



**Australian Conservation Foundation
Environment East Gippsland
Gippsland Environment Group
The Wilderness Society Victoria
Victorian National Parks Association**

**Submission to East Gippsland Forest
Management Zone Amendments**

September 2010

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Introduction

The Wilderness Society Victoria, the Australian Conservation Foundation, Environment East Gippsland and the Victorian National Parks Association have collectively many decades of active involvement in forest management issues in East Gippsland. The groups were engaged in public debate seeking greater ecological responsibility from government processes well before the signing of the East Gippsland Regional Forest Agreement in 1997. It is widely recognised scientifically that the public State forests within the East Gippsland region contain biodiversity elements and ecological processes of global significance.

This new draft zoning proposal represents the most significant reassessment of changes to the informal reserve system since the inception of the East Gippsland Regional Forest Agreement. Federal and Victorian governments have accepted an obligation to conduct planning based on adherence to the 'Precautionary Principle'. Therefore to meet the obligation of ecologically sustainable forest management, decisions must be scientifically based to provide an assurance of a reasonable level of certainty as to outcomes.

It has however become blatantly apparent from concerns raised by the ecological scientific community, that the qualitative and quantitative levels of research knowledge available and the standard of proactive monitoring being applied by the Victorian government to state forest management is totally inadequate to meet the obligations above.

For example the impact on Victoria's flora and fauna from wildfire in the past decade cannot be underestimated. East Gippsland is now a refuge for many of Eastern Victoria's rare and threatened forest species. To be responsible and responsive about reversing the decline in number and populations of threatened species, the zoning system must now strongly favour protection of their remaining habitat.

There is also strong scientific evidence showing the dramatic impact which climate change is already having on the regenerative capacities of native flora, particularly eucalypt forests, and the implications for biodiversity and ecological processes. We will need to completely reassess the implications for our already threatened flora and fauna.

To this end we believe that a comprehensive scientifically based assessment of the future survival needs of forest dependent species, especially currently threatened species, be conducted prior to any new planning measures which allow for renewed forestry activities. Due to significant problems raised by the Victorian Auditor General into the administration of the Flora and Fauna Guarantee Act, the Supreme Court findings of the Brown Mountain court injunction, the conclusions of the State of the Forests Report 2008 and repeated concerns raised in annual Monitoring of Annual Harvesting, this review would need to have sweeping powers to completely revisit forest management issues in Victoria. The impacts of climate change, fire, weed and feral animals and logging, coupled with changing demographics and community attitudes to forest management, all point to the need for a major, independent assessment and overhaul of current logging arrangements. Forest values for carbon storage, water production,

ecosystem services, habitat protection, local amenity and tourism potential all need to be broadly assessed and considered against the current bias toward logging and pulplog production.

We believe that the proposed rezoning process is seriously flawed due to the following reasons:

- Inappropriate application and implementation of Flora and Fauna Guarantee Act apparatus and lack of data;
- Problems with old growth forest data;
- Logging history in proposed Special Protection Zones (SPZs);
- Outcome biased and driven by expected supply to the logging industry;
- RFA process is flawed and out of date;
- Inadequate time period and process

We request that the current re-zoning process be abandoned and a comprehensive reassessment of conservation values for East Gippsland be undertaken before any further attempts to change the zoning scheme are made. The comprehensive regional assessment should be more like an environmental impact study of a bioregional assessment and include:

- All relevant data sources and dedicated data collection program for key threatened species;
- On-ground assessment of old growth, recruitment old-growth and fire impacts;
- A clear rationale and supporting data for proposed changes on case by case basis;
- A public consultation process, including comments period of at least 60 days.

Discussion

With the increasing awareness and concern for the environment, the public will be extremely alarmed by this latest assault on the East Gippsland region's already inadequate reserves. Our groups represent the concern over this process and oppose the planned amendments to the informal reserve system.

We reject the downgrading of current Special Protection Zones as the government simply does not have enough data to justify these changes. Our reasons for this opposition are briefly listed below:

1. Inappropriate application and implementation of Flora and Fauna Guarantee (FFG) Act apparatus and lack of data

Under the FFG Act, action statements are required to set out "what has to be done to conserve and manage (a threatened) taxon or community". The action statements contain short-term, *interim*, objectives and actions as well as longer term objectives and actions to ensure the species return to a secure conservation status. To the extent that the re-zoning will result in the longer term actions and objectives of the action

statements for the relevant species not being implemented and achieved, the re-zoning could result in a failure to meet legal obligations that arise under the FFG Act.

For the **Powerful Owl**, the long term objective of the FFG action statement is:

- *“...to increase population numbers in potentially suitable areas, where owls are now scarce by maintaining and restoring habitat for species across all land tenures to return it to a secure conservation status in the wild”.*

Changes to the zoning are inconsistent with the long term objective of this statement.

Of the *minimum* target of 500 sites required by the action statement, East Gippsland’s arbitrary contribution of Powerful Owl Management Areas (POMAs) is 100. This cannot be considered in isolation from what is happening to the species in the rest of the state. Without evidence to support that Powerful Owl protection has viably achieved on a statewide basis, a single regional target can not be justified as being met. Likewise the action statement also includes specific requirements for monitoring, including at least 10% of POMAs regularly monitored to determine persistence of owls and breeding success.

For the **Sooty Owl**, the FFG Action Statement (2001, now nine years old) – states:

- *At this point the short-term conservation objective is to prevent further population decline by maintaining good-quality habitat for a population target of at least 500 breeding pairs of Sooty Owl on public land in Victoria.*

This includes 131 Sooty Owl Management Areas (SOMAs) in East Gippsland. “The long-term objective is to return the Sooty Owl to a secure conservation status in the wild by increasing numbers in potentially suitable areas where the Sooty Owl is now scarce. This can be achieved by maintenance and restoration of its habitat across all land tenures”. The action statement also has explicit recommendation for protection in conservation reserves which are separate from the proposal for state forest. In addition, there are a number of proposed monitoring and research requirements in the Action Statement to confirm whether the short term prescriptions are working. There is a requirement that new information may trigger a review of the action statement.

For the **Spot-tailed Quoll**, the conservation objectives of the FFG action statement are as follows:

- *To develop a reliable standardised method for detecting Spot-tailed Quolls*
- *To investigate habitat use by Spot-tailed Quolls, and develop a predictive habitat model to ensure sufficient habitat is protected in Victoria to ensure that a viable population of Quolls can survive*
- *To investigate the threats to Quolls, and develop and implement threat control procedures to ensure that a viable population of Quolls can survive.*

Section 14 of the action statement states:

- *Periodically review the selection of Quoll records to be afforded protection by the standard prescription outlined in 5.1 in each FMP to which targets apply, to ensure that, once targets are reached and as new records accrue or*

other information becomes available, the network of protected habitat in each FMA is optimal for Quoll conservation. To assist this review, develop guidelines for the substitution of protected Quoll sites based on the extent and quality of habitat and on the currency, reliability and type of record.

The FFG statement seems to clearly point to the need to justify that “...*the network of protected habitats in each FMA is optimal for Quoll conservation...*”, yet there is no information which provides support for this in the proposed re-zoning.

The failure to meet targets for the **Masked Owl** is simply dismissed by saying “... there are extensive areas of suitable habitat in existing National Parks yet to be survey”. The interim target (first five years, 2003-2008) for East Gippsland for Masked Owls is:

- *In the East Gippsland FMA (regional target population 100 pairs), up to 500ha of SPZ or SMZ is established in state forest for each pair of owls, apportioned to Geographic Representation Units (GRU)*

This is simply not good enough and fails to even attempt to meet requirements of the rest of the action statement.

Legislation to protect threatened species is not being implemented, monitored or actioned. In April 2009, the Victorian Auditor General confirmed this, making key conclusions and comments in its report on the administration of the Flora and Fauna Guarantee Act:

- Concerted effort is required to develop comprehensive, reliable information on the conservation status of threatened and vulnerable species
- The full range of ‘management processes’ and ‘conservation and control measures’ available in the Act has not been used
- The effort directed to listing threatened species and processes has not been matched by the effort to develop action statements, to monitor the implementation of actions, or assess their effectiveness
- The lack of baseline data and outcome or output performance measures means it is not possible to conclude whether the Act has achieved its primary objectives

In response to some of these concerns, DSE responded that it will ‘continue to invest, to the extent possible given available budget, in survey monitoring and research focused on key threatened species and the processes that threaten them’.

In regards to key threatened species in East Gippsland, DSE has provided no evidence to suggest that any comprehensive surveys have taken place to ensure that the species are being adequately monitored and protected as per legislative requirements in their action statements and the FFG Act.

The most recent State of the Forests report, published by DSE also concluded that we do not have enough data to determine whether threatened forest dependent species are maintaining viable populations to ensure their on-going survival. This data is crucial prior to making any major management changes to the informal reserve. An example (amongst many) of the lack of data is for Indicator 1.2a:

- *Indicator 1.2a The status of forests dependent species at risk of not maintaining viable breeding populations, as determined by legislation or scientific assessment*

The main findings from this indicator were:

- *There was real decline in 23 forest dependent species compared to a real improvement for only 4 species*
- *Ecological information is poor for the majority of forest dependent species*

For many of the other indicators the finding of “No data” points to a dire situation for our knowledge of threatened species and highlights a failure of government to deliver on its own Sustainability Charter commitments.

Some of the data being included in target numbers for management areas dates back many decades. We reject the idea that simply fulfilling short term regional site number targets requiring protection as inconsistent with the full requirements of the FFG action statements.

We particularly question the limits put on species sites in the wake of recent major fire impacts in other parts of the state. For example, along with other species, the Sooty Owl has been significantly impacted by recent fire events. We have no idea whether current management zones are adequate to protect species, and it can be now argued that all green forests need to be reviewed in light of their legacy status for these forests. Until a serious long term study into the cumulative impacts of fire and logging has been performed, the arbitrary figures in East Gippsland have little meaning.

Likewise, action statements all require further research and monitoring to be completed and have both short and long term targets. No information has been provided on how the proposed changes deal with delivery of statewide targets or long term objectives of the FFG action statements.

The precautionary principle must be used and all appropriate habitat for these threatened species protected. We jointly call for significant funding to resource DSE to perform the surveying and monitoring needed to ensure the future survival of threatened species before any changes of protection zones are contemplated.

Without data for long term species populations trends, it is impossible to determine whether requirements under the FFG Act are being met. DSE does not have the resources nor the intent to perform the comprehensive surveys required to ensure FFG Act requirements are being met and viable populations of species maintained on a long term basis.

2. Problems with old growth forest data

Recent re-mapping of old growth forest in East Gippsland has determined that the amount of officially mapped old growth forests has fallen from over 200,000 hectares in 2003 to less than 120,000 hectares in 2007. Another layer of future old growth in 2022

is now maintained by DSE. Much of the reason for 2003 old growth forest now no longer being classified as old growth is due to logging and fire.

Of the fire layer, there are significant amounts of both planned burns and bushfire that seem to contribute to the 'no longer old growth' classification. There is a significant amount of forest considered old growth in 2007, but which was not considered old growth in 2003. Interestingly, about 10% of this has been logged before. A large portion of this 'new' old growth forest has had fire, including both planned burns and bushfire.

Consequently, the data being used to accurately determine what actually is ecologically mature forest is questionable. Major questions have been raised in the past about negligibly disturbed forest not being included in old growth forest layers. The new datasets further raised concern about the accuracy of old growth forest data and claims about protection of old growth forest levels:

- Some old growth forest has disappeared (from 2003 layer) that has not been logged or burned before;
- Some old growth forest has appeared (not in 2003, now appears in 2007) when it has been logged before;
- Some old growth forest has disappeared because it has had planned burns/fire through it;
- Some old growth forest has appeared that has had planned burns/fire through it

The mapping inconsistencies and lack of on-ground monitoring of old growth forest parallels the lack of data for threatened species. This makes clear the overall lack of understanding of the forest estate to make such major decisions over land tenure. A huge increase in funding to DSE is critical to perform more comprehensive on-ground analysis of old growth forest, including negligibly disturbed forest in old growth mapping exercises.

We have previously provided a detailed report to government on the failures of the new reserve areas to deliver on the government's commitment to protect the last significant stands of old growth forests in East Gippsland. We have previously highlighted the problems with computer modeled old growth definitions and have argued that government needs to fund on-ground research to properly protect ecologically mature forest values. Without this information and research, DSE's claims of 'sustainability' have no credibility.

3. Logging history in proposed special protection zones

Many of the proposed new SPZs have a history of logging in them. Many of the SPZs proposed to be downgraded to SMZ or GMZ have other values including old growth forests. Some are important regional reserves. It is simply counterintuitive to be putting logged forests into informal reserves and removing previously protected areas, including important local old growth forest, from the reserve.

4. Outcome biases logging industry

In 2006, the Victorian Government committed to protect the last remaining significant stands of old growth forest in East Gippsland. In this promise, the state government committed to protecting 41,000 hectares of forests, including at least 36,000 hectares available to the industry.

DSE's report has confirmed that this has not been achieved. Prior to the inclusion of reserves, the area available to industry was 430,200 ha. After implementation of the new reserves, this decreases to 405,800 ha, a difference of 24,400 ha. These draft proposals increase this to 420,600 ha. So if the draft zones are adopted the amount of forest available to the industry has only decreased by 9,600 ha. This delivers about 25% of the government's commitment and is clearly inadequate. One can only view this return of forests to the industry as a 'payback' or 'offset' for the new reserves in East Gippsland.

Government could argue that this is to maintain 'sustainable timber levels'. The sustainable yield in East Gippsland is currently set at 143,000 m3. The most recent figures reveal that the amount of sawn timber cut is much less than this. In 2007/8 sawn timber cut was about 99,000 m3, in 2006/7 it was only 91,000 m3. However, in 2007/8 an additional pulplog/E grade cut was 346,000 m3 and in 2006/7 it was 380,000 m3.

The sawlog 'sustainable yield' in East Gippsland is well above a sustainable level. An ever increasing proportion of logs continue to go as pulplogs as the State government maintains a licence agreement with the SEFE woodchip mill in Eden and with Midways in Geelong. Overcutting of the forests is being driven further by a demand to open up new areas to maintain a sawlog level of around 100,000 m3 which in reality maintains the present volume to the woodchip exporters.

5. RFA process is flawed and out of date

The Regional Forest Agreement and its review process has failed to deliver upon its stated purpose. In East Gippsland, it has failed to protect jobs and it has failed to protect high conservation values in our forests. With the removal of limits to woodchip exports, volumes have steadily grown with no regional value adding and no job creation.

When the RFA was signed in 1997 the method of assessing wood resource was based on unreliable data, lacked basic resource data and delivered serious failures in an overestimate of volume. To this day there are ongoing sustainability problems. No allowances have been made to adjust production yields due to fire damage or other natural degradation of timber. Our rare species must not be sacrificed in order to prop-up an agreement that continues to have adverse impacts on public land management in East Gippsland.

The Victorian Supreme Court found in August 2010 that, at Brown Mountain in East Gippsland, the Victorian government failed its own threatened species protective management obligations where DSE and VicForests failed in their responsibilities. Conflict over logging in publicly owned native forests continues where RFAs are in place.

6. Inadequate time period and process

The proposed amendments represent a major overhaul of the informal reserve system in East Gippsland. Environment groups have only had 30 days to respond, which in the context of the significance of the changes, and the future impacts on species, is highly inadequate. We argue that DSE itself does not have adequate data to ensure its own responsibility to protect threatened species will be fulfilled into the future.

Whilst staff at DSE have facilitated data access in the 30 days of the consultation, this does not give enough time to fully understand the impacts on the informal reserve system and the species it supports. East Gippsland is a large and remote location and the public simply has not had enough time to assess the changes on the ground. DSE's interactive online map now seems to contain less information about current SPZ values, making it even more difficult for us to determine what the databased values of certain areas are.

We also believe the broader public has not had adequate time to become involved with this process, understand its significance or be briefed on the likely impacts to Victoria's threatened species.

If DSE has limited resources – and we advocate for more resources be made available for expert scientific research into threatened species and processes – it is puzzling that assessment has been initiated in East Gippsland, rather than other parts of the state where major fires have severely impacted upon threatened species.