



Submission to the Department of Sustainability and Environment

Regarding Action Statements:

- ❖ Rainforest and Cool Temperate Mixed Forests of Victoria.
- ❖ Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within *Nothofagus*-dominated Cool Temperate Rainforest
- ❖ Slender Tree-fern *Cyathea cunninghamii*.

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Introduction

This is a submission by the Victorian Rainforest Network (VRN) which covers three Action Statements:

- Rainforest and Cool Temperate Mixed Forests of Victoria.
- Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within Nothofagus dominated Cool Temperate Rainforest
- Slender Tree-fern *Cyathea cunninghamii*.

These submissions are primarily concerned with the protection of rainforest within State Forest.

Complaint – 13-14 year wait for Action Statements

VRN wishes to formally complain about the 13 year wait for the release of a “draft” Action Statement for Cool Temperate Rainforest after its nomination in 1992. (VRN also find it unacceptable the 14 year wait for the draft Slender Tree Fern Action Statement).

VRN believes that the fundamental way Action Statements are administered (ie prepared and reviewed) is flawed. Within Section 19 of the Flora and Fauna Guarantee (FFG) Act, the Director General rather than an independent group of experts is responsible for the creation and review of Action Statements. However the Director-General has also has responsibility to find logs and woodchips from state forest, here lies the conflict locked into law.

In preparing or amending an AS, the FFG section 19 (3) (b) states that the Director General must consider “relevant nature conservation, social or economic matters.”

For Cool Temperate Rainforest, VRN argue that the perceived “social and economic” threats to logging by providing appropriate increased buffering has resulted in the Director General using 19 (3)(b) to avoid implementing 19(1) which requires an AS must be “prepared as soon as possible” after the listing.

Given the Cool Temperate Rainforest community was listed in 1991, VRN believes the Director General can no way argue that 13 years to get an Action Statement prepared is as the FFG Act says “as soon as possible”. VRN believe that the Director-General has been in breach of Section 19(1) of the FFG Act for at least the last decade given VRN would grant the Director General at least three years to get an Action Statement completed, a time which is generous by any process standards.

Hence there is a need to change the legislation to remove the Director General from the process of Action Statement formulation, to be replaced by a totally independent assessment process. Additionally FFG legislation needs to be amended to put a time limit for Action Statement completion.

Finally the final rainforest Action Statement must acknowledge when Cool Temperate Rainforest and the other rainforest communities were first nominated, so the public is reminded just how slow the process has been.



Rainforests and Cool Temperate Mixed forests of Victoria - Action Statement.

VRN welcomes the release of the draft Action Statement for *Rainforests and Cool Temperate Mixed Forests of Victoria* and accepts the idea that it covers all rainforest communities. For simplicity this submission will refer to this Action Statement as the “rainforest Action Statement”.

Community perception regarding rainforest protection

When preparing the rainforest action statement in accordance to section 19 (3) (b) of the FFG act, it should not be assumed that social and economic considerations are limited to the effect on the native forest logging industry.

The Victorian State Government Otway announcement on the 10th June 2005, represents a very significant improvement for rainforest protection in the Otways. The governments Otway decision has strong community support and recognises the tourism value of rainforest, as a part of the Otway mix of nature-based tourism experiences.

The Great Otway National Park will include all eleven Rainforest Sites of Significance in the Otways. Human activity such as native forest logging will be banned near rainforest on public land in the Otways which should help reduce the levels of myrtle wilt. Additionally Slender Tree Ferns will be protected from fires conducted as a part of logging operations after logging ceases in Otway by 2008.

VRN welcomes point 10 of the draft rainforest action statement where consideration regarding the future development of forest based tourism within rainforest found in parks and reserves needs to be addressed.

VRN argues that a similar approach to rainforest protection that is being adopted in the Otways would have very strong community support across Victoria. Importantly, the Action Statement should not dilute the level of protection required for rainforest, due to any perceived threat to the native forest logging industry. Clearly, a significant increase in the level of protection for rainforest in Victoria will not result in the end of the native forest logging industry on public land.

Intended Management Action 5: Code Rainforest Buffers

VRN welcomes point 5, which states that buffers written into the Code of Forest Practices Section 2. 3. 7 are to be taken as the “minimum” distance. Despite this requirement having already been in place since the revised Code was adopted in 1996, buffers applied in practice are much less than what are mandated in the Code. Therefore VRN believes the rainforest Action Statement must put a greater emphasis of this point.

Buffers that are applied in practice are generally those detailed in Forest Management Plans (FMP), which are less than those stipulated in the Code. The particular FMP's most relevant are East Gippsland and Central Highlands which cover the bulk of Victorian rainforest currently threatened by logging practices. Note that the *Management Procedures* for Victoria default back to these FMP's.

For East Gippsland and Central Highlands, Forestry Victoria does not apply the three buffer prescriptions from Section 2. 3. 7 of the Code:

- (i) For the East Gippsland FMP, generally rainforest buffers of only 20 metres are applied to rainforest when the Code requires 40 metres.



(ii) In the Central Highlands FMP, rainforest buffers of only 40 metres are applied despite the fact all rainforest dominated by myrtle beech (*Nothofagus cunninghamii*) should get a 60 metre buffer under the Code.

(iii) the Code requirement for sub-catchment protection for national significant rainforest is ignored. Logging is allowed to occur in these sub-catchments and generally only 20 - 40 metre buffers are applied in East Gippsland, up to 100 metres in the Central Highlands.

VRN argues that point 5 of the draft Action Statement must emphasise more strongly the fact that Code buffer requirements for rainforest must be taken as the “**minimum**”, given the three issues raised as follows.

Code provides “minimum requirements”

Within the introduction of Section 2 of the Code it states that: *“plans and prescriptions must be consistent with the Code and will exceed the minimum requirements outlined in the Code where necessary to protect environmental values.”*

This statement means that to be consistent with the Code Forest Management Plans and regional prescriptions must, as a minimum, adopt Code rainforest buffer requirements (Section 2. 3. 7).

Within Section 2. 3. 7 of the Code it states:

“in the absence of detailed strategies within an approved Forest Management Plan, which address regional characteristics, the following prescriptions will apply.”

Forestry Victoria interprets this to mean that if a detailed strategy within a Forest Management Plan exists, they can ignore words at the start of Section 2 of the Code, and do not need to follow the Code buffer prescriptions. Forestry Victoria argues there is ambiguity in the Code which allows them to apply the substandard buffers in the Forest Management Plans.

CSIRO review

In January 1995, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) was commissioned by the Victorian State Government to conduct a review of the Code of Forest Practices.

In 1996, CSIRO advised that a conservative and cautious approach to rainforest buffer widths is required. CSIRO also advised that the Code buffer widths are to be regarded as a *‘interim minimum’* recommendation.

However for some reason, the reference to *‘interim minimum’* was not included within Section 2. 3. 7 of the revised 1996 Code of Forest Practices.

Forestry Victoria argues that because Section 2. 3. 7 of the Code does not specifically state rainforest buffers are to be regarded as minimum distances, they can ignore the CSIRO scientific advice.

Court cases successfully challenge Forestry Victoria’s interpretation of the Code

It has been proved in the courts that logging too close to rainforest in Victoria is in breach of the Code and illegal. Conservationists have successfully challenged the legality of Forestry Victoria’s decision to ignore Code rainforest buffers, arguing that much of the logging that goes on near rainforest in Victoria is in fact illegal. There are at least two examples of this:

- (i) Geelong County Court, January 2003 - Conservationists opposed to logging at Ciancio Creek in the Otways in 2001, successfully challenged the legality of the DSE



decision to apply substandard buffers from the Otway FMP and ignore Code rainforest buffers. . This resulted in changes to the way rainforest buffers in the Otways are applied. For more detail on this point see *Otway Rainforest Buffers* in this submission.

- (ii) Supreme Court, July 2005 - the supreme court found logging in 2001 conducted at Sellers Road to be illegal in East Gippsland because it was in breach of the requirements of Section 2. 3. 7 of the Code. See Supreme Court judgment *Hastings v Brennan & Anor; Tantram v Courtney & Anor (No. 3) [2005] VSC 228 (28 June 2005)* at: <http://www.austlii.edu.au/au/cases/vic/VSC/toc-H.html>

Conclusion - Intended management action 5

Hence given the above arguments, VRN urges that point 5 of the rainforest Action Statement be amended to clearly clarify that the buffers currently being used within FMP's cannot be used if they are less than the "minimum" outlined in section 2. 3. 7 of the Code.

For example, add a sentence to point 5 which says:

"If rainforest buffers within a *Forest Management Plan* are less than that stipulated in Section 2. 3. 7 of the Code, then Code buffers must be applied and the *Forest Management Plan* and Statewide *Management Procedures* be updated to meet the minimum requirements of the Code."

Otway Rainforest Buffers

The draft rainforest Action Statement is in error stating only 40 metre buffer is applied uniformly to rainforest in the Otways (see bottom of page 2 of draft Action Statement).

For the Otways, a 60 metres rainforest buffer is written into the *Management Prescriptions for Timber Harvesting and Associated Activities in State Forests of Victoria, July 2004*. The outdated 20-40 metre buffers provided for in the 1991 Otway FMP are now redundant.

This change to buffers for rainforest in the Otways is the result of years of conflict between conservationists and the Government. In April 2001, conservationists prevented illegal logging near rainforest at Ciancio creek arguing the logging was in breach of the Code. The department argued the substandard buffers of 20 and 40 metres in the Otway FMP were legal. In January 2003, a county court Judge ruled that the 60 metre buffer in Section 2. 3. 7(ii) of the Code was the legally correct buffer for *Nothofagus*-dominated rainforest in the Otways. This court ruling lead to the *Management Prescriptions* being amended to formally apply 60 metres across all Otways rainforest.

Also see <http://www.oren.org.au/campaign/cianciowin.htm> for more detail and article from The Age newspaper (31. 1. 03. 03). DSE made important public statements regarding rainforest buffers. The Age article says, "*The Department of Sustainability and Environment yesterday admitted the case raised a "grey area" for how it interpreted the Code of Forest Practices for Timber Production.*"

Audit of Code

VRN welcomes Intended Management Action 8 which focuses on auditing compliance to the Rainforest Section (2. 3. 7) of the Code of Forest Practices to ensure existing protection measures of the Code are being properly implemented. The Environmental Protection Authority (EPA) audits of the 2002/03 year exposed poor rainforest buffer marking in the field due to poor procedures for rainforest identification.

VRN disputes the EPA audit findings for 2003/04 with respect to Section 2. 3. 7. VRN is in the process of taking the matter up with the Victorian Ombudsman. VRN believes that it is unacceptable to accept the EPA ruling on Section 2. 3. 7 until the ombudsman review has been completed.



Rainforest Sites of Significance (RSOS)

VRN believes that the rainforest Action Statements should provide more specific direction for the management of RSOS across Victoria.

National RSOS

There is a level of ambiguity within the Code relating to the buffers required to protect Nationally significant rainforest. Hence the rainforest Action Statement needs to clarify what the minimum buffers are for stands of nationally significant rainforest.

Code Section 2. 3. 7, states:

(iii) For stands containing nationally significant rainforest - the highest degree of protection, generally sub-catchment level, except where full protection can be provided by other measures, which are/will be outlined in approved plans.

Nationally significant rainforest is rainforest that has been identified by the government's own RSOS process (as indicated in the Draft Rainforest Action Statement). A National RSOS generally contains a core nationally significant rainforest area within a sub-catchment. Hence Section 2. 3. 7(iii) is indirectly saying logging should not occur within the boundaries of a National RSOS.

VRN believes that point 5 of the draft rainforest Action Statement should state that the "minimum" buffer requirement for Section 2. 3. 7(iii) is a buffer that includes all the sub-catchment (or put another way, includes all the forest from the ridgeline to the rainforest identified as being of national significance through the RSOS process).

Failure of Point 5 to be specific about the minimum buffer may mean Forestry Victoria will continue using the part of Section 2. 3. 7(iii) which says "*except where full protection can be provided by other measures, which are/will be outlined in approved plans*". This 'escape clause' allows the rainforest buffers within the existing Forest Management Plans to be used for rainforest or national significance. As discussed above the FMP rainforest buffers are sub-standard to those that are in the Code and are not the "minimum" required by point 5 of the rainforest Action Statement.

Independent assessment needed for all RSOS

The rainforest Action Statement should indicate that an independent assessment is required to determine management and protection measures for all Victorian RSOS at a National, State, Regional and Local level. Both David Cameron (1990) and Burgman (1995) indicated a preference to have logging excluded from National RSOS. The original State Conservation Strategy (1987) and Cameron (1990) called for total protection of both State and National RSOS. This assessment would determine the level of protection for all RSOS across Victoria. The following rationale is given:

The State Conservation Strategy

The 1987 State Conservation Strategy states that:

"The Government will complete surveys of all sites or areas of ecological or scientific significance in the State and will take protective measures where appropriate. As a general rule, those sites significant at the State level or above will be preserved for nature conservation purposes and sites of regional or local significance will be protected wherever possible." Page 33

Land Conservation Council

The Land Conservation Council (LCC) wanted formal decisions made on the appropriate management (including adequate buffers) for all Rainforest Sites of Significance. The *Final Recommendations of the LCC East Gippsland Area Review (1986)*, on page 78 states:



"The Council will be conducting an investigation of rainforest in Victoria with a view to making recommendations on the range of uses for them and the way in which they should be protected through reservation. The rainforest in East Gippsland will be included in that investigation. Information collected by the Department of Conservation, Forests and Lands will provide a basic and important input. "

This investigation into rainforest was never done.

The Burgman & Ferguson (1995) report *Rainforest in Victoria -a review of the scientific basis of current and proposed protection measures* again raised the issue that an independent review had not been done. (Burgman & Ferguson, 1995: Section 10. 3)

Burgman & Ferguson (1995)

Burgman & Ferguson (1995) also recommended that National RSOS should be excluded from logging however a lack of detailed information was stalling the proper assessment of all RSOS.

In the absence of more detailed information, it has not been possible to review critically the conservation status of proposed Sites of Significance. Assuming that Sites of National Significance for rainforest harbour nationally significant rainforest values that are sensitive to planned human disturbance, the only way to protect these rainforest values over long time periods (of the order of centuries) would be to exclude harvesting operations from the sub-catchments in which the rainforest stands occur. (Burgman & Ferguson, 1995: Section 10. 4)

RSOS Technical Reports not completed

The RSOS technical reports that are required by both the East Gippsland Forest Management Plan and East Gippsland Regional Forest Agreement have never been done. These technical reports would outline specific management requirements for RSOS sites, including determinations of appropriate buffers.

The East Gippsland Forest Management Plan (Section 3. 2) states that::

"Reports will be published that document Sites of Significance for Rainforest, core areas within these sites and the process used for deciding the management of each site. " (CNR, 1995: p. 19)

Note : The Commonwealth and Victorian Governments contradict each other regarding the completion of these technical reports. The official RFA website claims the Victorian government has already published its rainforest research in December 1998. (*Victorian Regional Forest Agreements Annual Report for 2002, Table 1. Milestone Implementation - East Gippsland, p. 6*) However the East Gippsland Forest Management Plan Annual Implementation Report for 2002-2003 contradicts the Commonwealth position, stating that no RSOS reports have been published to date and that: *"liaison with Flora and Flora and funding [are] required"*.

Conclusion

The above points show that an action should be included in the rainforest Action Statement for an independent investigation into the management of RSOS be undertaken. Given the LCC now no longer exists, its replacement, Victorian Environmental Assessment Council seems like the logical body to conduct such a study.



Rainforest Definition

Inappropriate rainforest identification on public land in Victoria is allowing rainforest communities to be destroyed by logging practices; this destruction is currently sanctioned by the State Government. There are three principle definition issues. Firstly the government has failed to accept the Rainforest Technical Committee's and Scientific Advisory Committee's rainforest definition. Secondly, the government has failed to officially acknowledge of the existence of mixed rainforest and map it accordingly. Thirdly, the government currently condones the destruction of rainforest communities that are less than 0.4 ha by logging operations.

Mixed Forest definition issue

Rainforest Technical Committee recommendation ignored

Conflict occurs with respect to rainforest where eucalyptus species are present. The native forest logging industry refuses to give up commercially valuable eucalyptus trees growing within a rainforest community. Back in 1992 scientists estimated there was about 10,000 ha of this rainforest/eucalyptus mix on public land, however some of that must now have been logged.

The Rainforest Technical Committee was set up in the 1980's to provide advice to the government. The Rainforest Technical Committee had a specific recommendation that this mixed forest be included within the definition of rainforest with the following statement, but this was excluded from the official definition for rainforest:

"Rainforest includes closed transitional and serial communities, with emergent eucalyptus, that are of similar botanical composition to mature rainforest in which eucalyptus are absent."

Rather, the following official definition was adopted by Conservation Forests & Lands (CFL) and the State government in 1987 where the transitional and serial communities statement (above) was removed.

"Rainforest is defined ecologically as closed broadleaved forest vegetation with a more or less continuous rainforest tree canopy of variable height, and with a characteristic composition of species and life forms."

Rainforest canopy species are defined as shade tolerant tree species which are able to regenerate below an undisturbed canopy, or in small canopy gaps resulting from locally recurring minor disturbances, such as isolated windthrow or lightning strike, which are part of the rainforest ecosystem. Such species are not dependent on fire for their regeneration."

Source: (1987) CFL Victoria's rainforest: an overview, Department of Conservation Forest and Lands, Melbourne.

Flora and Fauna Guarantee Act nomination definition includes mixed rainforest
In 1992, the Flora and Fauna Guarantee Act listed "Cool Temperate Rainforest" as a threatened community (nomination 207). The gazetted definition of Cool Temperate Rainforest for the purposes of the Flora and Fauna Guarantee Act includes the full Rainforest Technical Committee definition, which the Scientific Advisory Committee (SAC), also decided to adopt. Nomination 207 for Cool Temperate Rainforest states:

"Rainforest is defined ecologically as closed broadleaved forest vegetation with a more or less continuous rainforest tree canopy of variable height, and with a characteristic diversity of species and life forms."



“Rainforest includes closed transitional and serial communities, with emergent eucalyptus, that are of similar botanical composition to mature rainforest in which eucalyptus are absent.

“Rainforest canopy species are defined as shade tolerant tree species which are able to regenerate below an undisturbed canopy, or in small canopy gaps resulting from locally recurring minor disturbances, such as isolated windthrow or lightning strike, which are part of the rainforest ecosystem. Such species are not dependent on fire for their regeneration.”

The gazetted nomination 207 makes a specific point of rejecting the definition adopted by CFL and the State government in 1987.

The East Gippsland Forest Management Plan (1995) and Code of Forest Practices (Rev 2. 1996) both include the 1987 CFL definition for cool temperate rainforest and totally ignore the 1992 Flora and Fauna Guarantee Act definition.

This raises an interesting issue of legality. The Flora and Fauna Guarantee Act has one definition recognised by law for Cool Temperate Rainforest while the Code of Forest Practices, which also has statutory power, has a different definition.

From a community point of view, the rainforest definition adopted by the Flora and Fauna Guarantee Act was arrived at by an independent scientific process, while the Code definition is arguably based on lies and political manipulation that has arguably been driven by the native forest logging industry.

This rainforest definition issue must be resolved. The Rainforest Action Statement must consistently use the definition in the Flora and Fauna Guarantee Act Nomination 207. The review of the Code of Forest Practices should also adopt the Nomination 207 SAC rainforest definition.

Importance of Mixed Rainforest undervalued by lack of survey work in Central Highlands

VRN believes the failure to formally recognise the definition for Cool Temperate Rainforest provided by the SAC in Nomination 207 means the process of identifying and mapping mixed rainforest in the Central highland has been slow or has stalled. This may have resulted in mixed rainforest being destroyed by logging operations.

Back in 1998, the Central Highlands FMP acknowledged that the mapping of mixed forest (defined as both Cool Temperate Rainforest and Mountain Wet Forest Ecological Vegetation Communities) is incomplete and only after the mapping has been completed can the assessment be made on how to manage that mixed rainforest.

However six years later, Section 4. 9. 2 (a) of the state-wide *Management Procedure* indicates that the process of mapping is still continuing and that the management assessment will not occur until after the mapping is completed.

Section 4. 9. 2 (a) of Management Procedure

Once mapped the status of Cool Temperate Mixed Forest will be assessed and reserved at an appropriate level, in accordance with EVC conservation guidelines.

How long is it going to take to get this mapping done and an assessment made?

VRN believes that the Intended Management Action within the rainforest Action Statement must demand a fixed time line to get the mapping completed and protection measures in place for Central Highlands mixed forest.



Destruction of rainforest less than 0.4 ha

The DSE has a policy in East Gippsland and the Central Highlands to exclude small communities of rainforest under 0.4 ha in size as well as small linear strips along creeks from receiving a buffer during logging operations.

These small rainforest stands under 0.4 ha are totally destroyed in the artificial regeneration burn after logging. Hence it is a fact that rainforest is being routinely destroyed as a result of logging practices condoned by the government.

Hence it cannot be said by the Victorian government or the native forest logging industry that all rainforest on public land is protected from logging operations when clearly there are "rules" that excludes small rainforest communities less than 0.4 ha in size.

The Code states "*Rainforest must be excluded from timber harvesting and, because rainforest communities may be particularly vulnerable to adjacent disturbance, they should be surrounded by an appropriate buffer*". Clearly this does not occur for small rainforest communities.

VRN believes that both the Code review and draft Action Statement needs to address this issue by ensuring that all rainforest communities are excluded from logging.

The argument that rainforest is not rainforest because a prescription rules that it doesn't exist due to it being too small is outrageous. The very fact that a prescription exists within the *Management Procedures* to exclude rainforest communities under 0.4 ha in size, is in itself an acknowledgment that rainforest communities less than 0.4 ha in fact do exist.

There are many contradictions within the *Management Procedures* planning process regarding this issue.

The *Management Procedures* provide a process to identify rainforest communities for East Gippsland (See *Management Procedures* 4.8.2(a)) and the Central Highlands (See *Management Procedures* 4.8.3(a)) based on the rainforest indicator species present.

However if the rainforest community fails to meet the size criteria of the *Management Procedures* 4.8.2(c) and 4.8.3(c) for East Gippsland and the Central Highlands respectively, then it is not considered rainforest and describe as a "stand" of trees rather than a "community" of rainforest plants as outlined in 4.8.2(a) & 4.8.3(a).

Another contradiction: the *Management Procedures* for the Otways provide a directive to use the David Cameron guideline to identify rainforest but provide no limit on the size that rainforest needs to be. From a practical point of view it is possible to protect smaller rainforest communities. In the Otways all rainforest communities less than 0.4 ha were routinely protected from logging. A good example was at the Browntown coupe within the Aire-Young's Creek National RSOS. In 2002, rainforest experts David Cameron and Mark Burgman attended a Otway field trip to identify rainforest buffers at the Browntown coupe for a community less than 0.4 ha in size.

To be consistent with the Code and Nomination 207, the rainforest Action Statement should make a directive that the very existence of rainforest communities is the criteria for protection and appropriate buffer, rather than the nomination of the size of a rainforest community.



Action Statement for Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within Nothofagus-dominated Cool Temperate Rainforest

For simplicity this submission will refer to the Action Statement for *Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within Nothofagus-dominated Cool Temperate Rainforest* as the "Myrtle Wilt Action Statement".

Buffers

Point 2 of the Myrtle Wilt Action Statement has a directive to regard a 60 metre buffer as the minimum required for all Nothofagus dominated Cool Temperate Rainforest in Victoria. This is an improvement, particularly on rainforest management in the Central Highlands where only 40 metre buffers are routinely applied in many rainforest situations.

However VRN believes that a wider 250 metre buffer should be regarded as an "interim minimum buffer". If further research is undertaken and shows that a narrower buffer is effective then this could be reduced accordingly. The following justifies this view.

CSIRO recommends interim minimum buffer for Myrtle Wilt

In January 1995, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) was commissioned by the Victorian State Government to conduct a review of the Code of Forest Practices. The review and public consultation exposed both public and scientific concern regarding appropriate buffers required to manage myrtle wilt.

The CSIRO advised that a conservative and cautious approach to buffer widths is required when considering logging operations near *Nothofagus* dominated Cool Temperate Rainforest. CSIRO advised that the 60 metre buffer widths listed in the Code are to be regarded as an "interim minimum" recommendation. However this recommendation was not included in the final revised 1996 Code of Forest Practices and has resulted in forestry officials interpreting the 60 metre Code buffer as being a safe maximum distance between logging operations and rainforest.

The following is the specific relevant extract from the report titled *CSIRO response following the consultation phase of the review, November 1996, Page 9, 10*:

The suggested minimum buffer widths and/or modified harvesting strips proposed by CSIRO should be adopted as an interim measure, but be subject to ongoing review based on new information.

Past Research into Myrtle Wilt

Section 5. 3. 1 of Cameron and Turner report (1996) discusses issues of appropriate rainforest buffers needed to protect pure stands of Nothofagus dominated rainforest in Tasmania from human disturbance such as logging and roading. Reports by Kile (1989) suggest 50 to 250 metre buffers are needed, while Packham (1991) suggested that in higher risk areas, a conservative 350 metre buffer may be needed in Tasmania.

Hence the Myrtle Wilt Action Statement should not in any way make an assumption or create an impression that 60 metre buffers for rainforest in Victoria is adequate.

Further research recommended but none undertaken

The draft Cameron and Turner report (1994), included specific recommendations to conduct further "urgent" research into the link between logging practices and the incidence of elevated



myrtle wilt in a bid to resolve what appropriate buffers are required to stop forestry practices elevating the levels of myrtle wilt throughout the landscape.

However this recommendation along with all other recommendations were deleted when the final Cameron and Turner report was released in 1996.

The relevant deleted recommendation that is in the *Draft Survey and monitoring of myrtle wilt within Cool Temperate Rainforest in Victoria; Cameron and Turner 1994, page 47* is as follows:

6 Recommendations for Further Research

3. investigate the quantitative relationship between physical disturbance and myrtle wilt incidence, with particular reference to disturbance associated with forestry activity and its management implications.

Rationale

Kile et al. (1989) and Packham (1991) established a quantitative relationship between high levels of myrtle wilt and logging and roading activity in Nothofagus-dominated cool temperate rainforest in Tasmania. Such a relationship has yet to be demonstrated experimentally in Victoria where stand size, stand composition, land use history and the pattern of myrtle wilt incidence differ significantly from that observed in Tasmania. There is an urgent need to investigate the relationship between disturbance associated with forestry activity and myrtle wilt incidence in Victorian, with particular reference to its management implications.

No further research has been undertaken regarding the association between elevated levels of Myrtle Wilt and logging operations.

Conclusion

There has been a lack of effort by the DSE to determine appropriate buffers around *Nothofagus* dominated Cool Temperate Rainforest. Arguably because this would increase the buffer distance, as suggested by scientific research, and therefore reduce the forest area available for logging.

Rather than having a minimal distance as an interim, a precautionary approach should be taken to reduce the elevation of Myrtle Wilt resulting from logging operations. A larger buffer distance is required until such a case as research has been undertaken that shows otherwise.

The Intended Management Actions section of the Myrtle Wilt Action Statement needs to be amended to:

- (i) Explicitly put in place an interim buffer of 250 metres around *Nothofagus* dominated Cool Temperate Rainforest unless future research shows that a lesser or greater buffer is required.
- (ii) The "Survey, mapping and monitoring" section needs to include a specific recommendation to conduct research that examines a quantitative relationship between high levels of myrtle wilt and logging and roading activity in *Nothofagus*-dominated cool temperate rainforest in Victoria with the view of making a recommendation on appropriate buffers.



Slender Tree Fern Action Statement

Buffers

VRN is concerned that the Slender Tree Fern (STF) Action Statement does not provide a specific minimum buffer recommendation. In the Otways it has been a general informal practice to apply a 40 metre buffer to protect individual slender tree ferns from logging operations. An example of this practice occurred at the Browntown coupe in the Otways in 2002, that was inspected by rainforest experts David Cameron and Mark Burgman.

Point 9 of the Intended Management Actions says that “sufficient buffering or other measures” need to be applied. What does that actually mean? It could mean that a 1 metre buffer is adequate or the STF can be dug up and relocated. Point 9 needs to include a specific minimum buffer recommendation of at least 40 metres, as with the Otway example.

VRN has an issue with the last sentence in point 9 where it states that “*Isolated individuals should be protected wherever possible by inclusion in understorey islands.*” The “*where possible*” must be deleted as this implies some isolated STF do not need to be protect and can be destroyed in the logging operation.

Fire

The original STF nomination 191 highlighted fires as being one of the main threats to STF, and singled out the forestry practice of lighting fires after logging to promote regeneration as a major threat. However the draft STF Action Statement has no specific instructions within the Intended Management Actions to address the threat of these fires after logging. VRN suggest a statement be included such as:

“Logging slash and wood debris should be keep away for STF buffers by including a fire break of 40 metres within the coupe between the slash and the retained STF vegetation buffer.”



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