



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Woody Martin

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes [x] No []

If yes, which organisation are you submitting on behalf of?

Arbor Forestry Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

3500



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.



Yes those sections do describe ONE of MANY PROBLEMS facing the forest industry. However I think problems described are relatively minor compared with others the industry faces. Some of those problems include the fluctuations of log prices, the lack of wood processing facilities operating, poor transport infrastructure, the ETS, lack of a skilled workforce, which are all issues that cost the forest industry much more than what sections 2.1 and 2.2 describe.

That being said, rules that are uniform for all regions would help with certainty for future operations with regards to the environment. I do not believe that an NES will reduce costs, especially in some regions where the costs of forestry operations will only increase because of the NES. The NES will bring more consents for forests in our main region of operation (Horizons) which will definitely mean more cost to the forest grower.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Yes in ways it will. However, management of adverse effects will come down to whether or not permitted activities are regulated properly by councils. This will involve council staff, actually spending time on the job alongside operators and owners to gauge whether or not the permitted activity is being managed correctly. In the past councils are either unwilling to do this work or when they do carry out this work they charge in excess of \$100 per hour which comes at a major cost to the forest owner. For a large forest owner this cost may be acceptable when spread over thousands of hectares, but for a small forest owner these costs can take a large chunk off an already depleted bottom line.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.



This question is very ambiguous, much like a lot of the rules around permitted activities. Of course some of the rules around permitted activities are clear and enforceable, for example notification of earthworks.

“Regional and district councils must be notified at least 20 working days and no more than 60 working days before earthworks operations start, unless this requirement is waived by the relevant council.”

A very easy statement to understand.

The majority of rules surrounding permitted activities are unfortunately much more unclear. To list every single one in this submission form would take far too long, so only a small number have been pointed out below.

With regards to wilding risk.

“Afforestation of conifer species in an area with a wilding spread risk calculator score of 11 or less.”

Using the calculator mentioned above, one can obtain a score easily enough, however that score could be changed depending on a number of factors, all determined before planting has actually taken place. It covers a huge number of factors all of which are open to extreme interpretation. I find it highly doubtful that a prospective forest owner who is planning to plant a small area will partake in this exercise. It would seem it is an exercise in frivolity and one of many barriers the NES is putting in place to make the planting of new forest even more difficult than it already is.

With regards to earthworks and fill

“Fill material must contain no more than 5% (by volume) of vegetation and wood, except for tracked areas or when wood is used as corduroy.”

It is understandable why a rule such as the above is included, but it is completely un-enforceable. There is no way anyone, whether it be a representative of the forest or that of a local governing body, will be able to determine with accuracy the volume of vegetation or wood as a percentage of the fill. Such a rule leaves forest owners at the mercy of “experts” who will blame vegetation for failure when in actual fact failure will be caused by other means such as not benching, lack of water controls or other such construction mistake.

With regards to harvest planning

“Harvest plan must include...identify and clearly document slash storage sites, including using skid diagrams as part of the pre-harvesting operation hazard identification process (as appropriate);”

The creation and implementation of a harvest plan is vital to any harvest operation. However statements, such as the above, make the planning process extremely difficult. I would estimate that in steep land, 1 skid is probably required every 10 hectares. The statement above is asking for a skid diagram detailing slash placement for every skid which could mean 30-40 skid plans for a medium sized harvest operation. I would suggest that this is almost impossible to achieve. Skids in steep hill country come in all different shapes and sizes. As harvesting (and therefore road and skid construction) is not allowed to take place until a harvest plan is created and submitted to the council, each individual skid's size and shape is unknown during the planning process. Such a rule as the one above will mean that most harvesting operations breach permitted activity rules as it can be guaranteed that for each slash storage site planned for each skid site within the harvest plan, will differ from the slash storage site location used during actual harvesting.



4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

Yes although there are always issues with the measurement of contaminants within waterbodies and whether or not it is fair those levels are blamed on forestry. Some streams and rivers will always have more contaminants than other due to the makeup of the stream bed. Obviously a rocky stream bed will have less contaminants running through it than a stream bed made up of silt. This needs to be taken into account when measuring water quality. During heavy weather contamination of waterbodies is too often blamed on forestry when neighbouring farmland is as much to blame for contributing silt and mud into these streams. I believe that measurement of contaminants is very difficult and if it is to be done at all, it needs to be done to ALL landowners, not just those in forestry.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.



No I do not believe the ESC and Wilding Spread Risk Calculator will appropriately manage environmental effects.

The Erosion Susceptibility Classification (ESC) is an out of date collection of data that doesn't give a fair representation of erosion susceptibility especially to forest owners. Most of the data was collected during the 1970s and 1980s, a time before a lot of the plantation forest within NZ was planted. To use data that assessed erosion susceptibility while that land was in pasture does not give a clear enough picture. The whole idea of basing a decision on whether or not an activity is permitted or requires consent is ridiculous and irresponsible. It will cater very nicely to the corporate forest owners who are not as reliant on returns as the smaller forest owner and can afford to spend money on the consenting process as their operations are far larger scale. It will result in the smaller forest owners having to spend more money on consents and will also discourage small woodlots from being planted or replanted following harvesting. I understand that land owners may apply to have their land reclassified. This option will not be economically viable for small forest owners, but again will suit large corporate owners nicely due to their larger scale.

The Wilding Spread Risk Calculator, as discussed above, is too complicated and applies factors which are most of the time irrelevant to forestry. It also relies on someone's human input, input which could be skewed in different directions depending on the person's point of view. It is concerning to think that MPI expects someone planning to plant land to use this calculator unless planting large areas. It simply is too complicated and prospective woodlot owners won't have the skill to use it properly. It needs to be simplified to be any use at all. If it cannot be simplified it shouldn't be used at all.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



Afforestation

Setbacks relating to shading of roads between the hours of 10am and 2pm on the shortest day of the year. This is impossible to prove. There is no one be it council or forest owner who is going to be measuring the shadows from all planted trees on the shortest day of the within a 4 hour time period. This rule cannot be policed or measured and needs to be removed.

Making afforestation a restriction discretionary activity in Red Zone areas make no sense whatsoever. This will allow farmland which is more at risk of erosion to continue farming but will prohibit or at least seriously inhibit financially the planting of forestry in most cases. Forestry is supposed to ASSIST with stabilising land, there should be no rules preventing afforestation in these red zone areas. The other issue is that red zone land is defined in the ESC although it is highly unlikely that anyone has even physically inspected the land and its soil qualities. Yet prospective forest owners are inhibited by the rule, a rule ultimately decided by someone looking at a 1:50,000 map in an office in the early 1980s.

The industry needs to be encouraging Afforestation not making it even more difficult than it already is.

Earthworks

Making earthworks in the orange zone >25 degrees and red zone a restricted discretionary activity will result in more money being spent on consents which will once again inhibit forest owners. Ultimately the same work will need to be completed as a permitted activity, from a forest owners perspective. The extra work required by local governing bodies approving a consent will come at a cost to the forest owner, especially smaller forest owners who will have to go through a similiar exercise for their small (10ha) block as the corporate forest owners have to go through for their large (>100ha). The costs for these two consents are likely to be similar, but for the smaller forest owner, it will mean a larger percentage input off their returns.

What is the difference to councils if earthworks in red or orange zone take place as a permitted activity? They will still be subject to the same conditions there will just be less consenting costs placed on the forest owner. All earthworks should be a permitted activity in all zones as long as the conditions are met.

Harvesting

The rule around requiring slash storage sites to be to be documented during the harvest planning process (before harvesting commences) and requiring there to be skid diagrams showing these storage sites is impractical. Firstly this would require a substantial amount of documentation. Over 100 ha of trees in orange and red zoned land may require up to 15 skid sites to allow harvesting to take place. If a skid diagram is needed for each one, this will mean more work and hence more cost to the forest owner. Even if all skid diagrams are completed prior to harvesting commencing, it is highly unlikely these skid digrams will remain exactly the same at harvest. Skid sizes change during construction due to unforeseen circumstances and this rule would see permitted activity rules being breached every time plans change skid and road construction.

Pruning and thinning to waste

Rules around pruning should be removed. Any slash caused by pruning is minimal and will have leittle to no effect on the environment whatsoever. It is one of the few ways to add value to a crop which has very little value after a 30 year rotation.

As an industry we should be encouraging value adding not putting in place controls to make it more difficult.



7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

Yes the NES will remove variation in rules between councils.

It does provide certainty for some but not all forest owners. There are some cases in red zone class land where forest owners may be unable to harvest if the governing body responsible exercises its discretion. This leaves the potential that some forest owners will be unable to realise their investment or will realise a significantly reduced return from their investment if significant restrictions are placed on them. In most cases forest owners will have been encouraged to afforest these areas and could have accepted incentives from government to do so only to be told at harvest their investment is worth less or even unable to be harvested due to the NES.

There are many barriers that will hinder implementation of the NES, the above is just one. The only certainty it will provide is the certainty of an outcome, that outcome will in some cases be less desirable than before.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

The costs and benefit analysis seems very ambiguous to have any real meaning. A range of almost 300% between the low and high end of the scale seems to indicate that there is no real way of knowing what the costs and benefits are. The whole analysis seems to be an educated guess at best from the information given in the submission document.

The environmental impacts have been assessed at saving between \$466,000 to \$10.6 million per year. Again the huge range reflects the fact that it really is unknown what the savings will be. In actual fact the saving is something like 25 cents to \$6 per hectare over New Zealand's entire exotic forest estate.

The figures given can be taken any way, they are not really backed up with any actual data which makes them useless.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.



As discussed above there are a number of issues that will affect the successful implementation of the NES. Some rules around harvesting, earthworks, afforestation and silviculture will make it difficult for some forest owners to make a reasonable return on their investment. The NES will give the councils more discretion over the harvesting of blocks which were planted with encouragement from the same councils during establishment.

The reliance on the ESC, which is a system based on out of date and in some cases inaccurate data, will affect some forest owners negatively. It will allow governing bodies discretion to disallow harvesting of forests in some cases.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

The risk of smaller forest owners being unable to reach a reasonable return on their investment has not been discussed at all. It seems the NES is focussed on providing the larger forest owners with certainty at the expense of the smaller ones. Consents will cost smaller forest owners more per hectare than larger forest owners. As consent numbers rise so will the costs to smaller owners.

There is much talk of the NES saving money. It will save money, there is no doubt about that, but it will cost the smaller owners more. Most smaller owners are New Zealanders, whereas the larger companies who stand the most to gain by this standard are mostly owned by overseas companies, families and investment funds. The government should be looking after the smaller, New Zealand owned forests not the other way around.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

No comment.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

There needs to be templates for harvest plans and sediment control plans that are acceptable to councils. These need to be made easily available.

13. Are there any other issues that you would like to raise?



It is frustrating that the working party involved in the development of the NES had no representation from the smaller forest owners. It is obvious from the participants in the working group that the NES would have benefits skewed towards the larger corporate forest owners. It is disappointing that only one regional council was involved, it does not give a very fair representation of the entire country.

Perhaps MPI should be talking to the real New Zealanders who own forests not just those with the most money and “expertise”.

SUBMISSION ON

PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

SUBMITTER'S DETAILS

Philip Taylor
Managing Director
Blakely Pacific Ltd

[REDACTED]
[REDACTED]

Contact: [REDACTED]

Background:

Blakely's total plantation estate in New Zealand is 34,338 hectares. The ownership covers both New Zealand Islands, with 6,816 hectares in the North Island and 27,522 hectares in the South Island. The ownership is divided into 14 geographically separated forests made up of 9 recently established ex-pasture sites and 5 mixed aged forests. The net stocked area of Blakely's estate is 24,990 hectares, comprising of approximately 43% Douglas-fir and 51% Radiata Pine. The remaining net area is made up of other commercial species such as Cypresses, Eucalyptus, Cedars, Pines and Larch. The balance of the "unstocked land" of 9,348 hectares is; reserve, roads and landings or unproductive land which is managed as part of the total overall land holdings. Blakely operates as a management operation, subcontracting to professional crews for planting, spraying, road construction, thinning, and final harvesting. Blakely also maintains fire-fighting equipment at various strategic locations across its estate to provide added protection. Blakely manages and operates its forests in line with the principles and standards of the Forest Stewardship Council (**FSC**). Blakely Pacific was certified in September 2003. Current FSC certificate is valid until the 1st September 2018 at which time the intention is to renew its certification.

Blakely owns and manages forests located within 10 District Council and 4 Regional Council boundaries. Each of these territorial authorities currently has their own rules relating to forestry and these rules vary in complexity and the degree to which controls are placed on forestry across our estate. This creates a significant amount of unnecessary complexity and uncertainty and the ongoing requirements for monitoring the various plan and plan changes represents a significant compliance cost on our business. While the proposed standard will go a long way towards simplifying what is a costly and time consuming process it does not ideally go as far as we would have liked in terms of scope and coverage – a comprehensive "one fits all approach". However, it is recognised that there are areas of interest and jurisdiction where territorial authorities have a unique issue or problem that requires a "bespoke" approach within their respective plans.

Blakely's assessment is that the proposed NES will materially "*raise the bar*" in terms of compliance for all involved in the short term. However, in the long term our view is that the simplification and standardisation of the rules will lead to a much better outcome for all parties concerned – forest owners, territorial authorities and other stakeholders in the community – and of course, the environment.

Blakely respectfully submits the following:

Blakely supports the NZFOA founding principles with respect to their position in support of the National Environmental Standard for Plantation Forestry. These founding principles form part of Blakely's submission and are attached as Appendix 1.

More specifically, Blakely submits that it considers that the draft rules are consistent and fair, subject to the comments below:

- Bullet point two under *Ground disturbance outside riparian margins* found on page 69 of the document (within the permitted activities of harvesting) be altered to read: All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body or coastal water resulting in.... We consider that the use of 'minimise' over 'prevent' is consistent with the intention of the NES as well as the wording within the rest of this section.
- The same comment above about changing the term "prevent" to "minimise" also applies to *Mechanical Land Preparation – Methods*, on page 72, and *Forest Quarrying – Quarry Management Plan*, Page 76.
- Remove mandatory set-back distance, on the basis that:
 - a mandatory set-back rule is not risk based, and is unnecessary on low-erodible country. There is no evidence of negative impact from forest growing to stream and wetland edge, or from harvesting of the same
 - it will create a significant loss of productive area, particularly around the convoluted boundaries of wetlands
 - set-backs will provide an opportunity for woody weed growth and not for native regeneration, which will in many cases actually just lead to the invasion of woody weeds into the riparian region adjoining the "stream".
- Under *Mechanical Land Preparation – Methods*, It is important that there is recognition of "safety" as well as practicality in the condition. This is consistent with the intent of the NES in other sections (e.g. harvesting). Therefore:
 - Amend the condition introduction to state: "Mechanical land preparation must be carried out parallel to the contour, where practical and safe (except roller crushing and downhill ripping)".
- Under *Forest Quarrying*, there is a condition that states: "material must not be transported off the property on public roads". The rationale for this condition is that any material quarried from a forest quarry must only be used for a forestry related purpose, and that it is intended that councils continue to regulate general purpose quarries. It is unclear why this would be a matter for discretion when the Scope of the rule states that the rules do not address vehicle issues (p 73). This rule would be suitable for large contiguous forests, however, it penalises small/disjoint forest owners as not all forests have suitable material for roads and there is the need to cart material from one forest to another. This condition should be deleted as it is out of the scope of NES.
- Under *Earthworks, Road Widening and Alignment for Safety Purposes*, there is a requirement for end hauling on slopes over 35 degrees. BPL oppose this - the decision to end haul needs to be made based on risk, and provided you are away from waterways and sediment can't move to a waterway there is no issue.

- Under *Earthworks, Road Widening and Alignment for Safety Purposes*, there is a typo – the requirement that the volume of material moved “is greater than 5000 m³” should be changed to less than.
- Under *Harvesting, Harvest Planning*, Blakely believe there should be some information included as to who can prepare a harvest plan, for example, what experience and qualifications they require. This is a specialised role, especially in steep land operations. This is equally so in woodlot/farmers harvest operations, where a general forestry consultant may not have the skills required to prepare these plans
- Under *Forest Quarrying, Quarry Management Plan*, a statement is required to make it clear that under revised Quarrying Regulations the Quarry Management Plan must be prepared by the designated Quarry Manager who holds the appropriate qualifications for the type and scale of the quarry, and has a Certificate of Competence. The way the clause is written in NES it indicates that anyone can prepare the Quarry Management Plan provided they consider the listed points – this is not the case.
- Throughout the NES rules, clarification and consistency is required for terminology relating to rivers/waterways. For example, terms used include:
 - Water body
 - Water course
 - Waterway
 - River
 - Stream
 - Perennial stream
 - Surface water bodies
- A standard definition of a Water Body is required also – especially defining whether or not ephemeral streams are included.
- Under *River Crossings, Crossing Specific Conditions* – the minimum culvert size is stated as 450mm, and the culvert size for battery crossings is specified as being between 450-800mm diameter. These figures don’t take into account differences in local conditions and in many cases could be excessive. The culvert diameters need to be based on actual calculations.

In summary Blakely believes that the proposed NES is a major step forward in streamlining what has become an unnecessarily complex resource management process. Accordingly, Blakely supports the proposal to introduce a “standard” against which plantation forest activities will be assessed and managed across New Zealand.

Philip Taylor

Managing Director

Blakely Pacific Ltd.

Appendix 1 – NZFOA Founding Principles in support of the proposed National Environmental Standard for Plantation Forestry on behalf of the membership.

- Supports the objectives behind the NES and considers the issues facing plantation forestry are accurately described
- Considers that the conditions for permitted activities will manage the environmental effects well, but notes that there will be a need to ensure that the forest planning documents are fit-for-purpose and monitored.
- Considers the rules to be unambiguous and well written. Providing there is resource available to complete audits or monitoring, the rules should be easily enforceable.
- Believes the environmental risk assessment tools should provide a base for informed decision making for councils. The tools in question shall have to continue to be updated as required to remain fit-for-purpose and easily accessible and useable. There may also need to be work completed with councils to ensure that these are easily able to be interpreted and applied in real time.
- Considers the NES is the best option to meet the assessment criteria. It does note the need for effective assistance to councils and forest owners during implementation.
- Notes that there may be a period during implementation where support and guidance will be necessary. Councils will require guidance to ensure that the NES is effectively and easily implemented, as well as to ensure that the tools and information provided is user friendly. BPL acknowledges that some councils may face additional costs and resourcing pressures, particularly at phase in, but note however this should be manageable provided there is adequate support and guidance from Central Government
- Notes that there is a potential risk that the intent of a process, rule or tool being lost or stringency significantly changed during legal drafting. While this risk is low, there may be a need to provide reassurance and/or assistance to councils and forest owners, as well as a review at a set date to address any concerns.
- Considers that the NES will likely assist in the implementation of the NPS-FW to an extent, however it should be noted that as the NPS-FW is a community-engagement process, in some areas that have been identified by councils and communities as needing additional protection, there may be more stringent controls placed on forestry.
- Considers that the NES will be of significant assistance in the implementation of the NPS-FW
- Supports the EPA having sole decision-making power over the introduction and use of genetically modified organisms.

s 9(2)(a)

From: s 9(2)(a)
Sent: Friday, 7 August 2015 5:33 p.m.
To: s 9(2)(a) NES PF Consultation
Subject: Fwd: Submission: NES for Plantation Forestry Consultation Document

See below
Cheers

Sent from my iPad

Begin forwarded message:

From: s 9(2)(a)
Date: 7 August 2015 4:53:02 pm NZST
To: "s 9(2)(a)"
Subject: FW: Submission: NES for Plantation Forestry Consultation Document

Hi ,

Could you do me a favour? I keep trying to send this email and sure I have the correct address as printed in the discussion doc....but it keeps bouncing. Could you forward to whomever needs to get it.

Cheers

Murray

From: s 9(2)(a)
Sent: Friday, 7 August 2015 4:47 p.m.
To: 'PFConsultation@mpi.govt.nz'
Cc:
Subject: Submission: NES for Plantation Forestry Consultation Document

NES-PF Consultation
Attn: Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140

7 August 2015

Dear Mr Miller

A National Environmental Standard for Plantation Forestry Consultation Document; June 2015: Submission

Thank you for the opportunity to make submissions on the above document.

The following submissions are made by Murray Parrish on behalf of Carter Holt Harvey Pulp & Paper Limited.

Phone s 9(2)(a)

Email: s 9(2)(a)

Carter Holt Harvey Pulp & Paper (CHHP&P) utilises pulp wood and wood residue from NZ sawmills in the manufacture of pulp, paper and paper-packaging. The company's products are primarily manufactured for export or into packaging utilised by other of New Zealand's primary product exporters.

CHH P&P has some limited direct investment in forests and forest management. However our significant investments in the processing and manufacture of 'value added' products for export from NZ's annual forest harvest is based on cost effective forest management and therefore cost effective regulation of forests by local government.

CHH P&P have had the opportunity to view submissions made by other forest owning entities and on that basis would in general terms support the approach and comments of the New Zealand Institute of Forestry and the New Zealand Forest Owners Association. We have limited our specific submissions to the following matters.

1. CHHP&P support the NES as offering greater regulatory efficiency and hopefully significant savings in terms of regulatory costs. Duplicating planning and administration of forest growers across each region logically represents an unnecessary cost and investment uncertainty.
2. Standardisation of forest management through adoption of the NES could have the indirect but positive benefit of simplifying verification of NZ forest product exports as coming from legally managed sources. We acknowledge this is not the primary motivation for the proposal. However the growing trend is for forest product importing countries to regulate for 'proof of legality' and to prefer some form of Government verification, requirements that might be more easily achieved with greater standardisation of local government regulation of forestry than is currently the case.
3. CHHP&P is aware that provisions related to GE materials have caused some concern. We would therefore express specific support for the proposed standardisation of regulation of genetically engineered materials to those plants and animals assessed and approved for trial and release by the EPA and on the reasonable assumption that conditions imposed by the EPA are adhered too. It is not clear that forestry will be at the forefront GE deployment, recognising the long lead times and other factors that are inherent to the sector. That said, NZ's dependence on biologically based industries suggest GE techniques offers significant potential for innovation and or the resolution of long standing impediments to profitable forestry such as pest and disease control. Our perspective is that NZ is better served by controlled research and use of the technology, and that effective control requires an expertise and understanding that is, at best, inefficiently deployed at a regional and local government level.

Murray Parrish
Environment Manager

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Proposed National Environmental Standard for Plantation Forestry

Submission by City Forests Ltd

10 August, 2015

Address for Service:



Contact Person:

Peter Oliver, General Manager, Forest Assets

Ph. [REDACTED]

Email: [REDACTED]

Introduction

City Forests is a major land and forest owner in the Otago region. More than 20,000 hectares of company owned and leased land includes just over 16,300 hectares of productive plantation forest, with the remainder in non-productive land-use, including nearly 600 km of internal roading, and over 2,300 hectares of designated ecological reserves. In 2006 the company celebrated 100 years since its first forests were planted – originally to help preserve water quality and prevent erosion in early Dunedin. Much of the company's plantation forest area is now on its second or even third rotation as a commercial forest crop. City Forests' forest blocks are all located within 80 kms of Dunedin. Our 14 separate blocks vary in size from just a few hectares, to over 5,000 hectares. City Forests is a Council Controlled Trading Organisation, wholly owned through Dunedin City Holdings Ltd, by the Dunedin City Council.

City Forests supports the development and implementation of a National Environmental Standard for Plantation Forestry (NES-PF). What is required with such a standard is that it is clear and unambiguous, enables certainty for forestry investors and managers for what is generally a benign land use, is appropriately calibrated to the relative levels of risks involved from particular forestry activities on particular environments and sites, minimises unnecessary bureaucracy or administration, and is consistent throughout the country. It is our view that, in general, the present consultation version of the NES-PF achieves these objectives and is a clear and enabling standard.

However, while we are in general support of the consultation version of the NES-PF, there are a number of points at which we disagree, and we have some suggestions as to how to make it more workable for forestry practitioners. In the following table we will generally restrict our comments to these points of difference. **Where not mentioned, we support the proposed rules.**

Section	Identifier	Page no.	Support/ Oppose	Rationale	Suggested Changes
Objectives	All four stated Objectives	6	Support	City Forests supports the removal of unwarranted variation between councils' planning controls for plantation forestry, improving the certainty of RMA processes and environmental outcomes for forestry, and the provision of fit-for-purpose planning rules for forestry.	
Principles	Activities permitted	6	Support	City Forests supports all the stated principles, particularly the "default" permitted activity setting, and controls being directly related to the level of risk, and backed up by good science for the anticipated environmental outcomes from forestry activities. It has been our experience that local regulators often lack the science knowledge and the experience to reasonably regulate for forestry, usually being predominantly focussed on agriculture and its outcomes, or on the urban environment.	-
RULES					
Afforestation	Setback from paved public roads	61	Oppose	Having a one-size-fits all requirement to account for shading raises a significant issue of equity, both across the country and potentially with other rural land users. On the shortest day in southern New Zealand shading from mature forest trees may extend for more than 100m. For equity, any enacted rules should apply equally to shelter belts for example.	A fixed distance (we suggest 40m), or default to road-controlling authority rules.
Afforestation	Setbacks from Perennial river or stream,	61	Oppose	<p>City Forests opposes any waterway setback requirement for the following reasons:</p> <ul style="list-style-type: none"> A blanket set-back rule fails the risk test when applied across the board. That is, it is unnecessary on the low-erodible country that our forests sit on, and there is no evidence of negative impact from forest growing to stream and wetland edge, or from harvesting of the same on our sites. It will create a significant loss of productive area, particularly around the convoluted boundaries of wetlands (of which we have hundreds of km), and 	No blanket setback requirement from perennial waterways. Were one to be enacted then the 0.25 ha threshold for wetlands in particular is far too small and will result in the loss of a significant amount of

				<p>particularly in view of the very low size threshold of 0.25ha for these.</p> <ul style="list-style-type: none"> Set-backs will simply provide an opportunity for woody weed growth and not for native regeneration on most of our sites, which will in many cases actually just lead to the invasion of woody weeds into wetlands. Equity with other rural land uses. The agricultural sector in particular is at best, fencing wetlands with no or with a very minimal set-back, yet consistently has a greater impact than forestry on waterways. As a general principal it is important that forestry is able to compete for rural land on a reasonably level playing field with other sectors. Therefore any scientifically justified requirement for vegetation to protect surface waters will logically apply to all waterways not just those emanating from forested catchments. May generate ETS liabilities, and so should provide for these as an exception to the rule, at the least. 	<p>productive forest land, particularly in some southern uplands forests, without any appreciable environmental benefit.</p> <p>Any setback distance, if enacted, should be to “slope measurement”, this being a more practical on-the-fly field measurement for operators and planters.</p>
Earthworks	Spoil	65	Partially support	<p>The condition “must not” is unreasonable in our view. It is virtually impossible to avoid some spoil becoming deposited over woody vegetation, logging slash, outside a production area. The issue is the level of risk in any particular situation. “Must not” does not allow for any practical flexibility.</p> <p>Furthermore, the term “outside a production area” needs an unambiguous definition in the glossary or a clear guidance note.</p>	<p>This rule should use the term “minimise” or “as far as practicable”, or “no more than minor”.</p>
Earthworks	Notice of commencement	63	Partially support	<p>City Forests seeks provision for increasing the 60 day notification timeframe for forestry organisations where there is scope for year round earthworks taking place.</p>	<p>Councils may at their discretion increase the maximum of 60 days notification for earthworks to at least 120 days or more as agreed with by council.</p>

Earthworks	Notice of commencement	63	Oppose	Track construction is included under the definition of Earthworks (Glossary, p 47), therefore a notice of commencement requirement of 20 days for forestry tracking/ track construction applies. The notification timeframe is unrealistic and unwarranted for this level of disturbance.	Forestry tracking/ track construction to be removed from the permitted activity rule - notice of commencement requirement.
Harvesting	Notice of commencement	69	Partially support	For larger companies in particular, changing market, weather and other conditions may warrant unexpected changes in harvest schedules. A 20 to 60 day notification period is impractical and will significantly impinge on a forester's ability to react to changing circumstances. Therefore, City Forests seeks provision for significantly increasing the 60 day notification timeframe for forests particularly where there is scope for year round harvesting taking place. This would allow foresters to notify for a wider range of blocks with the expectation that plans may and will unexpectedly change from time to time.	Councils may reduce the minimum of 20 at their discretion but also increase the maximum of 60 days notification for earthworks to at least 120 days or more is agreed with by council.
Harvesting	Ground disturbance outside riparian zones	69	Oppose	The word "prevent" is very absolute and does not give any practical flexibility for minor effects. It is also inconsistent with other similar rules elsewhere in the NES-PF, such as riparian disturbance (p70) where the terms, "except where unsafe and impractical to do so" and "more than minor adverse effects" are sensibly used to prescribe the boundaries of interpretation.	All disturbed soil must be stabilised or contained so as to prevent <u>minimise</u> movement of sediment into any water body or coastal water resulting in:....
Harvesting	Riparian disturbance	70	Partially support	This section, which requires full suspension across streams greater than 3m, inadvertently captures small wetlands. In these situations full suspension will on occasion be impractical and not be warranted by the level of environmental risk.	Add an additional clause specific to wetlands such that full suspension is only required if the impact is assessed to be more than minor.

Mechanical Land Preparation	Methods	72	Partially support	<p>We assume that these rules are intended to include “slash raking”. However this is unclear and the rules appear to refer to active soil disturbance (e.g. cultivation) rather than simply moving slash. The comments that follow in this section apply to “slash raking” and there is clearly a need to remove this ambiguity from the rules, and to distinguish between the much lower impact “slash raking” and active ground cultivation activity.</p> <p>A wording change is required to provide the ability for mechanical land preparation to be carried out not on the contour for the following reasons:</p> <ul style="list-style-type: none"> • There is a higher cost and a significant health & safety risk in operating mechanical land preparation machines (excavator/ bull-dozer on a contour on sloping land). It is particularly difficult for machinery to move material uphill. • Contour land preparation it will add cost and make achieving target stockings significantly more difficult for the subsequent planting operation. • It is not necessary to mitigate environmental risk on low sediment risk sites. • It may impede the drainage of frost on frost prone sites 	<p>Follow the FOA’s Environmental Code of Practice for Plantation Forestry (p22):</p> <p>“Where safe and applicable...Where soil properties and rainfall predispose, align slash windrows along the contour of sloping land..”</p>
Mechanical Land Preparation	Methods	72	Partially support	<p>1st bullet point, use of the word “prevent” is unreasonable and may create a resource consenting regime for routine land preparation activity.</p>	<p>1st bullet point: replace ‘prevent’ with ‘minimise’.</p>
Mechanical Land Preparation	Setbacks	73	Oppose	<p>City Forests opposes any waterway setback requirement for the following reasons:</p> <ul style="list-style-type: none"> • It is a significant loss of an existing use right, and is unwarranted by the actual environmental benefit in many situations. • A blanket set-back rule fails the risk test when applied across the board. That is, it is unnecessary on the low-erodible country that our forests sit on, and there is no 	<p>No blanket setback requirement from perennial waterways. Were one to be enacted then the 0.25 ha threshold for wetlands in</p>

				<p>evidence of negative impact from forest growing to stream and wetland edge, or from harvesting of the same on our sites.</p> <ul style="list-style-type: none"> • It will create a significant loss of productive area, particularly around the convoluted boundaries of wetlands (of which we have hundreds of km), and particularly in view of the very low size threshold of 0.25ha for these. • Set-backs will simply provide an opportunity for woody weed growth and not for native regeneration on most of our sites, which will in many cases actually just lead to the invasion of woody weeds into wetlands. • Equity with other rural land uses. The agricultural sector in particular is at best, fencing wetlands with no or with a very minimal set-back, yet consistently has a greater impact than forestry on waterways. As a general principal it is important that forestry is able to compete for rural land on a reasonably level playing field with other sectors. Therefore any scientifically justified requirement for vegetation to protect surface waters will logically apply to all waterways not just those emanating from forested catchments. • May generate ETS liabilities, and so should provide for these as an exception to the rule, at the least. 	<p>particular is far too small and will result in the loss of a significant amount of existing productive forest land, particularly in some southern uplands forests, without any appreciable environmental benefit.</p> <p>Any setback distance, if enacted, should be to “slope measurement”, this being a more practical on-the-fly field measurement for operators.</p>
Forestry Quarrying	Definition of “Forestry Quarrying	48	Oppose	<p>The definition as proposed includes work covered elsewhere in Earthworks. Specifically, benching. Benching as part of a roading activity (e.g. on corners, high batters, through knobs, and on landings) is the extraction of rock etc. specifically for the formation of roads and landings. Furthermore, “borrow-pits” where the material extracted is not stockpiled, is a roading activity not a quarrying activity. In a roading activity the material is either spread or end-hauled as fill. City Forests does not want this work to be considered a Forestry Quarrying operation.</p>	<p>Include in Scope:.....”for the formation of forest roads at defined sites where stockpiled or stored for further processing or loading out for cartage occurs”.</p>

Forestry Quarrying	Notice of Commencement	75	Oppose	20 working days is too long in the case of opportunistic operations where metal is found and is available for exploitation, or when an adverse weather event requires urgent use of resource. In addition there are processes set up where Councils are advised biannually – every six months – of planned usage.	Change the notice of commencement to at least three days prior and up to 6 months before
Forestry Quarrying	Material transported off property on public roads.	76	Oppose	This rule is neither practical nor reasonable. City Forests, for example, which has a number of small and medium sized forestry blocks - some of which are closely adjacent to each other - routinely transports quarried material specifically intended for forestry road use, on public roads (for which, incidentally, we pay rates). This material is transported both between blocks and to different parts of the same block.	Remove clause altogether, or provide specific allowance for the transportation on public roads of material intended for forestry roading by the same forestry entity.
Replanting	Setbacks	79	Oppose	<p>City Forests opposes any waterway setback requirement for the following reasons:</p> <ul style="list-style-type: none"> • It is a significant loss of an existing use right, and is unwarranted by the actual environmental benefit in many situations. • A blanket set-back rule fails the risk test when applied across the board. That is, it is unnecessary on the low-erodible country that our forests sit on, and there is no evidence of negative impact from forest growing to stream and wetland edge, or from harvesting of the same on our sites. • It will create a significant loss of productive area, particularly around the convoluted boundaries of wetlands (of which we have hundreds of km), and particularly in view of the very low size threshold of 0.25ha for these. • Set-backs will simply provide an opportunity for woody weed growth and not for native regeneration on most of 	No blanket setback requirement from perennial waterways. Were one to be enacted then the 0.25 ha threshold for wetlands in particular is far too small and will result in the loss of a significant amount of existing productive forest land, particularly in some southern uplands forests, without any appreciable

				<p>our sites, which will in many cases actually just lead to the invasion of woody weeds into wetlands.</p> <ul style="list-style-type: none"> • Equity with other rural land uses. The agricultural sector in particular is at best, fencing wetlands with no or with a very minimal set-back, yet consistently has a greater impact than forestry on waterways. As a general principal it is important that forestry is able to compete for rural land on a reasonably level playing field with other sectors. Therefore any scientifically justified requirement for vegetation to protect surface waters will logically apply to all waterways not just those emanating from forested catchments. • May generate ETS liabilities, and so should provide for these as an exception to the rule, at the least. 	<p>environmental benefit.</p> <p>Any setback distance, if enacted, should be to “slope measurement”, this being a more practical on-the-fly field measurement for planters.</p>
River Crossings	Flow calculations	87	Support	<p>City Forests’ supports in particular the provision for Council’s to specify a different approved method of flow calculation. We believe for example that the ORC’s 6A calculation method is simpler, and quicker and more practical to assess.</p>	
River Crossings	Crossing specific conditions	88	Partially support	<p>Two weeks is too tight a timeframe for temporary crossings, and 24 hours is impractical for removal after completion of the operation.</p> <ul style="list-style-type: none"> • If the weather deteriorates it may be some time before a crossing can be safely removed. • It may be environmentally and practically more sound to leave the crossing for the land preparation operator to remove with more suitable machinery. 	<p>Amend the clause to allow for crossings to remain in place for the duration of the harvest units’ harvesting, and removal to be completed before replanting. Both amendments to be subject to the environmental impact being “no more than minor”.</p>

Conclusion

City Forests considers that, overall, the latest draft of the NES-PF is a sound proposal, and will improve the regulatory environment for forestry, and will lead to good environmental outcomes. There are a few issues that need further consideration, and we have listed these along with our suggestions for improvement in the tables above. We appreciate the opportunity to contribute to this important task through this submission.



Peter Oliver
General Manager, Forest Assets

Submission on “A National Environmental Standard for Plantation Forestry” Consultation Document June 2015.

11th August 2015

Submission by: Craigpine Timber Limited

s 9(2)(a)

Contact: Craig Milne (Forester) s 9(2)(a)

Phone s 9(2)(a)

Submission: Overall support of the NES for Forestry Process and proposed Standards.

Global warming is a major factor in our Economic and Political spheres and carbon management is an important part of that. New Zealand has little (no) chance of meeting its' international targets without more Forestry Plantations. Craigpine supports the enabling aspects of the NES mainly for this reason. Plantation Forestry can and should be elevated as the first Industry to achieve the NES and this is highly appropriate given its' role in green house gases management.

The RMA is effects based legislation and a counter argument against targeting a specific industry for NES formation, such as Forestry, is the effects should be managed regardless of the cause. But the practicalities of dealing with different Industries renders this approach difficult to manage and to write enabling **effects based** standards would require a lot of interpretation that only Consents could control.

Submission: Mechanical Land Preparation should not restrict root-raking to an orientation of the contours.

Root-raking is a bad term in that the idea is to minimise the ground disturbance while pushing aside the larger slash to allow planters access. It has nothing to do with the raking of roots.

The orientation should be determined by factors of topography and safety while minimising the machine's movement. Root-raking on contours will require more machine movement as the operator tries to work around stumps and remain safe on the uphill push (when being undertaken by an excavator). More machine movement equates to higher effects.

Craigpine submits that the effects of root-raking as compared to other land preparation techniques that procedurally break the surface of the soil is minimal and this activity should not be restricted to the contour (even given this is only where practical in the rule). The use of the Erosion Susceptibility Classification tool restricts this activity where steeper or more susceptible land is involved.

Submission: Quarrying should enable borrow-pits under 5,000 m3 without a quarry plan.

Forestry roading on rocky land can involve recovering rock alongside the road for use in the foundation of the road. “Rotten rock” can be recovered from multiple points alongside the road being built. This applies where the rock is used locally without transporting it for distances of greater than 1km. A Quarry Plan is formatted and designed for a fixed point quarry.

Submission: Under Harvesting, second bulletpoint under "Ground Disturbance outside Riparian Zones", "prevent" should be replaced with "minimise".

Not really practical to prevent ALL sediment.



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Eastland Wood Council

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes [☒] No [☐]

If yes, which organisation are you submitting on behalf of?

Eastland Wood Council

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):



The EWC is made up members with more than 100,000 ha of plantation forestry, Eastland Port and processing facilities, and several logging contractors on the East Coast:

Hikurangi Forest Farms Ltd
Ernslaw One Ltd
PF Olsen Ltd
Juken NZ Ltd
Forest Enterprises Ltd
Roger Dickie Ltd
Ngati Porou Forests Ltd
Eastland Group Ltd
East Coast Lumber Ltd

Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.



EWC submit that this section accurately describes the problem facing plantation forestry. Members of the group can re-count examples of inconsistencies in the current resource consenting process and members also currently deal with considerable differences in rules across territorial boundaries for example Gisborne District Council and Wairoa District Council.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Permitted Activity status will allow management of adverse environmental effects. More time can be put into actual risk assessment, mitigation strategies and more intensive monitoring as opposed to resource consent application preparation and processing. There will still potential for local council/regional council to require a Resource Consent under certain situations such as steep orange zone and red zoned land etc. This will give a local authority a level of control where it is necessary.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

Yes- they are as clear as they can be for implementation in an environment that varies as much as a plantation forest block. Some existing rules in current District and Regional Plans are impractical and operations are not physically able to comply.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

Gisborne District Council will require a resource consent for afforestation of some of the erosion prone categories of land which will be red zones. This will ensure that in order for these areas to be planted there will need to be evidence that the area can be harvested within NES rules. This will ensure that new plantation forests are not planted within inappropriate areas which cannot be harvested without significant damage to the environment.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator)



appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

There are some concerns about the accuracy of the fish spawning database. Some of the creeks that are registered as having fish (>0.5 rating) would in the view of our members be very unlikely to have fish. Surveying of rivers to find prove one way or another could prove an expensive operation. The restrictions on timing of operations has the potential to be very disruptive to operations. Operations are sometimes delayed by uncontrollable events which could trigger the need for rushed resource consents once it becomes apparent that the time of recorded fish spawning periods draw near. It will not always be possible to pull a crew out at short notice and it will be difficult to get a Resource Consent quickly to continue through the stipulated spawning period.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

Afforestation

Change required (page 60) District Rule

The exemption of “Land Overlay 3A” (LO3A) in the Gisborne Region (arguably some of the very worst erodible land in NZ) from an otherwise universal Restricted Discretionary consenting regime is inconsistent with the policy and not compatible with good land management. On the worst sites, Council’s need to be able to reserve control over what species are planted as well as incentivising and in some cases directing land owners not to plant short rotation non-coppicing species that will be clear-fell harvested.

EWC acknowledges that there may be a perception that afforestation of LO3A as a consented activity is a disincentive to landowners and hinderance to Gisborne District Council in achieving ‘effective tree cover’ as per their District Plan rule. In saying that, EWC considers that under the current context (both in terms of environmental effects and economic feasibility) of harvesting LO3A within the Gisborne region that having an opportunity to assess the feasibility of species and regime prior to afforestation through the consenting process is an appropriate mechanism for the Gisborne region as it is for the rest of the country under the current proposed NES.



Harvesting

Change required Pg 69 Regional Rule

Ground disturbance outside Riparian zones

“All disturbed soil must be stabilised or contained so as to **prevent** movement of sediment into any waterbody or coastal water resulting in:

- the diversion or damming of the river or stream
- the sedimentation of the bed of any surface water body**
- significant adverse effects on aquatic habitats
- damage to downstream infrastructure, property or receiving environments”

In normal forest harvesting operations it will not typically be possible to totally “prevent movement of sediment into any waterbody”

The view of the group this is that the word prevent should be replaced with the word **minimise**.

The current terminology of “prevent” will push a high % of harvesting around the country into a resource consent situation which will be contrary to the intent of the NES-PF.

Ground Disturbance outside of a riparian – Change required (page 69) Regional Rule

As discussed in question 2 above, EWC considers the requirement to ‘*Prevent*’ the movement of sediment into any water body or coastal water as unachievable in many operational settings and therefore suggests the following wording: ‘*All disturbed soil must be stabilised or contained so as to **minimise** the risk of sediment entering into any water body or coastal water resulting in: ...*’.

Riparian Disturbance – Change required (page 70) Regional Rule

EWC considers the permitted activity condition ‘*must have full suspension if pulling across streams greater than 3m in width*’ as consistently unachievable in harvest settings where backline ridges converge with the riparian zone and river (this is generally unachievable irrespective of river width). Due to low deflection in the lower slope the requirement to achieve full suspension will not be achieved and will trigger the requirement for a resource consent, often at the harvest setting level. EWC considers the requirement for setting level resource consents to be an unreasonable cost to both industry and Council when considering the relative scale of damage that will occur in relation to the length of the riparian that will not be effected because full suspension can be achieved.



EWC acknowledges the values that the condition aims to protect but points out that the proposed condition, which encourages cable hauling operations to pull away from riparians and construct additional earthworks (roads and landings) on the opposite ridge, does not remove the need to haul trees across the river. The side of valley that is harvested first will often require that the anchor point of the rope is on the opposite face in order to achieve deflection. This requires the trees on the opposite face to be felled and hauled across the riparian/river. These trees cannot be left on the face and hauled from the upper slope landing as the timeframe to achieve this will see the stems effected by wood stain. EWC suggests that under the permitted activity condition, an allowance for minor riparian damage should be provided for the reason that damage in small specific sections of the riparian is unavoidable and the requirement to gain resource consent for minor damage adds cost to Council and industry without real environmental benefit.

EWC suggests an amendment to the condition which states *‘When pulling across streams greater than 3m, full suspension must be achieved where possible. Where full suspension cannot be achieved, any contact with the riparian is limited to occasional crown sweeping and only where the total length of impacted riparian is less than 20% of the total length of the riparian within the activity area’*.

Slash and Debris Management - Support (page 70) Regional Rule

EWC endorses and supports the qualifier *“Whenever safe and practicable to do so,”* from the Permitted Activity condition that directs... *‘remove potentially unstable slash that has the potential to mobilise under flood flows from water bodies.’*



Forestry Quarrying

Notice of commencement – Change required (page 75) District/Regional Rule
EWC understands the definition of quarrying (verb) includes all forms of borrow pits (i.e. any extraction of material during roading construction) and therefore requires the operation to be notified at least 20 days prior to operation start.

Borrow pits are often difficult to plan for and often only small volumes of material are extracted on short notice for road maintenance and/or to blend with other formation materials during road construction. These small volumes of material during road construction are often extracted from the cut section where the road traverses a ridge. This material is used for road and/or landing formation in a cut to fill operation. Under the current definition of quarrying, standard cut to fill earthwork operations would trigger the requirement to notify Council of quarrying and create a Quarry Management Plan (QMP). EWC considers cut to fill operations are standard construction earthworks which should not trigger the notification requirement or the requirement to create a QMP. EWC suggests extraction activities sites where the volume exceeds 5,000m³ over a 12 month period should trigger the notification and QMP requirement. Alternatively, the definition of quarrying should specifically exclude all standard cut to fill extraction operations undertaken during road construction.

Quarry Management Plan – Change required (page 76) Regional Rule
As per above, EWC considers the current definition for ‘quarrying’ includes standard cut to fill earthworks for road construction. EWC suggests the requirement to create a QMP should only be required where extraction site activities exceed 5,000m³ over a 12 month period. Alternatively, the definition of ‘quarrying’ should specifically exclude standard cut to fill operations undertaken during road construction.

Forestry Quarrying – Change required (page 76) District Rule
Some stand-alone forests are intersected or divided by public roads. The condition restricting the transport of quarried material to within the forest (i.e. not ‘on’ public roads) needs to be amended to allow quarried material to cross a road (from a forest on one side of the road to the other), or to be transported along that road within the boundary limits of that forest. Not allowing any rock truck on a public road (not even to cross it at right angles) might give rise to the perverse outcome of incentivising a forest owner to build another road parallel to the public road, eliminating productive ground, or the unnecessary expense of constructing an underpass. EWC proposes a Permitted Activity condition enabling rock trucks serving a forestry quarry to cross a paved (sealed) public road with a ‘wheel wash’ (immersion bath) installed to prevent the tracking of mud from tyres onto any paved public road.



River Crossing

Ford – specific conditons relating to fording of streams – Change required (page 89) Regional Rule

Point 3 stipulates *‘the use of a ford does not cause conspicuous change in the visual clarity of water beyond 100m downstream of the ford for greater than one consecutive hour after the use of the ford’*. EWC would like to highlight an issue with this condition whereby it does not consider the volume of sediment being discharged or the number of axle movements through the ford and creates a perverse outcome where evenly spaced/timed vehicles (i.e. every two hours) could use the ford and comply with the condition. While only two vehicles using the ford within the space of an hour would likely be non-compliant. The perverse outcome relates to the increased volume of contaminant (sediment) which has been discharged into the water body through a higher number of spaced/timed vehicle movements versus only two vehicles in the space of an hour.

Additionally, condition 2(a) under Fish Spawning (page 84), allows for 20 axle movements through a water body occupied by protected fish species during spawning season. This fish spawning condition would not comply with the general fording condition (page 89) for any river where the 20 axle movements were within the space of an hour yet the environmental value is of greater importance (current fish spawning habitat).

EOL suggests further work to align the contradiction within these fording conditions.

General Conditions

Slash Traps – Support/Change required (page 85) Regional Rule

EWC endorses the Permitted Activity condition enabling the installation of slash traps in the Bed of a River. EWC suggest an additional Permitted Activity condition, being that the slash trap is maintained in the bed of the river for a minimum of four years after harvest, unless earlier removal is approved by an officer of the Regional Council.



7. Is the NES-PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

The NES-PF is the best option because it meets both 1st and 2nd order criteria in Box 13. 1st order: Consistency, certainty and 2nd order effectiveness, efficiency and ability to monitor. Other alternative options to an NES-PF do not cover all 5 criteria.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

Yes mostly. There is no doubt that forestry companies will need to invest in more staff training, more professional systems of harvest planning etc and modelling/documentation around risk management decisions. Most of the medium to larger organisations will already have most of these systems in place and there will just be a need to formalise systems and recording. Smaller companies will need to embark on a rapid and steep learning curve but it is important that all forest owners abide by the same rules.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

There is a risk decision makers could apply the permitted baseline tests too frequently but as the consultation document points out there should be protection within section 95D(b) and 95E(2)(a) of the RMA and various case law that this does not happen.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

Tertiary training institutions will be able to train potential employees of forestry companies and District/Regional Councils in the implementation of the NES-PF. When they are employed they will already have an understanding of the NES from study at tertiary level. Also staff with some experience in one region can more easily transfer to other regions and quickly understand implementation of the NES-PF.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.



The NES-PF will support implementation of the NPS-FM. The NES-PF explicitly provides for regional councils to have flexibility to implement more stringent rules as in relation to freshwater management as the NPS-FM develops between 2015 and 2025.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Workshop training from MPI around key forest regions delivered to forest managers, territorial authority staff and forestry contractors to launch the NES- PF is recommended.

13. Are there any other issues that you would like to raise?

EWC support the proposed NES-PF with the exceptions being the changes required listed within section 6 of this document.



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

James Sinclair

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes

If yes, which organisation are you submitting on behalf of?

Ernslaw One Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

Forest owner (>100,000ha)



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.



Ernslaw One Limited (EOL) would like to thank the Ministry for Primary Industries for the opportunity to provide feedback on the proposed National Environmental Standard for Plantation Forestry.

EOL supports Minister Approval and the Gazetting of the Standard.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

EOL supports sections 2.1 and 2.2 in describing a range of issues that currently face plantation forestry.

In saying that, sections 2.1 & 2.2 fail to adequately describe or address the risks associated with the looming harvest of approximately 500,000ha of first rotation forest planted on steep, erosion susceptible country and which are managed by over 10,000 owners and investors who have no prior experience in road building, stream crossing installation, harvesting and associated activities. If poorly managed or executed, this upcoming harvest poses significant risk of loss of licence to operate for the forestry industry as a whole as well as damage to the NZ Wood brand.

Furthermore these two sections fail to document the inherent risk that will follow the upcoming clearfell harvest of these first rotation plantations established on some of the worst erosion zones in NZ (some Class 7e and all Class 8e land), i.e. the 5 year “window of vulnerability” as roots from the old tree crop decay, in combination with changing climate leading to the more frequent occurrence of high intensity rain (mass movement triggering events) and storms with winds in excess of Gale force (triggering wind throw events). The NES has to anticipate more frequent severe weather in the future.

The sections do not discuss the differential treatment of plantation forestry and pastoral farming on erodible hill country in NZ, with forestry being regulated via resource consents on most LUC class 7 and 8, with pastoral farming being a permitted activity (except for a subset of the worst land in the Gisborne Region, land termed “Overlay 3A land”). This section fails to acknowledge the range of voluntary and regulatory measures that plantation forestry implements in order to achieve positive environmental outcomes (i.e. riparian setbacks) of which hill country farming is not subject to.



2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

EOL believes that the proposed Permitted Activity conditions are both stringent and defensible, and certainly sufficiently robust to manage the adverse effects of plantation forestry across all 8 activities. EOL considers the proposed Permitted Activity conditions are a definite 'raising of the bar' in terms of operational requirements for a number of regions that EOL currently operates in. Additionally, a number of the Permitted Activity conditions as currently proposed are more stringent than a good number of resource consent conditions that the company currently operates under for earthworks and harvesting. Specifically the conditions that relate to soil disturbance and stabilisation requirements as well as river crossings.

EOL has concerns that some of our current logging contractors do not have the skill set to comply with the rules for ground disturbance outside of riparian zones in relation to harvesting, specifically:

'All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:

- the sedimentation of the bed of any surface water body;'*

The above places an onus on the Government through the Tertiary Education Commission to fund its ITOs (principally Competenz for forestry) to upskill workers to take greater care to reduce ground disturbance in order to better comply with the NES, and for the Contractors to adopt practices and buy equipment that reduce ground disturbance. This proposed Ground Disturbance condition certainly creates a challenge as the industry moves to mechanise steep slope tree felling to improve the safety of those involved in tree felling. Winching a 30 to 40 tonne machine up a slope of 35 degrees or greater will cause greater ground disturbance than having a person on foot walking from tree to tree. The associated Guidance Notes must explain to Councils the imperative of improving worker safety in forestry, and hence enable new harvesting technology including winched machines for steep slope work.

EOL considers the requirement to '*prevent movement of sediment*' as an absolute and therefore recognises that this sets a very high bar, meaning that harvest operations often may have to default out of Permitted Activity and into the appropriate Resource Consenting process for harvest in yellow and orange zones, especially in the North Island. Achieving butt suspension will result in crown sweeping (and subsequent soil disturbance) in certain areas within harvest settings (immediately below landings or across secondary ridges within the harvest setting). Having a condition that requires butt suspension but does not allow for a degree of soil disturbance which results in sediment discharge and deposition will often mean harvesting as a permitted activity in yellow and orange zones is unachievable.

Uncertainty regarding the predictability of weather events that have the potential to deposit sediment into the bed of water bodies from permitted activity harvest operations may act as a driver for forestry companies to consistently default to the resource consent regime due to the



potential risk of sedimentation. EOL believes there is potential for sedimentation of a surface water body following a lot of harvesting operations during a heavy rain event and therefore considers this condition to be a blanket deterrent to harvest as a permitted activity. Measures to stabilise and contain sediment discharge from cable hauling sites (i.e. disturbed soil from crown sweeping) are very limited and therefore EOL requests an allowance for no more than minor sedimentation of surface water bodies following a storm event. Alternatively, the condition could state: *'All disturbed soil must be stabilised or contained so as to **minimise** the risk of sediment entering into any water body or coastal water resulting in: ...'*

That said, EOL acknowledges the imperative set in the National Policy Statement on Freshwater that requires maintaining and enhancing water quality. EOL would also like to note that outside of the harvest phase, plantations deliver some of the highest quality water in New Zealand.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

EOL considers the permitted activity conditions are clear and enforceable.

For the avoidance of doubt, EOL suggests that all setback distances are noted as “measured horizontally, not as slope distance”.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

EOL believes that the balance in Table 2 & Table 4 is correct.

In table 4, EOL believes that the NES needs to be explicit that District Council's must identify and map areas of significant indigenous vegetation, significant habitat and threatened or endangered fauna as Significant Natural Areas (SNA's) or Outstanding Natural Features & Landscapes (ONFL's). Council's should not propose methods that require land owners to undertake their own mapping at their own cost as a condition of resource consents. The identification and mapping of SNA's and ONFL's is a core and valued role of Council's under their local democratic Plan Change processes.

EOL recognises the merit in the proposed Permitted Activity condition that transfers all regulation and control of the deployment of Genetically Modified tree stock to the NZ



Environmental Protection Agency under the HSNO Act and regulations, a process leading to a nationally consistent rule set. EOL recognises that one core condition for the deployment of GM trees is that they must be sterile, which is understood to mean no pollen production and EOL trusts that satisfies the valid concern of bee keepers who may operate in or around the EOL estate, as the lack of pollen presumably means no pathway for cross contamination of any product that would be sold into discerning or GMO adverse food markets. Although EOL has no plans to deploy GMOs, and given the technical complexity of the issue, EOL sees no merit in Central Government devolving local decision making processes to District Council's on the deployment of GMO. This will only result in increased cost, churn and duplication (being the very triggers for development and Gazetting of this NES).

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

EOL recognises the limitations in the old 1:50,000 scale LUC mapping undertaken by the Soil and Water Division of the then Ministry of Works and Development and then left to languish in the custody of Landcare Research and which now underpins the Erosion Susceptibility Classification (ESC) used in the NES. In saying that, the LUC mapping is the only nationally consistent tool that is available, in combination with the proposed regional Spatial Bundling rule (page 83), EOL believes it to be fit for purpose as a “drafting gate” to direct landowners into a hierarchy of controls from Permitted through to Restricted Discretionary consented.

EOL is aware that MPI has contracted Landcare Research to successfully remap and reclassify (predominantly Orange zone) areas around Taupo and in Northland at 1:5000 or smaller scale using Lidar and EOL encourages MPI and other government agencies to now work with the private sector (forest owners included) to achieve national LIDAR coverage from which to improve the ESC.

Regarding the development of the formal process to reassess existing ESC classifications, EOL encourages MPI to consider the planning and budgeting phase of earthworks and harvesting activities when developing this process. This is to ensure that planned operations and the contractors required to carry out these operations are not negatively impacted by the reassessment process being triggered close to the point of work start. An appropriate timeframe should be determined where lodging a reassessment application is not possible prior to work start due to planning/contract commitments. EOL would be happy to work with MPI to determine a suitable timeframe.

EOL is confident that the rules triggered by the Fish Spawning & Migration Indicator will achieve their objectives.

With regard to Wilding Conifer Spread, we note that about 1/3 of wildings are sourced from farm shelterbelts and tree around what once were farm homesteads, another 1/3 from mis-managed and/or abandoned research trials or Crown funded soil & water conservation planting projects, and a further 1/3 from ex State planted plantations. Given the existing situation, EOL



see only marginal benefit in the new rules in the Afforestation section but acknowledges the benefit in preventing the establishment of new source areas on moderate and high risk sites.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

Afforestation

Afforestation – Change required (page 60) District Rule

The exemption of “Land Overlay 3A” (LO3A) in the Gisborne Region (arguably some of the very worst erodible land in NZ) from an otherwise universal Restricted Discretionary consenting regime is inconsistent with the policy and not compatible with good land management. On the worst sites, Council’s need to be able to reserve control over what species are planted as well as incentivising and in some cases directing land owners not to plant short rotation non-coppicing species that will be clear-fell harvested.

EOL acknowledges that there may be a perception that afforestation of LO3A as a consented activity is a disincentive to landowners and hinderance to Gisborne District Council in achieving ‘effective tree cover’ as per their District Plan rule. In saying that, EOL considers that under the current context (both in terms of environmental effects and economic feasibility) of harvesting LO3A within the Gisborne region that having an opportunity to assess the feasibility of species and regime prior to afforestation through the consenting process is an appropriate mechanism for the Gisborne region as it is for the rest of the country under the current proposed NES.

Notification – Change required (page 61) District Rule

EOL suggests the inclusion of a requirement to notify the District Council of the intention to afforest land at least 60 days prior to work start which includes specifications of species, property boundaries, applicable ESC zones and a copy of the wilding calculator worksheet. Such notification ensures potential errors or gaming of the wilding calculator are captured prior to trees being planted.

Setbacks from Streams – Change required (page 61) Regional Rule

A guidance note is required to indicate that amenity tree species may be planted within the 5 or 10m plantation species setback area (same applies to replanting) so as not to disincentives the streamside riparian planting of trees on farms. Equally the NES should permit the planting of production trees within the riparian setback areas where the proposed harvest method will be “Low Intensity” (75% canopy closure maintained – i.e. single tree selection) as per the definition on page 68.

For Clarity – all setbacks to be noted as “measured horizontally” not as “slope distance”.

Fire Risk – Change required (page 61) District/Regional Rule

EOL suggests a requirement to construct a minimum of one water reservoir for firefighting purposes (a fire pond) per planted forest area greater than 25 ha (excavation subject to



earthworks rules), except where there is a permanently flowing stream with low flow discharge of at least 1 m³/second or a lake or an estuary or other suitable water source for rural fire fighting within 1 km of the property boundary. MPI may wish to take advice from the National Rural Fire Authority as to what should be the minimum threshold area requiring the excavation and maintenance of fire ponds.

Earthworks

Sediment & Storm Water control measures – Change required (page 66) Regional Rule
The Permitted Activity rule set needs to prescribe a minimum culvert diameter. EOL recommends a minimum of 325mm for Green, Yellow & Orange Zones and a minimum of 400mm in Red Zones.

The associated Guidance document needs to specify a minimum culvert frequency as a function of road gradient and soil erodibility. EOL recommends that the table on page 102 of the NZ Forest Road Engineering Manual (2012) be reproduced in the guidance document.

A minimum road culvert diameter is not a new concept as page 78 of the Ministry for the Environment (2010) proposed NES document specified:

Design matters

Maximum culvert spacing not exceeding values given for various road gradients and soil types in Figure 113 of the NZ Forest Roding Manual (LIRO, 1999), with road water table culverts having a minimum of 325 mm internal diameter.

Road widening and realignment for safety purposes – Change required (page 64) Regional Rule

Point 5 states that road widening is permitted when the volume moved is more than 5,000m³ per activity area. EOL understands this to suggest that moving less than 5,000m³ will require consent while more than 5,000m³ is a permitted activity. EOL suggests the condition should state *‘the volume moved is less than 5,000m³ per activity area’*.

Matters over which discretion is restricted – Change required (page 67) Regional Rule
Point 6 gives Council discretion over methods of minimising erosion. EOL considers ‘minimising erosion’ as a very broad spectrum statement which goes beyond the earthworks operation and is open to interpretation as well as difficult to benchmark. Setting a benchmark in order to describe resource consent conditions with this matter is difficult and therefore EOL suggests that discretion is restricted to *‘methods of managing the effects of erosion’*.

Harvesting

Riparian Disturbance – Change required (page 70) Regional Rule

EOL considers the permitted activity condition *‘must have full suspension if pulling across streams greater than 3m in width’* as consistently unachievable in harvest settings where backline ridges converge with the riparian zone and river (this is generally unachievable irrespective of river width). Due to low deflection in the lower slope the requirement to achieve full suspension will not be achieved and will trigger the requirement for a resource consent, often at the harvest setting level. EOL considers the requirement for setting level resource



consents to be an unreasonable cost to both industry and Council when considering the relative scale of damage that will occur in relation to the length of the riparian that will not be effected because full suspension can be achieved.

EOL acknowledges the values that the condition aims to protect but points out that the proposed condition, which encourages cable hauling operations to pull away from riparians and construct additional earthworks (roads and landings) on the opposite ridge, does not remove the need to haul trees across the river. The side of valley that is harvested first will often require that the anchor point of the rope is on the opposite face in order to achieve deflection. This requires the trees on the opposite face to be felled and hauled across the riparian/river. These trees cannot be left on the face and hauled from the upper slope landing as the timeframe to achieve this will see the stems effected by wood stain. EOL suggests that under the permitted activity condition, an allowance for minor riparian damage should be provided for the reason that damage in small specific sections of the riparian is unavoidable and the requirement to gain resource consent for minor damage adds cost to Council and industry without real environmental benefit.

EOL suggests an amendment to the condition which states *‘When pulling across streams greater than 3m, full suspension must be achieved where possible. Where full suspension cannot be achieved, any contact with the riparian is limited to occasional crown sweeping and only where the total length of impacted riparian is less than 20% of the total length of the riparian within the activity area’*.

Slash and Debris Management - Support (page 70) Regional Rule

EOL endorses and supports the qualifier *“Whenever safe and practicable to do so,”* from the Permitted Activity condition that directs... *‘remove potentially unstable slash that has the potential to mobilise under flood flows from water bodies.’*

Ground Disturbance outside of a riparian – Change required (page 69) Regional Rule

As discussed in question 2 above, EOL considers the requirement to *‘Prevent’* the movement of sediment into any water body or coastal water as unachievable in many operational settings and therefore suggests the following wording: *‘All disturbed soil must be stabilised or contained so as to **minimise** the risk of sediment entering into any water body or coastal water resulting in: ...’*

Forestry Quarrying

Notice of commencement – Change required (page 75) District/Regional Rule

EOL understands the definition of quarrying (verb) includes all forms of borrow pits (i.e. any extraction of material during roading construction) and therefore requires the operation to be notified at least 20 days prior to operation start.

Borrow pits are often difficult to plan for and often only small volumes of material are extracted on short notice for road maintenance and/or to blend with other formation materials during road construction. These small volumes of material during road construction are often extracted from the cut section where the road traverses a ridge. This material is used for road and/or landing formation in a cut to fill operation. Under the current definition of quarrying, standard cut to fill earthwork operations would trigger the requirement to notify Council of



quarrying and create a Quarry Management Plan (QMP). EOL considers cut to fill operations are standard construction earthworks which should not trigger the notification requirement or the requirement to create a QMP. EOL suggests extraction activities sites where the volume exceeds 5,000m³ over a 12 month period should trigger the notification and QMP requirement. Alternatively, the definition of quarrying should specifically exclude all standard cut to fill extraction operations undertaken during road construction.

Quarry Management Plan – Change required (page 76) Regional Rule

As per above, EOL considers the current definition for ‘quarrying’ includes standard cut to fill earthworks for road construction. EOL suggests the requirement to create a QMP should only be required where extraction site activities exceed 5,000m³ over a 12 month period. Alternatively, the definition of ‘quarrying’ should specifically exclude standard cut to fill operations undertaken during road construction.

Forestry Quarrying – Change required (page 76) District Rule

Some stand-alone forests are intersected or divided by public roads. The condition restricting the transport of quarried material to within the forest (i.e. not ‘on’ public roads) needs to be amended to allow quarried material to cross a road (from a forests on one side of the road to the other), or to be transported along that road within the boundary limits of that forest. Not allowing any rock truck on a public road (not even to cross it at right angles) might give rise to the perverse outcome of incentivising a forest owner to build another road parallel to the public road, eliminating productive ground, or the unnecessary expense of constructing an underpass. EOL proposes a Permitted Activity condition enabling rock trucks serving a forestry quarry to cross a paved (sealed) public road with a ‘wheel wash’ (immersion bath) installed to prevent the tracking of mud from tyres onto any paved public road.

River Crossing

Ford – specific conditons relating to fording of streams – Change required (page 89) Regional Rule

Point 3 stipulates *‘the use of a ford does not cause conspicuous change in the visual clarity of water beyond 100m downstream of the ford for greater than one consecutive hour after the use of the ford’*. EOL would like to highlight an issue with this condition whereby it does not consider the volume of sediment being discharged or the number of axle movements through the ford and creates a perverse outcome where evenly spaced/timed vehicles (i.e. every two hours) could use the ford and comply with the condition. While only two vehicles using the ford within the space of an hour would likely be non-compliant. The perverse outcome relates to the increased volume of contaminant (sediment) which has been discharged into the water body through a higher number of spaced/timed vehicle movements versus only two vehicles in the space of an hour.

Additionally, condition 2(a) under Fish Spawning (page 84), allows for 20 axle movements through a water body occupied by protected fish species during spawning season. This fish spawning condition would not comply with the general fording condition (page 89) for any river where the 20 axle movements were within the space of an hour yet the environmental value is of greater importance (current fish spawning habitat).

EOL suggests further work to align the contradiction within these fording conditions.



General Conditions

Slash Traps – Support/Change required (page 85) Regional Rule

EOL endorses the Permitted Activity condition enabling the installation of slash traps in the Bed of a River. EOL suggest an additional Permitted Activity condition, being that the slash trap is maintained in the bed of the river for a minimum of four years after harvest, unless earlier removal is approved by an officer of the Regional Council.

Nesting times – Change required (page 82) District Rule

EOL acknowledges the need to protect nationally critical or nationally endangered indigenous bird species that occupy plantation forests for habitat but considers the statement *‘forest owners must have procedures to identify nest sites’* as being open to interpretation. Identification of nest sites should be required following the confirmation that the bird species are present within the operational activity zone and are likely to be occupying a nest site (i.e. it is the specific bird species breeding season). Confirmation of these two factors should trigger the procedural requirement to identify the nest site and implement specific operational measures to ensure the bird and nest are protected from the operation.

EOL suggests the wording *‘forest owners must have procedures to identify the nesting season and identify nest sites upon confirmation that an occupied nest is located within the activity area’*.

Spatial bundling - Change required (page 83) Regional Rule

EOL suggests amending the wording of this condition to allow for spatial bundling where earthworks activities overlap the orange zone greater than 25° from within orange zone less than 25°, i.e. earthworks in orange zone <25° should be able to bundle a small area of orange zone >25°. The current wording suggests that spatial bundling can only occur when the overlapping of discrete ESC zones occurs.

EOL considers the allowance for *‘any discrete section of road within the highest ESC zone is equal to or less than 50m’* as too restrictive in terms of road length and in practise has very limited application for the spatial bundling allowance. A discrete road of no more than 50m will only apply to a stub road that provides access to a landing which is built immediately adjacent to an arterial road. EOL suggests the road length allowance is extended to *‘equal to or less than 150m’* (as originally proposed in the 2010 draft NES). This would provide practical benefit for earthwork operations with only minor additional risk/effects. Any additional risk/effects that are created by the maximum additional road (100m) would be adequately covered by the permitted activity conditions (including the E&SC Plan).

Additionally, EOL considers the condition which allows *‘10% of the total activity area’* for all other activities to be bundled as too restrictive and in practise only provides minimal benefit as a solution to streamline minor ESC zone overlaps. As mentioned above, the additional risk of effects from increasing the spatial bundling allowance is minor and adequately covered by the permitted activity conditions (including the E&SC Plan). EOL suggests changing the spatial bundling allowance to *‘equal to or less than 4ha or 20% of the total activity area’*.



7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

The only viable alternative appears to be a Ministerial Directed Plan Change, inserting a suite of consistent Permitted Activity conditions in existing plans, but that process would be cumbersome, more disruptive and much less efficient. It would still require the launch of the three Environmental Risk Assessment Tools (the ESC mapping, Fish indicator and the Wilding Conifer calculator).

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

EOL have looked closely at the costs and benefit analysis, recognising the large variation that exists between Council's, and are in general agreement that the analysis is adequate given the inherent limits in the CBA process.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

The NES needs to be crafted to minimise areas of potential conflict with Rules established by Council's under the NPS Freshwater. Conflicts may arise should those rules ever default an activity from the NES Permitted Activity to an NPS triggered Prohibited status without the opportunity to seek a consent (as may be the case in Otago under their Plan Change 6A water quality rule set).

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

There is significant risk in defaulting Gisborne District Council's LO3A red zone land to Permitted Activity conditions for Afforestation. LO3A land should be treated more stringently than other Red Zone land in that region, where the proposal is to establish a Plantation Forest in a species that will be harvested as clear fell. As presently proposed, all other Red zone land in NZ will require a resource consent to plant, where the Council can refuse part of or the whole



proposal, or control which species are planted (hence declining a consent for a species that will be clear felled).

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

EOL recognises that the Permitted Activity rules in both the River Crossing and Harvesting sections (ground disturbance outside of riparian areas) constitute a significant “raising of the bar” above existing Plan provisions in all regions in which EOL currently operates (other than Otago). These proposed Permitted Activity rules lock in the industries voluntary good practice guidance as legally binding conditions. It is unavoidable that these rules will add significant cost for the small woodlot owner at harvest, requiring them to adopt many of the forest engineering standards currently employed by most larger owners. EOL considers this as positive as it will lead to better environmental outcomes for freshwater.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Training of Council Land Management Officers to help land owners prepare Erosion and Sediment Control Plans for the various activities where the NES will require this, along with the preparation of Quarry Management Plans (which overlap with the Health and Safety requirement to produce this Plan) via the need to assure Global Stability of quarry sites. Assistance to establish simple geotechnical monitoring for early detection of slope instability would also be beneficial.

Training of Council Land Management Officers in flow calculation and culvert sizing to help woodlot and other land owners comply with the proposed river crossing provisions (i.e. proficiency in estimating 1 in 20 and 1 in 50 year flood design flows), and in the design, construction and maintenance of debris slash traps.

Integration of the online ESC & Fish Spawning map tool with the NIWA Stream explorer flood estimation tool.

Further clarity is required regarding ‘current-state’ sedimentation benchmarks of water bodies and how these will interact with Council’s community-based catchment level limit setting processes required under the NPS Freshwater. Additionally, guidance on compliance methodology should be provided to enable industry to determine how and if operations can comply with permitted activity conditions.



13. Are there any other issues that you would like to raise?

In view of the 5 and 10m planting and replanting setbacks from rivers proposed in this NES, EOL challenges MPI & MFE to set these as minimum setback distances for fencing stock out of all waterways in NZ. EOL are not aware of any scientific evidence that shows that the adverse effects of growing then harvesting trees adjacent to streams is any greater than the pasturing of stock or cultivation of arable land adjacent to streams. EOL suggests that intensive stocking regimes should be required to have double the forestry setback plant and replant distances.

In a market where sectors compete for land on which to operate, inconsistent application of stringent environmental regulations places one sector (in this case plantation forestry) at a financial disadvantage to other rural sectors.

SUBMISSION TO NATIONAL ENVIRONMENTAL STANDARD – PLANTATION FORESTRY

Organisation: **Forest & Wood Action Group (Bay of Plenty & CNI)**

Contact Name: John Galbraith

Address:

Email: [REDACTED]

Phone: [REDACTED]

Signature:

Bryce Heard, Chairman, Forest & Wood Action Group

INTRODUCTION:

The Forest & Wood Action Group (FWAG) has been formed to implement actions arising from the Bay of Connections Forest & Wood Processing Strategy.

Bay of Connections is the economic strategy for the wider Bay of Plenty region. It includes industries and sectors from the Eastern Bay of Plenty, Rotorua, Tauranga and Taupo and the Western Bay of Plenty. Bay of Connections is led by a Governance Group, supported by the region's Economic Development Agencies, New Zealand Trade and Enterprise and the Bay of Plenty Regional Council. It also works with local and national agencies, organisations and businesses.

FWAG is comprised of members representing a wide cross section of their industries, including commercial operators, companies, research, education & training, economic development, and local and central government partners. Current membership list is attached.

Our vision: *To extract the maximum sustainable regional wealth from the CNI forest resource*

Our mission: *To provide advocacy and strong leadership to maximise growth opportunities.*

Forest & wood processing is the largest wealth-producing sector in the region, contributing \$765 million in GDP (2013).

It is also a significant generator of wealth in associated and servicing sectors in the region, producing 30% of the volume exported through the Port of Tauranga and is the largest category of rail freight. The sector has also generated a significant engineering industry, with 80% of NZ's transport equipment manufacturing being carried out in the region.

FWAG considered the principles, purpose and design of the NES at its meeting on 29th June 2015, through a presentation from Bridget Robson, a member of the Plantation Forestry NES working group. A small working group was formed to develop this submission.

Submission:

Overall the intent is strongly supported. FWAG asked some group members to look in more detail at the provisions and as a result have both general (below) and specific (Annex A) comments on the draft.

General:

1. The design, using the forest activities, makes it easy to understand what is required at each phase.
2. The use of harvest and erosion planning documents is strongly supported. This will ensure that all people undertaking forestry activity have thought through the risks they are likely to encounter.
3. The use of the risk indicators: erosion, fish presence and wilding indicator is strongly supported. This means that while one rule set is being used across the country it still accounts for variable risks across the country.
4. There are a number of phrases, terms and definitions that would benefit from further definition to ensure there is no confusion regarding compliance. Of particular concern is the definition of river, as this defines planting setbacks. Annex A to this report identifies some of these.
5. There are instances where slightly different variances of phrase are used. These could be unintentional, but standard phrases are preferable. Annex A to this report notes such variances.
6. There needs to be some reconsideration of the notes to ensure that they are only advice notes. At present they are a mixture of advice notes and matters that appear to be intended to have legal effect. It may assist in clarification to rename notes as “advice notes”. Any that are intended to have legal effect must be in the standards, not the notes. Annex A to this report contains examples of these concerns.
7. It would be helpful to further clarify which matters are considered to be regional or district council matters to manage. These may be for consents and related compliance, or for compliance with permitted conditions. These are usually spelt out in each region via the Regional Policy Statement, but the NES will override the role of the RPS in this regard, thus clear guidance from the NES itself would be very useful.
8. For Genetically modified Organisms (such as trees bred for sterility) EPA approval under the HSNO Act is required and any commercial release of new material has also to be first approved by the EPA through the HSNO Act provisions. This requires a rigorous justification of benefits: costs; risk assessment and extensive public and specific iwi consultation. I.e.

individuals in regions will be advised/made aware of an application for commercial release and have the opportunity to make submission or be heard through that process.

9. If GMOs are not dealt with via the NES, the same problem of having several sets of rules to work to that the NES is addressing, will arise. FWAG believes that the HSNO provisions under the EPA are rigorous and fully adequate to protect public-national interest for new genetic material, including GM. The biosecurity incursion risk is increasing, and forest owners need to have access to improved genetic material to combat this risk, as well as remain internationally competitive in production traits. New (non-GM) Breeding Technologies are rapidly advancing. These will in time decrease the likelihood of requiring genetic transfer from other species as new techniques for breeding are developed, to improve the value and resilience to disease/pests of forests. Increasingly these gains will be made within the genome.
10. Permitted activity conditions need to be crafted to be certain, clear in their scope, and not require third party approval. Not all the permitted activities meet these tests at present. Annex A to this report contains examples of these concerns.
11. Meeting the permitted activity status for a number of activities requires that the person undertaking the activity has prepared a management plan (erosion control, harvesting, slash management, quarry management). We understand the MPI will prepare templates for these plans, which would clarify what they must consider and include, however these are not in evidence yet. This makes it hard to assess how the preparation of the plan can be judged as being complete and thus create a valid circumstance of having a permitted activity status.
12. The NES is clear in how it relates to existing plans, with “in scope”, “out of scope” and (in the main) “ability to be more stringent”. The relationship with the NPS for Freshwater Management and the scope it has for greater stringency “*where that is required to meet the objectives of the National Policy Statement on Freshwater Management (NPS-FM)*” provides very broad capacity for councils to impose controls. The variety of ways that the NPS-FM is being interpreted by different councils, combined with a lack of direction in the NES-PF for how the two instruments will engage has the potential to seriously undermine the level of consistency and certainty that the NES-PF is trying to create.

It would be useful to have a more detailed description of the circumstances under which local authorities' can impose more stringent requirements to further the objectives of the NPS-FM.

Annex A – specific submission points

Page ¹	Subject	Comment	Suggestion
Afforestation			
60	Setback approval	<i>"unless approval of the adjoining owner(s).."</i> does not make clear the nature of proof of approval that is required	Reword as: <i>"unless <u>written</u> approval of the adjoining owner(s).."</i> A template of such an approval form would be a useful addition to the guidance that is intended to accompany the NES
61	Stream setbacks	<i>"bank full channel width"</i> is a term that could be interpreted different ways by different people, leading to difficulties in agreeing on what compliance involves. Is this the active channel? The annual flow level?	Further define <i>"bank full channel width"</i> . To clarify how to interpret this requirement develop guidance in the form of diagrams and worked examples using photographs for all the main river systems in New Zealand i.e. north island hill country, braided river channels, and pumice country.
62	Aquatic and terrestrial biodiversity effects	<i>Terrestrial effects</i> is potentially a very broad subject about which there is a range of views on the effects of plantation forestry	Create guidance on which effects are regarded as relevant for consideration in a restricted discretionary activity and why.
62	Advice on restrictions to discretion	<i>"where afforestation is restricted discretionary because it is located on Red Zone land, then discretion must be restricted to matters that address erosion risk"</i> This is phrased in the language of an explanatory advice note, not a directive rule. And the list of measures to avoid remedy or mitigate appear to comprehensively address this concern.	Reword as a clear directive under the heading of erosion risk. <ul style="list-style-type: none"> Discretion regarding afforestation in the Red Zone is restricted to matters that address erosion risk.
62	Genetically modified tree-stock	Support the inclusion of this provision	The biosecurity incursion risk is increasing, and forest owners need to have access to improved genetic material to combat this risk, as well as remain internationally competitive in production traits. This is also the way that sterile trees would be created, which will significantly reduce wilding issues.

¹ Page number from printed document.

Page ¹	Subject	Comment	Suggestion
Earthworks			
64	Road widening Bullet 5	<i>The volume moved is more than 5000m³ per activity site</i> It's not clear what the rule status is if the quantity is less than 5000m ³ , or if the intention was to say less than 5000m ³ . Above 5000m ³ should be dealt with in the main earthworks rules.	Reword as: <i>The volume moved is less than 5000m³ per activity site</i>
65	Setbacks for new earthworks	<i>"except where topographical constraints leave no alternative"</i> This loose phrase creates considerable uncertainty for the person doing the earthworks and an agency doing compliance.	Create guidance on such circumstances including diagrams and photographs.
65	Spoil bullet 1	<i>"where it may cause failure of the deposited material or underlying land"</i> This loose phrase creates considerable uncertainty for the person doing the earthworks and an agency doing compliance.	<i>where it may <u>be reasonably expected to</u> cause failure of the deposited material or underlying land"</i> and guidance on good practice
65	Spoil Bullet 3	Must not be deposited <i>"over logging slash or woody vegetation"</i> The intention is that spoil is not put on bodies of slash, stumps, or piles of woody vegetation. But interpreting the phrasing to the letter would mean that all spoil must be placed and contained to avoid any contact with any slash or any woody vegetation - which would include any perennial plants.	Rephrase to better reflect the intent and avoid capturing de minimus effects.
65	Spoil Bullet 4	The relationship between an activity area and a production area are not clear. Is an activity area a subset of a production area?	Add a definition for production area or rephrase to refer to activity area. Refine the definition of activity area to make sure it correlates to the area for earthworks, quarrying or harvesting for which an erosion and sediment control plan has been prepared.
66	Sediment and stormwater control measures Bullet 1	Present phrasing identifies the activity but does not identify the performance required i.e. <ul style="list-style-type: none"> <i>"Water runoff controls must be installed and maintained for all tracks, landing sites and firebreaks".</i> This does not give sufficient direction as to the performance required of those controls.	Reword to state: <i>Stormwater and sediment control measures must be installed and maintained.</i> <i>"Water runoff controls <u>sufficient to avoid accelerated erosion must be in place</u> for all tracks, landing sites and firebreaks must be installed and maintained".</i> Provide guidance on appropriate measures and techniques
66	Sediment and stormwater control measures Bullet 2	Present phrasing duplicates heading phrasing, has incorrect use of plurals and does not lead with outcome required. <i>Stormwater and sediment control measures must be installed and maintained:</i>	Reword to state: <i>Stormwater and sediment control measures must be installed and maintained.</i> <ul style="list-style-type: none"> <i>batters, cuts and side castings must be established by <u>use methods that ensure cut and placed material remains stable. prevent slumping as far as possible</u></i>

Page ¹	Subject	Comment	Suggestion
		<ul style="list-style-type: none"> <i>batter, cuts and side castings must be established by methods that prevent slumping as far as possible</i> <p>This does not give sufficient direction as to the performance required of those controls.</p>	Provide guidance on appropriate measures and techniques
Harvesting			
69	Harvest plan	Preparation and amendment process needs to be set out to give confidence to regulators that the plan precedes harvest and the amendment process (if required) can be tracked. Presently the system potentially has too high a level of trust required. Setting out some date stamping or versioning process to give confidence would be useful.	Create a mechanism to give confidence that harvest plan is prepared prior to harvest and a process to date any amendments (Use a controlled document or versioning process?)
69	Harvest plan	Matching the plan to the complexity of harvest. Some guidance is required, possibly in the form of worked examples.	Provide guidance that allows benchmarking to occur, so that the complexity of the plan is properly pitched to the complexity of operation.
69	Ground disturbance outside riparian zone	<p>The phrasing used is not consistent with the text used to describe the same effects of concern in Riparian Disturbance, or in Slash and Debris Management. This creates unnecessary complexity and the potential for confusion. Comparing the three:</p> <p>All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:</p> <ul style="list-style-type: none"> the diversion or damming of any river or stream; the sedimentation of the bed of any surface water body; significant adverse effects on aquatic habitat; damage to downstream infrastructure, property or receiving environments. <p>All disturbed vegetation, soil or debris must be deposited or placed in a position where it will not enter any watercourse to the extent that it causes more than minor adverse effects associated with:</p> <ul style="list-style-type: none"> diversion, damming or erosion of any river or stream; or degradation of any aquatic or riparian habitat; or damage to downstream infrastructure, property or receiving environments 	<p>Use consistent and simple terminology and phrasing for Ground disturbance outside riparian zone, Riparian Disturbance and Slash and Debris Management.</p> <p>Reword as:</p> <p><i>Deposit or place all disturbed vegetation, soil or debris in a position so that it will not cause more than minor adverse effects on:</i></p> <ul style="list-style-type: none"> <i>the usual pattern of flow of any river or stream; or</i> <i>aquatic habitat; or</i> <i>downstream infrastructure, property or receiving environments</i> <p>Prepare guidance material on how to carry out ground disturbance activities to meet these objectives.</p>

Page ¹	Subject	Comment	Suggestion
		<p>Remove potentially unstable slash that has the potential to mobilise under flood flows from water bodies, and:</p> <ul style="list-style-type: none"> • block or dam stream flow; or • divert flow into stream banks in a way that is likely to cause erosion; or • damage downstream infrastructure, property or receiving environments; or • cause significant adverse effects on aquatic habitat. 	
69	Ground disturbance outside riparian zone Bullet 2	<p>The bullet item phrasing is not consistent with the heading phrasing. The absolute nature of this requirement would be impossible to meet.</p> <p><i>"all disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:</i></p>	<p>Reword as:</p> <p><i>Deposit or place all disturbed vegetation, soil or debris in a position so that it will not cause more than minor adverse effects on:</i></p> <ul style="list-style-type: none"> • <i>the usual pattern of flow of any river or stream; or</i> • <i>aquatic habitat; or</i> • <i>downstream infrastructure, property or receiving environments</i> <p>Prepare guidance material on how to carry out ground disturbance activities to meet these objectives.</p>
70	Riparian disturbance	<p>The phrasing used is not consistent with the text used to describe the same issue in Slash and Debris Management</p>	<p>Replace the text used in Riparian Disturbance with one common to all three of Ground disturbance outside riparian zone, Riparian Disturbance and Slash and Debris Management.</p> <p>Reword as:</p> <p><i>Deposit or place all disturbed vegetation, soil or debris in a position so that it will not cause more than minor adverse effects on:</i></p> <ul style="list-style-type: none"> • <i>the usual pattern of flow of any river or stream; or</i> • <i>aquatic habitat; or</i> • <i>downstream infrastructure, property or receiving environments</i> <p>Prepare guidance material on how to carry out riparian disturbance activities to meet these objectives.</p>

Page ¹	Subject	Comment	Suggestion
70	Riparian disturbance	<p>The presently reads “<i>must have full suspension if pulling across streams greater than 3m wide</i>”.</p> <p>This is a very onerous imposition that may not be technically possible to achieve in all circumstances.</p>	<p>Reword (or words to like effect): <i>For streams greater than 3m wide, harvesting to use these techniques in this order of preference:</i></p> <ul style="list-style-type: none"> • <i>pull trees away from the stream; or</i> • <i>Use full suspension; or</i> • <i>Use butt suspension and corridor any activity across the stream.</i>
70	Slash and debris management	<p>The phrasing used is not consistent with the text used to describe the same effects of concern in Ground disturbance outside riparian zone or Riparian Disturbance. This creates unnecessary complexity and the potential for confusion.</p>	<p>Reword as:</p> <p><i>Deposit or place all disturbed vegetation, soil or debris in a position so that it will not cause more than minor adverse effects on:</i></p> <ul style="list-style-type: none"> • <i>the usual pattern of flow of any river or stream; or</i> • <i>aquatic habitat; or</i> • <i>downstream infrastructure, property or receiving environments</i> <p>Prepare guidance material on how to carry out slash and debris management activities to meet these objectives.</p>
Mechanical Land preparation			
74	Permitted status Bullet 3	<p>There appears to be an error in the permitted status criteria as it affects subsoil, to create a reverse of what is intended</p> <p><i>in Orange and Red zones where the slope is greater than 25 degrees but the technique used affects the subsoil (for example, deep downhill ripping or giant discing);</i></p>	<p>Reword as:</p> <p><i>in Orange and Red zones where the slope is greater than 25 degrees but the technique used does not affects the subsoil (for example, deep downhill ripping or giant discing);</i></p>
Pruning and Thinning to waste			
76	Slash	<p>The phrasing used is not consistent with the text used to describe the same effects of concern in the harvesting section for Ground disturbance outside riparian zone or Riparian Disturbance. This creates unnecessary complexity and the potential for confusion.</p>	<p>Reword as:</p> <p><i>Deposit or place all disturbed vegetation, soil or debris in a position so that it will not cause more than minor adverse effects on:</i></p> <ul style="list-style-type: none"> • <i>the usual pattern of flow of any river or stream; or</i> • <i>aquatic habitat; or</i> • <i>downstream infrastructure, property or receiving environments</i>

Page ¹	Subject	Comment	Suggestion
			Prepare guidance material on how to carry out slash and debris management activities to meet these objectives.
76	Permitted activity conditions	The notes say that the rule is intended to apply to flood flows up to a 10 year return period. That being the case, the permitted condition should actively state that.	Reword as: <i>Debris from pruning and thinning-to-waste must not be deposited in a perennial water body or where it may enter a perennial water body, if it has the potential to mobilise under flood flows of a ten year return period or lesser event.</i>
76	Matters over which control is reserved	Aquatic effects are listed twice	Reword as: <ul style="list-style-type: none"> • aquatic effects; • effects on stream flow; • erosion; • potential effects on downstream infrastructure, property or receiving environments; • effects on aquatic habitat.
Replanting			
80	Genetically modified tree-stock	Support the inclusion of this provision	The biosecurity incursion risk is increasing, and forest owners need to have access to improved genetic material to combat this risk, as well as remain internationally competitive in production traits. This is also the way that sterile trees would be created, which will significantly reduce wilding issues.
General conditions			
87	Slash traps Bullet 2	Presently reads <i>located so as to avoid flooding of adjacent land, and in a position that allows access for maintenance</i> Presumably this is meant to concern itself with flooding of adjacent land under different ownership. If so it could be expressed more clearly.	Reword as: <i>located so as to avoid flooding of <u>any</u> adjacent land <u>holding</u>, and in a position that allows access for maintenance</i>
87	Discretionary	It is not clear why the inability to comply with General Conditions leads to a full discretionary activity status rather than a restricted discretionary, as is the case in all other activities	Create a restricted discretionary activity and the matters on which that discretion is restricted to, for the General Conditions.

Page ¹	Subject	Comment	Suggestion
River crossings			
88-95	Layout	The layout is hard to follow as to which rules apply for which type of crossing	Create a navigation tool that makes clear that the river crossing general conditions are in addition to the structure-specific conditions, and a layout that makes it easier to find which conditions are relevant, for the type of crossing proposed.
Glossary			
48	Activity area	It would be useful to have some explanation of the relationship between an activity area and the area for which a Harvest Plan an Erosion and Sediment Control plan or a quarry management plan would be prepared.	Add to the definition of activity area to explain how an activity area and the various plans that must be prepared for earthworks, harvesting and quarry activities.

FOREST & WOOD ACTION GROUP MEMBERS (Aug '15)	
Member	Organisation
Bryce Heard (Chairman)	Forest Industry Consultant (Formerly CE, Lockwood Industries)
John Lemm	MD, Intalok Industries
David Turner	MD, Sequal Lumber
Doug Gaunt	Scion Research
Mike King	MD, Interpine
John Galbraith	Forest Industry Consultant
Kerry Ellem	Taupo District Council
Frances Pauwels Mark Smith	Grow Rotorua
Brian Stanley	Chair, Wood Processors and Manufacturers Association NZ
Tim Rigter	GM, Red Stag Timber
Murray Parrish Phillip Millichamp	Carter Holt Harvey
Peter Clark	CE, PF Olsen Ltd
Glenn Sutton	Kawerau District council
David Dragovich	Marshalling Solutions Ltd
Cheryl MacGregor	BOP Regional Council
Mark Whitworth	Port of Tauranga
John Kelly	Waiariki School of Forestry & Primary Industries
John Gifford	Forest industry consultant
John Reid	CHH Pulp & Paper
Jacky James	Shine PR
Hugh Douglas	DezineNZ
Jacob Kajavala	MD, Kajavala Forestry Ltd
Ann Nicholas	Sigma Consulting
Roger Willard	APR Consulting
Owen Griffith	Timberlab
Dennis Nielson	DANA Limited

11/08/2015

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
Po Box 2526
Wellington, 6140

Re: Submission on the proposed National Environmental Standard – Plantation Forestry

Dear Stuart,

Please find attached our submission on the proposed National Environmental Standard for Plantation Forestry (NES-PF).

Forest Management NZ Ltd manages 26,000 ha of plantation forestry mainly located throughout the North Island with 1,000ha in Central Otago. The Forest ownership is made up of investment partnerships, private forest owners and overseas investors and are located within six different councils and four different regions.

FMNZ supports the intentions of the proposed NES-PF on the basis it will remove the current variation of the rules that each of the councils enforce.

To ensure the intentions and benefits of the NES-PF are met, conditions and rules will need to be practical, unambiguous and achievable. The attached submission outlines points of support and suggested changes or objections to the proposed conditions. Some conditions were identified as impractical for forestry operations on a national scale or out of scope for the intentions of the proposed NES-PF.

I am available to be contacted should further information or clarification be sort over the points raised in our submission.

Yours Sincerely,



Kate Muir



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name: Kate Muir

Postal address: s 6(b)(i), s 6(a)

Phone number: s 6(b)(i), s

Email address: s 6(a), s 6(a)

Are you submitting on behalf of an organisation? Yes ☒

If yes, which organisation are you submitting on behalf of? Forest Management NZ Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

26,000ha

We manage more than ninety forests with a cumulative net stocked area of 26,000 hectares.

The forests under FMNZ stewardship are located in the Napier, Wairoa and Gisborne areas with 1,100 hectares in the Wanganui region and 1,000 hectares situated in Central Otago. These forests are owned by a mix of investment partnerships, private forest owners and overseas investors. These forests are located through six different councils and four different regions.

Please indicate below if you wish your personal details to be withheld:

[] Please withhold my personal details where submissions are made public

[] Please withhold my personal details in response to a request under the Official Information Act 1982



Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

We are supportive of the NES and agree that the consultation document describes the problems facing plantation forestry.

The development and implementation of national standards will remove current uncertainty surrounding forestry operations and district plan rules, however it is important for the NES to have accurate and practical execution in the field with consistency observed among all authorities.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Yes, as long as these conditions are practical, measurable and achievable.

Due to the nature of the forest industry, the establishment of conditions for permitted activities will not be able to manage all environmental effects; however it does provide a solid, consistent platform toward achieving NES objectives.

Conditions put in place will need to be monitored to ensure that adverse environmental effects are managed as closely as possible to ensure the aims of the NES are met.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

On the whole the conditions for permitted activities are clear and enforceable, however they will need to be under constant review in conjunction with industry to ensure their practicality.

By providing explanatory notes with the conditions, it ensures the requirements of the condition are clear and justified. Some additional explanatory notes will be required, particularly where ambiguity is present (some noted below, section 6).



4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

Where the local authorities retain some decision making decisions, it will be important that they align with the set conditions, standards and NES requirements.

We believe the matters where councils retain local decision-making are appropriate as it is necessary for them to retain the authority to make specific decisions regarding their region.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

Additional and standardised tools that are to be made available with the implementation of the NES will assist in the process of making informed environmental decisions, and help toward appropriately managing the environmental effects.

The wilding calculator tool will be of limited benefit to FMNZ as wildings are not identified as a major risk among our operations.

The ongoing research and development of these tools are critical to ensure they are current and fit for purpose.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

Opposed Points of the Proposed NES

Afforestation Road Setback pg. 63

- Remove wording “where vegetation could shade a paved public road between 10am and 2pm on the shortest day of the year”.
- Would be more suitable to give a *definitive measurement*.

Some companies and small forest owners do not have the resources and tools to measure shading.

Afforestation Stream Setback pg. 63

River or stream definition shall not be included:

- Intermittent or;
- Ephemeral.



Earthworks

Road widening and realignment for safety purposes pg. 66

End hauling

“Material must be end hauled if sloped exceed 35°”.

- Not always possible or practicable.
- Reword to *shall be managed and contained*.
- End hauling requirements should be based on judgement of risk, which vary with each site.

“The volume moved is more than 5 000 m³ per activity area”

- What is the reasoning for this?
- Is it measurable for council and practical for forestry operations? Please explain.

Fill pg. 67

“Fill material must contain no more than 5% (by volume) of vegetation and wood, except for tracked areas”

- What about the practicability with this and benching using stumps.
- Is it really achievable, measurable and practical? Please explain.
- Some fill that contains stumps is the most suitable solution in many situations and is the safest management method.
- **Remove condition** as not measurable and largely not achievable within forestry operations.

Spoil pg.67

“Spoil must not be deposited:

1. Where it may cause failure of the deposited material or the underlying land;
 2. Into a surface water body or in a position where it can readily enter a surface water body or in a position where it can deliver sediment into a surface water body;
 3. Over logging slash or woody vegetation;
 4. Outside a production area”.
- Agree with above points 1 and 2, remove points 3 and 4.
 - Please define production area?
 - Is this achievable in forestry applications, particularly in significant storm events?

Harvesting

Notice of commencement pg. 71

“Regional and district councils must be notified at least 20 working days and no more than 60 working days before harvesting operations start”.

- Gives no flexibility and increased uncertainty when unforeseen situations occur e.g. windthrow and small wood lot needs.
- Going to be extremely reliant on someone at the councils who is practical and understands the operation.
- Need to react quickly to the needs of wood lot owners.



- Why not align notification procedures and timeframes to WorkSafe's (Hazardous work notification).
- What is the need to restrict notice to no more than 60 days?

Harvest Planning pg. 71

"The Harvest Plan must be prepared in accordance with the prescribed template".

- Provide guidance on what needs to be included in the harvest plan rather than a condition that you need to use the prescribed template.
 - Beneficial to make a template available.

"Any material amendments to the Harvest Plan must be documented and made available to the relevant council on request. If a council has previously requested a copy of the Harvest Plan, any subsequent material amendments must be forwarded to the council".

- Needs to clarify what kind of changes require the company to forward the harvest plan onto the council. Harvest plans are working documents that are continually changing.
- Unrealistic and not practical to update the council with every change.
- Need to set criteria as to when the council is required to be notified rather than stating "any material amendments".

Ground disturbance outside riparian zones pg. 71

"All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water..."

- Unrealistic to say all soil.
- **Remove** the word all and change "prevent" to 'minimise'.

Pruning Waste pg. 76

"Slash from pruning and thinning-to-waste must not be deposited in a perennial water body or where it may enter a perennial water body, if it has the potential to mobilise under flood flows".

- Support that thinnings shall be removed from any perennial water body or where they may mobilise under flood flows, however;
- Not practical to suggest all pruning waste shall be removed.
- **Remove** any reference to pruning waste from this condition and retain the requirements of thin-to-waste slash to be removed.
- *Reword to 'Slash from thinning must not be deposited in a perennial water body or where it may...'*

Quarrying

Quarry: Is the NES the appropriate vehicle to be controlling quarries, or should local authorities continue to monitor this as they currently do.



Visibility pg. 77

“At the time of extraction, where a quarry is visible from an existing dwelling, an adjoining property under different ownership or a formed public road, no more than 5 000m³ of material must be quarried per five-year period per activity site”.

- Will make the operations financially infeasible with such a small cap on the volume that can be taken from the site.
- Would it be possible to get consent from surrounding stakeholders and then amend the condition to include “unless written approval has been obtained from the owner and/or occupier”

District pg. 78

“Material must not be transported off the property on public roads”.

- Unsuitable for the small and widely distributed forests managed throughout, with a range of owners.
- Disadvantage to those forest managers/owners that have contiguous forests. Not all forests have suitable aggregate that can be used for forest infrastructure, therefore sourcing from another one of their properties should be permitted.
- **Remove** this condition as seen to be out of scope of the NES.

Regional setbacks

“Quarrying must not be undertaken within 20m of a surface water body”

- Should be more about the controls rather than a physical distance to reduce the risk of sediment entering water bodies.

Quarry definition

- The definition of quarry is not clear, please specify and include words (or similar):
 - *“Processing and storage” and*
 - *Stockpiling of aggregate*

General Conditions

Spatial bundling

FMNZ support spatial bundling, however would like clarification on how the 50m rule was developed as this seems overly restrictive and should be increased.

Slash Traps pg. 87

Supportive of the point saying “ where slash cannot be safely or practicably removed from water bodies, and there is an assessed risk of slash mobilising and causing adverse effects, alternative measures, such as slash traps, being used to retain slash onsite as far as practicable”.

- Need to be cautious of how the standard and installation is enforced
- Need to ensure it does not become over regulated.
- Are the monitoring timeframes practical?
 - We know this wouldn’t have been possible in the recent Wanganui storm event.



River Crossings

Fish Passage pg. 89

“Except for temporary crossing, the crossing provides for the upstream and downstream passage of fish in perennially flowing rivers, except where the relevant statutory fisheries manager advises the council otherwise”.

- This doesn't match the rationale and why are temporary crossings exempt?
 - If a temporary crossing is installed for up to two weeks, then should have a fish passage.
- **Remove** wording “except for any temporary crossing” This seems to be a double up as fish passages cannot be disrupted under the temporary crossing rule.

Temporary Crossing pg. 90

“Any structure is in place for two weeks or less”

- Not always going to be achievable, e.g. what happens when the weather stops you from being able to work in the site, or otherwise and the job cannot be completed within the two week opportunity.
- What is the two week opportunity to use the temporary crossing based on, and is it practicable?
 - Need to be more flexible on the period of the temporary crossing being installed, however agree there should be a practical timeframe on a site specific basis, all crossings vary.

“Where logs are placed in the bed of a flowing water body, a 300 mm or larger culvert is first placed in the bed”

- There should be no specified culvert requirements as long as the objectives are achieved:
 - Damage to the environment as a result of sediment or bank erosion;
 - Damage to downstream infrastructure;
 - Damning of the crossing resulting in flooding or structural failure;
 - Disruption of fish passage;
 - Disruption to the navigability of rivers.

Single Culverts pg. 90

“The minimum culvert diameter is 450mm”

- What is the reasoning for this 450mm being the minimum culvert size?
- It would be more appropriate to use available formula to determine the most appropriate culvert size for the catchment area (as mentioned in the flow calculation section pg. 89)
 - Formula have been approved to be used for flow calculations, but why not culvert sizing to ensure the most appropriate size is selected for the catchment area.



Specific conditions relating single span bridges pg. 91

“Temporary bridges are:

- Removed within two years of construction”.
- Clarification of how the two year timeframe was identified.
- Building consents are still required which takes into consideration structural integrity.
- Reword *temporary shall be for the intended duration of the specific task it was commissioned for e.g. remove x ha of forest.*
- Need to take into consideration the requirements to install the bridge and the associated costs.

“The crossing must maintain the ability for vessels to navigate a river”

- Clarify what is meant by a vessel.
- Not all rivers are suitable for any type of vessel, so it is not always going to be achievable.

Prevent: Remove prevent and replace with minimise.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

The NES-PF is the best proposed option to meet the assessment criteria as specified. It aims to achieve uniformity among regional authorities and greater certainty for land owners and managers.

Time will tell whether it meets its objectives by providing consistency and certainty as specified in Box 13.

There is an ongoing need to work toward standards that are unambiguous, practical and measurable to ensure the NES assessment criteria is met.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

No, it is difficult to identify and measure all environmental costs and benefits and comprehensively undertake a cost benefit analysis.



9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

If the NES is successfully implemented, it will provide a solid platform toward achieving its objectives however consistency among authorities is paramount.

To ensure it is accurately implemented, governing authorities will require guidance and the necessary tools to ensure they understand the NES and the changes it brings

Additional costs of resourcing particularly when the NES is initially phased in may occur. The Central Government should financially support this phasing in period, considering their endorsement of the NES.

Ambiguity within the conditions will also hinder the successful implementation of the NES, as these conditions will be open to individual interpretation.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

We believe one of the risks that have not been identified is legal wordsmithing during the drafting stage of the NES. This needs to be accurate to avoid misinterpretation, ensuring it aligns with the intent of the NES.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

Regional authorities should comment on this.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Templates for sediment and erosion control planning and harvest plan templates need to be made available. There may be increased costs associated with the NES's implementation, as companies have different requirements.

Workshops and training courses would help to ensure consistency of understanding. It would be of benefit if these were initially subsidised.



13. Are there any other issues that you would like to raise?

There is the need to ensure that environmental responsibilities is consistent across all land users in New Zealand.

The conditions of the NES should not financially disadvantage plantation forestry in that it would make other land uses more financially viable.

The definitions used in the NES needs to be unambiguous to ensure consistency in its interpretation.



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Raquel Moreno

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes ☒ No ☐

If yes, which organisation are you submitting on behalf of?

Forest Owner Marketing Services Ltd. [FOMS]

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

FOMS is harvesting and marketing approximately 850 ha/year and we also replant roughly 300 ha/year. FOMS manages 3000 ha/year.



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

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Please indicate below if you wish your personal details to be withheld:

☒ Please withhold my personal details where submissions are made public

☒ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

FOMS considers that NES-PF is a good approach to eliminate or reduce the unwarranted variation. The problem has been assessed considering existing issues that forest owners and managers have to deal with in relation to plantation forestry. Nevertheless its implementation and its monitoring to assess the effectiveness will be crucial to confirm if the problem has been solved or reduced or aversely the goal hasn't been met.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.



The conditions will have to be complied with and if so, they will manage most of the adverse environmental effects of plantation forestry. However it will also be important consider other factors as consciousness and attitude as well as a systematic review of the activity:

- NES-PF reference to best practices and guidelines will assist to mitigate the adverse environmental effects.
- NES-PF requirements for monitoring compliance and follow-up will evaluate the effectiveness of the harvest plan and conditions to reduce erosion and sediment and address a new approach if required.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

Planning and notification period should be done according to the scale, scope and duration of works. In this sense, detail of planning and notification period for small scale and low complexity operations should be establish according to its scope and magnitude (see section 6 for further explanation).

RMA underline that the purpose of consultation on persons affected by the activity has to be considered. If NES conditions for a permitted activity are met then consultation becomes not compulsory.

FOMS submit that consultation is not required on any permitted activity. Notwithstanding the courtesy of notification.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

It make sense in matters of table 4 (page 21). Local landscape and habitat values should be managed by local authorities. It will be helpful to have a public WebMap data base to make an accurate assessment of the potential risk of adverse environmental effects of plantation forestry.

FOMS considers that including agrichemical use within the proposed NES-PF as it is closely linked with the rest of the activities scoped on NES.



5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

These tools are a very good instrument to provide a competent and suitable assessment of environmental effect of forestry activities.

With ESC map for example, it has to be taken into account the input data on which the map is based. The scale used to generate it may cause some loss of accuracy in small areas.

Thereby from our point of view they should not be considered as the only tools to assess the environmental effects. They should be considered as a first step to assist for a subsequent field survey and later on a final finer assessment to appropriately manage the environmental effects.

FOMS submit that the GIS viewer that includes ESC, Freshwater Fish Database and Fish Distribution should incorporate the option of printing a map.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



ACTIVITY: EARTHWORKS

Earthworks Permitted Activity:

- Orange zone where slope is less than 25 degrees (page 63).
 - FOMS suggests that the methodology to calculate the slope should be stated in the NES – PF. This would avoid any issues that may arise with councils by using different methodologies. Giving some clarification on slope GIS calculation as there are some differences according to the procedure of calculating the slope using GIS tools as well as recommend a methodology and input data to obtain a slope map will eliminate problems on decision-making.
 - We also consider that it has to be clear if the slope condition is:
 - average slope less than 25°,
 - predominantly slope less than 25°, or
 - any slope less than 25°
- Notice of commencement, regional and district councils must be notified with 20 working days (page 63).
 - We understand this time schedule will allow councils to plan and manage to monitor operations in a timely manner. However, according to FOMS experience, we consider that 20 working days for a permitted activity is particularly impractical in small scale and low complexity jobs. To require 20 working days notification can severely reduce flexibility where small harvest areas and multiple ownership have to be managed with weather conditions, crew and machinery availability. FOMS submit that a notification time of 48 hours be acceptable and compliant with the conditions of the rule of a permitted activity in cases where the environmental adverse effects are minor, the harvest area is small, the operation is done in a short-term period and for where the earthwork job is maintenance or upgrading an existing road (at least, meaning that you will contact councils with enough time if it is a large scale and complex job and it needs a more detailed plan to carry out the activities). This notification time is currently working for one of the regional councils.
- Road widening and realignment for safety purposes (page 64).
 - The fifth bullet says “the volume moved is more than 5000 m³ per activity area”. Should it say “the volume moved is **less** than 5000 m³...”?
- Requirement to prepare an Erosion and Sediment Control Plan (page 64)
 - FOMS supports this rule as this is a good way to address any potential adverse environmental effect and implement mitigation measures to avoid and eliminate erosion and sediment possible issues.
 - As per above, the time frame of 20 working days is impractical within small scale and low complexity jobs. FOMS suggests the review and reduction of notification period for these specific jobs.
 - The NES-PF requirements for an ESCP should be split between short-term and average environmental complexity operations and long-term and high environmental risk operations and provide a different template requiring information according to each situation.



Earthworks Permitted Activity (cont.):

- Setbacks. Bank full channel width (page 65).
 - Minimum horizontal distance. FOMS suggests that to better measure this distance and avoid any error it should be useful that NES-PF includes a figure that shows how to measure it as well as explain the methodology to measure it, such as channel width measured at water level.
 - This measure referring to the bank full channel width:
 - Is the average width of the whole channel length?
 - Is the average width of the channel length that is affected by the operation?
 - Is a percentage of the channel length affected by the operation?
 - This could be contained in the glossary section

Earthworks Restricted Discretionary Activity:

- Orange zone where slope is greater than 25 degrees (page 66). As stated before:
 - FOMS suggests that the methodology to calculate the slope should be included in the NES – PF. This would avoid any issues that may arise with councils by using different methodologies.
 - We also consider that it has to be clear if the slope condition is:
 - average slope greater than 25°,
 - predominantly slope greater than 25°, or
 - any slope greater than 25°

ACTIVITY: HARVESTING

Harvesting Permitted Activity:

- Low intensity harvesting (page 68)
 - Is there a definition on NES-PF of what low intensity harvesting is? If not it should be included in the Glossary section.
- “A minimum of 75% canopy closure is maintained at all times for any given hectare of forest land” (page 68)
 - FOMS suggests that NES-PF should have a methodology to estimate this canopy closure percentage as results can vary according to the methodology used. Also a definition of canopy closure should be included in the Glossary section.
- Notice of commencement, regional and district councils must be notified with 20 working days (page 69).
 - As per comments on previous page.
 - Even though councils may reduce this notice period, it is not guaranteed they will do it, thereby, FOMS requests the review and shortening of the notice of commencement time for small scale and low complexity operations.
- Harvest planning (page 69)
 - As stated “The Harvest Plan must be made available to the regional council at least 20 working days before harvesting operations start”. Following FOMS comments below and in accordance with the reasons specified, we invite for the review and shortening of this time frame.
 - Contents the harvest plan must include:
 - As stated on second bullet “a documented process for assessing and managing the effects and potential risk of slash entering water bodies appropriate to the scale and level of risk.” In this sense, FOMS considers that it will be useful to have a prescribed template to undertake the assessment, ie quantity, magnitude, slope, rainfall data, etc.



Harvesting Permitted Activity (cont):

- Riparian disturbance (page 70). We support this condition. However NES-PF should include more clarification on:
 - How to measure the distance set for machinery operating within a perennial water body, stated as 5 m.
 - Is it from the bankfull edge?
 - Is it from the edge of the channel?
 - Is it from the edge of the water?
- FOMS would like to refer to Page 2 of “Field Manual for Riparian Management Classification”. NIWA Project ENC09202. June 2009.
- Must have full suspension when pulling across **streams** greater than 3 m width (Page 70). NES-PF has stated **streams as the same meaning as river** as in section 2 of the Resource Management act 1991 which is “**river means a continually or intermittently flowing body of fresh water**; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)”.
 - This measure referring to the stream width (3m):
 - Is the average width of the whole channel length?
 - Is the average width of the channel length that is affected by the operation?
 - A percentage of the channel length or the channel length affected by the operation?
 - ‘intermittently flowing’ is not included in the Glossary. To avoid any misunderstanding with councils would be practical to clarify what intermittently means.
 - We consider including intermittent streams in a full suspension system is a very restrictive condition. When operating on small scale operations full suspension becomes an important additional cost that can be unfeasible. Furthermore working on intermittent streams when there is no water flowing and the time to carry out the works is short then the operation has a potential minor adverse environmental effect that could be mitigated in a timely manner. Hence FOMS submit that this condition will only include permanently flowing streams.



ACTIVITY: RIVER CROSSINGS

River crossings Permitted Activity:

- **Notice of commencement** (Page 86): The relevant regional council must be notified at least 20 working days and no more than 60 working days before the start of construction, placement or removal of any class of river crossing in a perennial stream (except for a temporary crossing).
 - a. The council may waive, in writing, the requirement for notification for certain types of stream crossings or the time restrictions for notification, on the request of the forest manager.
- **Flow calculations** (Page 87).
 - FOMS submit the inclusion of the Modified Talbot Method for catchment size less than 300 ha for culvert size calculation for single culvert crossings.
- **Temporary crossings** (Page 88) – specific conditions relating to temporary crossings. Except as specified in bridges – condition 3:
 - b. Any structure is in place **two weeks or less**.
 - Temporary crossings may have an effective use for longer than two weeks. FOMS submit that any temporary structure is in place for the duration of the activities but needs to be removed within two weeks of the completion of the operation.
 - Definition of temporary crossing should be in the Glossary
- **Single culverts** – specific conditions relating to single culverts (Page 88)
 - Point 8 says “culvert approaches and fill are built from soils free of organic matter. The fill is constructed using successively compacted layers each up to 200 mm loose depth and compacted.” Are there other materials apart from soils such as pre fabricated wing walls accepted to use as culvert approaches?
 - FOMS submit the inclusion of the Modified Talbot Method for catchment size less than 300 ha for culvert size calculation for single culvert crossings.
- **Specific conditions relating single-span bridges** (Page 89)
 - Point 5 says “the crossing must maintain the ability for vessels to navigate a river”. FOMS submit that this condition has to be rewritten as “if navigable, the crossing must maintain the ability for vessels to navigate a river”.



ACTIVITY: AFFORESTATION

Afforestation Permitted Activity:

- **Setbacks (Page 61):**
 - FOMS submit the inclusion of a setback for powerlines of a minimum of 40m either side.

ACTIVITY: REPLANTING

Replanting Permitted Activity:

- **Setbacks (Page 79):**
 - FOMS submit the inclusion of a setback for powerlines of a minimum of 40m either side.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

While the NES-PF improves the consistency there is a doubt of improving certainty as it doesn't reflect its life in a long-term period. MPI has established an overarching management to all of the councils regarding plantation forestry and other than the review on a 5-years period time there is not certainty of MPI involvement in maintaining the NES-PF over the longer term.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

Unable to comment at this stage.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

See section 13 below.



10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

One of the risk we would like to highlight is that the practitioner has a high responsibility in the compliance with conditions to maintain the permitted activity status that the NES-PF provides.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

May the councils answer this question as they implement NPS-FM.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

As stated in different sections of this document, layers of NES-PF tools, guidelines, training in implementing NES-PF and monitoring the compliance with conditions, online tools as culvert calculations, GIS viewer, templates for Erosion and Sediment control plan as well as Harvest Plan, what needs to be included depending on the size and complexity of the operation (difference templates and requirements in between small and large operations).

13. Are there any other issues that you would like to raise?



- When a forestry activity involves two different regional councils:
 - documentation that has to be provided (harvest plan and/or erosion and sediment control plan) has to be sent to both councils?
 - will the activity be monitored by the two of them according to the physical area of the activity?
 - In this sense, it will be practical developing a monitoring procedure and a training programme to commonly approach the control and performance of the activities by the councils.
- To calculate the percentage of surface of Erosion Susceptibility Classification (ESC) areas that a forestry operation has FOMS submit that the ESC will be downloadable and open layer (as well as New Zealand Freshwater Fish Database and Fish distribution Data).
- In relation with the compliance monitoring costs, are they going to be the same for all the councils? Is this going to be a national standard too?
- There are matters such as historical and cultural values that will required to communicate with the councils and the fact that you still need to go to the council neglates the opportunities that you may have within the NES-PF permitted activity.

Thank you for the opportunity to comment on the proposed National Environmental Standards for Plantation Forestry.

Do not hesitate to contact us if you have any questions regarding the comments above.

The document available at the below link was appended to the Forest Owner Marketing Services submission:

<https://www.niwa.co.nz/sites/niwa.co.nz/files/import/attachments/RMC-field-manual.pdf>

[accessed 12 January 2016]

Submission

from



to the

Ministry of Primary Industries

on the

Proposed National Environmental Standard for Plantation Forestry

7th September 2015

Forest Industry Contractors Association

John Stulen, Executive Officer

[Redacted]

Email

Tel

Fax

[Redacted]
[Redacted]
[Redacted]

Proposed National Environmental Standard for Plantation Forestry

SUBMISSION BY THE FORESTRY INDUSTRY CONTRACTORS ASSOCIATION [FICA]

1. The Forest Industry Contractors Association (FICA) welcomes the opportunity to comment on the proposed national environmental standard being consulted on.

Background

2. FICA is the representative membership body for the commercial plantation forest growing industry. In future we request that our Association be contacted directly at the outset of any subsequent review of this National Environmental Standard.
3. Our FICA members are responsible for the vast majority of the operations for planting, and subsequent silvicultural operations for 1.7 million hectares of New Zealand's plantation forests and over 65% of the annual log harvest.
4. FICA is submitting on behalf of our entire membership which includes forest roading contractors, silviculture contractors, logging contractors, machinery suppliers, service providers and forest brokers.

Submission

FICA recommends:

5. On page 66: under the heading "Road widening and realignment for safety purposes" we question the need for meeting a minimum volume of 5 000 m³, unless this reference is countering some other regulation or rule(s) specified by or in local or regional council plans.
6. On page 71: under the second bullet point – "Ground disturbance outside riparian margins" (within the permitted activities of harvesting) change it to read:

"All disturbed soil must be stabilised or contained so as to **minimise** the risk of sediment entering into any water body or coastal water resulting in ... the sedimentation of the bed of any surface water body."

Or alternatively:

"All disturbed soil must be stabilised or contained, with measures in place to prevent the movement of sediment into any water body or coastal water resulting in ... the sedimentation of the bed of any surface water body."

7. On page 71: "Notice of commencement" – remove the statement "Councils may reduce this notice period at their discretion."
On page 71: under "Harvest planning" replace statements commencing "The Harvest Plan ..." with "The forest manager and/or harvest planner must ensure the harvest plan ...". This makes it clear where the responsibility rests with ensuring what the harvest plan must achieve (noting that "the Harvest Plan" in itself is an inanimate object rather than a party who can be deemed responsible).
8. Where there are safety vs environmental considerations, that due process considers the safety of forestry workers and others on the forestry sites to be considered to take priority over environmental concerns.

9. On page 72: Change “Must have full suspension if pulling across streams greater than 3m in width.” to read: “Forest manager and/or their harvest planner must provide adequate hauler settings and practical plans to ensure yarder operator can achieve full suspension if pulling across streams greater than 3m in width.”
10. Consider adopting uniform wording (eg: use either “full” suspension or “butt” suspension when referencing harvesting operations).
11. On page 72: regarding Slash and debris management, change: “Place slash onto stable ground, and manage slash levels ... to read: “Forest manager and/or harvest planner to provide practical plans and operational resources to allow harvesting contractors to place slash onto stable ground, and manage slash levels etc.”



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

s 9(2)(a)

Postal address:

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes [☒] No [☐]

If yes, which organisation are you submitting on behalf of?

Hancock Forest Management (NZ) Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

250,000 hectares



Privacy Act 1993

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Please indicate below if you wish your personal details to be withheld:

[☒] Please withhold my personal details where submissions are made public

[☒] Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.



Yes. Hancock Forest Management (HFM) manages forests located from Northland to Nelson, occurring within the jurisdiction of 4 unitary authorities (Auckland, Gisborne, Nelson and Tasman), 4 regions (Northland, Waikato, Bay of Plenty and Horizons) and 11 districts. Kinleith forest alone, spans 2 regions and 3 districts.

No two regions or districts plans are the same, with widely varying approaches, rules structures, activity status and conditions. This create significant complexity to ensure our operations and contractors staff understand and comply with the rules that they are working under. The environmental benefits of such variation and complexity are, in our view questionable.

Despite views expressed by council staff earlier in this NES process, that second generation plans would deliver greater consistency, this is not in our view being borne out in practice. We have been involved in plan change processes in recent years in Horizons, Auckland, Ruapehu, Rotorua, South Waikato and Whakatane, and all take a completely different approach to the management of forestry activities with no apparent attempts to collaborate to achieve consistency over neighbouring council boundaries.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Yes. In our view the rules as drafted are in the most part reflective of the more stringent end of the rules we currently face in regions and districts around NZ.

Rules alone don't manage adverse effects – this requires good planning, training, execution, monitoring and use of sound judgement when making operational decisions. But the rules as drafted support good outcomes.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

HFM has some specific suggestions to make the rules clearer. Refer Attachment 1.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.



HFM is in agreement with the matters out of scope (Table 2) and understands the rationale for excluding the activities from the NES. We do however note, that agrichemical application is an activity that would benefit from an NES given the relatively similarity in approach of agrichemical application rules, and the large number of agrichemical application contractors that undertake activities in numerous regions. One set of rules would, in our view, be relatively simple to achieve and reduce complexity.

HFM is in principle in agreement with the intention of the matters where local authorities retain the ability to be more stringent, however it is essential that this is drafted to be very clear and specific as to exactly what aspects and activities the ability to be more stringent applies to. It is already apparent through discussion with local authorities that people are interpreting this differently.

The previous NES-PF public consultation document released by Ministry for the Environment included a table listing which plantation forestry activities the ability to be more stringent could be applied to, which in our view is essential to ensure the benefits of a NES are not eroded by a plethora of additional new rules over and above the NES. By way of example as described in Table 4, the ability to be more stringent in relation to Coastal Marine Area protection implies councils could potentially create new rules for any activity covered by the NES, potentially for any part of NZ given that the discharge from all catchments eventually reaches the coastal marine area. The description in Appendix 3 suggests it applies to planting setbacks but it is not specific. Whereas the previous discussion document listed specific activities (afforestation, replanting, earthworks etc).

Similarly the ability to be more stringent in Outstanding Natural Landscapes could be applied to any activity, when in the past the working group has agreed in principal that the controls should apply to afforestation only – on the basis of existing use rights if the forest was planted prior to the ONL having been designated over the land.

The NPS for freshwater is an area which clearly over-rides an NES, but again, in our view the ability to introduce new rules should be clearly specified. This would presumably be where the catchment assessment processes indicates that:

- a catchment is overallocated for a given contaminant compared to proposed limits, and
- analysis shows plantation forestry activity is contributing to that exceedence, and
- the NES-PF rules do not adequately control forestry activities to achieve the required improvement to meet the catchment limits.

For each of the items listed in Table 4 and Appendix 3 as providing ‘ability to be more stringent’, it is essential that it is very clear as to the scope of that ability:

- the activities it could apply to
- whether it is open to regions, districts or both
- the geographic extent to which it applies (eg activities within the buffer to a coastal marine area or the entire catchment) and
- any limitations to the types of controls that could be applied.



5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

Yes. In all three cases the tools proposed represent the best available information at this time and with the use of web-based presentation tools, are relatively straight forward for both large scale forest managers and small operators to interpret and apply to their operations.

We are aware of some inevitable errors in both the ESC and the fish spawning indicator as it applies to our land, relating to errors in the underline data (LUC classification errors, and errors in the underlying hydrology data to the fish spawning indicator). However in both cases there are practical processes to be followed to correct and improve data over time, or alternatively gain an exemption where it can be clearly demonstrated the data is in error. In the case of the ESC, the availability of LiDAR information means that refinement of LUC units, and the correct location of unit boundaries, will become much more achievable.

One of the benefits of the NES is that the data resources such as the NZLRI and NZ Freshwater Fisheries Database will be routinely used in a practical way, and therefore will continue to not only remain live but be updated and refined over time. It would seem almost inevitable that this information will be used for processes other than managing plantation forestry.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

Refer Attachment 1.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

Yes. We are in agreement with the analysis by MPI that an NES is the only practical tool to achieve the goals of delivering consistency and improving certainty in a timely and cost effective manner.

As noted in the document, we agree that clear guidance material is a complementary tool that will be essential to assist both small operators meet the NES, assist in interpreting conditions and ensure that local authorities interpret the requirements of the NES consistently.



8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

Accurately assessing the expected costs and benefits of an NES such as this is inevitably incredibly complex, and requires numerous assumptions to be made to gain an overall estimate of the total cost benefit, and will therefore at best be an approximation. That said we believe the most recently CBA is reflective of the overall costs and benefits, and is a significant improvement on earlier analyses – which arrived at the counter-intuitive conclusion that the NES was imposing prohibitive costs on the forestry industry despite those in the industry being largely of the view that the NES would provide overall benefits.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

The key to the successful implementation of the NES will be ensuring that the rules and conditions are as clear as is possible. We are aware that the NES wording as proposed could be changed significantly through the drafting of the regulation, and it will be essential that input from the working group continues to ensure that the intended meaning is not altered or lost in redrafting. As noted above, clear guidance material is, in our view essential to assist in the consistent application of the NES.

As also noted above, clear and precise descriptions of the ability to be more stringent open to local authorities is also essential to maintaining the benefits.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

The key risks in our view are uncertainty in interpretation of conditions if the regulations are not translated correctly in drafting into regulation, and the potential for councils to recreate a range of additional rules over and above the NES if the ability to be more stringent is not clearly specified, eroding many of the benefits of an NES.

As noted above, we believe there exists an opportunity to develop an NES for agricultural application, given the methods used and associated risks are almost identical in all parts of the country.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?



Please provide comments to support your views.

Regional councils are best placed to answer this question, however a benefit of the NES is that council compliance staff in different regions will be able to collaborate and discuss compliance issues (as we are aware they currently do) under the regime of a consistent rule framework – as will be the case for forest owners and managers.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

There is a need for a very clear definition of 3m wide waterways, ideally supported by photographs of different stream types. The 3m wide cut off is used in a number of key rules, so it is critical it is interpreted the same by all parties.

What is proposed, and in particular the guidance material and production of example templates, is in our view essential to ensuring the NES is achievable, particularly for smaller operators.

13. Are there any other issues that you would like to raise?

HFM wishes to thank MPI staff and the numerous members of the working group over the years, for their hard work and persistence to see this complex task through to fruition. We believe the end product of the NES, web based risk assessment tools and guidance material will be a substantial improvement in the regulatory approach for our industry.

Attachment 1: Comments on Appendix 3: Draft rules of the proposed NES-PF

The suggestions below identify areas where we believe further clarity or changes are required to proposed rules. Where no comment has been made HFM supports the rules as currently proposed.

Activity	Page	Section	Issue	Suggested amendment
Earthworks	63	Scope	The earthworks scope needs to make it clear that the activity includes associated effects including discharge of contaminants to ground and water, and damage to vegetation, as for the scope of harvesting.	Revise the scope to: <i>Earthworks is the modification of the shape of the ground surface by movement or removal of the surface of soil or rock. Includes forestry road and track construction, landing construction, stream crossing approaches and cut and fill operations, but does not include soil disturbance by machinery passes or the dragging of logs.</i> <i>Earthworks includes discharges of slash and contaminants to land and water associated with earthworks activities.</i>
Earthworks	63	Activity Status	As currently worded even very minor earthworks in the orange zone greater than 25° or red zone requires consent. Most plans include a minimum volume of earthworks that could be carried out without consent.	Add additional bullet point to permitted activities: <ul style="list-style-type: none"> • <i>Earthworks that has a total volume of less than XXX m3 per activity site within the Orange Zone where the slope of the land is greater than 25 degrees, and Red Zone.</i>
Earthworks	63	Notice of commencement	Given earthworks is generally not controlled by district councils, and none of the proposed conditions are within the jurisdiction of districts, it is questionable whether they need to be notified of commencement. There also needs to be an advice note to make it clear notification is required only of the first earthworks operations in a new forest. If it were to be applied to separate operations within a forest this would become very onerous.	Amend to: <i>Regional and district councils must be notified at least 20 working days and no more than 60 working days before earthworks start in a forest, unless this requirement is waived by the council.</i>
Earthworks	64	Road widening and realignment for safety purposes	The heading 'road' widening and realignment is confusing given the definition of road in the definitions section refers to a public road.	Amend to 'internal forest road' or some other term to make it clear the section applies to private forestry roads only, not the public road network.

			<p>The inclusion of the road widening and alignment provision as conditions within the permitted activity rules is confusing, as it sits within a section of the rules that applies to only green, yellow and orange zone <25 degrees, but is worded to apply to all zones.</p> <p>The provision that overburden is placed in a way that meets the spoil conditions is redundant – it is already a stand alone condition.</p> <p>The provision that the volume moved per activity area must be more than 5,000m3 per activity site, would earthworks of a smaller volumes as a restricted discretionary activity which does not appear to be correct.</p>	<p>Move this provision to a separate permitted activity section within the Earthworks rules, referencing a requirement to comply also with the permitted activity rules as for Green, yellow and orange zone less than 25 degrees.</p> <p>Delete provision.</p> <p>Should this be 'less than 5,000m3 per activity site'?</p>
Earthworks	64	Requirement to prepare an erosion and sediment control plan.	<p>HFM supports the requirement of an Erosion and Sediment Control Plan, but as per our submission requests that there be clear guidance as to the form such a plan would take. In particular for large forests it must be clear that there is not an expectation in the ESCP to provide detailed plans showing the actual location of stormwater and sediment control devices. It is practical to provide a document that describes the measures that will be taken, and clear guidance on where and when such measures will be applied. However to require mapping of the exact location of such devices at the planning stage would be counterproductive, and potentially lead to poor environmental outcomes. For the best environmental outcomes it is essential that these decisions are made once the area has been opened up through road line salvage so machine operators can see the optimum location to cut off water and install fluming, sediment traps etc.</p> <p>We also note in the third bullet point in notes that material changes include 'relocation of roads and</p>	<p>Provided clear guidance for foresters and regulators regarding the expected content of an ESCP.</p> <p>Delete the words 'such as the relocation of roads or landings'.</p>

			landings'. We do not anticipate roads and landing locations forming part of the ESCP – these are typically on harvest plans.	
Earthworks	65	Setbacks for new earthworks	The introductory section of the table has become confusingly worded and will need to be made clearer in redrafting.	<p>In redrafting of the setbacks rule ensure the intent is more clearly stated – the following is a suggested alternative:</p> <p>Setbacks <i>Earthworks must not be undertaken within the following setbacks, except where topographical constraints leave no alternative:</i></p> <p>And then change the first column heading to: '<i>New earthworks construction, including temporary tracking</i>'</p>
Earthworks	65	Spoil	The final condition prevents spoil being placed in locations outside of the production area. In some situations locations such as grazing areas or unstocked gaps etc within the forest may be the logical place to dispose of spoil. The key issue is that it is not disposed of in reserve areas.	Amend 'outside of a production area' to ' <i>within reserve areas</i> '.
Earthworks	65	Stabilisation and containment	The first bullet point effectively requires exposed areas of soil to be contained within the site, which does not make sense – it is the sediment that needs to be contained not the exposed area of soil.	<p>Amend to:</p> <p><i>As soon as practicable after the completion of the activity and no later than 12 months from the date of construction, exposed areas of soil that have the potential to discharge sediment to water must be:</i></p> <ul style="list-style-type: none"> • Contained within the site • Stabilised to contain sediment within the site by measures such as:
Harvesting	68	Scope	Include soil disturbance due to not only machinery passes but dragging of logs in the scope.	Amend the first bullet point under scope to: <i>Discharges of slash and contaminants to land and water associated with harvesting or the dragging of logs.</i>
Harvesting	69	Notice of commencement	As for earthworks, there also needs to be discretion where councils do not wish to be advised, and an	Amend to: <i>Regional and district councils must be notified at</i>

			advice note to make it clear notification is required only of the first harvesting operations in a new forest. If it were to be applied to separate operations within a forest this would become very onerous.	<i>least 20 working days and no more than 60 working days before harvesting operations start in a forest, unless this requirement is waived by the council. Councils may reduce this notice period at their discretion.</i>
Harvesting	69	Harvest Planning	<p>As worded forest managers are required to prepare and submit a harvest plan prior to commencement of operations which is a sound requirement. However most large forestry companies will already have company specific GIS based systems for preparing harvest plans which will in all likelihood exceed the detail in the template. It would therefore be counterproductive to require use of the exact template provided for harvesting plans.</p> <p>The proposed contents of the harvest plan covers only surface water bodies, riparian areas, indigenous vegetation and slash management, which are only some parts of what a harvest plan typically covers.</p>	<p>Amend the second bullet point to:</p> <ul style="list-style-type: none"> <i>The harvest plan must be prepared in accordance with the prescribed template or equivalent.</i> <p>Amend the description of the harvest plan to cover more comprehensively the requirements, including:</p> <ul style="list-style-type: none"> A map showing the proposed location of key infrastructure (roads, landings, stream crossings) and the proposed method of harvest A description of the key environmental risks in the operation (annotated on the map where applicable) including such things as waterways, protected native vegetation, archaeological sites, protected areas, neighbours boundaries etc, and methods to control such risks.
Harvesting	P68	Ground disturbance outside riparian zones	<p>The first sentence is confusingly worded making it sound like actions to minimise discharge of sediment must be avoided.</p> <p>The first bullet point requires butt suspension of logs, but makes it clear this does not apply in the riparian</p>	<p>Amend to:</p> <p><i>During harvesting operation avoid, remedy or mitigate actions that accelerate erosion or lead to the discharge of sediment to waterbodies.</i></p> <p>Delete 'This condition does not apply to riparian zones'.</p> <p>Delete the first bullet point at the top of page 70 'the diversion and damming of any river or stream'</p>

	P70		<p>zone. In reality the riparian zone is the key area where suspension is required.</p> <p>The first sub-bullet point at the top of page 70 'the diversion and damming of any river or stream' does not actually relate to the topic (movement of sediment) and comes from a similar slash condition. Sediment effects typically relate to impacts on instream environments, and it would be extremely unlikely sediment could lead to the damming or diversion of a waterbody.</p>	
Harvesting	P70	Slash and debris management	<p>The introductory sentence from the general conditions slash traps in hindsight fits better in this condition, with reference to the general conditions (refer comment below).</p>	<p>Add to the bottom of this section the introductory sentence from the general conditions, slash trap section which better fits under harvesting.</p> <p><i>Where slash cannot be safely or practically removed from water bodies, and there is an assessed risk of slash mobilising and causing adverse effects, alternative measures such as slash traps, should be used where possible to retain slash on site as far as practicable.</i></p> <p><i>(Refer General conditions, slash traps).</i></p>
Mechanical land prep	P72	Permitted activity description	<p>The third bullet point has been incorrectly worded to specify as a permitted activity, MLP that affects the subsoil</p>	<p>Correct the third bullet point to:</p> <ul style="list-style-type: none"> <i>In orange and red zones where the slope is greater than 25 degrees but the technique used does not affect the subsoil (for example deep downhill ripping or giant discing)</i>
Forestry quarrying	P75 P76	District Council conditions - visibility & transport on public roads.	<p>Most district plans allow for quarrying up to a given volume per annum, with a number of plans (e.g. Rotorua, Far North, Kaipara and South Waikato) making an exemption to this limit where quarrying is to be used within the forest and in some cases not visible from outside of the forest. This was the intent of the approach of the quarrying rules, however by splitting the conditions into two rules it has in effect made the rules more onerous than any district plans we currently operate under – applying both a volume limit and a requirement that the material is not carted outside of the forest regardless of volume. Further by applying</p>	<p>Combine and amend the rules to reflect the approach in current district plans around the country. A suggested alternative is as follows:</p> <p>No more than 5,000m³ of material must be quarried per annum per activity site, except where:</p> <ul style="list-style-type: none"> At the time of the extraction the quarry is not visible from an existing dwelling, adjoin property or formed public road, and Material is not transported off the property for external use.

			the volume over 5 years not 1 and requiring that it is not carted outside of the property at all (even to cross to an adjacent forest), the rule is now more onerous than any district plan we are aware of.	
Forestry quarrying	P76	Quarry management plan	The section on material amendments refers to relocation of 'landings' which is not relevant to quarrying.	Delete reference to landings.
Replanting	P80	Replanting adjacent to significant natural areas (SNA)	HFM has recently been through processes of councils mapping SNA's within our forests, and in both cases the issue arose of inaccurate SNA boundaries, and the inadvertent inclusion of production areas within the theoretical boundary of an SNA. In both cases we resolved a solution of confirming as permitted the harvesting and replanting of production forest mapped within an SNA, on the basis that if there is production forest within the SNA it can only be as a result of a boundary mistake. It would be helpful if this were included in the SNA exemption in the replanting rules.	Amend the SNA rule as follows: <i>Replanting production forest adjacent to or within significant natural areas (SNA)</i> <i>When replanting production forest immediately adjacent to indigenous identified, mapped or schedule in a district or regional plan as an SNA (or similar), replanting must take place no closer than the stump line of the previous crop. This includes existing production forest located within the boundary of a mapped SNA.</i>
General Conditions	P82	Vegetation clearance and disturbance	There is somewhat of an error of logic in the vegetation clearance and disturbance rules, in that the intent was in our view that the rules specify bottom line vegetation clearance that is permitted in production forests, but any clearance that does not meet the permitted rules should be logic then defer to the relevant district plans rules. This is inferred by the 'Ability to be more stringent' section which indicates councils may develop the rules. The same approach is also logical for non-SNA indigenous vegetation, otherwise we have the somewhat illogical solution of the clearance of lower quality indigenous vegetation being permitted in the district plan and discretionary under the NES.	If possible, amend the NES so that vegetation clearance over and above that listed as a permitted activity, defers to the relevant district plan rules for indigenous vegetation and SNA's, as was intended.
General Conditions	P83	Nesting times	The rule regarding nesting is a new rule over and above any current plan rule. Whilst we have no objection to the requirement to have procedures in place to protect nesting sites, it needs to be clear that this can only be undertaken with best intentions. As worded it is our	Amend the second bullet point to: <ul style="list-style-type: none"> • <i>Protect these sites from disturbance as far as practical or undertake the activity outside of the nesting season.</i>

			<p>interpretation that the procedures would have to guarantee protection which we do not believe is practically achievable.</p> <p>A requirement to undertake the activity outside of the nesting season is also somewhat impractical given the long potential nesting season of species such as karearea, coinciding with the most favourable time of year for harvesting and mechanical land prep activities.</p>	
General Conditions	P84	Fish Spawning	<p>We are in agreement with the fish spawning rule, however the drafting has made it somewhat complicated to interpret, for a matter that is actually quite straight forward.</p> <p>As a practical matter, in our forests in the CNI we have found that the tool shows streams and fish to be present in locations where no streams exist, due to an overestimate of stream networks in the underlying hydrology data in the pumice country. In addition to the exemption based on actual electric fishing data, there needs to be an exemption where the fish spawning indicator can clearly be demonstrated to be in error (due to lack of a stream of the size indicated).</p>	<p>Redraft the rule to be more simply laid out.</p> <p>Provide a process for practical exemptions where it is clear the fish spawning model is in error.</p>
General Conditions	P85	Slash Traps	As noted in the harvesting section above, the first sentence in the slash traps section more logically fits in the harvesting section on slash management.	Move the first sentence to the harvesting section as noted above.
General conditions	P85	Discretionary activities	As noted above, the indigenous vegetation clearance conditions more logically defer to the current plan rules than a discretionary activity.	If possible, delete 'indigenous vegetation disturbance' from the list of discretionary activities and defer to the relevant district plan rules.
River Crossings	P86	Scope	The river crossings scope should make it clear that the activity includes associated effects include discharge of contaminants (sediment) to ground and water, as is indicated by the conditions.	Amend the scope to include associated discharge of contaminants and sediment, along with bed disturbance.
River crossings	NA	Whole section	From the NES document it is unclear who has jurisdiction.	Make it clear that only the regional council has jurisdiction over stream crossings, as is typically the case.
River	P87	Flow calculations	Amend the requirement to make calculations available	Amend the final sentence to....

crossings			to the council	<i>Records of the calculations must be available to the relevant council at the time of the notice commencement, upon request.</i>
River crossings	P88	Temporary crossings 1(a)	On discussion with operations staff the two week limit for temporary crossings will be difficult to achieve in some instances. Likewise the requirement to remove the crossing within 24 hours may not be practical, completely different machinery will often be required than the machine using the crossing. In our view temporary crossings should be encouraged, as the alternative is for machinery to cross small streams with no crossing.	Amend the temporary crossings conditions as follows: <i>a. Any structure is in place four weeks or less</i> <i>d. All crossing materials are removed from the river bed within 1 week of the completion of the operation for which the crossing was constructed or installed.</i>
River crossings	P88	Single crossings item 2	Condition 2 has become somewhat confusingly worded given the change from a culvert size to a flood flow.	Amend condition 2 to: <ul style="list-style-type: none"> • The calculated 5% AEP flood event at the culvert location is no greater than 5.5 m3 per second. • The culvert is designed to pass the 5% AEP flood without heading up.
River crossings	P89	Fords specific conditions item 1	As worded, fords are not permitted in any river listed as a habitat for threatened indigenous fish or as an indigenous or sports fishing spawning area etc. However under low use conditions (in between harvest) a ford is potentially the lowest impact type of crossing, other than a bridge, and are commonplace in first rotation forests prior to harvest, or after harvest where temporary bridging is used and then removed.	Amend the condition 1 to allow for fords in the listed streams where the fords are receiving only occasional use outside of harvest times (eg less than one vehicle per day).



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Sean McBride

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes [X] No []

If yes, which organisation are you submitting on behalf of?

Juken New Zealand Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

35,000ha



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

Yes – Section 2.1 and 2.2 do accurately describe the issues facing plantation forestry. Variations in rules between regions makes it difficult for companies operating in more than one region to run centralised compliance management systems difficult and increases costs to forest owners for no environmental benefit.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.



Yes. Proposed rules represent good practice operations that will mitigate the risk of adverse environmental effects.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

There are several areas where rules need to be clarified to allow consistent interpretation. Further comment on specific issues are made in section 6 of this submission. Following clarification of these points the rules will be clear and enforceable

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

Yes they are appropriate

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

The Wilding Spread Risk Calculator will need to stay current with species being planted – the current version does not cover any eucalypt species which are being planted in a variety of sites around New Zealand.
Erosion Susceptibility Classification – This will manage environmental effects as intended provided there are clear processes for reclassifying ESC zones by the forest owner if the broader classification does not appear to be relevant for the specific site.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



Earthworks – Need to define how slope is measured to classify land in the Orange zone >25 degrees slope.

Road widening and realignment for safety: Permitted activity if more than 5,000m³ is moved per activity area – should this read less than 5,000m³ and a consent is required if more than 5,000m³ is moved? And also need to define the parameters of an activity area.

Erosion and Sediment Control Plan: Should be a standard template made available to be used across the country to allow consistent standards to be implemented.

Harvesting – Harvest Planning: Need to see a copy of the prescribed template for a Harvest Plan before being able to comment on the appropriateness of this document.

Recommend the changing of bullet point two under Ground disturbance outside riparian margins found on page 69 of the document (within the permitted activities of harvesting) is altered to read: “All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body or coastal water resulting in”. JNL considers that the use of ‘minimise’ over ‘prevent’ is consistent with the intention of the NES as well as the wording within the rest of this section.

Mechanical Land Prep – In the section that specifies the zones in which Mechanical land preparation is permitted the third bullet point states it is permitted in orange and red zones greater than 25 degrees but the technique used affects the subsoil. This should read not permitted and contradicts the first section in the permitted activity rules.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

JNL supports the introduction of the NES-PF. The NES-PF gives more certainty to the forest owner around RMA compliance while maintaining the underlying purpose of the RMA. The challenge will be to ensure a consistent approach to monitoring compliance between different regions by minimising the risk of subjectiveness in the monitoring process to ensure that the objectives of the NES are achieved. Some form of oversight of local compliance staff at a national level should be implemented in the initial stages to ensure that monitoring standards are consistent nationwide.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

Yes



9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

Because of the standards of the permitted activity rules in the NES the risks of the permitted baseline test being used will be minimal and should not be impacted by the implementation of the NES

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

Yes as it will set base rules for forest operations that should improve water quality outcomes as a starting point while allowing for more stringent controls if water quality objectives are not being met and forestry operations are a contributing source.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

The publication of guidance material for each operational area would be of benefit. The other key area that would be of assistance would be in hosting workshops around the country with council compliance staff and forest owners and managers sitting together to ensure rules are interpreted consistently.

13. Are there any other issues that you would like to raise?





11 August 2015

NES_PF Consultation
Attn: Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140

NES-PFConsultation@mpi.govt.nz

Dear Mr Miller,

A National Environmental Standard for Plantation Forestry (NES-PF) Consultation Document, June 2015 – Submission by Kaingaroa Timberlands Partnership

This is a submission on behalf of Kaingaroa Timberlands Partnership lodged by their manager Timberlands Limited.

Submitter: Kaingaroa Timberlands Partnership
Contact: Colin Maunder
Address for service: Colin Maunder
Timberlands Limited

Phone

Introduction

1. Kaingaroa Timberlands Partnership (KT) owns approximately 180,000 hectares of plantation forest in the Central North Island. The forest falls within the boundaries of three regional councils and 6 district councils. KT is actively involved in submitting on council plans that deal with forestry operational activities.

Questions for Submitters

2. KT is generally supportive of the NES-PF but wishes to submit on a few of the questions where it considers that there may be improvement to the proposal. KT does expect that the NES-PF will increase the number of resource consents it needs to continue to operate but a consistency of approach and more certainty around council plan development outweighs any such increase.

Question 1

3. It is considered that the problem is accurately described. KT's forests are managed and operated by contractors. There may be up to 500 persons operating in the forest at any one time. No work can be undertaken without a contract which where relevant will refer to the

conditions of any council resource consent and or permitted activity rules. In many cases multiple rules have to be referenced. The issue however, is that there are differences depending on which side of a council boundary the work may fall within.

4. Consistency in rules will assist with contractor training and operations.

Question 6

Afforestation-Genetically Modified Tree Stock

5. KT supports the proposal which would provide for the evaluation of genetically modified organisms to be dealt with by the EPA. This would allow for a consistent and better resourced approach to such matters allowing interests to participate from around the country. Already KT forests are subject to an inconsistent approach with the different policies of the three regional councils.

Question 6

Earthworks-regional-spoil-"or in a position where it can deliver sediment into a surface water body"

6. This further proviso cannot be met. In storm events sediment will be delivered to water. It may be difficult to attribute the source of the sediment but this type of proviso could be used by some councils to ensure that earthworks do not fall within the permitted status of the activity. This proviso should be deleted. It is considered that the other proviso is adequate to control the positioning of spoil.

Question 6

Earthworks-regional-sediment and stormwater control measures-"prevent"

7. The concern is with the use of the word "prevent". Even though there appears to be a qualification with the words "as far as possible" it is our experience that in some storms, no matter how good the engineering practice has been, slumping can occur. This happens on council roads as well. Unfortunately, if after a storm a road batter has slumped, the use of the word "prevent" could and can be interpreted by councils to mean that the permitted activity standard has been breached. The word "prevent" should be replaced by "minimised".

Question 6

Earthworks-regional-Stabilisation and containment-"contained within the site"

8. Again in storm events sediment will be generated from a forest. Sediment will be generated in storms from council roads and from other land uses. While an earthwork may be stabilised absolute containment of all sediment that may arise from that earthwork cannot in all storm events be contained on the site.
9. This condition should be deleted.

We thank you for the opportunity to submit on the NES-PF

Colin Maunder
Forest Risk Manager





Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

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- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

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Contact details

Name:

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes [Y] No []

If yes, which organisation are you submitting on behalf of?

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):



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Please indicate below if you wish your personal details to be withheld:

☒ [X] Please withhold my personal details where submissions are made public

☒ [X] Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

Kea Ridge Forests Ltd supports the Gazetting of the Standard



1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

Sections 2.1 & 2.2 fail to adequately describe or address the risks associated with the looming harvest of approximately 500,000 ha of first rotation forest planted on steep, high erosion susceptibility ground and in control of over 10,000 owners and investors who have no prior experience in road building, stream crossing installation, harvesting and associated activities. If poorly managed or executed, this upcoming harvest poses significant risk of loss of licence to operate for the industry as a whole and damage to the NZ Wood brand.

Furthermore these two sections fail to document the inherent risk that will follow the upcoming clearfell harvest of these first rotation plantations established on the worst of the worst erosion zones in NZ (some Class 7e and all Class 8e land) – ie the 5 year “window of vulnerability” as roots from the old tree crop decay, in combination with changing climate leading to the more frequent occurrence of high intensity rain (mass movement triggering events) and storms with winds in excess of Gale force (wind throw triggering events). The NES has to anticipate more frequent severe weather into the future.

The sections do not discuss the differential treatment of plantation forestry and pastoral farming on erodible hill country in NZ, with forestry being regulated via resource consents on most LUC class 7 and 8, with pastoral farming being a permitted activity (except for a subset of the worst of the worst land in the Gisborne Region, land termed “Overlay 3A land”).



2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

We believe that the Permitted Activity conditions are both stringent and defensible, and certainly sufficiently robust to manage the adverse effects of plantation forestry across all 8 activities. We have concerns that some of our current logging contractors do not have the skill set to comply with the rules for Ground Disturbance outside of riparian zones, in relation to Harvest, specifically:

*All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:
o the sedimentation of the bed of any surface water body;*

We note that “Prevent” is an absolute, so recognise that this sets a very high bar, meaning that we will have to default out of Permitted Activity and into the Regional Council’s Resource Consenting process for harvest even though our forest (located in the eastern South Island foothills) is green zoned. That said we recognise the imperative set in the National Policy Statement on Freshwater that requires that we maintain and enhance water quality, and we note that outside of the harvest phase, plantations deliver some of the highest quality water in NZ.

This then places the onus on the government through the Tertiary Education Commission and fund its ITOs (principally Competenz for forestry) to upskill workers to take greater care to reduce ground disturbance in order to better comply with the NES, and for and the Contractors to adopt practices and buy in equipment that reduce ground disturbance. This proposed Ground Disturbance rule certainly creates a challenge as the industry moves to mechanise steep slope tree felling to improve the safety of those involved in tree felling. Winching a 30 to 40 tonne machine up a slope of 35 degrees or greater will cause greater ground disturbance than having a person on foot walking from tree to tree.

The associated Guidance Notes must explain to Councils the imperative of improving worker safety in forestry, and hence enable new harvesting technology including winched machines for steep slope work.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

Yes. For the avoidance of doubt ensure that all setback distances are noted as “measured horizontally, not as slope distance”



4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

We believe that the balance in Table 2 & Table 4 is correct.

In table 4, we believe that the NES need to make very clear that District Councils must identify and map areas of significant indigenous vegetation or significant habitat or threatened or endangered fauna as Significant Natural Areas (SNAs) or Outstanding Natural Features & Landscapes (ONFLs), and not propose methods that require land owners to undertake their own mapping at their own cost as a condition of resource consents. The identification & mapping of SNAs and Outstanding Landscapes is a core and valued role for Councils under their local democratic standard Plan Change processes.

We recognise the merit in the proposed Permitted Activity Condition that transfers all regulation and control of the deployment of Genetically Modified tree stock to the NZ Environmental Protection Agency under the HSNO Act and regulations, a process leading to a nationally consistent rule set. We recognise that one core condition for the deployment of GM trees is that they must be sterile, which we take to mean no pollen production and we trust that satisfies the valid concern of bee keepers who may operate in or around our forests, as the lack of pollen presumably means no pathway for cross contamination of any product that they sell into discerning or GMO adverse food markets. Although our company have no plans to deploy GMOs, and given the technical complexity of the issue, we see no merit in Central Government devolving local decision making processes to District Councils on the deployment of GMO, as all we see is cost, churn and duplication (being the very triggers for production and Gazetting of this NES).



5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

We recognise the limitations in the old 1:50,000 scale LUC mapping undertaken by the Soil and Water Division of the then Ministry of Works and Development and then left to languish in the custody of Landcare Research and which now underpins the Erosion Susceptibility Classification (ESC) used in the NES. That said the LUC mapping is the only nationally consistent tool that we have and, in combination with the proposed regional Spatial Bundling rule (page 83) we believe it to be fit for purpose as a “drafting gate” to direct landowners into a hierarchy of controls from Permitted through to Restricted Discretionary Consented.

We are aware that MPI has contracted Landcare Research to successfully remap and reclassify (predominantly Orange zoned) areas around Taupo and in Northland at 1:5000 or smaller scale using Lidar and we encourage MPI and other government agencies to now work with the private sector (forest owners included) to achieve national LIDAR coverage from which an improved ESC can be derived.

We are confident that rules triggered by the Fish Spawning & Migration Indicator will achieve their objectives.

With regard to Wilding Conifer Spread, we note that about 1/3 of wildings are sourced from farm shelterbelts and tree around what once were farm homesteads, another 1/3 from mis-managed and or abandoned research trials or Crown funded soil & water conservation planting projects, and a further 1/3 from ex State planted plantations. Given the existing situation, we see only marginal benefit in the new rules in the Afforestation section but we do acknowledge benefit in preventing the establishment of new source areas on moderate and high risk sites.



6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



Afforestation – pages 60 – 62

We believe that there should be a requirement to notify the District Council of intent to afforest land including specification of the species by way of submitting an approximate planting boundary overlay on a map showing property boundaries (1:50,000 scale) and the underlying ESC rating and appending a copy of the wilding risk calculator worksheet, at least 60 working days before afforestation commences. Without such notification there can be no checks on gaming of the wilding calculator (trees will be in the ground).

The exemption of so called “Overlay 3A” (Red zoned) land in the Gisborne Region (arguably some of the very worst of the worst erodible land in NZ) as well as other MPI Regional scale (Red Zoned) target land or land that is included in a recognised Regional Council erosion management scheme from an otherwise universal Restricted Discretionary consenting regime is inconsistent with the policy and not compatible with good land management. On the worst sites, Councils need to be able to reserve control over what species is planted, incentivising and in some case directing land owners not to plant a short rotation non-coppicing species that will be clear-fell harvested.

To require construction of a minimum of one water reservoir for firefighting purposes (a fire pond) per planted forest area greater than 25 ha (excavation subject to earthworks rules), except where there is a permanently flowing stream with low flow discharge of at least 1 m³/second or a lake or an estuary or other suitable water source for rural fire fighting within say 1 km of the property boundary. MPI may wish to take advice from the National Rural Fire Authority as to what should be the minimum threshold area requiring the excavation & maintenance of fire ponds.

Setbacks from Streams – Regional Rule

A guidance note is required to indicate that amenity tree species may be planted within the 5 or 10m plantation species setback area (same applies to reforestation) so as not to disincentivise the streamside riparian planting of trees on farms. Equally the NES should permit the planting of production trees within the riparian setback areas where the proposed harvest method will be “Low Intensity” (75% canopy closure maintained – i.e. single tree selection) as per the definition on page 68.

For Clarity – all setbacks to be noted as “measured horizontally” not as “slope distance”

Earthworks – page 66 – Regional Rule

Sediment & Storm Water control measures

The Permitted Activity rule set needs to prescribe a minimum culvert diameter. We recommend a minimum of 325mm for Green, Yellow & Orange Zones and a minimum of 400 mm in Red Zones.

The associated Guidance document needs to specify a minimum culvert frequency, as a function of road gradient and soil erodibility. We recommend that the table on page 102 of the NZ Forest Road Engineering manual (2012) be reproduced in the Guidance

A minimum road culvert diameter is not new, as Page 78 of the MfE 2010 document specified:

Design matters

Maximum culvert spacing not exceeding values given for various road gradients and soil types in Figure 113 of the NZ Forest Roding Manual (LIRO, 1999), with road water table culverts having a minimum of 325 mm internal diameter.





Harvesting - page 70 - Regional Rule

Slash and Debris Management - Supported

We endorse and support the qualifier “*Whenever safe and practicable to do so,*”

From the Permitted Activity Condition that directs..

remove potentially unstable slash that has the potential to mobilise under flood flows from water bodies,

Harvesting - Controlled Consent & - page 69/70 - Regional Rule - Ground Disturbance outside riparian zones –

Our small forest, while steep is zoned Green, and is bisected by a stream more than 3m wide. We believe that should a storm of somewhere in the order of one-in-5 to one-in-20 year ARI occur soon after harvest, that we cannot comply with the Permitted Activity Rule that states:

- *All disturbed soil must be stabilised or contained so as to **prevent** movement of sediment into any water body or coastal water resulting in: ...the sedimentation of the bed of any surface water body, etc*

We note that the Prevention of diffuse discharge is an absolute, and in some circumstances is unachievable, and that the rule as worded is more stringent than the water quality rules put in place in Otago via plan change 6A, being the most stringent water quality rule (sediment) in NZ.

We recommend that the proposed PA rule be reworded to state:

*All disturbed soil must be stabilised or contained, **with measures in place to** prevent the movement of sediment into any water body or coastal water resulting in...the sedimentation of the bed of any surface water body, etc*

Guidance note required.

When a forest owner believes that s/he cannot comply with the proposed zero diffuse discharge Permitted Activity rule (which is more stringent than any rule currently in place anywhere in NZ), ie the forest owner believes that the Permitted Activity condition to “Prevent sedimentation of waterbodies” cannot be complied with, and where that forest owner then applies for a resource consent for a discharge permit to facilitate forest harvesting, that the limited notification undertaken by Council should include the holders of all consented water takes and Permitted domestic water users, and operators of Community Water Supply intakes, within [5 km] downstream of the forest boundary.

For clarity, Guidance is recommended that the Council is to issue a discharge permit, not a land use consent, and that the consented allocation be used in accounting for sediment, as is required by the NPS on Fresh Water.

Riparian disturbance (PA Rule) - Regional Rule

We believe that the following is too onerous

Must have full suspension if pulling across streams greater than 3 m in width.

We suggest an amendment to the condition along the following lines

When pulling across streams greater than 3m in width., full suspension must be achieved where safe & practicable. Where full suspension cannot be achieved, any contact with the riparian is limited to occasional crown sweeping and only where the total length of impacted riparian is less than 20% of the total length of the riparian within the activity area



Forestry Quarrying page 76 - District Rule

Some stand-alone forests are intersected or divided by public roads. The rule restricting the transport of quarried material to within the forest (i.e. not 'on' public roads) needs to be amended to allow quarried material to cross a road (from a forests on one side of the road to the other), or to be transported along that road within the boundary limits of that forest. Not allowing any rock truck on a public road (not even to cross it at right angles) might give rise to the perverse outcome of incentivising a forest owner to build another road parallel to the public road, eliminating productive ground, or the unnecessary expense of constructing an underpass.

We propose a Permitted Activity condition enabling rock trucks serving a forestry quarry to cross a paved (sealed) public road being that a 'wheel wash' (immersion bath) be installed to prevent the tracking of mud from tyres onto any paved public road.

General Condition – page 85 – Regional Rule

Slash Traps - Supported

We endorse the Permitted Activity Rule enabling the installation of slash traps in the Bed of a River. We suggest an additional Permitted Activity condition, being that the slash trap being maintained in the bed of the river for a minimum of four years after harvest, unless earlier removal is approved by an officer of the Regional Council

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

The only viable alternative appears to be a Ministerial Directed Plan Change, inserting a suite of consistent Permitted Activity conditions in existing plans, but that process would be cumbersome, more disruptive and much less efficient. It would still require the launch of the three Environmental Risk Assessment Tools (the ESC mapping, Fish indicator and the Wilding Conifer calculator).



8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

We have looked closely at the costs and benefit analysis while recognising the large variation that exists between Councils, and are in general agreement that the analysis is adequate given the inherent limits in the CBA process.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

The NES needs to be crafted to minimise areas of potential conflict with Rules established by Councils under the NPS Freshwater. Conflicts may arise should those rules ever default an activity from the NES Permitted Activity to an NPS triggered Prohibited status without the opportunity to seek a consent (as may be the case in Otago under their Plan Change 6A water quality rule set).

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

There is significant risk in defaulting Gisborne Overlay 3A red zone land (ie some of the very worst of the worst erodible land in NZ) to Permitted Activity conditions for Afforestation. Gisborne Overlay 3A land should be treated more stringently the other Red Zone land in that region, where the proposal is to establish a Plantation Forest in a species that will be harvested as clear fell. As presently proposed, all other Red zone land in NZ will require a resource consent to plant, where the Council can refuse part of or the whole proposal, or control which species are planted (hence declining a consent for a species that will be clear felled).



11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

We recognise that the Permitted Activity rules in both the stream crossing and harvest (ground disturbance out side of riparian areas) sections of the proposed NES, rules that aim to reduce sediment discharges from forestry, constitute a significant “raising of the bar” above existing Plan provisions in all regions in which we operate other than Otago. These proposed Permitted Activity rules lock in industry voluntary good practice guidance as legally binding conditions. It is unavoidable that these rules will add significant cost for the small woodlot owner at harvest, requiring them to adopt many of the forest engineering standards currently employed by most larger owners. We see this as a good thing as it will lead to better environmental outcomes for freshwater.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Training of Council Land Management Officers to help land owners prepare Erosion and Sediment Control Plans for the various activities where the NES will require this, along with the preparation of Quarry Management Plans (which overlap with the Health and Safety requirement to produce a Quarry Management Plans) via the need to assure Global Stability of quarry sites, and to establish simple geotechnical monitoring for early detection of slope instability.

Training of Council Land Management Officers in flow calculation and culvert sizing to help woodlot and other land owners comply with the proposed stream crossing provisions (ie proficiency in estimating 1 in 20 & 1 in 50 year flood design flows), and in the design, construction and maintenance of debris slash traps.

Integration of the on-line ESC & Fish Spawning map tool with the NIWA Stream explorer flood estimation tool.



13. Are there any other issues that you would like to raise?

In view of the 5 and 10m planting and replanting setbacks from streams proposed in this NES, we challenge MPI & MPI to set these as minimum setback distances for fencing stock out of all waterways in NZ. We are not aware of any scientific evidence that shows that the adverse effects of growing then harvesting trees adjacent to streams is any greater than the pasturing of stock or cultivation of arable land adjacent to streams. We suggest that intensive stocking regimes should be required to have double the forestry setback plant and replant distances.

In a market where sectors compete for land on which to operate, inconsistent application of stringent environmental regulations places one sector (in this case plantation forestry) at a financial disadvantage to other rural sectors.



Proposed National Environmental Standard for Plantation Forestry

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Contact details

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Are you submitting on behalf of an organisation? Yes [☒] No [☐]

If yes, which organisation are you submitting on behalf of?

Lake Taupo Forest Trust & Lake Rotoaira Forest Trust

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

Together the two Trusts own a net stocked forest area of c. 26,000 ha



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Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

Yes, the problems facing plantation forestry are accurately described.

The Lake Taupo Forest Trust & Lake Rotoaira Forest Trust ('The Trusts') have land and forest in 2 Districts and 2 Regions in the North Island and each Regional/District Plan has different rules for forestry. This has meant that come Plan review time, the Trusts have had to understand the different approaches, and together with our forest managers (NZ Foerst Managers Ltd) have been involved in the mediation of rules to manage the same concern multiple times. Each mediation results in a different outcome in terms of the final rule/s but the same environmental outcome is achieved.



In the case of the Lake Rotoaira Forest Trust we also have local government boundaries bisecting the forest. In this circumstances, multiple sets of rules are met even though the way the forest is managed (as a whole under the same Environmental Management System) does not change.

The environmental outcomes are the same forest-wide but the time spent on administrative management of local government regulations is disproportional to this outcome.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Yes, as they are currently proposed the conditions for permitted activities will manage the adverse environmental effects of plantation forestry well.

What will be important is the guidance notes and templates for documents required under the conditions, e.g. the Harvest Plan and Erosion and Sediment Control Plan. These documents must be clear as to what is required, and provide appropriate guidance to ensure that all the required details are considered and captured by those using the Regional/District Plan.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

The rules as proposed are clear and enforceable. The intent of each rule is obvious to the reader. The Trusts recognise however, that there may be some amendment to the wording of the rules following legal drafting

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

The Trusts support the matters outlined in Table 2 and Table 4 of Appendix 3.

In particular, the Trusts support the additional information provided for the avoidance of doubt in Table 4 for Significant Natural Areas. The information provided gives clarity to this matter.



5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

The assessment tools have been well thought through and will provide a good platform from which to make decisions regarding plantation forestry activities.

The additional mapping that has been completed and its subsequent amendments to the Erosion Susceptibility Classification is appreciated as this made important changes to the classification of land in the forests around Lake Taupo. In certain situations, like that for Lake Taupo Forest, where the Trusts consider that the base mapping may be incorrect due to characteristics that sit outside the model, it will be important that the ability to request re-mapping is available to forest owners/managers or Councils.

It will also be important into the future that the assessment tools are updated as required and continue to be easily accessible. The current interactive maps are excellent.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

In general, the Trusts support the draft rules for activities as proposed. The activity status (permitted, controlled, restricted discretionary) is appropriate for each forestry activity.

Earthworks:

The earthworks provisions require an Erosion and Sediment Control Plan to be prepared and made available to Council on request at least 20 days prior to operations starting. There will be limited situations where the 20 days notice period may not be able to be met, such as following a significant windthrow event. In these situations forest owners/managers may want to move harvesting crews into the area as soon as practicable to salvage the available logs, and this may require the construction of roads and/or tracks. Although there is likely to be a low number of these situations, the NES should provide for them.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.



The Trusts consider the NES-PF the best option to meet the assessment criteria, particularly the first order assessment criteria. Councils may require additional support in the implementation of the NES-PF to ensure that it is implemented consistently across the country and resourced appropriately.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

The Trusts appreciate the difficulty in allocating a financial value to an environmental benefit/cost. A lot of work has been put into the cost-benefit analysis, including stakeholder consultation. The costs and benefits of the NES-PF have been appropriately identified in the consultation document.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

From expressions voiced at public meetings, The Trusts are concerned that the resourcing of Regional/District Councils could potentially affect the implementation of the NES-PF, at least in the beginning. As mentioned above, it will be important that the NES-PF is implemented consistently throughout the country. Central Government will need to provide adequate support and guidance in order to ensure successful implementation.

Likewise it will be important that the NES-PF itself provides adequate guidance and information for forest owners/managers so that the requirements of compliance with the document are clearly understood. This will likely be particularly important for small forest owners.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

-

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.



Yes, the NES-PF will support regional councils to implement the NPS-FM.

There may be instances however where more stringent controls may be put in place for forestry in particular areas where the freshwater values have been identified as significantly important, due to the nature of the NPS-FM.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

As mentioned previously, guidance material is going to be very important to accompany the NES-PF. The list of implementation material in 7.2 of Page 45 of the Consultation is thorough and will assist greatly.

There are a number of forestry forums/groups around the country that are run by Councils and aim to engage with forestry representatives periodically to discuss issues or share information relevant to the forest industry in that particular region. It may be helpful for MPI/MFE to attend and introduce the NES-PF at these forums during the implementation phase to discuss the expectations/requirements for compliance. Having the Council staff and forest representatives together will enable constructive discussion and ensure that the expectations of compliance (from NES/Central Government) are clearly identified so that all parties have knowledge of the expected standard required.

13. Are there any other issues that you would like to raise?

The Trusts noticed there was very strong opinions voiced at public meetings regarding the use of genetically modified organisms (GMO). A lot of this points raised regarding GMO were not relevant to the NES consultation document. In regards to the 'Genetically modified tree stock' condition on Page 64 of the consultation document, the Trusts support the conditions and submits that the Environmental Protection Authority (EPA) should have sole decision-making power over the deployment and use of genetically modified organisms in NZ.