

**nick**

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**From:** "nick" <nlegge@bigpond.net.au>  
**Date:** Sunday, 3 May 2020 7:17 PM  
**Attach:** OGF in Snobs 13 -details of basal damage to retained trees.pdf; OGF in Snobs 13 - oldgrowth forest structure.pdf  
**Subject:** Fw: FURTHER INFORMATION: Breach of Code Clause 3.4.1.2 and breaches of undertakings to DELWP

**From:** [Rubicon Forest Protection Group](#)  
**Sent:** Monday, April 20, 2020 3:03 PM  
**To:** [Forest.Reports@delwp.vic.gov.au](mailto:Forest.Reports@delwp.vic.gov.au)  
**Subject:** FURTHER INFORMATION: Breach of Code Clause 3.4.1.2 and breaches of undertakings to DELWP

Good afternoon Forest Reports

I wish to add further information to the breach report (below) submitted to you early last Thursday morning.

The coupe was inspected yesterday and the following facts ascertained:

1. A snig track has been constructed as indicated on the latest coupe plan, through the area designated as "proposed retention area" in the previous Operations Map.
2. As we presumed, this track runs through a patch of oldgrowth forest principally shining gum (see attached photos)
3. It is unknown how many old growth trees were felled to construct this track since the cut is so deep that stumps were removed. Based on the number of trees identified in the biodiversity inspection map at least several needed to have been removed for track construction.
4. Of those trees close to the track but not removed, significant bark damage has been done to all of them (see attached photos)
5. The blue tape marking the harvest area boundary corresponds to the harvest area boundary on the Operations Map and demonstrates that the supervising forester intended that this patch of oldgrowth shining gum be clearfelled.
6. At some point following the track construction either the contractor or VicForests staff realised that it and the intended logging was in oldgrowth forest and called off the operation, as evidenced by the deep and closely spaced cross drains along the track.
7. Logging this patch of forest has breached the solemn undertaking not to log oldgrowth that VicForests gave the Government and requires that a severe penalty is applied.
8. In addition to such penalty we request that OCR require VicForests to insert an advertisement in the local and metropolitan daily press apologising to Victorians for this ill deed and thanking this dedicated members of the public who brought this deed to the Government's attention.

We have yet to receive an acknowledgement for this report and ask that it be sent to us by close of business.

We also note that it is now five months since the supposedly monthly update of compliance and threatened species investigations reports, which is itself a breach of OCR's commitment to transparency in its Statement of Regulatory Intent. With the OCR apparently unable to comply with its own undertakings, how can the Victorian public have any confidence that it is able to properly enforce the Code?

Yours faithfully

3/05/2020



**But this is not all, no, this is not all.**

Perhaps on account of the steep slope limit having already been breached, the plan shown in the updated Operations Map entails logging an area previously marked for retention. The Coupe Plan and Map provided to us on 24 February 2020 give no indication as to why this area was originally to be retained, however satellite imagery strongly suggests it was because it contained part of a patch of old-growth mountain ash forest that survived the 1939 fire (see yellow polygon on attached file "OGF in Snobs 13").

This supposition is confirmed by the biodiversity inspection map provided by VicForests to RFPG on 1 March 2019 (attached) which shows a concentration of "habitat" trees in this patch.

The total area of this putative OGF patch (which straddles the linear SPZ in the middle of the coupe) is around 3 ha of which about half is in the GMZ. According to the OCR's interim rules governing logging of old-growth forest (November 2019), all OGF areas over 1 ha must be protected, including the entire area within the GMZ.

If correct, this move by VicForests to log an area of old-growth mountain ash when there is none or almost none left in the Rubicon State Forest and to log an excessive area steeper than 30° despite RFPG's warnings and to log close to Snobs Creek when a rezoning of that area had been flagged is to be strongly condemned.

I urge you, the OCR, to investigate this case as a matter of urgency as a small step towards halting the damage VicForests is inflicting on the vanishing mature ash forests of the Rubicon Forest.

Nick Legge  
Rubicon Forest Protection Group



 [w L L o n G a r s l O ' n a S l G a n D n a j](mailto:Forest.Reports@delwp.vic.gov.au) 🎵

**Sent:** Tuesday, February 25, 2020 8:19 AM

**To:** [Forest.Reports@delwp.vic.gov.au](mailto:Forest.Reports@delwp.vic.gov.au)

**Cc:** [Kate L Gavens \(DELWP\)](#) ; [alex messina](#) ; [Andy McGuire](#) ; [liz.langford@vicforests.com.au](mailto:liz.langford@vicforests.com.au) ; [Roger Chao \(DELWP\)](#)

**Subject:** Breach of Code Clause 3.4.1.2 and breaches of undertakings to DELWP

Good Morning Forest.Reports

Despite the "voluntary undertaking"™ that we have been told VicForests has made in relation to soil erosion due to your rare confirmation of a breach of the Code (Case 2017-0087), a clear breach of the Code in relation to soil erosion is about to occur (if not already) in coupe Snobs 13 (288-512-0001).

Clause 3.4.1.2 of the MSPs states:

*Up to 10% of the net harvest area of any coupe can contain areas greater than 30 degrees, where the risk of mass soil movement has been managed accordingly.*

Yesterday we were provided with the coupe plan and a new operations map for Snobs 13 (updating a map provided to us 1/3/2019) which shows that a further area of Snobs 13 close to Snobs Creek is to be logged. Please note that that RFPG asked VicForests at our meeting on 10 May 2019 to refrain from logging any of the area  $>30^\circ$  in the light of this clause.

The area of slope  $>30^\circ$  is shown on the map as the dun shading along the boundary with Mt Torbreck Reserve and it is clearly apparent that logging this area (if not already logged) will breach 3.4.1.2. The Coupe Plan acknowledges the slope constraint on p.16 yet the map clearly shows that more than the allowed 10% will be logged. (Elsewhere the Coupe Plan fails to acknowledge the slope issue, such as on p.7 where it indicates slope hazard is "none"™)

The increase in the net harvest area since 2019 by the inclusion of the enclave close to Snobs Creek north of the LBP THEZ is disgraceful. By virtue of the absurd construction of Clause 3.4.1.2, the increase in the net harvest area permits more of the steep slope to be logged "although not be enough to permit the logging of all the designated area  $>30^\circ$  to be logged. But worse still is the fact that VicForests seems to be flouting an undertaking given to DELWP not to log areas close to Snobs Creek given that a rezoning if this area is imminent.

On 10 February, Mt Roger Chao, Director, Policy, advised RFPG by email as follows:

*Regarding the historical forest management zoning along Snobs Creek, Strategic Policy & Coordination Unit has assessed the information included in your email, as well as the current zoning status of Snobs Creek and relevant regulatory guidance. It has been determined that a zoning amendment may be required for Snobs Creek. Strategic Policy and Coordination Unit is currently engaged with Regional DELWP counterparts in investigating and formulating this possible amendment. VicForests have been notified of this to ensure that their planning for any coupes to be harvested takes into account any future zoning amendment.*

So not only does VicForests log areas of known soil erosion hazard  $>30^\circ$ , despite its voluntary undertaking to DELWP following your decision in Case 2017-0087, but it ignores DELWP's request that it refrain from logging any area that would compromise a future zoning amendment.

We seek your immediate intervention to halt any further logging of Snobs 13.

Yours faithfully

Nick Legge

Rubicon Forest Protection Group



Road verge collapse into culvert entry pit on Snobs Creek Road south of Snobs Bridge adjacent to active coupe



Overflowing silt trap on Snobs Creek Road south of Snobs Bridge adjacent to active coupe



Blocked culvert exit under Gnu access road (17/3)



Another blocked culvert exit under Gnu access road (17/3)



Gully in road (17/3)



Almost fully blocked culvert entry under Snobs Creek Rd (11/4)



Evidence of overflow from culvert entry (above)





Another almost fully blocked culvert entry under Snobs Creek Rd (11/4)

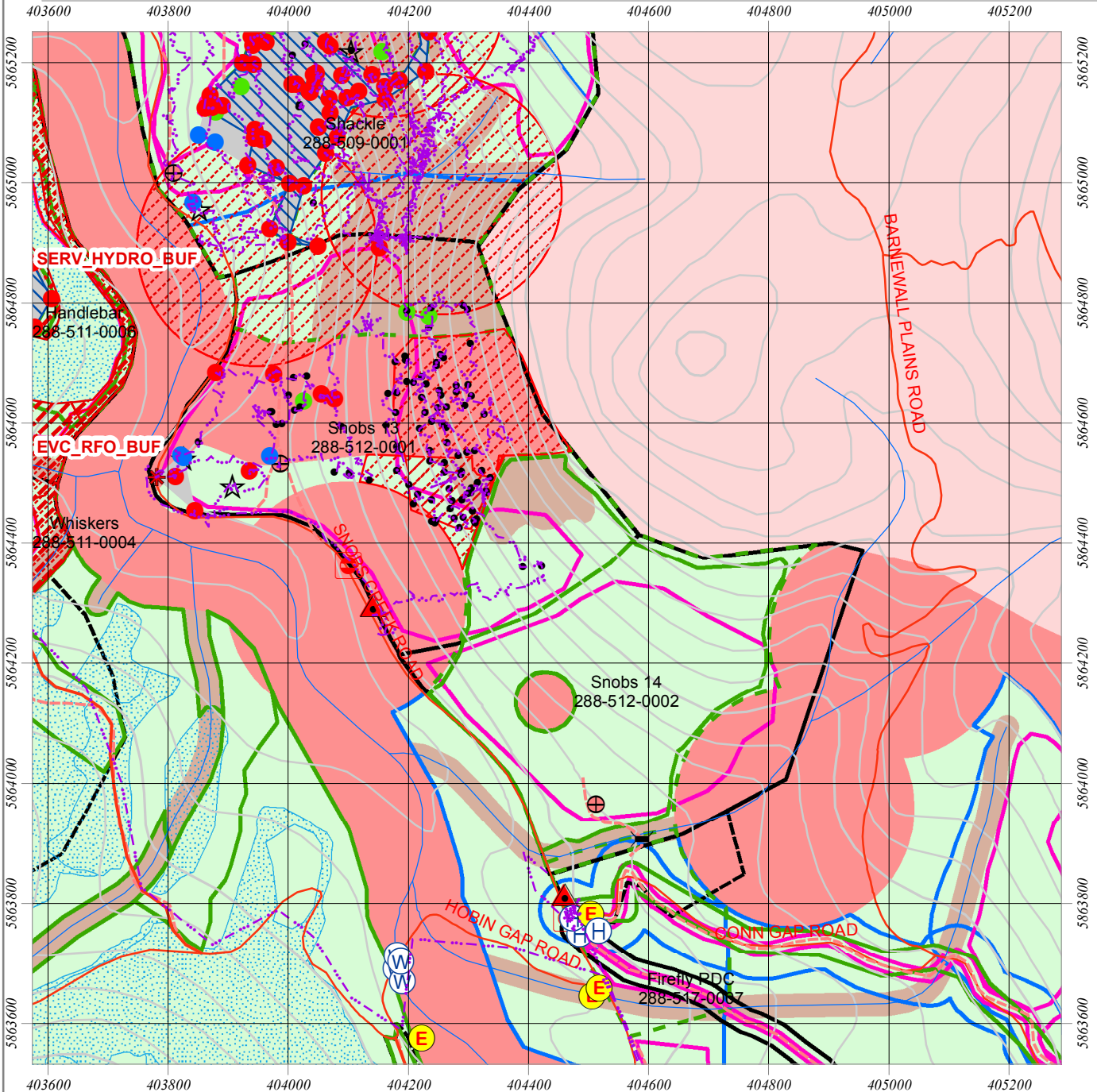


Evidence of low outflow from culvert (above)



# Biodiversity Inspection Map

FMA:	CT	District:	Alexandra	Gross Area ha:	33.14449
Coupe Address:	288-512-0001	Easting/Northing:	404414 5864400	Est. Nett Area ha:	
Coupe Name:	Snobs 13	Lat/Long:	37d 21m 44s S 145d 55m 14s E	Silvic System:	CFE



## LEGEND

### Forest Management Zones

- General Management Zone
- Special Management Zone
- Special Protection Zone
- Code of Forest Practice
- Other Public Land
- Conservation Parks and Reserves
- Other Parks and Reserves
- OPR - Limited Timber Harvesting
- Plantations
- Commonwealth Land

### Base Features

- Road
- Watercourse
- Contour
- Private Property
- 20-30 Degrees
- 30+ Degrees
- Biodiversity Survey Tracks
- LBP Survey Points
- Advanced 1939 Regrowth
- Advanced 1926 Regrowth
- Advanced 1905/06 Regrowth
- Habitat
- Mature
- Late Mature
- Stags
- Over Mature
- Sweep
- LBP Assessed Buffers

### Traffic Management

- Signage
- Stop/Go Control Point
- Barrier/Gate
- Other

### Coupe Boundaries

- Approved TRP Coupe
- Approved TRP Driveway
- Proposed TRP Coupe
- Proposed TRP Driveway
- Nett Harvestable Area
- Harvest Unit/ Roadwork Unit
- Marked Nett Area (if different to Harv/RW Unit)

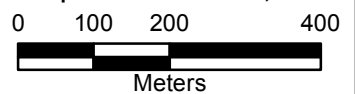
### Planned Features

- Proposed Landing Site
- Proposed Exclusion Area
- Proposed Access

### Actual Features

- Stream Crossing
- Actual Landing Location
- Actual Exclusion Area (includes retained habitat)
- Actual Coupe Access
- Snig Tracks
- Existing Side-Cut
- Boundary Trail
- Other
- MARKING
- Buffer
- Filter

Map Scale 1:10,000



Projection  
GDA 94  
(Zone 55)



Map Date: 28/02/2019

Map Template:

Produced By: Planner

Disclaimer: This map is generated from VicForests and Victorian Government data and may be of assistance to you. However, VicForests does not guarantee that the publication is without flaw of any kind and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it.