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23 August 2020

Your Ref:

The Hon Lily D'Ambrosio MP  
Minister for Energy, Environment and Climate Change

By email

Dear Lily,

### **VicForests failure to adequately safeguard forests and nearby communities**

On 30 July we wrote to you seeking a meeting to discuss issues with the upcoming review of the Code, in particular our alarm triggered by your media release of 27 July. We are disappointed that we have not yet heard from you about this and now wish to bring to your attention breaches of a critical bushfire moderation clause in the Code.

Several years ago the Rubicon Forest Protection Group reported two incidents to the Timber Harvesting Compliance Unit in your Department where regeneration burns escaped and burnt areas of living forest that should have been retained. RFPG argued that the lighting of these burns was intrinsically unsafe due to the steep slopes. Around 10 ha of forest that should now be alive was killed.

One of the cases we reported has now been open for 2 years without a finding and the other for 2½ years without a finding. We are astounded that it should take so long for such serious breaches to go unresolved.

We now bring to your attention two more serious breaches, in this case of a provision aimed at lowering forest flammability in the face of logging. In doing so, we hope that you might bring pressure to bear on OCR to expedite investigation of this case so that Victorians are not obliged to wait several more years to see justice served.

The relevant provision, Clause 5.8.1.5(a) of the Management Standards and Procedures, requires VicForests to limit the extent of logging in bushfire management zones (BMZs). BMZs are intended to reduce the speed and intensity of bushfires and protect nearby assets, particularly from ember spotting, during a bushfire.

In one case (Attachment 1), the BMZ is on the western side of the Mt Disappointment State Forest and appears designed to protect settled areas to the south and west. It is barely 4 km from Wandong and Heathcote Junction to the west and only 8km from Whittlesea.

In the other case it appears the BMZ is aimed principally at protecting HVP pine plantations, but the communities of Buxton and Taggerty, which both suffered major property losses on Black Saturday, are nearby.

To make matters worse, our analysis indicates that there are 5 other areas in the Central Forest Management Area where planned logging will breach this clause including another area on Mt Disappointment. Our analysis of the proposed logging of these areas will be provided to DELWP and VicForests this week as part of our submission on the latest TRP change proposals issued by VicForests.

RFPG accepts the scientific evidence that juvenile ash forests from around 7 to 36 years are most at risk of burning at a high intensity in a bushfire and therefore potentially exacerbating its spread. The intensity of existing and proposed logging in the Rubicon State Forest, and in the Black Range and Toolangi State Forests, therefore put the safety of our community at considerable risk. Under these circumstances VicForests failures to adhere to the existing rules is especially egregious.

Minister, this latest matter makes it more urgent that you give us the opportunity to meet with you to set out our concerns about the proposed DPC-auspiced review of the Code that you announced last month.

We note that on 14 August in Parliament you answered a question on the Code Review asked by Ms Sandell in June in which you focussed only on the proposed comprehensive Code review that must be undertaken before December 2023, not the apparently separate review announced in your media release of 27 July. We are deeply concerned that this separate review will lead to changes that will give VicForests even greater liberty to transgress the principles on which the Code is based.

Yours sincerely,



Ken Deacon  
Convenor  
Rubicon Forest Protection Group

Cc: The Hon Daniel Andrews MP, Premier of Victoria

ATT:

Two Code breach reports just sent to Timber Harvesting Compliance Unit

## Breach of MSP Clause 5.8.1.5(a) in Block 301, Mt Disappointment State Forest

We wish to report a major breach of MSP Clause 5.8.1.5(a) in the principal Bushfire Management Zone in the Mt Disappointment State Forest (Block 301). The zone in question is a Bushfire Moderation Zone.

Clause 5.8.1.5(a) requires that *In any five year period the area harvested using clearfall or seed tree harvesting must not exceed 1 % of the GMZ or SMZ in that Bushfire Management Zone measured as a rolling average from 1 July 2012.*

The area of the GMZ within this BMZ totals 3,066 ha derived by subtracting the total SPZ area within it (312+37=349 ha) and the total SMZ within it (843 ha) from its total area of 4,258 ha. 1% of the GMZ is therefore 30.7 ha, meaning 153 ha is the maximum allowable harvest in any 5-year period.

The 5 year period which we have used to ascertain the size of the exceedance of Clause 5.8.1.5(a) is the period from 1 July 2014 to 30 June 2019. The logged coupes (all of which are in the GMZ) and their periods of logging are as follows:

		2014-15	2015-16	2016-17	2017-18	2018-19	Grand Tot
Cockpit	301-557-0003	11.66	9.56				21.22
Gyroscope	301-548-0000	14.38					14.38
Mallory	301-547-0001					33.53	33.53
McLaren	301-556-0000	21.50					21.50
Phone	301-562-0001						0.00
Nash	301-548-0007			23.58			23.58
Snow	301-564-0003				0.63	6.47	7.10
Snowboard	301-564-0001	1.53	6.79		0.52		8.85
Toboggan	301-565-0002		5.17			5.45	10.63
Uncle Bill	301-548-0006	10.72	19.15				29.87
Zappa	301-541-0001	12.37	8.53				20.89
Grand Total		72.16	49.19	23.58	1.15	45.46	191.54

All figures are derived from the official net harvest area figures downloaded from DELWP's Forest Explorer application, part of MapShare.

On this basis the limit imposed by Clause 5.8.1.5(a) has already been exceeded by 38.5ha.

Given the seriousness of this breach in exacerbating fire risk, we ask that DELWP commence proceedings against VicForests as soon as practicable.

Yours faithfully

Rubicon Forest Protection Group

## Breach of MSP Clause 5.8.1.5(a) in Block 284, Black Range State Forest

We wish to report a major breach of MSP Clause 5.8.1.5(a) in the principal Bushfire Management Zone in the Black Range State Forest (Block 284). The zone in question is a Bushfire Moderation Zone.

Clause 5.8.1.5(a) requires that *In any five year period the area harvested using clearfall or seed tree harvesting must not exceed 1 % of the GMZ or SMZ in that Bushfire Management Zone measured as a rolling average from 1 July 2012.*

The area of the GMZ within this BMZ totals 1,579 ha derived by subtracting the SPZ area within it (50 ha) and the SMZ area within it (342 ha) from its total area of 1,971 ha. 1% of the GMZ is therefore 15.79 ha, and 79 ha is the maximum allowable harvest in any 5-year period.

The 5 year period which we have used to ascertain the size of the exceedance of Clause 5.8.1.5(a) is the period from 1 July 2016 to 30 June 2021. This is the latest 5-year period, with logging having occurred in all years of this period

The logged coupes (all of which are in the GMZ), their net harvest areas and their periods of logging are as follows:

		2016-17	2017-18	2018-19	2019-20 to 2020-21	5 year total
New Whiteback	284-503-0009	13.0	12.2			25.2
Glendale	284-002-0008			30.6		30.6
Herring	284-503-0010			7.4	18.6	26.0
Mackerel	284-502-0016				11.0	11.0
Pilchard	284-502-0017				13.4	13.4
Anchovy	284-502-0019				12.3	12.3
		<b>13.0</b>	<b>12.2</b>	<b>38.0</b>	<b>55.3</b>	<b>118.5</b>

The figures for 2016-17 to 2018-19 are derived from the official net harvest area figures downloaded from DELWP's MapshareVic mapping application. The figures for 2019-20 to 2020-21 are set out in VicForests' December TRP and are broadly confirmed by satellite imagery.

Satellite imagery downloaded from <https://apps.sentinel-hub.com/sentinel-playground/> on Friday (attached) indicates that the area of the Herring/Mackerel/Pilchard/Anchovy coupe aggregate (centre of image) have been logged in apparent accordance with the Operations Maps for each coupe. From the imagery it appears that logging of the final coupe in the group, Anchovy, may have now finished, however contractor machinery was still in the coupe last Sunday.

On this basis the limit imposed by Clause 5.8.1.5(a) has already been exceeded by 39.5ha.

We therefore ask that:

- i) as a matter of urgency DELWP demands that VicForests cease any harvesting that may still be underway,

- ii) commence proceedings against VicForests for this breach as soon as practicable;
- iii) demand that VicForests end its plans to log the two remaining coupes in the area (284-504-0003, 284-504-0004), until at least 2024-25, this being the earliest before the 5 year harvest limit can accommodate these coupes.

Given the seriousness of this breach in exacerbating fire risk, especially in the context of this summer's bushfires and the losses in the Black Saturday bushfires, some of which may have been due to past overlogging, we request that action be taken immediately to require VicForests to cease logging as in (i) and (iii) above, especially since coupe 284-504-0004 has just been placed on the Timber harvesting Exclusion Zone list indicating that its harvesting is imminent.

Yours faithfully

Rubicon Forest Protection Group