

A WIN FOR OWLS

JILL REDWOOD OF ENVIRONMENT EAST GIPPSLAND REPORTS ON THE GROUP'S SUCCESSFUL LEGAL CASE TO PROTECT MORE AREAS OF FOREST. THE VNPA CONGRATULATES EEG ON THIS GREAT RESULT.



PHOTOS: DAVID HOLLANDS

Masked (left) and Sooty Owls, threatened forest birds. They need large areas of forest to survive.

Threatened species

Owls are the 'eagles of the night', top-order predators. A pair of large forest owls needs between 1,000 and 4,500 hectares of mostly mature or old-growth forest to survive and breed.

With the impacts of logging and more frequent bushfires, such large areas are becoming increasingly rare. This is why the Sooty, Powerful and Masked Owls are now listed as threatened under Victoria's Flora and Fauna Guarantee Act.

And where owls and their habitat are protected, so are frogs, bandicoots, gliders, lace monitors and a myriad of other wildlife species.

The 2014 fires, which burnt over 170,000 ha of forest in East Gippsland, destroyed vast areas within Snowy River National Park, parts of Errinundra National Park, and adjoining state forests.

Much of this area was deliberately burnt by the then Department of Environment and Primary Industries

(DEPI). The loss of prime habitat for threatened wildlife was horrendous.

The eight-week fire burnt and destroyed thousands of large hollow-bearing trees. Add to the bushfire damage the Department's management of the fires (felling thousands of 'hazardous' trees along tracks and roads, as well as dragging fire around the landscape for weeks), and the toll on wildlife was shocking.

It was especially disastrous for those species dependent on the limited forests with old trees and large hollows.

EEG believed there were clear obligations under law to review and replace the fire-impacted owl protection zones called Owl Management Areas, 46 of which were impacted as a result of the 2014 fires.

Some zones suffered very severe fire that killed trees and 'evaporated' the understorey. Others had less severe fire through them but still lost hollow-bearing trees, along with much ground cover – both essential for the owl's prey species.

The owls themselves would either have perished or been forced to find new territory – most of which would already have been occupied.

EEG formally requested the then Coalition Government's Environment Ministers Peter Walsh and Ryan Smith to urgently review the owl zones. We asked that they replace burnt zones with new unburnt owl habitat known to support owls, but which were on the logging schedule.

The Ministers refused. This effectively subjected these threatened owls, already in trouble, to a double whammy.

EEG speaks for the owls

On behalf of the owls, EEG decided to launch its fourth legal challenge in September 2014 against DEPI and its logging agency, VicForests – which agreed to halt logging in 90 stands of potential owl habitat that were identified while the case went ahead.

Thanks to the efforts of local 'citizen scientists' from the Goongerah



Burning heap of roadside trees at Ellery Creek Track, bulldozed (probably unnecessarily) as part of 'fire management'.



PHOTOS: JILL REDWOOD

A Manna Gum tree with hollows becomes a chimney during the 2014 fires.

Volunteer Rena went into burnt areas with feed to help keep surviving wildlife alive.

Environment Centre (GECO), the owl records we used for planned logging areas were recent and well recorded, giving us good legal ammunition to argue our case.

The other 'ammunition' (besides the dedicated team from Bleyer Lawyers) was state legislation, including the Forests Act and the Flora and Fauna Guarantee (FFG) Act.

The latter stipulates that in East Gippsland for the three threatened forest owl species, there must be between 100 and 131 zones per species set aside, containing good quality habitat and ranging from 500 to 800 ha per zone (though biologists believe this is extremely inadequate to support a pair of owls).

These zones are often 'doubled up' for more than one owl species for expediency, meaning that prey and resources are reduced for both species.

EEG believed the environment department (now DELWP, Department of Environment, Land, Water and

Planning) had an obligation under the East Gippsland Forest Management Plan to revise the owl protection zones.

The owls' Action Statements under the FFG Act also require the department to review, research and monitor the three species. We believe this has not been done.

Although we were disappointed that the new Labor government chose to continue along the legal path for another seven months, the out-of-court settlement in mid-July secured a number of areas as new protection zones.

We are pleased that the government now accepts it must do more work to ensure that the three threatened large forest owl species survive.

The details

All up, over 2,000 ha have been set aside for owl protection as a result of the agreement reached, as well as some assessments and studies to determine whether new protection zones are necessary.

In particular, the Department and VicForests have agreed to:

- move nine stands of old-growth forest off the logging schedule and into protection zones (including Brown Mountain)
- put a four-year moratorium on another 16 stands of prime owl habitat planned for clearfelling
- increase the size of all owl protected areas in East Gippsland that are below legal minimums
- task biologists to study owls post-fire and consider if additional owl protection measures are needed
- carry out assessments of burnt owl zones
- pay a portion of EEG's considerable legal costs.

We look forward to working with the Department on these East Gippsland owl protection measures over the next year, while continuing to demand permanent protection for all remaining mature and old-growth forests and their dependent wildlife. • PW