

The last few years have seen destructive salvage operations to remove the windfallen timber in the Wombat Forest. Read about our court case, salvage works at Barkstead and our continuing campaign for the promised Wombat-Lerderderg National Park. Trevor writes about birds in the forest and Jeremy has an article about the flora on Blue Mount. Gayle Osborne (editor) and Angela Halpin (design)

# Can Mountain Skinks salvage the day?

## **Wombat Forestcare v. VicForests**

## Words and images by Gayle Osborne

Our case commenced in September, when we alleged that VicForests had not carried out adequate surveys for threatened species, particularly owls, Spot-tailed Quolls and reptiles in a number of logging coupes in the Midlands Forest Management Area. We then limited our case to one coupe, Silver Queen, in the Wombat State Forest.

Supreme Court Justice Melinda Richards found that Wombat Forestcare had established "serious questions to be tried" and ordered an interim injunction until a hearing on 31 October. The hearing was delayed until 30 November.

Our legal team had prepared for a two day hearing in the Supreme Court to argue for the interim injunction to be extended, halting VicForests salvage operation in the Silver Queen coupe. On the eve of the court hearing we were extremely surprised to be told that VicForests' surveyors, had in the previous week, located nine nationally endangered Mountain Skinks in and around Silver Queen.

VicForests' legal team claimed in a submission that "The Silver Queen coupe has now been surveyed comprehensively, relative to the scope and nature of the activities proposed for that coupe. The further surveying of the coupe is not required by sections 2.2.2.2 or 2.2.2.4 (of the Code of Practice for Timber Production 2014 (amended 2021))."

Mountain Skink Liopholis montana emerges from a hollow. Photography © Gayle Osborne.



They also claimed, according to their expert witness, that surveys were not needed as the skinks would not be harmed by the salvage operation. Despite these statements, VicForests is now undertaking quite extensive surveys for these reptiles.

The Court has now granted an injunction on the basis that one species, the Mountain Skink, is present on the coupe.

VicForests has also argued that it is necessary to remove the storm fallen logs to reduce fire risk, claiming that "the windthrown logs present a significant problem were a fire to reach the Silver Queen coupe. If that were to occur, and the logs were to burn, the logs could significantly contribute to habitat loss and death of biodiversity within the coupe, including for any of the 13 species that the Plaintiff claims might be in the coupe. The logs, if they remain, could also contribute to the difficulty in suppressing a fire in the coupe, and contribute to the risk that a fire in the Wombat State Forest could pose to communities and human lives."

Our expert witness, Associate Professor Grant Wardle-Johnson has refuted these claims in a report submitted to the court, pointing out that the removal of the windthrown trees is highly unlikely to have any effect on fire risk and may increase it. The factors that affect fire risk include the fine fuels, which are not being removed.

Another argument being presented by the defendant's lawyers is that the removal of the wind-fallen timber is not a 'timber harvesting operation' as defined in the *Code of Practice for Timber Production 2014 (amended 2021)* and hence the Code does not apply. They contend that "timber harvesting operation' means felling or cutting of trees and not trees that are fallen in a storm." We are yet to present our case.

We have extended our claim to include coupes at Mount Cole, Pyrenees, Cobaw and Enfield State Forests.

There will be a directions hearing on 5th February at which time a date will be set for the trial.

In order to substantiate our case, we need to engage expert opinion, starting with reports where we seek expert advice which is consistent with relevant research. The reports need to identify risks to threatened flora and fauna. We have funded a number of reports but will need further expert opinion for the trial.

The expert witness' responsibility is to assist the court and not to the parties engaging the expert. Our solicitor frames the questions our expert witness is to answer, but neither we nor our legal team can influence the expert's responses. The expert is not a 'gun for hire'.

The reports we need to argue our case require considerable research and are quite expensive to commission.

We must thank our amazing *pro bono* legal team, barristers Jonny Korman and Veronica Holt and solicitor Jamie King. With so many issues to respond to from VicForests, it would not be possible to raise sufficient funds to pay a legal team.

We are incredibly grateful to everyone who has generously donated and got us to this point, however more reports are needed, and the coffers are nearly bare. If you haven't already donated, please consider us. Even small donations quickly add up.

Get in touch to donate directly into our bank account <u>info@wombatforestcare.org.au</u>

Vegetation stripped during salvage logging at Silver Queen. Photography @ Gayle Osborne.



# Fire risk mitigation or log grab?

#### By Gayle Osborne

Despite there being no evidence that the storm fallen timber in the Wombat Forest poses an increased fire risk, every large fallen log from an area to the north and west of Barkstead is being removed and the bark and branches pushed into piles.

Although VicForests' contractors are carrying out the salvage, this is a Department of Energy, Environment and Climate Action (DEECA) operation. Under the Forests Act 1958 the Secretary of the department "must carry out proper and sufficient work in State forests, national parks and on protected public land......(b) for the planned prevention of fire." This power is delegated to the Chief Fire Officer and "prevention of fire" is undertaken by Forest Fire Management Victoria (FFMVic), a branch of the Department of the Environment.

The decision regarding what works constitute "prevention of fire" is decided by FFMVic and even if this decision will not reduce risk of fire and is environmentally damaging, the department is still acting within the law. There is no independent regulatory oversight of the works carried out in the name of "planned prevention of fire" and no way of challenging the decisions.

The DEECA website states, "We will keep fallen trees that are important for protecting biodiversity values and have provided buffers to trees with hollows, which are commonly used as habitat for a range of species." It is not evident at Barkstead that any large logs are being retained. Large piles of bark and branches that would be considered a fire risk cover the site and we assume that the area will be subjected to a burn.

As detailed in previous newsletter articles the large windfallen logs provide critical habitat for fungi, insects, frogs and small reptiles and mammals. They also shade the

ground and help keep moisture in the soil. They provide protection for emerging seedlings. As they rot, they act as a sponge absorbing moisture and keeping the ground damp.

The operations have been carried out under moist soil conditions resulting in soil compaction. Heavy machinery presses the soil particles together, reducing the pore space between them. This



Bark and branches in piles throughout the Barkstead coupe.

Photography Gayle Osborne.

causes a reduced rate of water infiltration, and also makes it more difficult for plant and tree roots to penetrate the soil.

Areas of the forest where machinery and logs were stored up to 40 years ago are still evident due to stunted vegetation. These areas were usually ripped with a plough to encourage regeneration but generally the compaction of the soil has prevented eucalyptus species re-establishing. The size of the current log storage areas and the weight of the machinery far exceeds the previous timber harvesting operations in the forest, and they may not be able to be rehabilitated in the foreseeable future.

The most likely long-term scenario is an influx of both Montpellier and Cape Broom as well as Blackberry, which will create a fire hazard on the edge of the township.

We need to respect and nurture the forest environment that surrounds us. Fallen trees are part of an ecological cycle and although the wind event of June 2021 was extreme, it was a natural event and not an exceptional, catastrophic occurrence. This is not an argument for no intervention, rather the careful removal of timber where necessary while considering the environmental impacts. It is important not to disrupt the natural process of regeneration.



## **Blue Mount**

#### **By Jeremy Neal**

At just over 870m elevation, the summit of Blue Mount is one of the highest points in the Wombat Forest. It is a trachytic dome formed from viscous lava; the other examples within the Wombat Forest being Mt. Wilson and Babbington's Hill.

However, unlike the Herb-rich Foothill Forest that blankets the relatively fertile crowns of Mt. Wilson and Babbington's Hill, the peak of Blue Mount is an open, woodland-herbland mosaic, a product of thin soils on exposed sheets of basalt.

On approaching the summit, you feel as though you have entered a montane environment. The stunted trees have the appearance of Snow Gums, though in fact they are short and gnarly Manna Gums, kept in check by the rocky substrate and exposure to the elements. The ground-layer vegetation is totally unique for a site within the Wombat Forest. A carpet of grasses, herbs and sub-shrubs, only broken by the large, protruding basalt outcrops, which are in turn host to various mosses, lichens and opportunistic herbs.

Common Everlasting Chrysocephalum apiculatum, which is absent (or almost so) elsewhere within the Wombat Forest, is abundant throughout the site, the golden flower-heads held high for months on end. Matted Bossiaea Bossiaea decumbens is also prominent where soil is of adequate depth, as is Vanilla Lily Arthropodium milleflorum, Small St John's Wort Hypericum gramineum, Common Raspwort Gonocarpus tetragynus and sun orchids Thelymitra sp. Grasses include Grey Tussock-grass Poa sieberiana var. hirtella (a downy-hairy form of Grey Tussock-grass which spreads via rhizomes), Wallaby Grass Rytidosperma sp., and Weeping Grass Microlaena stipoides.

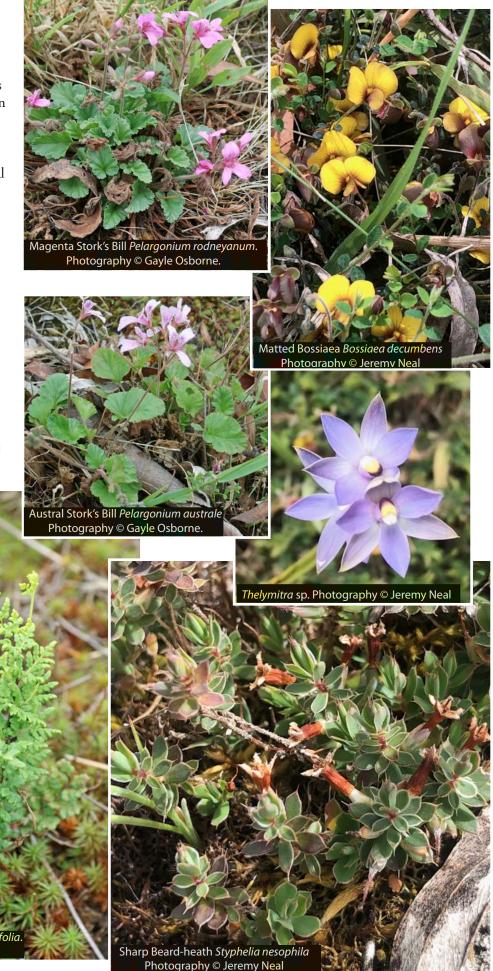


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In recent weeks whilst walking over the rocky outcrops, I noticed an unfamiliar heath. After sifting through nearly every Ericaceae (Heath) known to humankind, I finally landed on Sharp Beard-heath Styphelia nesophila, of which this was only the third population recorded in the western half of Victoria. Other flora in and around the exposed outcrops include Magenta Stork's Bill Pelargonium rodneyanum, Austral Stork's Bill P. australe, Murnong Microseris walteri, Austral Stonecrop Crassula sieberiana and Green Rockfern Cheilanthes austrotenuifolia.

Upon walking back down the northern slope of Blue Mount, a VicForests sign announcing imminent timber harvesting of areas adjacent to the summit, is a stark reminder of the fragility of such landscapes. These high elevation points with distinctive geology can provide niches for flora and fauna species that are significant at the regional, state and national level.

Photography © Gayle Osborne.



# **Comings and goings**

#### **By Trevor Speirs**

Maybe I've been outdoors more often than usual this spring but there does seem to be a more noticeable movement of bird species this year than previously. In the drier forests to the northwest of Daylesford, different migratory species are found compared to those that arrive into the wetter, southern environs. The White-bellied Cuckoo-shrike *Coracina papuensis* is fairly common to the north of the Wombat Forest, around the Newstead and Castlemaine area, but it is an extremely rare visitor here. It is also quite similar in appearance to the well-known Black-faced Cuckoo-shrike *Coracina novaehollandiae*, a regular and noticeable migrant to this region.

There are five sub-species of White-bellied Cuckoo-shrikes that occur in Australia and it is the SE sub-species robusta which is found in Victoria. Robusta is the only one of the five that has both a dark and pale morph and this can prove a challenge in differentiating between the White-bellied and the Black-faced Cuckoo-shrike. A photo is invaluable of course and a good picture will go a long way to a correct ID. In its pale morph the White-bellied has a continuous black line over the bill, which the Black-faced doesn't have, no black under the bill and does not have the large black patch behind the eye which is seen on the Black-faced Cuckoo-shrike. It's a bit trickier when the White-bellied is in its dark morph phase, but generally the throat and breast is more mottled than the Black-faced Cuckoo-shrikes. White-bellied Cuckoo-shrikes favour an open, woodland type of habitat and there are some really good examples of this type of bush along Welcome Track, in the Basalt area.

A decade ago, sightings of the Australian King Parrot *Alisterus scapularis* were mainly seen in and around the Garden of St. Erth in Blackwood and its close surrounds. Things have definitely changed since then with this unmistakeable large parrot regularly seen in Trentham. It has also been seen deep in the Wombat Forest along Kangaroo Creek, just south of Springhill.

This creek valley is a magnet for migratory birds with species such as Dusky Woodswallows *Artamus cyanopterus*, Olive-backed Orioles *Oriolus sagittatus* and Yellow–tufted Honeyeaters *Lichenostomus melanops* constantly seen and heard from October onwards. While Yellow-tufted Honeyeaters are sedentary in many places in Victoria, these aggressive little blighters arrive here in spring, probably from just a little further north. This area must meet their need as they don't seem to travel much further south than the Chinaman Track/Kangaroo Creek area once they arrive.

It's hard to know why this patch of bush is so popular with many different species of birds. Maybe it's to do with the most dominant eucalypt here, the Mountain Gum *Eucalyptus dalrympleana*, many of which are large and



White-bellied Cuckoo-shrike *Coracina papuensis* ssp. *robusta*. Photography © Trevor Speirs.



Black-faced Cuckoo-shrike *Coracina novaehollandiae*. Photography © Lynda Wilson.

provide a myriad of hollows, both big and small. The habitat is also quite open in parts but with a heavy layer of fallen timber throughout, which must provide an ample supply of reptiles and arthropods. Other species seen here regularly are the Square-tailed Kite and the Sacred Kingfisher, an obligate hollow-nester which is always here in spring.

In the damper, southerly parts of the Wombat, Blue-winged Parrots *Neophema chrysostoma* have been seen in very good numbers this spring. Usually in pairs, and feeding on seed along the side of tracks and roads, these small parrots are easily flushed and generally alight on a nearby branch making it easier to get a positive ID.

Listed this year on the EPBC act, Blue-winged Parrots breed south of the Great Dividing Range, mainly in Tasmania and coastal SE Australia. Some years ago, Gayle Osborne observed a pair of Blue-winged Parrots breeding in a stag (dead tree) just behind the tip in Trentham, which is possibly as close to the southern part of the divide as you could imagine. Although much is still unknown about Blue-winged Parrot movements, it's believed that following breeding most birds migrate inland to as far as southern Queensland before returning in late winter/spring.

Blue-winged Parrot *Neophema chrysostoma*. Photography © Lynda Wilson.



## **Wombat's Whistlers**

#### **By Trevor Speirs**

By the time late summer arrives in the Wombat Forest, unless you are up and about for the dawn chorus, locating birds by their calls does become a lot more difficult than it is in spring. Once breeding has finished migratory species like the Fan-tailed Cuckoo and Shining Bronze-Cuckoo have stopped their constant calling and the forest really does become a lot quieter.

One group of migrants that do continue calling longer than most are the whistlers. Their familiar and beautiful calls, while not as constant as the pre-breeding calls during spring, can still be heard as the temperatures start dropping. The Rufous Whistler in particular often calls well into late autumn, early winter. Rather than the frantic, seemingly endless courting songs of the males that are heard in spring, both sexes emit a mellow, more relaxed sound at this time of the year. In the Wombat I've heard and seen Rufous Whistlers well into June. Many

Rufous Whistler *Pachycephala rufiventris*.

Photography © Lynda Wilson.



migratory species would have packed it in by this time and headed for warmer climes. Of course being only altitudinal migrants, the whistlers have a lot less distance to travel than a species like the Satin Flycatcher, for instance, which usually spends its winter in New Guinea.

There are three whistler species found in the Wombat, the Rufous *Pachycephala rufiventris*, Golden *Pachycephala pectoralis* and the Olive Whistler *Pachycephala olivacea*. The first two can be heard throughout the forest in a range of habitats. In fact, any venture into the forest during the warmer months would rarely go by without hearing either of these whistlers calling strongly from a dry heathy ridge or down in a damp gully.

The third member of the family, the Olive Whistler, while no less musical, is a lot less common in the Wombat than the other two. It is also a bit more particular with its habitat requirements. Areas heavily vegetated with plants like the Red-fruit Saw-sedge Gahnia sieberiana and Prickly Moses Acacia verticillata growing densely amongst Swamp Gum Eucalyptus Ovata, are the places that Olive Whistlers favour. As well as these damp, sedgy habitats, gullies dominated by the Musk Daisy-bush Olearia argophylla are the best places to look for these elusive birds. While providing plenty of insect food these spots also meet the Olive Whistler's nesting requirement which is down low amongst dense shrubbery. Domino Road, SW of Trentham, has several ideal spots well worth a visit if the Olive Whistler is on your radar.

All three whistlers have similarly penetrating calls, and while it is no easy task to separate the Golden from the Rufous Whistler, the Olive Whistler's call is generally less frantic and slower and maybe a little richer, if that's possible, than the other two. An old Graham Pizzey guide book describes the call as pensive and ethereal which really gives you an idea of the beautiful quality of this whistler's call. But hearing it is one thing and seeing it another.

The Olive Whistler was once known by the name of Mystery Bird. Apparently this referred to the very difficult and no doubt arduous task of trying to locate them by following their calls through leech infested, swampy undergrowth. Another early and less complimentary name was Thickhead, which was also given to several other species of whistlers.



Golden Whistler *Pachycephala pectoralis*. Photography © Gayle Osborne.



Olive Whistler *Pachycephala olivacea* hiding in dense shrubbery. Photography © Trevor Speirs.

# **Victorian State of Environment Report 2023**

#### **By Murray Ralph**

Every five years the state government is required to produce a Victorian State of Environment (SOE) report. The 2023 SOE report was released recently and is the fourth to be produced.

SOE reports examine a variety of key indicators to assess all aspects of the Victorian environment including biodiversity, climate, air, land, cultural landscapes and energy. This article specifically examines the results of the 2023 Victorian SOE report in relation to biodiversity and forests.

Overall, while a few areas have improved or are stable, it is probably no surprise that the 2023 SOE report found that biodiversity in Victoria is generally in poor and declining health.

The report highlighted critical gaps in monitoring, research and data collection that make it difficult to obtain an accurate measure with some fundamental aspects of biodiversity. This includes the condition of ecosystems and ecological vegetation classes (EVCs), and the distribution and abundance of threatened species.

The main threats to biodiversity were identified as habitat loss, degradation and fragmentation mostly resulting from human population growth, landuse change, the intensification of agriculture, water extraction, invasive plants, pest animals, climate change, bushfires and large floods.

The 2023 SOE report found the overall condition of ecosystems to be variable, although many ecosystems were not specifically considered. Mallee and heathland ecosystems were assessed as being in fair condition and stable. Alpine ecosystems were also assessed to be in fair condition but in decline. Grasslands, wetlands, floodplains and riparian ecosystems were considered to be in poor condition and mostly in decline.

This young Barking Owl needs all the help it can get – **PARK NOW!** Photography © Trevor Speirs.

The extent and condition of native vegetation was also found to be declining, with natural areas still being cleared for human settlement and agriculture. Reflecting this, the conservation status of many EVCs occurring across Victoria was found to be endangered, vulnerable or depleted.

The SOE report found indicators for nearly all categories of threatened species are poor and declining. Few threatened species have action statements to guide recovery and as more species are assessed the list is expected to continue to grow. Habitat loss and degradation, environmental weeds and pest animals are the main threats. The 2019–20 bushfires also had a major impact.

Although invasive plants and animals are a major threat to many native species. including threatened species, the annual targets to control pest plants and animals are not being met. There is also very limited data on the numbers and abundance of invasive species.

The SOE report identified that many types of ecosystems require the addition of significant areas to achieve a comprehensive, adequate and representative reserve system, with native grasslands the most in need.

Nearly 20% or 1.4 million hectares of native forest were burnt in the 2019–20 bushfires, The fires significantly impacted forest-dependent species, including 84 threatened species. The SOE report highlighted unburnt forests areas as critical refuges for biodiversity, especially threatened species.

Despite a commitment from the Victorian government to 'maintain and enhance a world-class system of protected areas', minimal additions to the protected areas network have been made by the state government.

A commitment to create three new national parks and other types of reserves was made in 2021, including the Wombat-Lerderderg National Park. However, these Parks and reserves are yet to be legislated, and some are still being logged by VicForests.

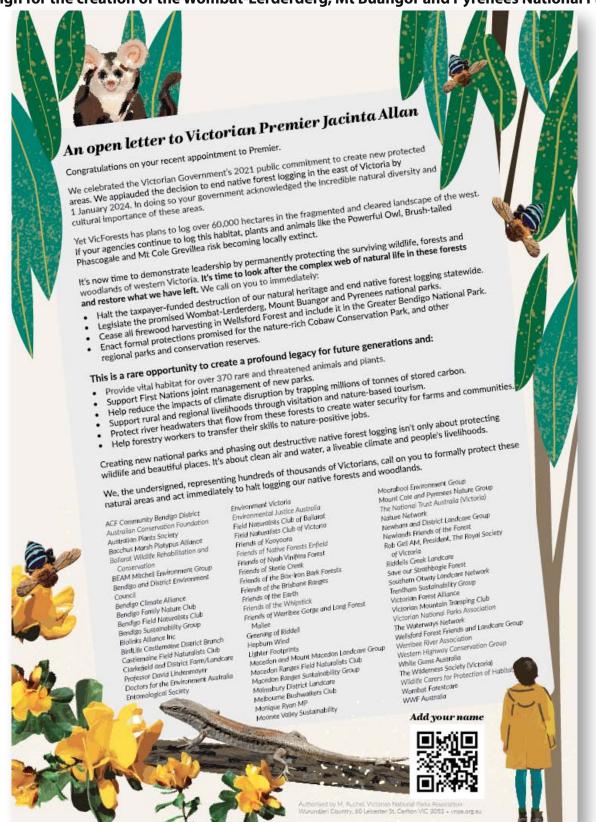
The end of native forest logging in 2024 provides a fantastic opportunity to dramatically expand the conservation reserve system in Victoria, but it is yet to be seen if this opportunity will be fully grasped by a state government with such a poor record in protecting biodiversity. Disappointingly the negative impacts

of native forest logging on biodiversity, fire risk and carbon sequestration were significantly downplayed in the 2023 SOE report.

Efforts to increase the conservation of native vegetation on private land has also not progressed very far in achieving statewide targets. While 62% of Victoria's land is privately owned only 1-2% of private agricultural land is managed for conservation.

The 2023 SOE report made a number of recommendations to improve the health of the biodiversity in Victoria. We can only hope that the next SOE released in 2028 shows significant improvements.

Wombat Forestcare in partnership with the Victorian National Parks Association continues to campaign for the creation of the Wombat-Lerderderg, Mt Buangor and Pyrenees National Parks.



## **Wombat Forestcare**

# research • education • action

Wombat Forestcare Inc. is dedicated to preserving the biodiversity and amenity of the Wombat State Forest, Central Victoria, Australia, by utilising the skills and resources of the community.

By becoming a member you will have input into our activities and projects, and give support to caring for our forests. For memberships and further information contact Gayle Osborne, (03) 5348 7558 or email info@wombatforestcare.org.au Membership fees: \$15 single and \$20 family. Visit our website - <a href="www.wombatforestcare.org.au">www.wombatforestcare.org.au</a>

The Wombat Forestcare newsletter is proudly produced on the land of the Djaara people.