemented within the regrowth zone:

c) Regrowth Zone Hollow-bearing Tree Retention

- i. A minimum of ten-hollow bearing trees must be retained per two hectares of net logging area. Where this density is not available then those hollow-bearing trees present within the net logging area must be retained.
- ii. Retained, hollow-bearing trees must be selected from the trees with the largest dbhob and must be live trees and should have good crown development and minimal butt damage.
- iii. Retained hollow-bearing trees must represent the range of hollow-bearing species that occur in the area. Preference should be given to selecting those species or trees which are most suitable for the threatened species known or likely to occur in the area.
- iv. Trees retained outside the net logging area must not be counted as hollowing-bearing trees. Stags must not be counted as hollow-bearing trees.
- v. Hollow-bearing trees must be scattered throughout the net logging area, except where compliance with condition 5.6 c) ii. above prevents such retention.

(Note: where trees retained to meet this condition are not the largest trees the NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree/trees retained had suitable hollows and had diameters (dbhob) within the largest 5% of the stand within the two hectare area.)

During our inspection we uncovered three instances of non-compliance of the TSL in this regard. Firstly, in the AGS gap mentioned above there is a Spotted Gum stump at 0244478/6055383 which measured 160 cm diameter, which we calculate to equal 502 cm circumference. It seemed quite obvious from the size of this stump that it was a hollow-bearing tree. A large section of the lower trunk of the tree remained nearby, its small end diameter was 120 cm, and the inside of the bole was largely pipe. It seems fairly likely that this was a retained tree from previous logging events.

Secondly, a section of upper trunk containing an obvious hollow was discovered at 0244306/6055390.

Thirdly, lying in one of the log piles in the dump we found another section of tree with an obvious hollow, which upon scrutiny had unknown mammal scats inside. We understand that this evidence would be most likely be abstracted to the chipmill before independent verification could occur.

Without having a copy of the 'harvest plan' text to know what the net planned area is, we could say from our observations that the number of marked H and R trees present and sighted on our inspection would be significantly less in number than what is prescribed to be marked for the compartment. Therefore we feel that these hollow-bearing trees were felled in contravention of licence conditions.

This seems significant given that the removal of hollow-bearing trees is a Key Threatening Process.

3 Marked H tree poor selection

At 0244319/6055449 was recorded a marked H tree which we feel does not comply with the TSL. It measured at 1.3m height a circumference of 184cm, equating to a diameter of 58cm. We contend that the size of this H tree did not fall within the largest 5% of the stand within the two hectare area.

As the TSL states:

This licence is issued subject to the licence holder complying with the conditions and requirements set out in the licence. A contravention of the terms of this licence makes the person carrying out the forestry operations liable for an offence under the *National Parks and Wildlife Act 1974* for e.g. harming a threatened species under Section 118A of the *National Parks and Wildlife Act 1974*.

The objectives of this licence are to set out the minimum measures to protect threatened species and protect the habitat of threatened species from activities associated with timber harvesting.

2.1 General

- c) All specified forestry activities and miscellaneous forestry operations must be conducted in accordance with the conditions of this licence.
- d) All specified forestry activities and miscellaneous forestry operations to which this licence applies must be carried out in a competent and reasonable manner.
- e) SFNSW must ensure that all employees, contractors, sub-contractors, agents or SFNSW licensees engaged in any aspect of specified forestry activities or miscellaneous forestry operations covered by this licence understand the conditions applying to the specified forestry activities or miscellaneous forestry operations prior to their involvement in those activities.

As the Southern IFOA states:

57. SFNSW to ensure compliance by certain persons

(1) SFNSW must expressly require as a condition of any licence, permit or other authority that it issues or grants under the *Forestry Act 1916*, authorising the carrying out of forestry operations, that the holder of the licence, permit or authority comply with the applicable terms of this approval.

Compounding factors

South East Forest Rescue submits that further considerations on the significance of these findings are that Boyne SF compartment 102:

1. is part of an existing Area Listed on the Register of National Estate as depicted on Map 1,
2. is within the indicative Area of Aesthetic Value as depicted on Map 26,
3. contains areas above the Threshold for Rare Flora on Map 20,
4. contains areas above the Threshold for Rare Fauna on Map 19,
5. contains areas above the Threshold for Fauna Species Richness on Map 17,
6. contains areas above the Threshold for Important Habitat on Map 14,
7. contains areas above the Threshold for Primitive, Relictual, and Phylogenetically Distinct Fauna Species and Refugia on Map 12,
8. contains areas above the Threshold for Flora at the Limit of their Range on Map 11,
9. and contains areas above the Threshold for Fauna at the Limit of their Range on Map 10.

"As defined in the Australian Heritage Commission Act 1975, the national estate comprises those places, being components of the natural environment of Australia, or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community.

"The areas identified as having indicative national estate significance for species with disjunct populations are significant concerning Australia's evolutionary history and are above the threshold warranted for national estate listing... In the coastal sub-region further areas delineated included Benandarah State Forest...

"Refugia were found across the landscape of Southern NSW and along the coast in Benandarah State Forest...

"...areas identified as having indicative national estate significance for primitive, relictual and phylogenetically distinct species... Benandarah State Forest and Kioloa State Forest....

"...areas identified as having indicative national estate significance for important habitat are scattered along the coast, including Benandarah State Forest, Kioloa State Forest, and **Boyne** State Forest.

"An objective on the Southern Regional Forest Agreement is to provide for the conservation of environment and heritage values through the development of a framework of comprehensive, adequate and representative reserve systems, and ecologically sustainable forest management. Fundamental to the environment and heritage objectives for the RFA is ensuring that national estate values are adequately protected within this framework.

"The list of places on the Register of the National Estate in the Southern region includes forest places and those linked to forests. It includes registered and interim-listed places and includes:

Benandarah Area. RNEDB No. 998. AHC File No. 1/11/102/19. Class: Natural. Status: Registered.

[Information extracted from CRA project NA 02/EH

'Identification, Assessment and Protection of Natural National Estate Values.'
and associated project maps.]

Furthermore, in carrying out, or authorising the carrying out of, forestry operations in the Southern Region FNSW must give effect to the principles of ecologically sustainable forest management, must monitor the ESFM indicators, must have regard to any data or information acquired by monitoring the indicators, and must give effect to the principles of best practice by achieving the ongoing minimisation of any adverse impacts of forestry operations on the environment.

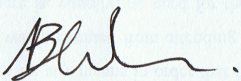
Given all of the above, we feel our investigation of compartment 102 of Boyne State Forest uncovered evidence of serious non-compliant forestry operations being conducted by FNSW and its contractors, and we call for strong regulatory action to be effected on these matters.

Please see attached photographs from inspection and Arcview map(AGS Heavy shape file colour **RED**).

For more information concerning this report please contact Tony Whan or Lisa Stone on 0437471763.

Yours

L Stone

A handwritten signature in blue ink, appearing to read 'L Stone', with a light blue rectangular highlight behind it.

S. Daines

encl. Photo pages PDF
Arcview map PDF