

**nick**

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**From:** "nick" <nlegge@bigpond.net.au>  
**Date:** Friday, 1 May 2020 9:11 AM  
**Subject:** Fw: Breach of Code arising from inclusion on TRP of coupe Mongoose (287-515-0010) and its likely logging from November

**From:** [Rubicon Forest Protection Group](#)  
**Sent:** Wednesday, August 21, 2019 1:15 PM  
**To:** [Forest.Reports@delwp.vic.gov.au](mailto:Forest.Reports@delwp.vic.gov.au)  
**Cc:** [liz.langford@vicforests.com.au](mailto:liz.langford@vicforests.com.au) ; [Paul Bird \(VF\)](#) ; [alex messina](#) ; [Andy McGuire](#)  
**Subject:** Breach of Code arising from inclusion on TRP of coupe Mongoose (287-515-0010) and its likely logging from November

Good afternoon Forest Reports

As you know RFPG considers that the logging of Rubicon State Forest west of Snobs Creek has been manifestly excessive and contrary to the principles and long-term planning provisions of the Code (refer our submission under Case 2019-0050), with the overlogging in the Royston Forest Block (287), along with the Rubicon Block, being particularly egregious.

The attached Google Earth image shows the boundary of the ash forest extent within the Royston Block, including in the Mt Bullfight and Rubicon Historic reserves and Lake Mountain part of Yarra Range NP.

The total area bounded in green is 4,600 ha of which approximately 800 ha is rainforest SPZ and approximately 200 ha is roads, leaving an ash forest extent of 3,600 ha.

Of this, 1,311 ha has been clearfelled between 1986-87 and 2017-18, with approximately a further 60 ha clearfelled in 2018-19. So, almost 1,400 ha is under 35 years old, with most of that under 20 years.

In addition, the contiguity of the coupes in this area means that around 900 ha can be considered as "fragmented" and so of lesser ecological and biodiversity value than "intact" forest. In other words, 2,300 is either <35 years, or impacted ecologically by its proximity to logged coupes, leaving around 1,300 ha of "intact" ash forest. However what also needs to be considered is that in the early to mid-1960s the entire ash forest area south of and including Mongoose was selectively logged ("thinning from above") essentially removing all the older trees that may have survived the 1939 fire.

Of this 1,300 ha around 800 ha lies within the national park or the Mt Bullfight and Rubicon Historic Reserves, leaving only 400 ha of intact ash forest within the GMZ. The intact areas are at the north and south of the ash forest extent, so an area of around 20 sq km in the middle part seriously ecologically compromised.

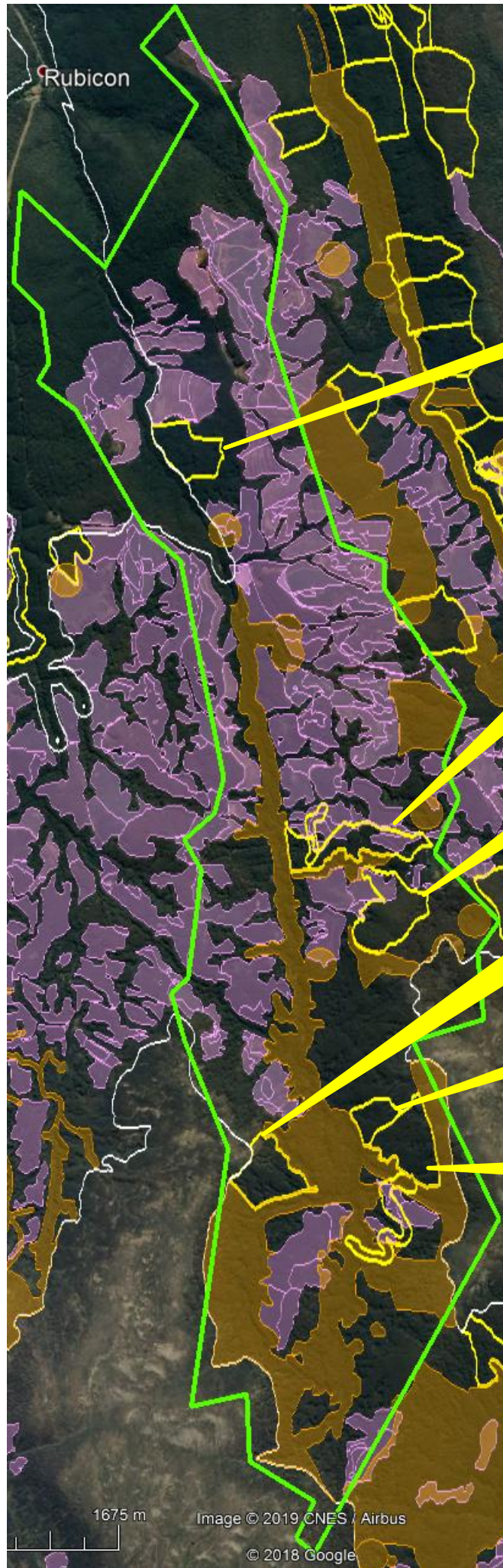
Across the distance of 9km that this area spans, there are no wildlife corridors of sufficient width to be regarded as ecologically valuable and sufficiently to meet the biodiversity requirements of the Code. Were the coupe Mongoose to be left unlogged, the area it occupies could otherwise serve as a wildlife corridor that would go some way to meeting the requirements of Code Clause 2.2.2.8, noting that the expectation in the Central Highland FMP was that such corridors be around 200m wide (ref. p.28).

Given that Mongoose is surrounded by clearfelled areas under 25 years old, we consider that leaving it unlogged would also go some way to meeting the requirements of Code Clauses 2.2.2.2 and 2.2.2.9 which would otherwise be contravened due to the overlogging of the western face of the Royston Range in the past 10 years.

Yours faithfully

nick legge  
0403 035 224  
Rubicon Forest Protection Group





**Ralf**

**Mongoose**

**Red Rag**

**Bag of Bones**

**Santa Cruz**

**Tijuana**

1675 m

Image © 2019 CNES / Airbus

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## Department of Environment, Land, Water and Planning

71 Hotham Street  
Traralgon, Victoria 3844  
DX 219284  
delwp.vic.gov.au

Mr. Nick Legge  
RUBICON FOREST PROTECTION GROUP  
[info@rubiconforest.org](mailto:info@rubiconforest.org)

Forest Report:  
2019-0055

Dear Mr. Legge,

### **ASSESSMENT OF FOREST REPORT 2019-0055 REGARDING COUPE 287-515-0010 (MONGOOSE)**

Thank you for your Forest Report received by the Timber Harvesting Compliance Unit (**THCU**) of the Department of Environment, Land, Water and Planning (**DELWP**) on 21 August 2019 in relation to Coupe 284-515-0010 (**Mongoose**). The Forest Report reference number is **2019-0055**.

Your report has been assessed and it has been determined that the allegations you have raised are matters not currently regulated by the Code of Practice for Timber Production 2014 (**the Code**) but are relevant to forest policy.

Considerations regarding whether landscape scale biodiversity issues relating to timber harvesting are being managed as intended is a matter for the forest policy unit within DELWP as they are long term forest management planning issues. The Office of the Conservation Regulator and THCU may provide suggestions to the policy unit, however THCU's responsibility is to regulate timber harvesting operations and monitor and enforce the Code prescriptions as they apply to those operations.

The code and Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014 (**MSP**) do not specify a prescription for 'appropriate widths' for wildlife corridors.

THCU must assess compliance against the code and MSP as they are written. The THCU is unable to speculate or infer a standard or requirement that is not specified by the prescription being assessed. Adverse findings against any person or entity cannot be made if the standard that the accused is being held to can only be proven by inference or speculation of the intent of the rule. For these reasons, the THCU must assess timber harvesting operations on face value and against the prescription as it is stated.

The issues raised by Forest report 2019-0055 have been included in a referral to [Forest.Regulation@delwp.vic.gov.au](mailto:Forest.Regulation@delwp.vic.gov.au) for further consideration by the policy unit.

Yours sincerely

**Lachlan Clarke**  
A/Manager Timber Harvesting Compliance Unit

Date: 18/11/2019