



SOUTH EAST FOREST RESCUE

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21/09/2011

Mr Steve Hartley,
Manager, Crown Forestry Policy and Regulation, EPRG
Dept. Environment, Climate Change and Water.

Dear Forestry Unit,

RE: BREACHES OF EDEN IFOA-TSL, EAST BOYD SF, CPT 1,2 & 3

On a brief audit of East Boyd State Forest compartments 1, 2 and 3 South East Forest Rescue draws your attention to the following facts:

1. The compartments are not marked up.
2. The majority of trees retained have debris around their bases.
3. Trees have been used as bumper trees during logging operations.
4. Cpt 1 is directly on Twofold Bay Marine Park.

1. BREACH 1: TSL 5.1h and 5.2

The area has not been adequately marked up:

5.2. Compartment Mark-up Surveys

a) An adequately trained person must conduct a thorough search for, record and appropriately mark the following threatened and protected species features during or before the marking-up of a compartment.

- i. Nests and roosts for those species listed in Condition 5.13 of this licence;*
 - ii. Dens of the following species: Yellow-bellied Glider, Squirrel Glider and Brush-tailed Phascogale;*
 - iii. Koalas and Koala scats;*
 - iv. Flying-fox camps;*
 - v. Latrine and den sites of the Spotted-tailed Quoll;*
 - vi. Distinctive scats (e.g. Spotted-tailed Quoll, Koala);*
 - vii. Allocasuarina spp. with more than 30 crushed cones beneath;*
 - viii. Yellow-bellied Glider and Squirrel Glider sap feed trees;*
 - ix. Microchiropteran bat tree roosts;*
 - x. Microchiropteran bat subterranean roosts (caves, tunnels and disused mineshafts);*
 - xi. Swift Parrot and Regent Honeyeater feed or nest trees;*
 - xii. Permanent soaks and seepages in Heleioporous australiacus potential habitat; and*
 - xiii. Threatened flora species and protected native plants likely to occur in the compartment requiring protection under Conditions 6.16, 6.17, 6.18 and 6.19 of this licence.*
- b) Searches for threatened species features must be conducted within that portion of the net logging area where harvesting will occur, and within 50 metres outside this area.*
- c) Harvesting operations are prohibited in areas which have not been subject to compartment mark-up surveys.*
- d) Where any of these features are found, the feature must be recorded, the Harvesting Plan (including the Operational Map) must be amended accordingly and the appropriate Condition applied.*

As logging operations are prohibited in compartments that have not been marked up logging must cease until

this is carried out. The prescriptions require retained trees to be marked. If the correct numbers of trees to be retained are not marked it leaves the decision to contractors as to what other trees to leave. With many contractors admitting that they do not know the prescriptions and relying solely on the SFO to mark up this situation is unacceptable. It has to be noted again that FNSW are still not making habitat quality maps available with harvest plans as they are required to do.

2. BREACH 2: TSL 5.6 (k) ii

Trees have been used as bumper trees during logging operations:

5.6. Tree Retention

k) Protection of retained trees

i. When conducting specified forestry activities and post-logging burning, damage to trees retained under Conditions 5.6.f), g) and h), of this licence must be minimised to the greatest extent practicable. During harvesting operations, the potential for damage to these trees must be minimised by utilising techniques of directional felling.

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.

3. BREACH 3: TSL 5.17

The ground habitat has been destroyed in the area audited:

5.17. Ground Habitat Protection

a) SFNSW must, to the greatest extent practicable, protect ground habitat from specified forestry activities. Ground habitat includes, but is not limited to, understorey vegetation, ground cover vegetation, thick leaf litter and fallen timber.

The above breach is concerning given the record of the *Environment Conservation and Biodiversity Act 1999* (Cth) listed species, the Southern Brown Bandicoot, in the compartments:

6.5A Southern Brown Bandicoot *Isoodon obesulus*

b) A Southern Brown Bandicoot Exclusion Zone is to be established for any area of land:

i. depicted in the Geographic Information System theme in ESRI shapefile format called “Southern Brown Bandicoot Exclusion Zones”, in the sub-directory called “Southern Brown Bandicoot Exclusion Zones”, on the CD-Rom held by the Department of Environment and Climate Change and having the volume label “060210_1106” dated 10 February 2006; and

ii. further described in the corresponding metadata on the CD-Rom.

*c) The boundary of a Southern Brown Bandicoot Exclusion Zone (as required to be established in accordance with condition 6.5A (b)) is to be adjusted in the field, if necessary, so that it reflects the extent of the potential habitat of the Southern Brown Bandicoot. Accordingly, if 80% or more of the basal area of any stand of trees (including any stand that is located only partially within the area described on the relevant CD-Rom referred to in condition 6.5A (b)) is made up of trees of the species *Eucalyptus consideniana* or *Eucalyptus ovata*, the land on which that stand is located is to be included in the Exclusion Zone.*

*Note: The purpose of condition 6.5A (c) is to ensure that a Southern Brown Bandicoot Exclusion Zone is established for an area where the Bandicoot’s potential habitat is located. The existence of that potential habitat is indicated by the dominance by *E. consideniana* or *E. ovata* of the overstorey. Note that condition 6.5A (c) requires dominance by trees of these species to be determined by reference to the proportion of the basal area they occupy.) The relevant floristic assemblages or forest types where *E. consideniana* or *E. ovata* respectively may dominate the overstorey have been variously described in:*

• Keith and Bedward (1999) which describes “Timbillica Dry Scrub Forest” (where *E.**

consideriana may dominate) and “Swamp Forest” (where *E. ovata* may dominate); and
 • Research Note 17 which lists Forest Type 102, “Yerchuk”, as dominated by *E. consideriana* and Forest Type 143, “Swamp Gum etc”, as dominated by *E. ovata*.
 * Keith D.A. and Bedward M. (1999) *Native Vegetation of the South East Forests region, Eden, New South Wales*. *Cunninghamia* 6 (1):1-281.

d) If the boundary of a Southern Brown Bandicoot Exclusion Zone is adjusted under condition 6.5A (c), Forests NSW is to prepare a map showing the adjustment made to the boundary or a written description of the adjustment made. A copy of the map or description is to be kept at the office of Forests NSW responsible for managing land in the Eden Region and is to be provided to the Department of Environment and Conservation at its request.

e) The boundary of a Southern Brown Bandicoot Exclusion Zone is not required to be marked in the field before a harvesting operation is carried out (despite the requirements of condition 5.1).

f) Despite condition 5.1, low intensity burning may be carried out in a Southern Brown Bandicoot exclusion zone for the purpose of bush fire hazard reduction.

g) For the purposes of this condition:

i. the basal area of a tree is the cross-sectional area of its trunk measured at 1.3 metres above ground level (that is, at breast height over bark); and

ii. the basal area of a stand of trees is the sum of the basal areas of the trees in that stand, expressed in square metres per hectare; and

iii. in calculating the basal area of a stand of trees, only the basal areas of living trees that have a diameter of at least 10 centimetres measured at 1.3 metres above ground level (that is, at breast height over bark) are to be taken into account.

Species Management Plan for the Southern Brown Bandicoot

h) Forests NSW is to give effect to the Species Management Plan (South Eastern NSW) for the Southern Brown Bandicoot (*Isoodon obesulus*), being IFOA Species Management Plan No. 1, (“SMP for the SBB”), as it applies to Forests NSW on 1 March 2008. In particular, Forests NSW is to carry out the survey and monitoring program as described in the Plan.

i) Forests NSW is to prepare, at the end of each calendar year (commencing 2008), a written report on the results and findings of its survey and monitoring program for the Southern Brown Bandicoot, as carried out in that year, and is to give the Department of Environment and Climate Change a copy of that report.

j) Forests NSW is to participate in a review of the SMP for the SBB and the application of the terms of this licence to the SBB, in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP:

(a) if the Department of Environment and Climate Change, at any time, seeks such a review (for example, because the monitoring or survey methodology (as described in the Plan) is not yielding sufficient data), and

(b) every 3 years, with the first review commencing in March 2011.

Note: It is intended that a 3 yearly review referred to in condition 6.5A (j) (b) will be completed by the end of the calendar year in which the review is undertaken.

k) Forests NSW may, at any time, review (with the agreement of
 (Please note all coordinates are GDA 94)

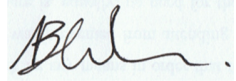
Further the amount of EPBC listed species and the close proximity to Twofold Bay Marine Sanctuary Zone and Ben Boyd National Park would suggest that these compartments should not have been considered for logging.

- FAUNA FEATURES**
- ☉ Sooty Owl
 - ↔ Powerful Owl
 - ★ Glossy Black-Cockatoo
 - ★ Glossy Black-Cockatoo (Feed Tree)
 - ▲ Scarlet Robin
 - ▲ Osprey
 - ◆ Yellow-bellied Glider
 - ◆ Yellow-bellied Glider (Heard)
 - ✱ Koala (1993 Record)
 - Southern Brown Bandicoot
 - ☆ Spotted-tailed Quoll

We request urgent attention to these breaches and thorough investigation.

Kind Regards,

L Stone

A handwritten signature in blue ink, appearing to read "S. Daines", is placed over a light blue rectangular background.

S. Daines