



09/12/2019

**RE: Depleted old growth Valley Grassy Forest (EVC-47) in logging coupes 837-515-0003 ('On Sight') and 837-515-0004 ('Mind Your Manners') currently being logged.**

To the Department of Environment, Land, Water and Planning (DELWP),

The following letter details the presence of depleted old growth 'Valley Grassy Forest' (EVC-47), in active logging coupe 837-515-0003 ('On Sight'), and the adjacent scheduled coupe 837-515-0004 ('Mind Your Manners'). Both coupes were inspected on the 3<sup>rd</sup> and 4<sup>th</sup> of November. The forest within these coupes has never been logged and contains modelled old growth forest, depicted in the November 2019 MOG spatial dataset. These areas also contain 'Wet' and 'Damp' old growth forest EVC's, which are also below the 10% minimum required threshold for protection. Logging must not continue in these areas due to the following;

- 'Valley Grassy Forest' (EVC-47) is listed as a 'depleted' (less than 10% of the extent of distribution) old growth forest EVC in the Department of Sustainability and Environment *Bioregional Conservation Status for each BioEVC*<sup>1</sup>. According to the legislation outlined below, it would be unlawful for logging to continue and DELWP must direct VicForests to stop current logging operations in coupe 837-515-0003;
- The government recently declared that all old growth forests will be protected, and logging will be excluded from 90,000ha of mapped old growth forests effective immediately (as of November 7th, 2019)<sup>2</sup>.

The required protection for depleted old growth forests within a Comprehensive Adequate and Representative (CAR) reserve system are set out in the *'East Gippsland Forest Management Plan Amendment'* (EGFMPA), published by the Department of Natural Resources and Environment in 1997, as well as the *'Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia'* (also referred to as the JANIS criteria). *'Planning Standards for timber harvesting operations in Victoria's State forests 2014'* outlines the fixed zoning obligations regarding the CAR reserve system. Please see the following excerpts of relevant legislation.

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<sup>1</sup> Bioregional Conservation Status for each BioEVC, Department of Sustainability and Environment  
[https://www.environment.vic.gov.au/\\_\\_data/assets/pdf\\_file/0012/50511/Bioregional-Conservation-Status-for-each-BioEVC.pdf](https://www.environment.vic.gov.au/__data/assets/pdf_file/0012/50511/Bioregional-Conservation-Status-for-each-BioEVC.pdf)

<sup>2</sup> <https://www.premier.vic.gov.au/protecting-victorias-forests-and-threatened-species/>

## **Excerpts from the ‘Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia’**

### **6.2 OLD-GROWTH FOREST CRITERIA**

#### **6.2.1 Discussion**

In applying this interpretation to a forest ecosystem within a region, the following principles will apply:

- Ecological maturity is defined by the characteristics of the older growth stages
- If data are available on the structural, floristic, and functional qualities that would be expected to characterise an ecologically mature forest ecosystem, these data should be used in the assessment of the significance of disturbance effects.
- Negligible disturbance effects will be evident in most forests by a significant proportion of trees with age - related features and a species composition characteristic of the ecologically mature forest ecosystem.

This interpretation acknowledges that age-related features and the effect of disturbances will differ between forest ecosystems due to a range of factors including physical setting, fire proneness and species composition. For example, the Woodgate et al (1992) method which is consistent with this interpretation could be adapted to similar forest ecosystems to those used in Victoria. Other forest ecosystems such as rainforest, dry forest and tropical forest may require different methodological approaches and would be developed bilaterally. The scale at which old-growth is mapped should be complementary to the 1:100 000, or 1:250 000 map scale at which the diversity of forest ecosystems are recognised. However, where forest ecosystems are dominated by communities of other seral stages, more detailed identification of old-growth forest may be appropriate to assist reserve selection.

In regions which are characterised by a high degree of landscape disturbance and fragmentation, and where old-growth forests are therefore limited in occurrence, old-growth forest will assume increased significance and warrant greater reservation. Conversely, lower thresholds may apply in regions where disturbance and fragmentation are less evident.

It is recognised that old-growth, as part of an ecological succession, is not static and cannot be maintained indefinitely merely through the reservation of existing examples of that age-class. The inclusion of old-growth in the reserve system should be seen in the context of the selection and reservation of an appropriate mosaic of age-classes, which, with ecological processes intact will have the potential to generate the old-growth of the future.

#### **6.2.2 Criteria**

It is necessary to approach old-growth criteria in a flexible manner according to regional circumstances, especially when forest ecosystems are still relatively widespread and retain large areas of old-growth. Wherever possible, areas of old-growth requiring protection should be included in the area identified to meet biodiversity criteria.

(1) Where old-growth forest is rare or depleted (generally less than 10% of the extant distribution) within a forest ecosystem, all viable examples should be protected, wherever possible. In practice, this would mean that most of the rare or depleted old-growth forest would be protected. Protection should be afforded through the range of mechanisms described in section 4.

(2) For other forest ecosystems, 60% of the old-growth forest identified at the time of assessment would be protected, consistent with a flexible approach where appropriate, increasing to the levels of protection necessary to achieve the following objectives:

## **Excerpts from ‘Planning Standards for timber harvesting operations in Victoria’s State forests 2014’**

4.6.4.4 The following proportion of each old growth forest EVC should be incorporated into conservation reserves or the SPZ:

- (a) all viable examples of rare or depleted (generally less than 10% of the extant distribution) old growth forest EVCs wherever possible; and
- (b) at least 60% of the extent of all other old growth forest EVCs present in 1995.

4.6.4.5 When selecting areas of old growth to include in SPZ consider the points listed in clause 4.6.4.4 and

- (a) analysis of the representation of each old-growth forest EVC in each GRU;
- (b) maintaining representative and viable examples of old-growth across the landscape;
- (c) protection of mosaics of old-growth forest, negligibly disturbed forest and naturally disturbed forest to provide for recruitment of old-growth forest in the long term; and
- (d) combining old-growth forest conservation with other strategies to create larger, consolidated areas in the SPZ

## **Excerpts from ‘East Gippsland Forest Management Plan Amendment’ (EGFMPA)**

### **Protection of Old Growth Forest**

The JANIS criteria require protection of at least 60% of old-growth forest within each EVC. For most EVCs, this criterion was exceeded by the existing conservation reserve system comprising dedicated reserves and the Special Protection Zone established by the Plan. During development of the Agreement there was discussion about the contribution of narrow linear areas (stream buffers) towards the 60% target. In the case of Wet and Damp Forest the contribution of such areas is two and four percent respectively. The Agreement identifies additional areas of old-growth forest in these EVCs for protection so that the 60% target can be achieved without the contribution of these linear components. The new areas include Ellery Creek catchment (to be added to Errinundra National Park), and various additions to the Special Protection Zone in State forest (Table 1 and Map 1) including a large area in Yalmy forest block

The criteria also require protection of all viable old-growth forest stands within ecosystems where old-growth forest is rare or depleted. Lowland Forest, Herb-Rich Forest, Foothill Box Ironbark Forest and Montane Dry Woodland, fall into this category and additional areas had to be examined for possible protection. While some were found to be too small or fragmented to be viable, and others not to be old growth forest when field checked, numerous changes to forest management zones were made to meet the criteria with respect to these EVCs (Table 1). Most notable among these is the large new Special Protection Zone created in the Betka River Catchment for protection of additional Lowland Forest old-growth.

Other JANIS criteria relating to the size, distribution, representativeness and replication of protected areas were also addressed by the Plan and accredited by the Agreement.

We are urging DEWLP to take the following actions in relation to the above information;

- To comply with the fixed zoning obligations, set out in the *Planning Standards for Timber Harvesting Operations in Victoria's State Forests, Appendix 5 to the Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014*, and ensure the CAR reserve system is being maintained consistent with the JANIS criteria requirements to maintain percentage thresholds for protection of depleted old growth EVCs;
- Direct VicForests' to stop logging in coupe 837-515-0003 ('On Sight') immediately given any further logging will greatly impact on depleted 'Valley Grassy', 'Damp', and 'Wet' EVC's which require protection according to the above legislation and to meet the government commitment for protection of 90,000ha of old growth forests, and minimum percentage thresholds for depleted old growth EVC's;
- Protect these forests by including them within already existing SPZ's on the southern and eastern boundary of coupe 837-515-0003 ('On Sight'), and eastern boundary of 837-515-0004 ('Mind Your Manners') to maintain continuity of reserves as outlined in the CAR reserve system criteria and according to the *Planning Standards for Timber Harvesting Operations in Victoria's State Forests, Appendix 5 to the Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014*;
- Ensure old growth forest field verification tools consider EVC's and that assessments, regulation and enforcement are done independent of VicForests and DEWLP to ensure proper compliance. Field verification should only be used as a precautionary measure outside current old growth modelling (as depicted in the November 2019 MOG dataset). Refer to Section 6.2 of the '*Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia*' excerpt above for further requirements for protecting old growth forests.
- Provide any documents or evidence of auditing completed by DEWLP regarding old growth field verification procedures completed by VicForests for coupe 837-515-0003 ('On Sight'), and 837-515-0004 ('Mind Your Manners').

We require an urgent response to this letter, including details of immediate actions DEWLP will undertake in lieu of the above information.

Regards,

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