

**IN THE SUPREME COURT OF VICTORIA
AT SALE
COMMON LAW DIVISION**

No. 8547 of 2009

BETWEEN

ENVIRONMENT EAST GIPPSLAND INC

Plaintiff

and

VICFORESTS

Defendant

VIEW

Date of document:	<u>21 March 2010</u> 19 March 2010
Filed on behalf of:	Plaintiff
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1. Pursuant to an order under s 53 of the *Evidence Act* 2008 (Vic), on 3 March 2010 the Court held an inspection at coupes 840-502-015, 840-502-020 and 840-000-007 in the Brodribb Forest Block, East Gippsland.
2. During the inspection, Dr Charles Meredith, engaged by the Plaintiff and Mr Gary Squires, engaged by the Defendant, provided commentary. This document records that commentary.

Coupe 840-502-015

3. The inspection commenced at 12.53 pm.
4. Photographs 1 to 3 depict the upper area of a 320cm+ tree, its base and its diameter at breast height over bark (**DBHOB**) marking in pink spray paint. Photographs 1 and 2 depict, in the background, the mixed forest present in coupe 840-502-015. The species present are Errinundra Shining Gum, Messmate and Cut-tail (Meredith / Squires).
5. Photographs 4 and 5 depict both a glider feed tree and the surrounding forest. Photograph ~~6~~5 is a close up view of the tree.
 - (a) Dr Meredith commented that the sap flows out from cuts marked in the bark of the feed tree. The gliders chose a tree because different trees have different sugars

and taste. “It is most likely used by Yellow-bellied Gliders or Sugar Gliders” (Meredith).

- (b) The background to photographs 4 and 5 depict different ages of eucalypt species.
 - (c) Mr Squires noted that it is possible that a fire has been through the area 100 years ago. High wet forests have occasional fires, they are patchy (Meredith).
6. Photographs 6 and 7 depict a clump of trees and their hollows. The species include Errinundra Shining Gum and are old enough to have hollows forming (Meredith). “The area is a good example of a clump of trees you would reserve under the new prescriptions” (Squires).
7. Photographs 8 and 9 depict the base and upper area of tree with a DBHOB of 220cm. Squires noted that DBHOB is a measurement used, in conjunction with tree height, to model timber yield within an area at the diameter is measured at 1.3 m from the ground.
8. Photograph 10 depicts a tree with a DBHOB of 280cm+. The tree is a Stringy Bark Messmate.
9. Photographs 11 to 13 depict the understorey present in this part of coupe 840-502-015. This area is above the 100m buffer.
- (a) Dr Meredith noted of the area shown in these photos that the understorey is “typical of older forests” with lots of variation.
 - (b) There are some dense areas, fallen trees and different grasses. Therefore the understorey has complexity. Lighter understorey assists with feeding and denser areas provides shelter from predators (Meredith).
 - (c) Regeneration understorey is uniformly dense (Meredith).
10. Photograph 14 depicts wire grass as part of the understorey.
11. Photographs 15 and to 17 depict diggings and a disturbance in the area (Meredith).
- (a) Dr Meredith commented that diggings are an activity used by animals when they are looking for fungi or succulent roots. As there are not a lot of succulent roots in the area, it is more likely to be that the species is looking for fungi.
 - (b) The size of the disturbance indicates either a Long-footed Potoroo or a bandicoot. While bush rats and other species will dig, the size of this disturbance indicates it was not a bush rat or other smaller species (Meredith).

- (c) Dr Meredith noted that he does not know a lot about fungi. Simply that it is the fruiting bodies below the soil that the species would want in preference to the fungi available above the soil.
 - (d) Dr Meredith noted as we progressed lower down the track of coupe 84-502-015, there would be more fungi and also species that feed on the fungi because the area was becoming wetter as we approached the creek. The area was sheltered and was a habitat that Dr Meredith considered to be preferred habitat for the Long-footed Potoroo.
12. Mr Squires noted in this area there were old trees that were a good example of trees that would be retained in harvesting. Dr Meredith noted that of retained trees, the tree will continue on a process of decay and it is unpredictable how long the tree might have lasted if harvesting had not occurred. Mr Squires noted that the area was patchy bush of younger trees and the average rainfall of the area is 100inches.
 13. Photograph 18 depicts the minimum sawlog size of a tree (Squires). Mr Squires noted that logging occurs down to 25cm ~~DBHOB for pulp wood.~~ small end diameter for sawlog and then pulpwood above that.
 14. Photographs 19 and 20 depict a 300cm+ DBHOB tree. Dr Meredith noted that this was an example of a larger tree suppressing the growth of trees grown around the larger tree. The area shows the wide separation of big trees. It is a natural set up in this forest (Meredith, Squires agreed). The forest is mixed ages.
 15. In the subsequent area, Mr Squires noted a good example of a senescing tree that had fallen over with a small root system.
 16. After we passed the 100m buffer and were at the Brown Mountain Creek, Dr Meredith noted the forest had changed to a riparian zone with almost a closed canopy.
 17. Photographs 22 and 23 depict the Brown Mountain Creek. Dr Meredith noted the water was nice and clear with not a huge amount of flow because it is the end of Summer.
 18. Photographs 24 and 25 depict crayfish mounds or burrows. Dr Meredith noted the crayfish burrows and that the banks of Brown Mountain Creek are nice and soft mud.
 19. Photographs 26 and 27 depict the tape marking a 20m streamside buffer marker facing south and north respectively.
 - (a) Gary Squires explained that two forest officers commence from the creek and will use a hip chain to walk up from the creek until the chain marks 20m and they will each tape a tree. The forest officers will then walk towards each other to mark a line of the 20m buffer.

- (b) The officers will start from the creek approximately 20m from each other in a closed forest. If the forest is more open, they will start further apart. The creek boundary will be the upper line from where the water flows to, the high water, or the edge of a flood line. This process will continued throughout the coupe until trees marking the buffer are all marked.
 - (c) A GPS may be used to plot the course to ensure that the buffer is correct in a high conservation area. The height of the buffer from the creek can be calculated using a GPS, Mr Squires commented that the “maps are out so you measure from GPS and where that appears to be the case the actual creek can be measured with GPS as well to ensure that the buffer strip is the correct width.”
 - (d) Where a tree falls on the buffer line, the harvesters will work around the tree, it “gets the benefit of the doubt, the precautionary principle.” A tree on line would be included in the buffer (Squires).
20. Photographs 28 and 29 depict the 100m buffer with cotton marking the buffer down to the stream (Squires). The practice is that the some trees won’t be felled because the harvester cannot fell a tree over-above or outside the blue line and so a tree leaning over the blue line will not be felled (Squires). For bigger trees, there is more control in where it can be felled (Squires).
 21. In respect of the area shown in photographs 28 and 29, Dr Meredith noted that the big trees alter the “spatial dynamics of the forest” and “they open things up.” If there is a “mono group of trees, they will be close”. The variation in these photographs is typical of the “natural patchiness of the system” (Meredith). Mistletoe and other parasites are natural in this environment and can be an important food resource and part of the system.
 22. Photograph 30 depicts a 300cm+ DBHOB tree. The burls on this tree (not shown in the photograph) are a scar response (Meredith), for example, caused by insects (Squires).
 23. In photographs 31 and 32, a 220cm DBHOB tree is shown.
 24. Photograph 33 depicts a dead tree where the trunk had disintegrated (Meredith). A dead tree in the forest may present a danger so would usually by felled for safety reasons but not used, unless it is required for habitat trees (Squires). While this was not a stag, dead stags can be good habitat trees (Squires).

Coupe 840-502-020. Harvested October 2008 – February 2009.

25. Photographs 34 to 38 depict a panorama of coupe 840-502-020 from when the group arrived at the coupe and received commentary, the panorama commences facing due south and rotates to the west facing coupe 15.
26. On arrival in the coupe and as we walked to the boundary of coupes 19 and 20, both commentators provided a number of comments generally in relation to the coupe.

- (a) Dr Meredith commented generally on the coupe and noted that of the retained trees, “very few are in groups” (Meredith).
 - (b) The regeneration burn had been a hot burn. “On most retained trees, the burn has caused a significant level of damage and reduced the age, particularly if there are defects in a tree already” (Meredith).
 - (c) There are a number of areas for roading and log landing and where the regeneration is reduced as compared to elsewhere (Meredith). Squires agreed.
 - (d) Squires noted that the seedlings are Messmate, Shining Gum and Grey Gum. The coupe has “good regeneration” (Squires).
 - (e) The burn is to get rid of debris and get the eucalypts to seed into the soil (Squires). It has been successful (Squires). Burnt April 2009.
 - (f) There is a “good crop of trees with understorey species” (Squires). In respect of Dr Meredith asking Mr Squires about burn damaging the trees, Mr Squires noted that the standard prescriptions for coupe 20 at that time were a 3m clearing for retained trees. Now a 20m buffer is in place (Squires). Further, clumps would be identified to keep the fire out.
27. Photograph 39 depicts a drainage line for a watercourse. The group paused at the area marked with the number 3 on the attached map annotated by Dr Meredith and Mr Squires for commentary and labeled ‘Brown Mountain Land Status and Harvesting History’ (**the Map**). Dr Meredith noted that a coupe planning issue is to define drainage lines. In a flat plateau area such as in this area, it can be difficult to find. The area shown is either a watercourse or drainage area with no buffer (Meredith). It is clear cut if the water is flowing. Mr Squires agreed and said that a decision has to be made if the water only flows after rain, in which case a filter strip would be used (Squires). “The difference between a buffer and a stream is that in a buffer for a stream, no trees can be felled in or out. In a filter, trees can be taken out if that can happen in a way that trees are not felled in” (Squires). The range of prescriptions are from buffer to filter to nothing (Squires).
28. Photographs 40 to 42 depict the compacted area in the western part of coupe 20 with “low regeneration” (Meredith). The area depicted in photographs 40 to 42 is marked with the number 4 on the Map. Dr Meredith commented that the “pattern will be visible for a long time on the ground”. At this area, Dr Meredith commented on a tree which had fallen, perhaps since the burn and its small root system, “therefore prone to wind throw when without their brothers around them” (Meredith). Squires agreed that this tree would have come down after the burn. At this stage, Mr Squires commented on the process of the burn.

- (a) “There are a lot of techniques for burning. You do it from the air and have a drip torch and move in circles from the middle”. Or by hand and work in strips over area which has been burnt.
 - (b) It is a lot safer from the air.
 - (c) They use “jelly petroleum dropped from a drip torch slung below a helicopter. Light in the middle and move in circles and the fire is sucked in”.
29. Photograph 43 depicts a track to be identified. This area is marked with an ‘x’, being the number 5 on the Map.
30. Mr Squires commented at this point that coupe 20 had had aerial seeding and noted that near the buffer, seeding from trees within the buffer occurred. Further, the soil was not as compacted.
31. Photographs 44 and 45 depict trees Squires identified as being above the tape line, and thus outside the 20m buffer and inside the coupe, which had been retained and not felled. Squires commented that this buffer would have been created by using the hip chain, walking from the watercourse. Squires also commented that the height of the seedlings in this boundary area was different to that on the road. Squires commented that on the road, you will get vegetation but not eucalypts. other vegetation before the eucalypts and you certainly do get eucalypts on roads.

Coupe 840-000-007. Harvested 1987-1988.

32. This regenerated coupe is depicted in photograph 46. Mr Squires commented on this coupe.
- (a) Coupe 20 will look this coupe in 20 years, a “healthy young forest that may be thinned at 30 years.
 - (b) Thinning is defined by what the market is. Thinning is always pulpwood. This coupe was logged, burned and regenerated by aerial” (Squires). The “principle of thinning is so a site is capable of growing up to 2000 stems/ha. You thin to grow up the log size to 1000 stems/ha.”
 - (c) You can’t determine what the forest management will do in 60 years.
 - (d) The coupe contains, Shining Gum and Messmate as the predominant species and nothing else. Habitat trees had been retained and were identified.
33. Dr Meredith commented on the coupe:
- (a) The structure is very different from coupe 15, far less hollows.

- (b) The tree cover is removed from the canopy so it is much drier. Young trees use a lot of water and that also dries the coupe, there is less shade and so a drier understorey. This reduces the fungal diversity in logged areas.
 - (c) 60 years is young for these forests so it is a quick cycle in forest terms.
34. Opposite this coupe, the visual roadside buffer for coupe 20 was observed. Mr Squires commented that it is a DSE requirement along roads but the fire couldn't be kept out so it burnt through the buffer. The prescriptions for road buffers vary. Tourist roads have a wider buffer.
35. The view concluded at 3.35pm.