

SOUTH EAST FOREST RESCUE

S T O P P I N ' T H E C H O P P I N '

PO BOX 5224, COBARGO, NSW, 2550 PH: 0427 221 691

E-MAIL: sefr@fastmail.fm

Mr Ian Cranwell
Manager,
Forestry Policy and Regulation
Dept of Environment and Climate Change

Cc: Ms Lee Rhiannon MLC

22/1/09

Dear Mr Cranwell,

RE: BREACHES OF EDEN REGION IFOA- TSL AND EPL, BERMAGUI SF. CPT'S 2004,2005

South East Forest Rescue (SEFR) has conducted audits over several days in compartments 2004 and 2005 of Bermagui State Forest. Four separate areas were inspected, three in cpt. 2005 (two logged, one unlogged) and one logged area in cpt. 2004. During the course of these audits the following breaches were found. Attachment 1 contains the field notes for each plot (A-D) with regard to H and R trees. Attachment 2 is an excel version of the field notes. Attachment 3 is a map of the plots.

5.4. Rainforest

- a) The on-ground location of rainforest must be determined during pre-logging surveys and harvest planning. The location of rainforest to be protected by this condition must be shown on the harvesting plan operational map. SFNSW must include written justification in the harvesting plan where the extent of the rainforest shown on the harvesting plan operational map differs from the extent of the KB rainforest floristic assemblages.*
- b) A 20 metre wide exclusion zone must be implemented around all areas of Rainforest.*
- c) Specified forestry activities, except road and snig track construction in accordance with Condition 5.4 f), and road re-opening, are prohibited within all areas of Rainforest and Rainforest exclusion zones.*
- d) Trees must not be felled into Rainforest or Rainforest exclusion zones referred to in Condition 5.4 c) above. If a tree falls into an area of Rainforest or a Rainforest exclusion zone, then no part of that tree can be removed from that area.*
(Note: NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into Rainforest. The tree will not be considered to have been accidentally felled if the felling is a result of poor judgement on the part of the faller.)
- e) Harvesting machinery is prohibited within areas of Rainforest and Rainforest exclusion zones, except for the purpose of road and snig track construction in accordance with Condition 5.4 f), and road re-opening.*

In plot C the rainforest buffer exclusion zone has been incorrectly marked in places. The exclusion has been placed at the edge of the rainforest or with only a few metres of buffer around it. The following points were marked;

A: 0234554, 5966163 B: 0234558, 5966186 C: 0234544, 5966133

At point A there were stumps in what should have a 20m buffer. Point A also had a snig track within the buffer zone. At points B and C there were heads in what should have been the 20m buffer.

At 0235180, 5965708 (outside plots) there are 3 stumps and ground disturbance in what should have been a buffer. The marking of the exclusion is along the edge of rainforest, not a 20m buffer. The poor identification of rainforest in this area is of great concern. It seems that where there were trees that they wanted the buffer on the rainforest gets omitted. This is not the intent of this prescription.

5.6. Tree Retention

h) Regrowth Zone Hollow-bearing and Recruitment Tree Retention

ii. Hollow-bearing trees retained in accordance with Condition 5.6 h) i. of this licence must meet the requirements of Conditions 5.6 f) iv, v, vi and vii. of this licence.

5.6 f) iv Retained hollow-bearing trees must be selected from the trees with the largest dbhob within the two hectare area and must be live trees and should have good crown development and minimal butt damage.

In 3 of our plots trees were found marked H that do not meet this prescription. In all plots it was observed that the trees marked or left unmarked were of smaller DBHOB than the stumps.

Plot A: Tree H4 is a *Corymbia gummifera* with a small crown. Considering that this species is not harvested for sawlogs or pulp and in this operation would have been left standing anyway, the reason and value of marking this tree is questionable. H6 is not of the largest diameter class with a nearby unmarked tree of a greater DBHOB.

Plot B: Trees H2, H3 and H4 all have poor crowns. H3 and H4 are not of the largest DBHOB, with larger stumps nearby. H4 was also suppressed.

Plot D: H4 is not of the largest DBHOB and is partly suppressed.

5.6 f) vi Trees retained outside the net logging area must not be counted as hollow-bearing trees. Stags must not be counted as hollow-bearing trees.

In 2 plots trees were found marked H that were in stream exclusion zones and therefore not in the NHA. Many of these trees were inside the taped exclusion zones. The marking of these trees is a perfect example of the lack of knowledge of the IFOA prescriptions by the SFO who marked these compartments.

Plot A: H2 is 14m from a 1st order stream. H7 is less than 10m from an unmapped drainage line and H8 is right in the UDL with exclusion marks all around it. H13 is within the cultural exclusion zone, again with tape around it. This exclusion zone was marked well in advance of habitat tree marking and so the marking of this tree is astonishing.

Plot C: Trees H2, H3, H4, H6, H7 and H23 are all within 10m of UDL's. Most of these are inside the exclusion tape and H3 is right on the edge of the bank. H22 is 14m from a 1st order and inside the exclusion tape.

5.6 h) iii. Recruitment trees retained in accordance with Condition 5.6 h) i. of this licence must meet the requirements of Conditions 5.6 g) iv, v, vi and vii. of this licence.

5.6 g) iv Retained recruitment trees must show potential for developing into hollow-bearing trees. Retained recruitment trees must have good crown development and should have minimal butt damage and should not be suppressed. Mature and late mature trees must be retained as recruitment trees where they are available.

In 3 plots, trees were found marked R that do not meet this prescription.

Plot A: Trees R3, R4 and R11 all have a small DBHOB. These trees are not mature or late mature.

Plot C: Trees R7, R13 and R14 all have poor crowns, R13 has had its top blown off. R12 and R14 have butt damage from past fires. R16 and R18 are of small DBHOB and are not mature or late mature. R16 is also suppressed.

Plot D: R1 and R2 both have a small DBHOB. They are not mature or late mature, there are many larger and better unmarked trees in this area. R1 is also a *Corymbia gummifera* of poor form.

5.6 g) *vi Trees retained outside the net logging area must not be counted as recruitment trees.*

In 3 plots, trees marked R were found inside stream exclusion zones and therefore not in the NHA. Most of these trees were inside the tagged exclusion zone area.

Plot A: Tree R2 was found to be 12m from a 1st order stream.

Plot B: Tree R3 was only 13m from a 1st order stream.

Plot C: Trees R1, R2, R3, R4, R9 and R10 were all within 10m of a UDL. All were within the marked exclusion zone.

j) *Significant Food Resources*

i. *Where more than 30 crushed Allocasuarina seed cones have been found beneath an individual of Allocasuarina spp., indicating intensive use by the Glossy Black-Cockatoo, the tree must be retained and protected from specified forestry activities.*

At co-ordinates 0234074, 5966587 we observed a stand of *Allocasuarina* with a head from a stringybark tree felled into part of the stand. An inspection of this unfortunately found a crushed GBC feed tree. There were many directions available to fell this tree away from this stand and yet they have aimed straight for it.

k) *Protection of retained trees*

ii. *In the course of conducting specified forestry activities, logging debris must not, to the greatest extent practicable, be allowed to accumulate within five metres of a retained hollow-bearing tree, recruitment tree, stag, Allocasuarina with more than 30 crushed cones beneath, eucalypt food tree, or Yellow-bellied Glider or Squirrel Glider sap feed tree. Logging debris within a five metre radius of a retained tree must be removed or flattened to a height of less than one metre. Disturbance to ground and understorey must be minimised to the greatest extent practicable within this five metre radius. Habitat and recruitment trees must not be used as bumper trees during harvesting operations.*

A few breaches of various parts of this prescription were found in several plots.

Plot A: Trees H3 and R4 have both been used as bumper trees. With the position of the snig tracks it is obvious that these trees were going to be impacted. H3 also has a rollover pushed against it and suffered ground disturbance within 5m because of this. The stand of *Allocasuarina* mentioned above, the head is >1m high and within 5m of a feed tree.

Plot B: H2 has ground disturbance within 5m. This tree has also suffered logging damage.

Plot C: R7 was found to be used as a bumper tree.

6.13. Yellow-bellied Glider *Petaurus australis*

c) *Where there is a record of a Yellow-bellied Glider in a compartment or within 100 metres outside the boundary of the compartment, the following must apply:*

i. *Within a 100 metre radius of each retained Yellow-bellied Glider sap feed tree, observation or den site record, 15 feed trees must be retained. Yellow-bellied Glider sap feed trees must not be counted*

towards these 15 feed trees. Retained feed trees must have good crown development, should have minimal butt damage and should not be suppressed. Mature and late mature trees must be retained as feed trees where these are available.

iv. The feed trees retained in 6.13 c) ii. and iii. must be marked for retention.

In plot C R16 and R18 marked as YBG-2 and YBG-6 are of small DBHOB and not mature or late nature. R17 is also suppressed. Only 14 YBG trees could be found that were marked. There is a large stump in the general vicinity of where YBG-15 should have been.

EPL SCHEDULE 4

OPERATIONS WITHIN NATIVE FOREST FILTER STRIPS

18. Trees must not be felled into filter strips.

At co-ordinates 0234870, 5966063 a tree has been felled into a UDL exclusion. The exclusion marked by the SFO is insufficient as the UDL can be seen to continue past the tape marks.

5.6. Tree Retention

h) Regrowth Zone Hollow-bearing and Recruitment Tree Retention

i. Hollow-bearing and recruitment trees are to be retained at a variable rate in the Regrowth Zone depending on the Habitat Quality [see Condition 5.6 d)] and the number of hollow-bearing trees present per hectare of net logging area. The number of hollow-bearing and recruitment trees to be retained in the Regrowth Zone must be determined according to the following table.

When all of the marked trees that do not meet the prescriptions are removed from the count, then all 4 plots contained insufficient H or R trees to meet the required number.

Plot A is approximately 7ha requiring (7x4) 28 trees to be retained. In this plot there were 7 H and 8 R trees marked that met the prescriptions, a shortfall of 13 trees.

Plot B is approximately 1.5ha requiring (1.5x4) 6 trees retained. There were only 2 H and 3 R trees that meet the prescriptions.

Plot C is approximately 10ha requiring (10x4) 40 trees retained. There are 10 H and 9 R trees that meet the prescriptions. This is less than half the number required.

Plot D is approximately 1ha requiring 4 marked trees. There were only 3 H trees that met the prescriptions.

The above has been based on the tree retention for low quality habitat. Very few of the trees had visible hollows and as there is no requirement to retain H trees if they are not available, then the majority of trees should have been marked R not H. If the habitat quality were to be classed as moderate this would necessitate an increased retention rate per hectare, causing this breach to be even greater than what appears here.

Whilst this operation is of a much lower intensity than that usually conducted in the Eden region, the number of breaches found in the areas inspected is still disturbing. With the amount of public scrutiny of this contentious operation one would think Forests NSW would ensure total compliance with the IFOA. Sadly this is far from reality on the ground. The audacity of Forests NSW marking of H trees, R trees and the rainforest boundaries shows their total contempt for the IFOA prescriptions. Most of these breaches are similar to those in our previous reports on Gnupa 729, Nullica 711,713, 717,734 and Glenbog 2314, 2315. The ongoing abuse of the tree retention prescription on this landscape level can only have dire consequences for hollow dependant species.

In total 55 instances of non compliance with the IFOA were found in the surveyed area, approximately 20ha, or about 11% of the NHA. At this rate there is potentially over 500 breaches in these 2 compartments. Forests NSW operation needs to be urgently inspected by DECC as there is no doubt that Forests NSW will try and claim the logging of these compartments was conducted in a sustainable way and complied with all environmental prescriptions.

SEFR requests that we meet in the compartment to discuss these breaches. While SEFR acknowledges DECC's staffing constraints urgent action is needed. Thank you for your time investigating these breaches and we await your reply. Please contact us if further information is required.

Yours sincerely,

Scott Daines