

# LEADBEATER'S POSSUM DETECTION & BUFFER BREACH REPORT

## South Cascade Creek, Thomson River Forest Reserve

### 481-503-0005 'Rojoes Junction'



**Report on the detection of two Leadbeater's Possums (*Gymnobelideus leadbeateri*) within and adjacent VicForests scheduled logging coupe 481-503-0005 'Rojoes Junction' and the illegal logging of LBP Buffers in the 'Rojoes Junction' coupe.**

#### **Abstract**

An active survey was conducted in areas within and adjacent VicForests active logging coupe 481-503-0005 'Rojoes Junction' to determine presence/absence of the Critically Endangered Leadbeater's Possum (*Gymnobelideus leadbeateri*). Two Leadbeater's Possums (LBP) were identified and recorded during this survey, one within and the other adjacent the 'Rojoes Junction' coupe. This investigation concludes that VicForests have failed to identify LBPs within and adjacent the 'Rojoes Junction' coupe and have scheduled and commenced logging in confirmed habitat for the critically endangered LBP in contravention of the Code of Practice for Timber Harvesting. The methodology employed, the results of the investigation and the report's conclusions and recommendations are detailed below.

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Wildlife of The Central Highlands Inc.

**Date of Investigation:** 26-27/03/2021

**Date of report:** 27/03/2021

## Introduction

VicForests has already commenced harvesting in the 'Rojoes Junction' coupe, with the Timber Harvesting Safety Zone commencement date listed as 17/03/2021 on the VicForests website.

The VicForests Forest Operations Coupe Plan for 481-503-0005 'Rojoes Junction' coupe, dated 16<sup>th</sup> March 2021, states at pp 19 that Modelled LBP habitat was identified as present within 500m of the coupe boundary. The plan states that this biodiversity value will be managed by the following:

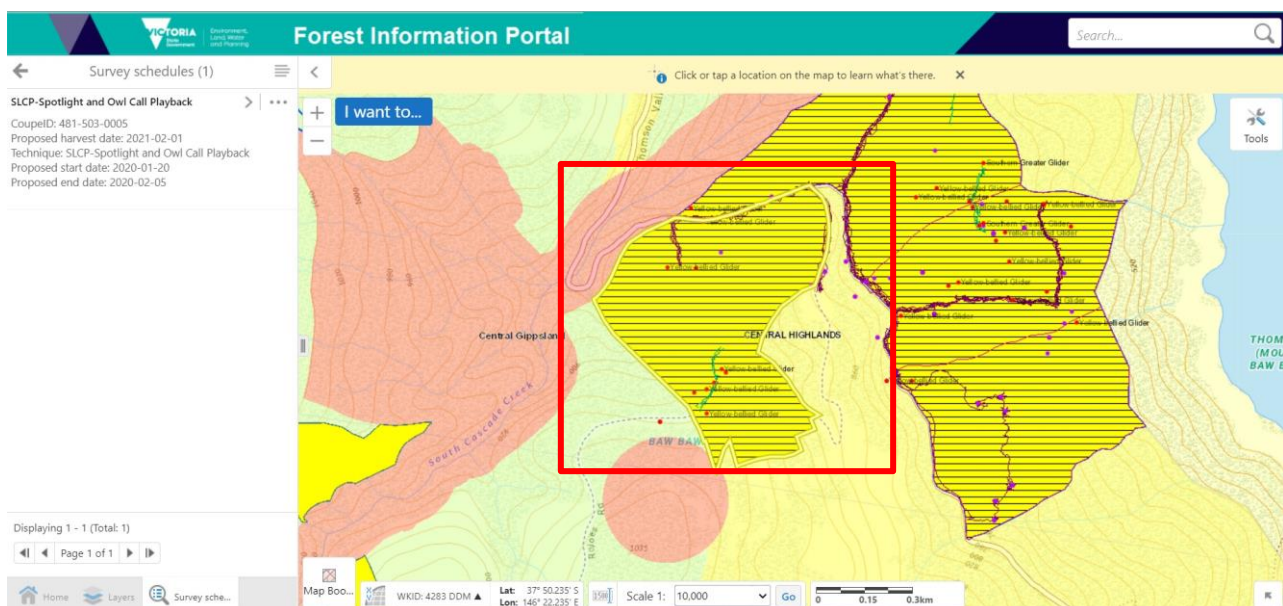
"LBP habitat to be confirmed in the field. If present, potential habitat will be excluded from harvesting in accordance with VicForests Operating Procedures Regulatory Handbook (pp 19)."

The management action taken for this biodiversity value is then stated as follows:

"No LBP habitat was identified within the coupe during marking (pp 19)."

The Forest Operations Coupe Plan also identifies that LBP colony's are present within 500 metres of the coupe boundary (pp 21).

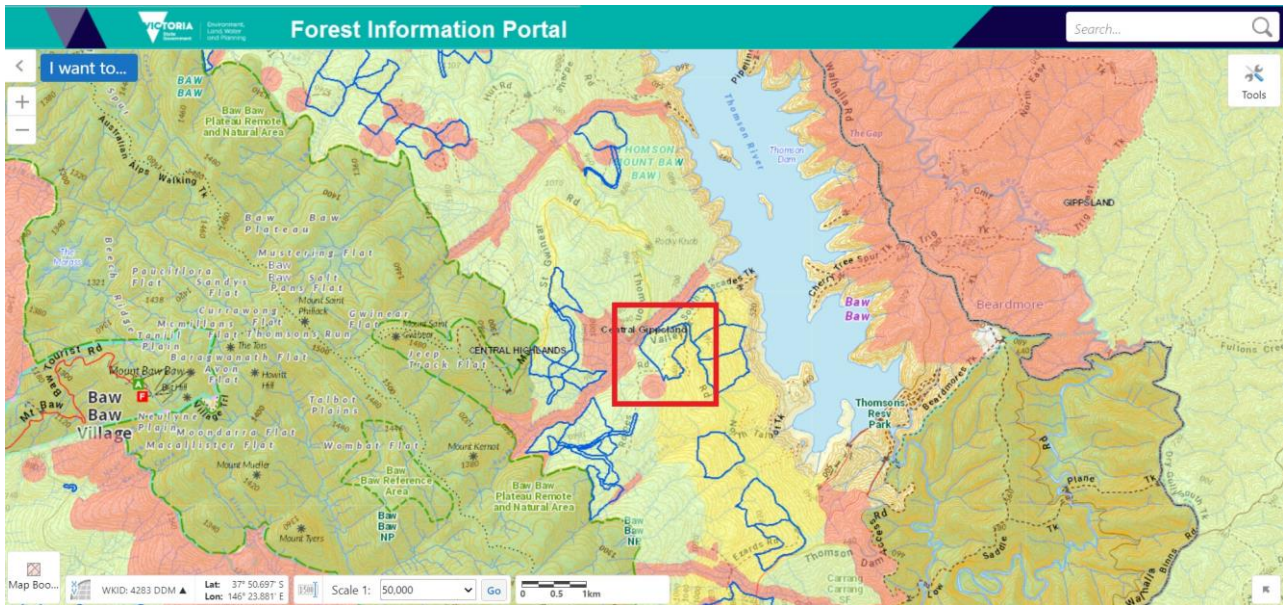
Irrespective of this there were no targeted LBP surveys conducted by the Forest Protection Survey Program (FPSP) (Figure i) and no evidence of LBP surveys conducted by VicForests prior to harvesting.



**Figure i.** screenshot taken from the Forest Information Portal on 27/03/2021: [Forest Information Portal \(ffm.vic.gov.au\)](http://ffm.vic.gov.au), showing VicForests logging coupe 481-503-0005 (in red box) and the respective survey schedules that were implemented by the FPSP (top left).

## Location details

This investigation was undertaken within the Thomson River Forest Reserve off Rojoes Rd within and adjacent VicForests active coupe 481-503-0005 'Rojoes Junction'.



**Figure ii.** Map showing the location of the logging coupe investigated (in red box) in the context of the Thomson Valley Forest area, image taken as a screenshot from the Forest Information Portal on 27/03/2021: [Forest Information Portal \(ffm.vic.gov.au\)](http://ffm.vic.gov.au)

## Method

### Method used: Active search with the aid of a thermal imaging camera

- Patches of forest within and adjacent the coupe were actively searched at night (26-27/03/21) with the assistance of a thermal imaging camera and red spotlights.
- Once spotted on the thermal imaging camera, red spotlights were used to light up the animal and video evidence was attained using a Sony Handycam.
- Upon successfully attaining video footage of the possums, the camera was panned over to a GPS to provide the coordinates of the detection location and proof of location.
- A GPX waypoint was taken shortly after each individual animal was recorded.
- Images of the clearfelling extent and logging machinery were taken on the same evening (26th March) and the clearfelled extent was marked out by WOTCH surveyors to document the extent of harvesting within the LBP's habitat.

## Results

### Summary

1. This investigation detected two Leadbeater's Possums within and adjacent VicForests active logging coupe 481-503-0005 'Rojoes Junction'.
2. Video evidence of both of the Leadbeater's Possums was captured with each recording including GPS coordinates.
3. VicForests has failed to identify these Leadbeater's Possums and has already commenced logging operations within critically endangered Leadbeater's Possum habitat in coupe 481-503-0005.

### Results 1 – Screenshots/photos

Figures 1(a,b), are screenshots taken from the video recording of the first LBP detected which was marked by waypoint as ROJ01LBP including a screenshot of the GPS coordinates also recorded in the footage.

Figures 1(c-e) are screenshots taken from the video recording of the second LBP detected which was marked by waypoint as ROJ02LBP including a screenshot of the GPS coordinates also recorded in the footage.

Figures 1(f,g) are photographs taken of the log landing/nett harvest area.

## Results 2 – Maps

Figure 2a is a map of the Leadbeater's Possum detection locations, the indicative 200m buffers, scientifically recommended 1km protective buffers, nett harvest area within active coupe 481-503-0005 and other relevant features.

Figure 2b is a georeferenced VicForests Operations Map for coupe 481-503-0005 dated 17<sup>th</sup> Feb 2021, overlaid with the data featured in figure 2a.

## Results 3 – Video Files

Figure 3, (attached) is a zip folder containing the video evidence of the two Leadbeater's Possum detections ROJ01LBP and ROJ02LBP.

## Results 4 – GPX files

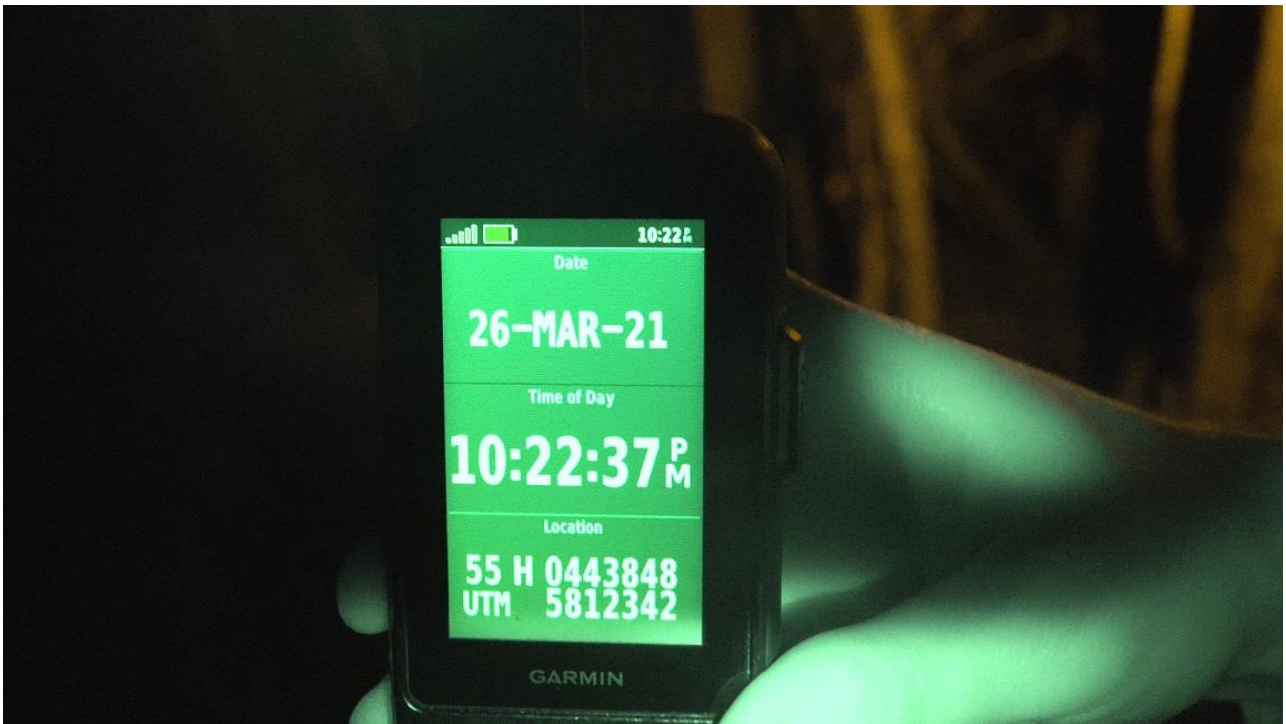
Figure 4a, (attached) is a GPX file containing the waypoints which were marked at the approximate location where the LBP's were recorded.

Figure 4b, (attached) is a GPX file containing the waypoints that were marked around the boundary of the nett harvest area on the 26<sup>th</sup> of March 2021.

## Results 1



**Figure 1a.** Screenshot from video footage of Leadbeater's Possum 'ROJ01LBP' captured at approximately 10:22pm (26/03/21); Location: 443848 5812342 (GDA / MGA Zone 55H).



**Figure 1b.** Screenshot of coordinates from video footage of Leadbeater's Possum 'ROJ01LBP' captured at approximately 10:22pm (26/03/21); Location: 443848 5812342 (GDA / MGA Zone 55H).



**Figure 1c.** Screenshot from video footage of Leadbeater's Possum 'ROJ02LBP' (in red box) captured at approximately 11:51pm (26/03/21); Location: 443619 5812070 (GDA / MGA Zone 55H).



**Figure 1d.** Screenshot from video footage of Leadbeater's Possum 'ROJ02LBP' (in red box) captured at approximately 11:51pm (26/03/21); Location: 443619 5812070 (GDA / MGA Zone 55H).



**Figure 1e.** Screenshot of coordinates from video footage of Leadbeater's Possum 'ROJ02LBP' captured at approximately 11:51pm (26/03/21); Location: 443619 5812070 (GDA / MGA Zone 55H).



**Figure 1f.** Photograph of part of the logged area within 481-503-0005 'Rojoes Junction' coupe taken on 26/03/2020.

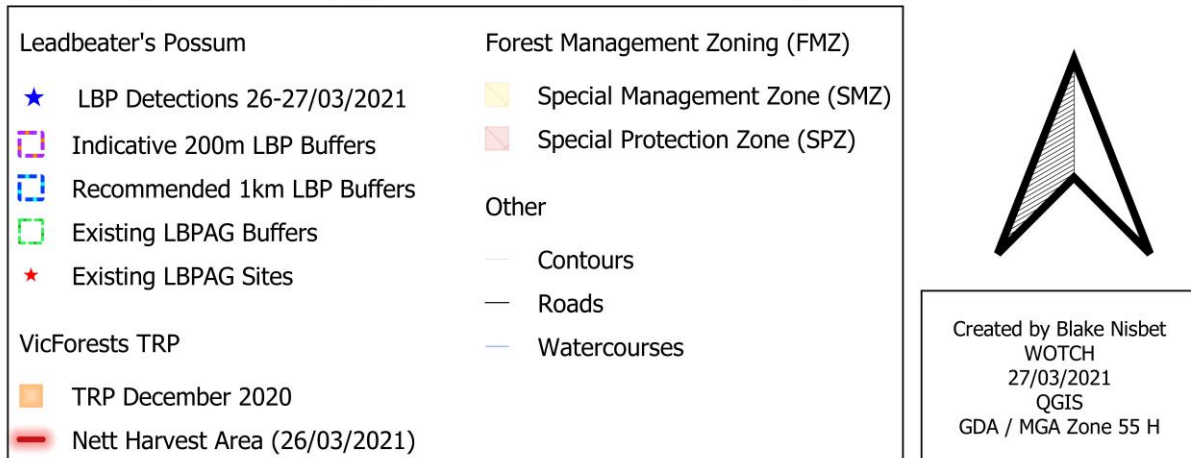
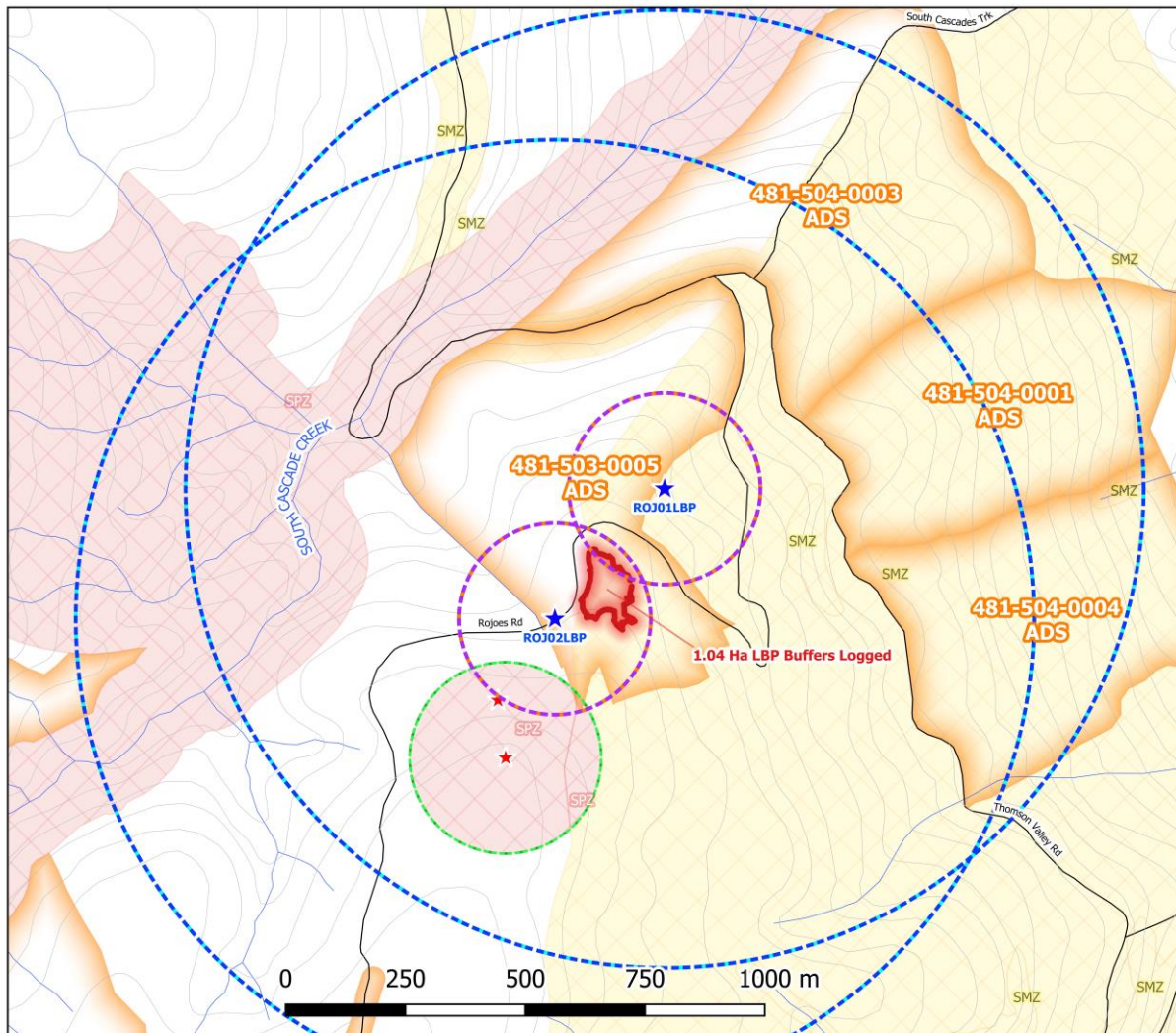


**Figure 1g.** Photograph of part of the logged area and log landing with piled logs within 481-503-0005 'Rojoes Junction' coupe taken on 26/03/20.



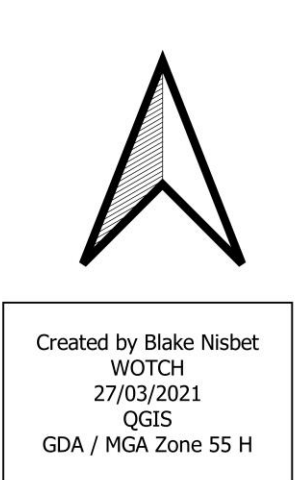
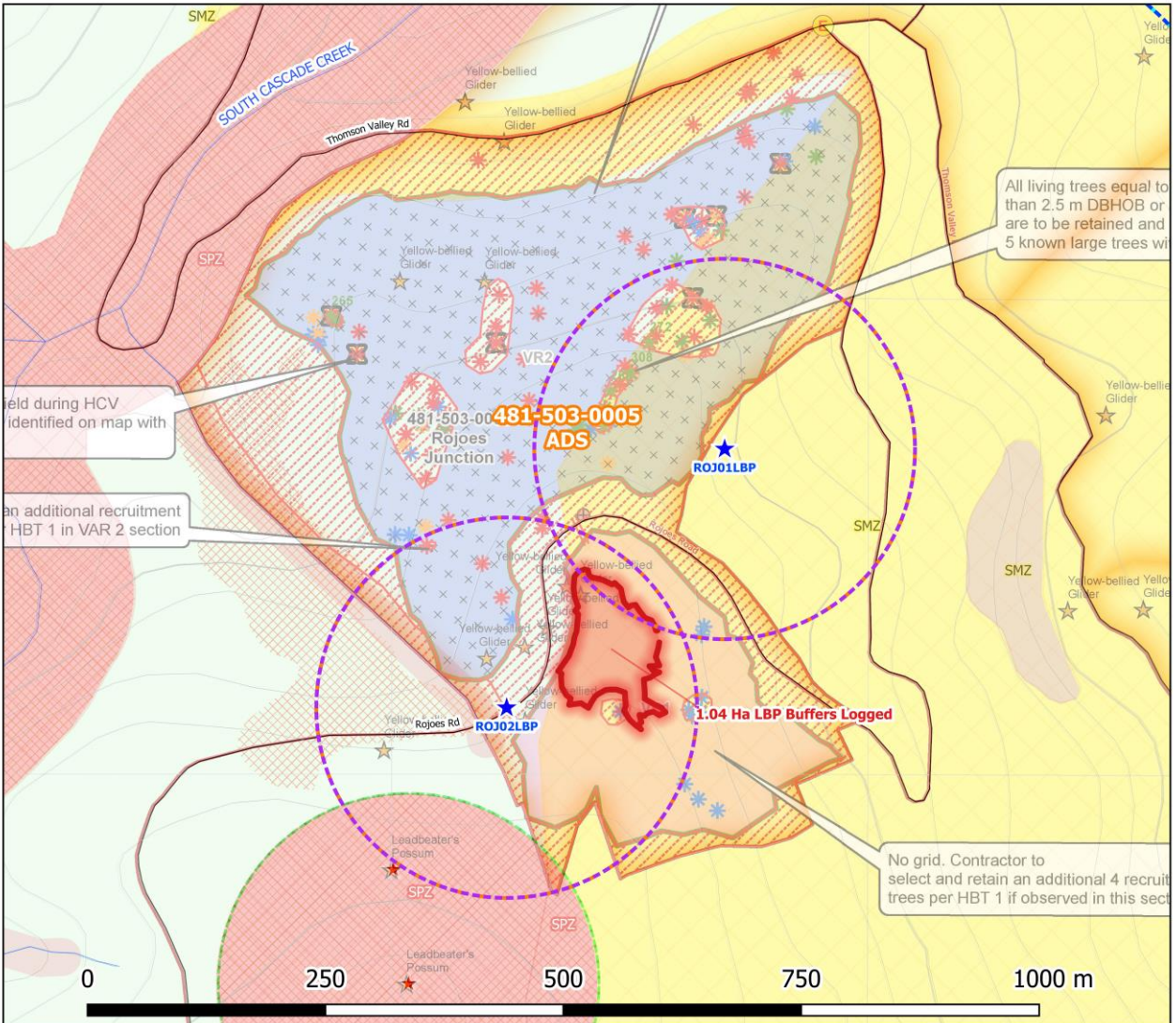
## Results 2

**South Cascade Creek Leadbeater's Possum Detections On 26-27/03/2021; Indicative 200m LBP Buffers; Recommended 1km LBP Buffers; Existing LBPAG Sites & Buffers; VicForests Timber Release Plan (TRP) December 2020; Nett Harvest Area In Coupe 481-503-0005 Marked On 26/03/2021; Forest Management Zoning (FMZ); Watercourses, Contours & Roads.**



**Figure 2a.** Map of LBP detection locations, nett harvest area as of 26/03/2021 and recommended buffer.

**Georeferenced VicForests Coupe Operations Map dated 17 Feb 2021; South Cascade Creek Leadbeater's Possum Detections On 26-27/03/2021; Indicative 200m LBP Buffers; Recommended 1km LBP Buffers; Existing LBPAG Sites & Buffers; VicForests Timber Release Plan (TRP) December 2020; Nett Harvest Area In Coupe 481-503-0005 Marked On 26/03/2021; Forest Management Zoning (FMZ); Watercourses, Contours & Roads.**



**Figure 2b.** Map of LBP detection locations, nett harvest area as of 26/03/2021 overlaid with the VicForests Coupe operations map.

## Discussion

### Mandatory actions

Under the *Sustainable Forests (Timber) Act 2004 (Vic)*, it is mandatory for VicForests, its contractors and any other organisations undertaking timber harvesting operations in a Victorian State forest to comply with all prescriptions outlined in the Code of Practice for Timber Production 2014 (the Code).

#### Application of the precautionary principle and expert advice

The Code requires application of the precautionary principle to the conservation of biodiversity values and consideration of relevant expert advice and research in planning and conducting timber harvesting operations.

- 2.2.2.2 The **precautionary principle** must be applied to the conservation of biodiversity values. The application of the precautionary principle will be consistent with relevant monitoring and research that has improved the understanding of the effects of forest management on forest ecology and conservation values.
- 2.2.2.3 The advice of relevant experts and relevant research in conservation biology and flora and fauna management must be considered when planning and conducting timber harvesting operations.

**Figure 3a.** Excerpt from page 34 of the Code, under subheading: 2.2.2 Conservation of Biodiversity

VicForests should be adhering to the relevant scientific advice on protecting the LBP as part of its conservation of biodiversity values, which in coupe 481-503-0005 would include establishment of 1km LBP buffers (refer to Figures 2a/b above) and additional protective measures as recommended by Australian National University (ANU) experts.

The following prescriptions relevant to this report were recommended by David Lindenmayer, David Blair, Lachlan McBurney and Sam Banks from ANU in their paper produced in July 2013, *New Restoration Forest Management Prescriptions to conserve Leadbeater's Possum and Rebuild the cover of Ecologically Mature Forest in the Central Highlands of Victoria*:

#### **Prescription 2 – Protection of recorded locations**

2.1 All locations where Leadbeater's Possum has been recorded present in the past 15 years will be protected by a 1 km buffer from which logging (both clearfell and thinnings) is excluded.

#### **Prescription 3 – Protection of Hollow-bearing Trees**

3.1 Each hollow-bearing tree (whether living or dead) will be surrounded by a buffer of unlogged forest measuring 100 m in radius.

3.3 All trees 100 or more years old should be protected and surrounded by a buffer of unlogged forest measuring 100 m in radius.

#### **Prescription 5 – Protection of Streamside Buffers**

5.1.1 Streamside buffers will be widened to a minimum of 100 m either side of a stream, whether permanent or temporary/seasonal.

Detection-based zoning under the Management Standards and Procedures

The Code requires compliance with the biodiversity conservation measures specified in the Management Standards and Procedures.

2.2.2.1 Planning and management of timber harvesting operations must comply with relevant biodiversity conservation measures specified within the **Management Standards and Procedures**.

**Figure 3b.** Excerpt from page 34 of the Code, under subheading: 2.2.2 Conservation of Biodiversity

Clause 4.2.1.1 of the Management Standards and Procedures requires application of management actions for rare and threatened fauna listed in Table 13. The Planning Standards (Appendix 5), via Table 13, provides the specific prescription to be applied for the detection of Leadbeater’s Possum in the field – establishment of a 200m radius SPZ centered on the verified detection.

Central Highlands MAs	Leadbeater’s Possum colony	Gymnobleus leadbeateri	Establish a SPZ of 200 m radius centred on each verified Leadbeater’s Possum colony.
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**Figure 3d.** Excerpt from Table 4: Detection based FMZ rules for fauna in the Planning Standards, Appendix 5 to the Management Standards and Procedures

DELWP must enforce the mandatory 200m LBP buffers as a matter of urgency before any further timber harvesting operations occur at active coupe 481-503-0005.

Identification of biodiversity values relating to Leadbeater’s Possum

The Code requires identification of biodiversity values listed in the Management Standards and Procedures before harvesting. Risks to these values must be addressed through actions consistent with the Management Standards and Procedures, such as those discussed above.

2.2.2.4 During planning identify biodiversity values listed in the Management Standards and Procedures prior to roading, harvesting, **tending** and **regeneration**. Address risks to these values through management actions consistent with the Management Standards and Procedures such as appropriate location of **coupe infrastructure, buffers, exclusion areas**, modified harvest timing, modified silvicultural techniques or retention of specific structural attributes.

**Figure 3e.** Excerpt from page 34 of the Code, under subheading: 2.2.2 Conservation of Biodiversity

In *Friends of Leadbeater’s Possum Inc v VicForests (No 4)* [2020] FCA 704, the Federal Court of Australia held that a failure to detect biodiversity values relating to Leadbeater’s Possum before roading and harvesting is a contravention of cl 2.2.2.4 of the Code.

In that case, VicForests did not address the risks to a Leadbeater’s Possum detected by WOTCH in ‘Hairy Hyde’ coupe through creation of the prescribed SPZ – a breach of cl 4.2.1.1 of the Management Standards and Procedures.

The Court held that even a small incursion into a buffer zone constitutes a breach of the Code. At [1262], Mortimer J observed:

The purpose of the 200 m radius buffer around a colony detection was to provide the species, where detected, with some level of protection from forestry operations. The Leadbeater's Possum Advisory Group Technical Report recognises that level of protection is less than optimal. At [43] of his first report Professor Woinarski described the LPAG Report's conclusion that a THEZ of 200 m radius around existing known colonies would have only a "low to medium" impact on reducing extinction-risk, whereas increasing the exclusion zone to 500 m radius would have a "medium" impact on reducing extinction-risk, and increasing it to 1 km radius would have a "high" impact on reducing extinction-risk. The LPAG Report appears to suggest, at p 26, that 200 m was a minimum level of protection that could be afforded while maintaining a sustainable timber industry in native forest occupied by the Leadbeater's Possum. All of this evidence suggests that a 200 m buffer is minimal protection, and therefore it is critical that it be strictly observed. Coupled with this, the Leadbeater's Possum is critically endangered – that is, facing an extremely high risk of extinction in the wild in the immediate future. In that context, the conservation of every individual of the species matters. The conservation and protection of every single Leadbeater's Possum colony, without doubt, matters.

### **Breach of the Code: failures to detect Leadbeater's Possum at 'Rojoes Junction' coupe**

On 26<sup>th</sup> March 2021, WOTCH detected two Leadbeater's Possums in 'Rojoes Junction' coupe where VicForests has commenced logging and has already harvested approximately 1.04 ha of the coupe. The coupe is active, with machines present. Both LBP detections have had a portion of the indicative 200m buffer cleared.

- Approximately 0.09ha of the ROJ01LBP buffer has already been harvested – a breach of cl 2.2.2.4 of the Code.

- Approximately 1.04ha of the ROJ02LBP buffer has already been harvested (this buffer encompasses the entire nett harvest area at the time of detection) – another breach of cl 2.2.2.4 of the Code.

If WOTCH had not detected and reported these Leadbeater's Possums, then VicForests would have continued forestry operations and the destruction of further vital LBP habitat in the coupe.

DELWP must investigate and hold VicForests accountable for these breaches of the Code.

### **Conclusion**

- This report details the detection of two critically endangered Leadbeater's Possums occupying forest within and adjacent VicForests logging coupe 481-503-0005, in the Thomson River Forest Reserve.
- VicForests has been unsuccessful in identifying these Leadbeater's Possum during pre-harvest surveys, and there is no evidence to suggest that targeted LBP surveys were undertaken by VicForests at coupe 481-503-0005.
- This report concludes that VicForests, through failing to identify these Leadbeater's Possums has commenced timber harvesting within habitat of the critically endangered LBP (200m Buffers) within the 'Rojoes Junction' coupe.
- The forestry operations within the 'Rojoes Junction' coupe breach the *Code of Practice for Timber Production 2014*.

## Recommendations

- DELWP must refrain VicForests from continuing timber harvesting operations within active logging coupe 481-503-0005 'Rojoes Junction' that falls within the prescribed 200m Special Protection Zones (SPZ) around these detections as seen in Figures 2a/b.
- VicForests should adhere to the relevant scientific advice for the species including the establishment of 1km LBP buffers around these detections as seen in Figures 2a/b as to apply with the precautionary principle.
- The logging coupe 481-503-0005 'Rojoes Junction' should be removed from VicForests Timber Release Plan as this forest is of high significance to the critically endangered Leadbeater's Possum.
- DELWP must investigate and hold VicForests accountable for this breach of the *Code of Practice for Timber Production 2014*.



We respectfully acknowledge the Taungurung, Wurundjeri and Gunaikurnai Elders past, present and emerging, the Traditional Custodians who have never ceded ownership of the land on which we live, travel, work and play.