LEGAL ASPECTS OF LOGGING IN WOMBAT WATER CATCHMENTS

PART 1: Code of Forest Practices

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April 2000

Background:

In the Wombat Forest NRE use a shelterwood silvicultural system, nicknamed 'Two stage clearfell' by Wombat Forest Society. In theory Shelterwood sees the removal of all trees over a two stage logging cycle, the first stage removes the more defective trees to allow the best class 1 trees less competition to grow on and become better sawlogs. The second logging phase removes the class 1 overwood trees. WFS has identified many concerns with the current Shelterwood method as applied in the Wombat Forest.

This year NRE plan to log several large Shelterwood 2 coupes in designated water supply catchments, they argue that coupe size limits do not apply to Shelterwood 2. WFS believe that this is highly questionable especially in designated catchments that in the past have been subjected to Land Use Determinations that limit the size of coupes and other activities to protect recognised water values.

The West Victoria RFA (p.64 Attachment 9: Table 1: Harvesting prescriptions for water catchments in the Midlands FMA) clearly ratifies the restrictions on coupe size, yet NRE argue this is not the case and have planned several Shelterwood 2 coupes many times larger (up to 16) than the maximum coupe size for catchments shown in the RFA.

Below are my notes and references re: Analysing the Code of Forest Practices for the legality of current logging coupes in designated water supply catchments in the Wombat State Forest. Direct quotes and references from the Code of Forest Practices are shown in black print my comments and interpretations are shown in red print.

Code of Forest Practices for Timber Production Revision No. 2 November 1996

p.13 2. APPLICATION OF THE CODE - public land native forest

....The goals and guidelines are to be used during formulation of more detailed plans and prescriptions compiled for application to specific areas. These 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.

note. plans and prescriptions must be consistent with or exceed the Code. NRE's adoption of no coupe limits on shelterwood 2 coupes is not consistent with the Code nor does it exceed the Code in fact it is a reduction in the Codes requirements therefore a breach.

p.13 2.1 Regional Forest Planning

Goal: For public land, Forest Management Plans are the fundamental plan for the management of environmental, cultural and resource values, Plans must be prepared for each Forest Management Area and:

- be in accord with the relevant Acts, Agreements .....
- Be strategic, assessing and addressing the management and protection of environmental, cultural and resource values and the sustainable use of natural resources

What is NRE's strategy in Wombat (State Forest) Water catchments and how is this audited and reported on. Logging history maps must be produced to validate the area and age classes across the forest. Until these vital maps are produced NRE must put a moratorium on all coupes larger than the maximum coupe size in designated catchments as shown in attachment 9: Table 1. West Victoria Regional Forest Agreement.

- take into account the Catchment Management Strategy prepared by the relevant Catchment and Land Protection Board(s), and take account of any requirements of Special Area Plans made under the *Catchment and Land Protection* Act1994;

NRE **must** take account of Special Area Plans, I cannot find any document that says foresters can reinterpret (lessen) requirements of Special Area Plans to suit themselves. The opening paragraph (above) indicates quite clearly that regional prescriptions should be **consistent with or exceed** the Code.

p.19 2.3 Timber Harvesting, Guidelines: Coupe size:

- clear-felled, seed tree or shelterwood coupes will generally be less than 40ha. Such coupes may be aggregated up to 120ha over a period of up to five years where deemed appropriate.

The Code does not say that Shelterwood 2 coupes, can be larger than 40ha, yet many coupes in designated catchments in the Wombat greatly exceed the maximum 40 ha requirement. see Wombat, Colbrook and Korweinguboora coupes Midlands 2001-02 WUP's. These water supply catchments all have maximum coupe sizes far lees than 40ha ie; Wombat 20ha, Colbrook 5ha and Korweinguboora 15ha.

- where selection or thinning systems are used, the area of forest to be harvested by any individual operation must be determined by the forest type, its stand condition and other environmental cofactors;

ie consider that the coupe is in a designated water supply catchment like those mentioned above, that currently exceeds the 20% of area less than 20 years of age requirement for designated water supply catchments outlined in Midland FMA forest Management Plan p.55.

p.20 2.3.3 Water Quality and Aquatic Habitat protection,

Goal:.... The actual protection measures applied will depend on the erodibility of soils, rainfall erosivity, topography, intensity and magnitude of harvesting operations, the physical design of any water supply off-take and distribution system, riparian habitat value, and will take account of the requirements set out in Special Area (Water Supply Catchments) Plans made under the *Catchment and Land Protection Act* 1994.

Protection measures must take account of Special Area Plans, no special area plan states that shelterwood two coupes can be larger than the gazetted maximum coupe size.
Soil erodibility is very poorly covered in the Midlands Forest Management Plan p.54 Guidelines for the Prevention of Soil Erosion does not describe the risks associated with Ordovician metasediments (mudstone, slates and shales). These smaller particled soils are less erodiblle but are carried much greater distances in runoff and remain suspended in water for a long time resulting in increased turbidity and water treatment cost downstream. see Managing Sediment Sources and Movement in Forests: The Forest Industry and Water Quality November 1999 p.16 Figure 10:*'Comparison of percentage of fine-grained silt and clay transported through each area of disturbance - snig track, cross bank, and plot exit - for sites on the red granite and metasediment soils. Note the high percentage of silt and clay in runoff from the sites with metasediment soil, which explains the higher sediment yield from sites on this soil type'* This information should trigger better protection measures in areas with metasediment soils, the Midlands FMA Regional prescriptions do not take account of this 'new science'.

p.22 2.3.4 Water Yield Protection,

Goal: Water yield from catchments used for water supply must be protected by the adoption of appropriate rotation lengths and silvicultural techniques and, if appropriate, by limitations on annual harvest areas.

Note the words 'must be protected'. Refer to Rob Vertessy's response to Tim Anderson's question relating to Wombat forest age class at Geelong Water Forum (see report on forum proceedings p.17) *"Forests with a higher proportion of regenerating forest have a reduced water yield ".*

Guidelines:

- Water production criteria must be considered in Forest Management Plans, particularly with regard to timber harvesting in catchments designated as sources for water supply. Priority must be given to the protection of catchments with limited streamflows which service regions with a high current or potential demand. Consultation must be undertaken with the appropriate water-supply authorities;

note; priority must be given to Catchments like Wombat Res and other Wombat catchments that have limited streamflow and high demand. I also note that Rob Taylor has responded to WFS claims in the Hepburn Ad. I think Rob T. is a Creswick graduate and the argument could be put that there is an obvious weakness with forester training when it comes to water quality and yield management. Refer to the aerial photograph shown in the CHW newspaper supplement Hepburn Advocate October 1997. The back of the supplement describes recent logging in the Wombat Res catchment as being 32 ha seedtree (a breach of the 20ha coupe size restriction), the aerial photograph clearly shows that much more than 32 ha has been recently harvested. Another case of NRE misinforming Water Authorities and forester (CHW) too scared to question another forester (NRE).

- the techniques to protect water yield in designated catchments are the adoption of longer rotation, the control of stand density by thinning to maintain streamflow, or other techniques as research knowledge becomes available.

A silvicultural solution to protecting water yield could be to leave the overwood trees that are logged during a shelterwood two operation. Water yield **must** be protected in designated catchments like Wombat (Daylesford Water Supply), Colbrook (Ballan W.S.) and Korweinguboora (Geelong WS), NRE know that these catchments do not meet regrowth requirements. It is clearly demonstrable that these areas are knowingly compromised to maintain timber supplies. NRE should apply the precautionary principle in favour of water rather than maximising timber growth. FOREST PLANNERS SAY THAT THE IFPS(Integrated Forest Planning System) IS GEARED TO MAXIMISE TIMBER RETURNS WHAT WE DON'T KNOW IS HOW IFPS HAS BALANCED THIS AGAINST REQUIREMENTS THAT THEY **MUST** PROTECT WATER QUALITY AND YIELD. Maximising timber

effectively means intensely managing (shorter rotations, thinning and fertilising) the most productive areas of forest, unfortunately the most productive areas of forest are the wettest areas!!!!!!!! This is the very crux of the wood water argument, forest planners estimate timber volumes on maximising growth in the wetter areas without properly factoring in the loss of resource due to the proper application of soil and water protection requirements.

P.68 Appendix 1 DEFINITIONS
Water supply catchment - a catchment from which water is used for domestic water supply purposes.