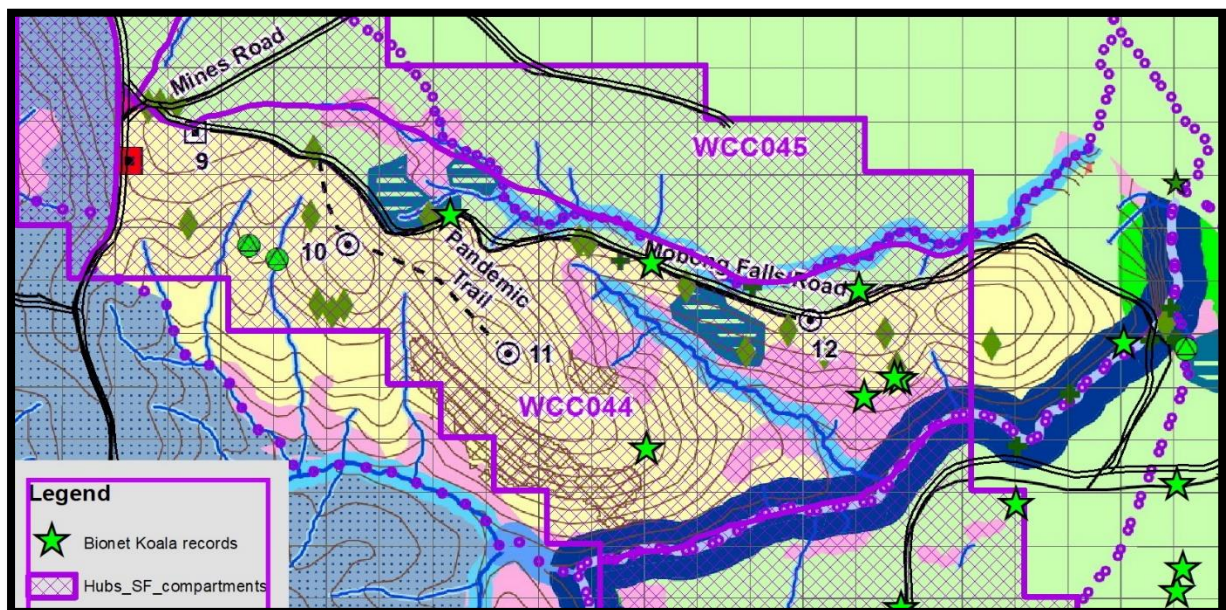


Brief Inspection of Compartment 40 Wild Cattle Creek SF

Dailan Pugh, North East Forest Alliance, 4 August 2022

Dailan Pugh and Mark Graham undertook brief appraisals in the vicinity of log dumps 9, 10 and 11 in Compartment 44 of Wild Cattle Creek State Forest for a total of around 3 hours on 25 and 26 July 2022. Logging in this vicinity is identified as having previously occurred in 2003, with the recent logging identified as having started in June 2021 and being suspended in December 2021.

The brief audit identified systematic damage to marked Koala browse trees and Hollow-bearing trees, representing 21 breaches by the Forestry Corporation of the standard logging rules for public lands detailed in Coastal Integrated Forestry Operations Approval (CIFOA) 'Protocol 23.3 Protection of retained trees'. Seven were damaged Koala browse trees, 13 damaged Hollow-bearing trees, and one an inappropriately chosen Hollow-bearing tree. These are indicative of obviously more wide-spread breaches.



Harvesting Plan for Wild Cattle Creek SF compartment 44 (yellow is logged area), overlaid with Koala records and OEH Koala Hub. NEFA located 2 additional Koala feed trees with scats beneath them to the south-west of log dump 10 on map.

NEFA similarly identified reckless damage to 6 marked Koala browse trees and 4 marked Hollow-bearing trees in our [July 2020 brief audit of Compartments 32, 33 and 34 of Wild Cattle Creek State Forest](#). After over 2 years the EPA have still not responded to our audit. [They are taking legal action](#) in relation to the cutting down of 6 giant trees (2 of which may be ones we identified) and 7 hollow-bearing trees, as well as the damaged caused by leaving debris around a retained tree. Regrettably they have not apparently taken any action in relation to the 10 cases of physical damage to retained trees we documented, not even a warning letter.

The EPA's refusal to take action in response to our earlier complaints, including [hundreds of similar breaches documented](#) before the rules were changed in 2018, has fostered a culture careless disregard for the health, well-being and longevity of trees legally required to be retained.

There is no doubt that this compartment was once exceptional Koala habitat, that has been progressively degraded as Koala feed trees are cut out. This logging removed most of the larger Koala feed trees remaining, and damaged most of those left, many terminally.

Despite this, at least one Koala has survived within the area, though undoubtedly others have been lost. As trees die from their abuse, the resources available for the surviving Koalas will further reduce and their survival become more tenuous.

It is outrageous that hollow-bearing trees (which are also mostly Koala feed trees) hundreds of years old, with hollows essential for survival of a plethora of our native species, are bashed and damaged with such reckless disregard by the Forestry Corporation, and the EPA do nothing about it.

This is particularly egregious as the loss of so many hollow-bearing trees during the 2019-20 wildfires led the [Natural Resources Commission](#) to recommend to the Government ministers in June 2021 (at the same time logging started) to immediately increase protection for hollow-bearing trees by retaining the next largest trees to make up the 8 per hectare where there are not enough, and for each of these retaining 2 recruitment trees.

In this operation the Forestry Corporation was allowed to log mature trees that the pre-2018 rules required to be protected as recruitment and nectar-feed trees, the very trees the NRC (2021) recommended for protection. And then they recklessly rampaged through the hollow-bearing trees and Koala feed trees they were still required to retain and protect.

This irreparable physical damage to retained trees has been worsened by a person recently coming into the forest and intentionally felling 2 live Koala feed trees and cutting through a third (leaving it dangerous). It is particularly concerning that there is no apparent reason, as there is an abundance of already felled dead trees for firewood.



Bizarrely, 2 live Koala feed trees (a Tallowwood and a Blue Gum) had been recently felled, and another (already damaged) half cut through near log dump 9 (lat -30.170274, long 152.774887 and lat -30.170029, long 152.774827)

Further to theses, we also found a live Tallowwood marked as a feed tree in compartment 33, which NEFA complained about being damaged in 2020, and which had EPA investigation tape around it, similarly recently felled. It appears that someone proficient with a chainsaw is going around Wild Cattle Creek cutting down live Koala feed trees. The worry is that someone may be intentionally trying to get rid of Koalas.

CONTENTS

1.	PROTECTING RETAINED TREES	3
2.	DAMAGE TO KOALA FEED TREES	4
3.	DAMAGE TO HOLLOW-BEARING TREES	6

1. PROTECTING RETAINED TREES

This brief audit identified Koala feed trees and Hollow-bearing trees that were marked for retention but had been subject to physical damage by machinery, logs being moved and falling trees, during logging.

The CIFOA 'Protocol 23.3 Protection of retained trees' requires:

1. **Retained trees** must not be **damaged** during a **forestry operation**.
2. If a **retained tree** is **damaged** during **forestry operations**, **FCNSW** must replace it with a **comparable tree**.
3. Where a **comparable tree** is not available, **FCNSW** must retain a **mature tree** with a healthy crown that is not **damaged**.
4. **FCNSW** must ensure that each **retained tree** does not have **harvesting debris** accumulated within five metres of its base.
5. Where debris has accumulated around a **retained tree**, as described in condition 23.3(4) above, **FCNSW** must:
 - (a) remove the **harvesting debris** from areas within five metres of the base of the **retained tree**; or
 - (b) flatten the **harvesting debris** so it is less than one metre in height.

Damage is defined as:

*In the context of a **retained tree**, means the tree's longevity or suitability to fulfil the purpose for which it has been retained under the **approval** has been compromised, including where a tree is intentionally felled, pushed or removed to comply with the **WHS Act**.*

A significant, but variable, level of damage to trees identified for retention was observed, with extensive machinery damage to tree roots and butts, and damage to tree crowns and trunks caused by trees being felled onto them. The internal damage caused by trees being bashed is often more severe than what is visible, and the underground damage to roots and soil compaction is mostly not visible. Even where the trees are not killed, such damage greatly increases the trees' vulnerability to disease, termites, fires and wind-throw, significantly increasing the probability of an early death.

NEFA previously submitted a complaint to the EPA in July 2020 regarding reckless damage to retained trees in nearby compartments 32, 33 and 34 of Wild Cattle Creek State Forest, where we hoped to gain clarification and direction to the Forestry Corporation as to what constitutes "damage":

What constitutes significant damage that affects the longevity of trees now becomes the test. The future survival and longevity of hollow-bearing trees depends on how the EPA now interpret this condition. Will the Forestry Corporation be allowed to go on driving heavy machinery over the roots of 500 year old trees and bash their bases with machines, or will the EPA determine that this vandalism (even where the damage is not visible) will affect the tree's longevity.

...

*This barbaric practice of driving around trees with heavy machinery has to be stopped. If the Government refuses to reimpose a minimal buffer around habitat trees, then they need to ensure strict compliance with the current requirement not to damage retained trees. This is the first test of the EPA's new rules. **The future***

survival of numerous oldgrowth trees depends on whether the EPA now determine this has compromised the tree's longevity or purpose.

Over two years later the EPA has yet to respond to our complaint and the time allowable for them to take any form of regulatory action has expired. So it appears that once again the EPA will do nothing meaningful to hold the Forestry Corporation to account for trees being recklessly damaged (rather than felled). We hope that this latest demonstration of the Forestry Corporation's blatant disregard for retained trees may prompt a rethink and result in some legal enforcement.

The first problem is that while damage to retained trees is an offence, the damage has to compromise *the tree's longevity or suitability to fulfil the purpose* it was identified for. This requires thresholds and interpretation as to what level of damage is significant, which is what I previously sought from the EPA.

The second problem is that there are no adverse consequences, as if a tree is damaged the Forestry Corporation can simply replace the damaged tree with a comparable tree or a mature tree. This actually creates a perverse incentive whereby the Forestry Corporation can damage a 500 year old giant tree, replace it with an 80 year old mature tree, and then log the giant tree.

Given the widespread and reckless damage to Koala feed trees and Hollow-bearing trees that is ongoing in Wild Cattle Creek the EPA must treat this problem seriously, particularly in light of the 2019/20 wildfires, NRC's recommendations and uplisting of Koalas and hollow-dependent Greater Gliders to nationally Endangered.

2. DAMAGE TO KOALA FEED TREES

Scats from an apparently large male koala were found under 2 forest oaks, one of which had been extensively damaged in the logging. There can be no doubt that this native forest is high quality Koala habitat, which is supported by its being dominated by the preferred Koala feed trees Tallowood, Blue Gum and Forest Oak.



LEFT: 25 fresh Koala scats (not all shown) were found under a Forest Oak (lat -30.171337, long 152.777336). CENTRE&RIGHT: 20 old Koala scats were found nearby under another Forest Oak that had suffered significant logging damage to its base and trunk (lat -30.171593, long 152.777712)

The importance of this forest for Koalas has been identified by DPIE's 2019 Koala Habitat Suitability Model identifying most of the logging areas as Classes 4&5: '*highly suitable koala habitat ... likely to be occupied by koalas*'. In 2019 DPIE acknowledged the significance of these forests by identifying compartment 44 as part of the Wild Cattle Creek Koala Focus Area, one of the 10 priority areas of State Forests that could be protected as part of the Great Koala National Park to '*provide a feasible and strategic balance between increasing protections for koalas, while minimising impact to forestry operations*'. The priority areas

total 55,000 ha out of the 175,000 ha of State Forest proposed for protection by the National Parks Association.

In 2017 the Office of Environment and Heritage identified most of Compartment 44 as being within a Koala Hub. OEH (2017) have analysed Koala records "to delineate highly significant local scale areas of koala occupancy currently known for protection", noting:

These areas are not designed to be an exhaustive account of all koala presence across NSW, but rather define areas of currently known significant koala occupancy that indicate clusters of resident populations known as Koala Hubs.

Strangely the Operational Plan does not identify where the CIFOA Koala prescriptions 1 and 2 apply, though most of the logging area requires application of Koala Prescription 1 - the retention of 10 Koala feed trees >20cm diameter per hectare. Prescription 2 applies to some patches - the retention of 5 Koala feed trees >20cm diameter per hectare. The CIFOA Protocol 23.2 (4) relevantly identifies:

*Tallowwood (*E. microcorys*), ... must be prioritised for retention when applying the **Koala browse prescription 1** or **Koala browse prescription 2** and must make up at least 50 per cent of the retained **Koala browse trees** where these are available;*

Koala browse trees must be retained for the duration, and at the **completion** of, each **forestry Operation** (CIFOA Condition 65.1), which means they can be reselected in the next operation, though as this operation is suspended, they need to be retained undamaged until logging is complete.

Koala browse trees are marked with a horizontal line, though due to age these were indistinct at times, and some breaches are likely not to have been identified. The requirement is that retained trees must not be damaged during a forestry operation.





Numerous Tallowwoods marked as Koala browse trees have suffered significant physical damage by being hit by machinery or logs being moved, the bark hides the extensive internal damage that will affect the long-term survival of these trees. (TOP LEFT TO BOTTOM RIGHT THESE ARE: lat -30.171817 long 152.779987. location not recorded, lat -30.169062 long 152.779633, lat -30.169062 long 152.779633, Lat -30.169062 long 152.779633, Lat -30.169062 long 152.779633, Lat -30.169062 long 152.779633).

During our brief inspection we identified 7 Tallowwood trees marked as Koala feed trees which had been severely bashed by machinery or logs being moved, likely in some cases to be of sufficient severity to cause death. Numerous other small Tallowwood were severely damaged, though marking was not readily evident.

The systematic damage to marked Koala browse trees identified (see above) therefore represents 7 breaches by the Forestry Corporation of CIFOA **Protocol 23.3 Protection of retained trees**. These are only indicative of obviously more wide-spread breaches.

It is important to recognise that Forest Oak have long been recognised as a key secondary Koala browse species, as well as a roost tree, in the Coffs Harbour-Dorrigo region and yet it is not recognised as such in the CIFOA.

3. DAMAGE TO HOLLOW-BEARING TREES

During our brief inspection we identified 13 marked hollow-bearing (H) trees, up to 130 cm diameter and many hundreds of years old, which had been severely bashed by machinery or logs being moved, or had trees dropped on them. The damage is variable, but likely to result in permanent injury to the trees, reduce their lifespans, and in some cases cause rapid death. A further marked H tree was identified that had no hollows, though did have significant trunk damage.

Hollow-bearing trees are required to be permanently retained (Condition 64.2). These are typically the giant old trees, 150 to 600 years old, often the relicts from before the European invasion, that provide vital dens, roosts and nests that a plethora of native species depend upon for their survival. They are vital parts of our natural heritage that deserve to be treated with the utmost respect.

It is outrageous that hollow-bearing trees with hollows essential for survival of a plethora of threatened species, are treated with such reckless disregard by the Forestry Corporation. It

is particularly egregious that this logging occurred after the [Natural Resources Commission](#) recommended we increase protection for them.

Millions of hollow-bearing trees were killed in the 2019-20 wildfires, leading the Government to direct the Natural Resources Commission (NRC) to report on adjustments to logging of State forests in response to 2019/20 wildfires. As logging started in June 2021 [their report](#), 'Final report Coastal IFOA operations post 2019/20 wildfires, June 2021' was presented to the Ministers for Forestry and Environment with recommendations for urgent implementation. The NRC (2021) identified the CIFOA "*was not designed to mitigate the risks of harvesting in severely fire-affected landscapes like those from the 2019/20 wildfires*". For hollow-bearing trees the NRC recommended:

The Commission has proposed temporary additional measures relating to hollow-bearing trees and recruitment trees for medium and high-risk zones. However, the Commission considers the following measures could also enhance the standard Coastal IFOA prescriptions:

- *retain a minimum of eight hollow-bearing trees per hectare where they exist (as per the requirement in the standard Coastal IFOA prescriptions)*
- *if hollow-bearing trees are not available, then retain suitable substitutes, in priority order being, potential future hollow-bearing trees, the largest mature tree in the stand or a regrowth tree that is not suppressed*
- *retain two recruitment trees per retained hollow-bearing tree*

The 2018 change to the CIFOA removed the protections for most of the mature trees (including retention of one recruitment tree for each hollow-bearing tree and 3-5 mature nectar feed trees per ha.). Regrettably in this operation the Forestry Corporation not only recklessly damaged the retained hollow-bearing trees, they also took out all the mature trees required to be retained under the pre-2018 IFOA, which the NRC is now recommending have their protection restored.



LEFT: Marked H tree, severe trunk and root damage, Blue Gum 75 cm dbh, numerous Koala scratches (lat -30.171624, long 152.777851). RIGHT: Marked H tree, minor trunk damage, Blue Gum 123 cm dbh (lat -30.171670, long 152.776956).



LEFT: Marked H tree, severely damaged by logging, Blue Gum (lat -30.169062, long 152.779633).
RIGHT: Marked H tree, severely damaged by logging, Blue Gum (lat -30.169062, long 152.779633)



LEFT: Marked H tree, severely damaged, Tallowwood (Lat -30.173740 long 152.781448). RIGHT: Marked H tree, minor damage (Lat -30.171016 long 152.780168).



LEFT: Damaged H tree, root and base, adjacent to track, Tallowwood 163.5 cm dbh (lat -30.170478 long 152.777795) CENTRE&RIGHT: Marked H tree, has no hollows and significant trunk damage (lat -30.173600, long 152.781753)



LEFT: Blackbutt marked as a H tree appears to have had its crown knocked out during logging (lat -30.171837, long 152.780182). RIGHT: Blue Gum marked as a H tree with butt damage due to logging, 116 cm dbh, (lat -30.172162, long 152.778360)



LEFT: Marked H tree with base damaged in logging, Blue Gum 90cm dbh (lat -30.172195, long 152.778124). RIGHT: Marked H tree, roots damaged in logging, Tallowwood 130 cm dbh (lat -30.172402, long 152.777934).



LEFT: Marked H tree, damaged, Tallowood (lat -30.172569 long 152.779528). RIGHT: Marked H tree (not recorded).