

Transmission Log

No Station Name	Friday, 2010-06-04 15:31				No Station Number			
Job #	Date	Time	Length	Speed	Station Name/Number	Type	Pgs	Status
09756	2010-06-04	15:31	0:23	28800	96168866	SEND	2	OK -- V.34 AM31

Level 1, 660 Lonsdale Street, Melbourne VIC 3000 Australia
 Tel +61 3 9600 4224 • Fax +61 3 9600 4225
 inquiries@bleyerlawyers.com.au • www.bleyerlawyers.com.au



4 June 2010

Our ref: VEB:SKB
 Your ref:

VicForests
 c/ the Chief Executive Officer
 Level 7, 473 Bourke Street
 MELBOURNE VIC 3000

By facsimile only. 9608 9566
 Page 1 of 2

Dear Sir

My Environment Inc and VicForests

1. We act for My Environment Inc.

Unlawful logging

2. We are instructed that there are significant stands of trees in excess of 110 years of age in proposed coupes 298-509-0001 and 298-874-0003 in the Toolang district and that the forest within these proposed coupes is or contains Zone 1A Leadbeater's Possum habitat. Coupe 298-874-0003 is only about 1km from an Australian National University Leadbeater's Possum monitoring site.
3. As our client expects you are aware, the Leadbeater's Possum is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), threatened under the Flora and Fauna Guarantee Act 1988 (Vic), is endemic to the area in which the above coupes are planned and is Victoria's faunal emblem. Experts estimate less than a few thousand of these species remain in existence.
4. There is an action statement for the Leadbeater's Possum under the Flora and Fauna Guarantee Act. The action statement provides that Zone 1A comprises mature ash forest (>120 years old) and mixed aged ash forest where the oldest age class is mature (>120 years old), and regrowth ash forest with at least 12 live hollow bearing trees per 3 ha. The action statement also provides that the minimum area for assessment and establishment of Zone 1A type forest should be 3 hectares, the conservation of Leadbeater's Possum in habitat with such characteristics is the major priority and that Zone 1A forest should not be included in sustained sawlog and pulpwood yield calculations.
5. The Central Highlands Forest Management Plan defines Zone 1A in the same manner as the action statement. It requires Zone 1A habitat to be managed as a special

COMMERCIAL & CONSERVATION

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5. The Central Highlands Forest Management Plan defines Zone 1A in the same manner as the action statement. It requires Zone 1A habitat to be managed as a special

protection zone and defines a special protection zone as an area in which logging is excluded. Appendix L sets out Zone 1A habitat known at the time the Central Highlands Forest Management Plan was prepared.

6. The Central Highlands Forest Management Plan also provides that all ash eucalypts originating before 1900 are to be retained.
7. As the planned coupes referred to at paragraph 2 above contain significant stands of old growth forest containing ash eucalypts more than 110 years of age and habitat that meets the definition of Zone 1A, logging must be excluded in accordance with the action statement and Central Highlands Forest Management Plan. As you would be aware, VicForests is required by law to comply with the action statement and the Central Highlands Forest Management Plan.

Undertaking sought

8. Our client is concerned that logging is imminent in the planned coupes referred to at paragraph 2 above. We are instructed to seek an undertaking that VicForests will not log either of the planned coupes.
9. Please let us know by 4pm on Tuesday, 8 June 2010 whether VicForests will give such an undertaking. In the absence of an undertaking, we will seek instructions to commence proceedings against VicForests seeking injunctive and declaratory relief in relation to the proposed coupes. This letter may be produced including on the question of costs.

Yours faithfully



Bleyer Lawyers Pty Ltd

Copy to: Gavin Jennings MLC
The Minister for Environment and Climate Change
50 Lonsdale Street
MELBOURNE VIC 3000
By facsimile only: 9096 8866