



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

Submissions must be received by MPI before 5 pm, Tuesday 11 August 2015.

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:

Sue Hamill

Postal address:

Phone number:

Email address:

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



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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My submission:

I am concerned that this proposal will remove local body control of forestry via its rules. This move diminishes democracy.

Local government must be able to control developments within their sphere and here I have in mind genetically engineering of crops. In the United States forestry has been subject to genetic engineering and there could be pressure for this technology to be applied here especially if New Zealand signs up to the Trans Pacific Partnership.

1. No existing research showing safety of genetic engineering

In November 2014 Dr Mercola interviewed Professor Emeritus Dr Don Huber, an award winning, internationally recognised scientist of plant pathology at Purdue University. Among his specialties are the study of epidemiology and the control of soil born plant pathogens with specific emphasis on microbiology, ecology and biological controls.

http://articles.mercola.com/sites/articles/archive/2014/11/22/poison-platter-ge-foods.aspx?e_cid=20141122Z3_DNL_art_1&utm_source=dnl&utm_medium=email&utm_content=art1&utm_campaign=20141122Z3&et_cid=DM60601&et_rid=736434770

Professor Huber stated: “There are zero peer reviewed scientific papers establishing the safety of the GMO crops or of the products they are engineered to produce.”

Professor Huber and colleagues met with top administrators (in the United States) who were unable to produce any such research.



However, Professor Huber states: “There are many papers including peer reviewed papers on GMO... that show exactly the opposite.”

The use of genes inserted into organisms that would not naturally occur, he described as thus: “We do know it’s more like a virus infection than like a breeding programme.”

2. Glyphosate and genetic engineering

Genetic engineering is almost always accompanied by use of Roundup - glyphosate being an active ingredient. According to Professor Huber, glyphosate ties up nutrients, acting as a chelator. Further, it acts as an antibiotic. Trees subject to this treatment could, and have been found to be, weakened. Rather than making trees more resilient, they could face increased disease susceptibility.

Professor Huber believes glyphosate is far more toxic than DDT. As an endocrine disruptor glyphosate affects the pituitary gland, thyroid and reproductive hormones, kidney cells and liver cells. It only requires tiny amounts, just point-parts per million of glyphosate to impact on health. DDT requires far more than that to make such an impact.

3. Democracy

Transnational corporations have huge lobbying power. Local government, citizens, must be able to have some control over what is grown in their vicinity.

End of submission

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.

Please enter your comments here ...

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.



Please enter your comments here ...

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.

Please enter your comments here ...

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.

Please enter your comments here ...

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.

Please enter your comments here ...

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.

Please enter your comments here ...

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.

Please enter your comments here ...



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.

Please enter your comments here ...

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.

Please enter your comments here ...

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

Please enter your comments here ...

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.

Please enter your comments here ...

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)?

Please enter your comments here ...

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

Please enter your comments here ...



From: [Peter Handford](#)
To: [NES PF Consultation](#)
Subject: Submission on National Environmental Standard for Plantation Forestry
Date: Tuesday, 11 August 2015 4:51:34 p.m.

My name is Peter Handford. I am an NZ Institute of Forestry Registered Forestry forestry consultant and have been working in the NZ forest industry in a range of fields from plantation forest management to conservation forest management for the last 25 years.

I would like to make a brief submission in relation to the proposed National Environmental Standard for Plantation Forestry. Unfortunately I have not been able to prepare a detailed submission.

I do not support the implementation of the proposed National Environmental Standard for Plantation Forestry. My main concerns include:

- The prescriptive approach taken will not necessarily result in better environmental outcomes. The prescriptive standards, such as those around set backs from waterways, will not fit in some situations and potentially create perverse economic and environmental outcomes.
- The focus is too much on prescriptive rules rather than on assessment of outcomes from forest management practice. There is no certainty the requirements in the standard will drive improved environmental performance. There potential for acceptance of compliance with rules, irrespective of their practical value, rather than promoting innovation by the industry to provide cost effective achievement of improved outcomes in areas such as sediment release to waterways, slash movement and species enhancement.
- It is not clear that this standard is the best option to improve consistency of regulation and environmental performance. Options such as improvements in training of council staff and greater understanding by regulators of forest management systems would provide major value. Greater sharing of best practice approaches to regulation and forest practice between councils, forest managers and others would be valuable. There is also a very strong need to develop cost effective and consistent monitoring of environmental performance by forest operations - to allow practical understanding of the impact of particular operations and drive innovation to improve performance.

Yours sincerely
Peter Handford





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Contact details

Name:

Anne Harvey

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?

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



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Please provide comments to support your views.

No I do not beleive that they will. The Environmental Impact Assessment was carried out by Scion. This is not independant of forestry. The research by Kerr that is used to support key findings and quoted in the Scion report is not a sufficient representation of the people of NZ. 300,000 households are quoted as being represented (pg 14 of the Scion report) when in actual fact only 165 people were spoken to. These people were all fro the McKensie basin in the South Island and are certainly not a respresentative sample of the population affected by forestry across NZ. The research is deficient to base a National Standard on and brings into question the other research used by Scion to asses the environmentla impact.

I believe an independant organisation, for example a university needs to conduct the research into the environmental impacts esspecially when the standards are going to affect the entire country.

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.

Please enter your comments here ...



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

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It is of concern that the Document by Scion titled ‘Environmental Impact Assessment of the Proposed National Environmental Standard for Plantation Forestry’ is not really what it says.

It is a report that has quoted several previous studies and has made several assumptions and drawn conclusions to support a proposed national standard. The forestry industry, the people who work in it and the people and industries who benefit from it all depend on the environment. NZ’s environment is varied and unique in each region. One impact assessment undertaken from a desktop at Scion is insufficient and is not representative of the varied environmental concerns. I would like to see an up to date, independent, externally validated and more thorough research into the impact of forestation undertaken.

10th August 2015

Stuart Miller

Spatial, Forestry and Land Management

Ministry for Primary Industries

PO Box 2526

WELLINGTON 6140

By email to NES-PFConsultation@mpi.govt.nz

NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

Submission from: Joseph (Joe) Hay

Contact address: (postal) [REDACTED]
[REDACTED]

e-mail: [REDACTED]

phone: [REDACTED]

Submitter's Background:

I am a freshwater ecologist with over ten years' experience working in freshwater management throughout New Zealand, during which I have provided advice to regional councils, industry, non-governmental organisations and government departments.

Submission:

While I appreciate the desirability of having greater consistency between regions in how forestry activities are managed, I oppose the NES-PF as it is currently drafted. The key reasons for my opposition are outlined below.

Draft NES-PF conditions too permissive, and unreasonably restrictive of council discretion:

The consultation document (page 6 of the hardcopy) states that the draft rules in the NES-PF are based on four principles.

1. Where appropriate, activities should be permitted, provided conditions are met.
2. The level of control associated with each activity should be directly associated with the level of risk of adverse effects on the environment at the location the activity takes place. As the level of risk of adverse effects increases, a requirement for consent is introduced.
3. Understanding the risk of adverse effects on the environment around the country should be informed by up-to-date science.
4. The NES-PF should provide a nationally consistent approach, but should also be responsive to local environments.

In my opinion it appears that the focus on applying permitted activity status has taken precedence over the other three points. In particular, restrictions on matters where councils are able to apply more stringent rules, along with restrictive conditions on matters that councils are able to consider in the situations where consents are required, appear to impede the ability to be responsive to local environments.

Applying these restrictions on councils implies that all possible situations and outcomes have been considered in drafting the NES-PF. This seems unlikely, given that it is intended that this NES will remain in place over a long term and that our scientific understanding is constantly changing, not to mention rapid technological changes and changes in practice within the forestry industry.

Furthermore, climate change is likely to produce large changes in local environmental conditions (e.g. through sea-level rise, changes to rainfall rates and the probability of wind-throw events) over the timescale of forestry crop rotations. In light of these points, I consider there ought to be greater discretion for councils to adapt the rules to changing local conditions and information.

I consider that a more reasonable approach would be to specify consistent 'bottom line' standards and conditions at a national level, but allow councils greater scope to adapt these to take account of local conditions and community interests and desires.

Relief sought:

Allow greater council discretion, with respect to matters where councils are able to apply more stringent rules, and matters that councils are able to consider in the situations where consents are required.

Accuracy of the Erosion Susceptibility Classification system:

The Erosion Susceptibility Classification (ESC) system is critical to interpretation of the NES-PF draft conditions. The ESC is used as the key reference to define the activity status of most forestry

activities, notwithstanding the fact that all listed activities are permitted with conditions, aside from four activities¹ in very high ESC zones and one activity (earthworks) in high ESC zones where the slope is >25 degrees.

Deriving an accurate classification of erosion susceptibility over the majority of such a geologically and geographically diverse country as New Zealand is undoubtedly a difficult task. Unfortunately, (but not surprisingly) the ESC is not perfect, and local scale 'ground-truthing' should be allowed for within the NES-PF.

For example, in the Maitai catchment in Nelson, one tributary (Sharlands Creek, which is sourced from a catchment predominately under plantation forestry) has been repeatedly identified in scientific and monitoring reports as being a major source of sediment inputs to the lower river². A recent report to Nelson City Council³ stated that of the exotic forestry in the Maitai catchment *"over 68% is on argillite or greywacke hill country and nearly 32% on ancient volcanics. The ancient volcanics are generally located in the lower reaches of the Maitai (i.e. around Sharlands Hill and up the western side of Sharlands Creek) and observations show that it produces a lot more clay or finer material compared with soils developed on argillite or greywacke"*.

However, the difference in erosion susceptibility within this catchment is not reflected in the ESC, which classifies the vast majority of the Maitai catchment in the moderate ESC zone.

Relief sought:

Allow councils to adapt the ESC system within their regions to take account of local knowledge and ground-truth data for verifying ESC zoning.

More tiered approach to activity status to reflect gradient of risks:

As mentioned above, the activity status for listed forestry activities does not vary much between erosion susceptibility classes. In fact, given the level of variation in draft permitted conditions between ESC classes, it would have arguably been more appropriate to simply specify two classes (e.g. high and low erosion susceptibility). Given the four levels of erosion risk in the existing ESC a tiered approach to activity status reflecting the gradient of increasing risk of adverse environmental effects would be more defensible. A more reasonable approach might be to apply permitted activity status in the green (low ESC) zone and in the yellow (moderate ESC) zone where slopes are <25

¹ Afforestation, earthworks, quarrying, and harvesting.

² e.g., Hicks M, Hoyle J 2015. Maitai River Gravel Management Study. Prepared for Nelson City Council NIWA Client Report No. CHC2015-053, 63p; : Allen C, Holmes R, Shearer K 2013. The Impact of the Maitai Dam on River Health Relative to Other Catchment Pressures: A Review. Prepared for Nelson City Council. Cawthron Report No. 2371. 30 p. plus appendices. ; Crowe A, Hayes J, Stark J, Strickland R, Hewitt T, Kemp C 2004. The Current State of the Maitai River: a Review of Existing Information. Prepared for Nelson City Council. Cawthron Report No. 857. 146p. plus appendices.

³ LandVision Ltd. And Moore & Associates. 2014. Review of forestry, Nelson City Council. Draft report prepared for NCC. 24p.

degrees, controlled status in the yellow (moderate ESC) zone >25 degrees and orange (high ESC) zone <25 degrees, and discretionary status in the higher ESC zones.

In addition, it seems incongruous that under the existing draft rules that in Orange (high ESC) zones where slopes are >25 degrees earthworks is a restricted discretionary activity, whereas forest quarrying is permitted.

Relief sought:

Notwithstanding the issue of accuracy with the ESC zones discussed above, the draft conditions should be redrafted to provide a tiered system of activity status that more closely reflects differences in the ESC and associated environmental risks (e.g. permitted activity status in the green (low ESC) zone and in the yellow (moderate ESC) zone where slopes are <25 degrees, controlled status in the yellow (moderate ESC) zone >25 degrees and orange (high ESC) zone <25 degrees, and discretionary status in the higher ESC zones).

Shift in the onus of monitoring and cost:

The move to permitted status for most forestry activities over the vast majority (~94% of that assessed) of New Zealand's productive land, will have the effect of shifting the responsibility and cost for monitoring environmental outcomes from the consent holder (i.e. forestry owners and companies that stand to profit from the forestry activities) to councils (i.e. rate payers). It is unreasonable for rate payers to carry the cost of monitoring environmental impacts of forestry activities. This will also add workload to (already stretched) council monitoring staff.

A simple solution for this would be to make activities controlled, rather than permitted, and allow councils to impose consent conditions requiring monitoring.

Relief sought:

Provide a mechanism for councils to recover costs from forestry owners for monitoring and auditing associated with forestry activities within their regions.

Harvest Plans, Quarry Management Plans, and Erosion and Sediment Control Plans:

Harvest Plans, Quarry Management Plans, and Erosion and Sediment Control Plans are required to be prepared for harvesting, quarrying and earthworks, respectively. The contents required of these plans is broadly described and it is unclear whether the plans will adequately describe activities or if the activities intended will be sufficient to achieve other permitted activity conditions.

The role of councils is restricted to being advised when activities will begin and having the plans made available to them, on request. There is no provision for councils (or any other body) to certify the plans as adequate.

A related point is that the NES-PF draft rules will result in reactive, rather than preventative, environmental protection. Where activities are permitted they are able to proceed without council approval. Consequently, most activities will be able to proceed as permitted activities, until they are shown to breach a condition (by council monitoring). By this time substantial environmental damage may have already been done. Forestry activities such as earthworks, quarrying and harvesting are irreversible and are often large in scale and happen very quickly. Remediation of environmental damage can be very costly and time consuming (as demonstrated by the nutrient enrichment problems in the Rotorua lakes, associated with land-use practices, which have proved very costly to tax-payers and the environment).

Relief Sought:

The content of management plans should be made clear and linked to clear outcomes. Plans should be made available to councils by default, unless waived. Provision should also be made for council to certify whether the plans meet requirements and to require amendments to ensure they are adequate.

Setback distances:

The conditions for earthworks and afforestation require setbacks of 5 metres for streams less than 3 metres in width and 10 metres for those greater than 3 metres. However, the harvesting rule allows for the felling of trees directly across waterbodies where unavoidable and for harvesting within and across riparian zones. Riparian setback zones are of greatest importance during and following harvest, to maintain stream shading and sediment interception in particular, to support healthy freshwater ecosystems. Increased river water temperatures, that occur when riparian margins are removed as part of the harvest, can have long term negative effects on freshwater invertebrate communities and fish spawning, which is well documented in NZ. No felling into or across these zones should be permitted as of right, they should be controlled activities subject to case specific consent conditions and monitoring.

Relief sought:

Allow councils to identify sites of significance for native fish in their regions, and to be more stringent in relation to riparian margin setbacks and activities that can be undertaken in these zones.

Fish spawning rules:

There are several issues with the draft rules relating to fish spawning.

First, the peak spawning periods listed in the table in the draft rules (page 84 of the hardcopy) are inconsistent with those stipulated in the NIWA report (Smith 2014⁴) on which they were supposedly based. For example, rainbow trout peak spawning period is shown as 1 April to 31 May c.f. 1 June to 31 August in Smith (2014), the same period (1 September to 31 October) is specified for all non-migratory galaxiids listed as well as for redfin bully, whereas Smith (2014) lists no peak period for any of these species but spawning range varies between species from 1 June to 31 September for bignose galaxias to 1 August to 31 December for lowland longjaw galaxias.

Second, shortjaw kokopu is not included in the table in the draft rules, despite having a higher threat classification and predicted 'combined forestry effects ranking' than several species that have been included.

Third, in the interests of consistency, given their threat status, Tarndale bully, lamprey and Northland mudfish should arguably also be included in the table, notwithstanding their relatively low predicted 'combined forestry effects ranking', given that Stokell's smelt is included in the table.

Fourth, the precise nature of the periods listed could imply that they are based on highly precise scientific knowledge. However, the NIWA report (Smith 2014) clearly state that "the calendars are intended as a general guide and are no substitute for in-depth studies of specific sites".

Furthermore, this report recognises that there is likely to be regional variation in spawning associated with environmental conditions and that there is little or unreliable information available for some species.

Relief sought:

Update the table in the draft conditions to ensure consistency with scientific advice cited, and allow councils to identify regionally specific sensitive spawning periods and locations based on local knowledge and information. Extend the spawning periods covered to take account of uncertainty in the science and regional variation.

Bed disturbance exclusions:

Even during the 'peak spawning periods' listed, bed disturbance in the form of vehicle crossings and log hauling (in streams <3m wide) are still permitted. Given that the NES-PF is supposedly science based⁵, is there any evidence to suggest that these activities present any less risk of adverse impacts than other instream works, or is their exclusion simply a matter of expedience/convenience?

⁴ Smith J 2014. Freshwater Fish Spawning and Migration Periods. MPI Technical Paper No. 2015/7. Prepared for Ministry for Primary Industries (November 2014). NIWA Client Report No. HAM2014-101. 84p.

⁵ One of the four principles underlying the NES-PF draft rules is that "Understanding the risk of adverse effects on the environment around the country should be informed by up-to-date science."

Relief sought:

Delete the exclusions under clause 2 of the fish spawning general conditions (page 84 of the hardcopy consultation document), unless clear scientific evidence is presented to support these exclusions.

Fish habitat outside of spawning periods:

The existing rules do not provide for protection of fish habitat from bed disturbance outside of 'peak spawning' periods. The protected periods do not necessarily even cover the likely incubation period (e.g. for brown trout the listed peak spawning period is 1 May to 30 June, but eggs are likely to remain incubating in the gravel until late winter or early spring and this incubation phase is arguably even more sensitive to bed disturbance and sedimentation spawning activity is).

Furthermore, the General Conditions do not provide adequately for protection of river resident fish, particularly non-migratory galaxiids with high conservation threat status (e.g. lowland longjaw and round head galaxias). These fish spend all of their life in rivers or streams, and adverse impacts from forestry related activities present a significant risk to juveniles, adults, their habitat, and lifecycle (beyond just the spawning season). This also applies to migratory species, such as the kokopu and koaro that migrate to sea for a short period as juveniles, but which spend most of their lives in rivers and streams. Protection should be extended to their adult habitat (and the habitat of their invertebrate food sources, i.e. rivers and streams) outside of spawning seasons.

Relief sought: same as above

Allow councils to identify sites of significance for non-migratory and migratory native fish in their regions and to apply more stringent regulations in relation to activities in the beds of rivers to protect both fish habitat and their lifecycles, beyond just the peak spawning period.

Incorporating updated information:

As stated in the consultation document, one of the four principles underlying the NES-PF draft rules is that "Understanding the risk of adverse effects on the environment around the country should be informed by up-to-date science."

It is important to recognise that the information on spawning, migration and fish presence (recorded and/or predicted) is based on existing information, and in several cases the NIWA report (Smith, 2014) states that expert opinion was applied, given the limited information available. There needs to be a clear mechanism for advances in available science and information to update the provisions and rules in the NES-PF.

This also applies to the conservation threat status of native fish, which is updated periodically. There needs to be provision for these updates to be incorporated into the NES-PF as they become available (the same point also applies for bird nesting times on the preceding page of the draft rules).

Relief sought:

Provide a clear mechanism for updated information to be incorporated into updates of the NES-PF rules as it comes to hand, for example: updated information on species distribution, spawning habitat and timing, conservation status

Hydrological effects of afforestation:

The consultation document (page 94 of the hardcopy, matters that are out of scope of the proposed NES-PF) recognises that afforestation can impact water yields, and states that “it is intended that regional Councils retain the ability to manage afforestation in catchments that have been assessed as being water sensitive”. However, this intent does not appear to have been implemented in draft conditions for afforestation.

As well as impacts on water supply, hydrological alteration due to afforestation also has the potential to impact on mudfish habitat (as discussed in the NIWA report Smith, 2014). It also has the potential to impact instream habitat for fish and their invertebrate food supplies.

Relief sought:

Allow councils to consider the potential hydrological impacts of afforestation on water supply and fish habitat (in streams, rivers and wetlands), and impose appropriate controls and conditions within their region.

General conditions appear to over-ride all specific activity rules:

As written the draft general conditions state that, “Notwithstanding specific activity rules, all forestry activities are permitted, provided the following conditions are met.” The Oxford Dictionary defines ‘notwithstanding’ as meaning ‘in spite of’ i.e. ‘without being affected by’. As written this rule could be interpreted to mean that the following general conditions over-ride all specific activity rules.

The condition on fish spawning has a more clearly worded clause, “...provided all other activity-specific rules or consent conditions have been met...”

Also the phrase “all forestry activities are permitted” seems too inclusive. It does not appear to account for matters that are out of scope of the proposed NES-PF (listed on page 94 of the hardcopy

consultation document), for example. These include agrichemical use, burning, gravel extraction from the beds of rivers, etc.

Relief sought:

Redraft the general conditions to make it clear that they apply in addition to, rather than in place of, activity specific rules or consent conditions. Make it clear that there are exclusions to the forestry activities that are permitted, by reference to a schedule of activities either included or excluded, for example. Councils should be allowed to add to that schedule as they see fit, to account for local conditions.

Genetically Modified Organisms:

Under the NES-PF afforestation and replanting using genetically modified tree stock would be a permitted activity, if approval for the organism has already been granted by the Environmental Protection Authority (EPA). No opportunity is provided for councils to make rules reflecting community desires to control release of GMOs to their local landscapes and ecosystems. It is my understanding that this provision in the NES-PF draft rules is contrary to a recent Environment Court decision (2015 NZEnvC 89) (Federated Farmers vs Northland Regional Council, decision of Principal Environment Judge Newhook, 12 May 2015). That decision found that there is jurisdiction under the RMA for regional councils to make provision for control of the use of GMOs through regional policy statements and plans. Regardless of whether this is the case, I consider that councils should retain the right to make rules controlling the release of GMOs, reflecting the desires of their local communities.

Relief sought:

Delete mention of genetically modified organisms from the NES-PF rules and allow councils full discretion to put in place appropriate rules to manage the use of GMO species to reflect the desires of their constituency.

Other apparent typos:

There are several other apparent typos, which if left uncorrected would make the intent of the rules ambiguous or confusing.

e.g. on page 64 of the hardcopy consultation document:

Permitted activity conditions for earthworks for road widening and realignment for safety purposes includes a condition that “the volume moved is more than 5000 m³ per activity area”, presumably this should be “is not more than...”

on page 72 of the hardcopy consultation document:

“Mechanical land preparation is permitted:

...in Orange and Red zones where the slope is greater than 25 degrees but the technique used affects the subsoil” presumably this should read “but the technique used does **not** affect the subsoil”, since on the following page mechanical land preparation is listed as Restricted discretionary for these same zones and slope conditions where “the technique used affects the subsoil”.

on page 75 of the hardcopy consultation document:

States “Quarrying is permitted in all zones except Red Zone where the ESC identifies land as having the potential for severe or very severe earthflow or slump erosion, provided the permitted activity conditions are met”. Whereas the next page states that quarrying is a controlled activity in these same zones, or where any of the permitted activity conditions (except property setbacks) cannot be met. It is not clear whether permitted or controlled activity status is intended to apply here.

Relief sought:

Ensure that the NES-PF draft conditions undergo a thorough external legal and planning review and proof reading process prior to finalising.

If it is implemented, I support the proposal to review the NES-PF after five years, given its wide reaching impacts on council rules and the potential for significant adverse environmental effects.

Given the broad range of issues identified with the draft rules, if it is decided to proceed with the NES-PF, I would like to see the rules redrafted and then circulated for a second round of consultation.

Thank you for the opportunity to comment on the draft NES-PF.

Regards,

Joe Hay

**To: Ministry for Primary Industries
Ministry for the Environment**

**Submission on the proposed National Environmental Standard for
Plantation Forestry (NES-PF)**

Submitters:

Judy and John Hellstrom

s 9(2)(a)

Phone: s 9(2)(a)

e-mail: s 9(2)(a)

If a hearing is planned on this matter, the submitters would like to be heard in support of this submission.

1 Introduction

1.1 We submit that the stated intention of the proposed National Environmental Standard (NES) Plantation Forestry to provide a “nationally consistent approach that is responsive to local environments” is flawed, on two counts. Firstly it makes no sense to consider a nationally consistent approach that can somehow be implemented separately from the provisions of the RMA. This submission acknowledges that there are some areas or regions where a nationally consistent standard for regulating forestry operations may be justified. It is not accepted, however, that there is a “one size fits all” in terms of an environmental standard. Although the NES is justified under S43-44 of the Resource Management Act (RMA), the “one size fits all” approach is not consistent with S5 (Purpose) of the Act. This is an industry-based standard, rather than an activity- or effects-based environmental standard.

1.2 The key issue is that the NES-PF will remove the ability of Councils to place locally relevant conditions on plantation forestry to mitigate the risks of environmental harm.

1.2 Secondly, the tools proposed for the NES to respond to local environments (the Erosion Susceptibility Classification (ESC), Fish Spawning Indicator (FSI) and Wilding Pines Indicator) are poorly developed, yet will enable the by-passing of existing well-tried means by which local environmental conditions are responded to. There is apparent conflict of interest associated with their implementation.

1.3 This submission will address both criticisms of the “nationally consistent approach”. It will then illustrate the implications of this approach to forestry operations in the Marlborough Sounds, an example of an area where the combination of geology, topography and climate are such that forestry operations are generally on land that should be classified as “high risk” or where plantation forestry is an unacceptable activity.

2 “Nationally consistent approach”

2.1 The issue of a nationally consistent approach, and the cost benefit analysis work undertaken by MPI in order to justify it, appears flawed, for example, from the initial Agency Disclosure Statement within the NES Discussion Document. Here, it appears that MPI has considered costs and benefits in terms of consistency of “variation and stringency in district and regional planning rules”, rather than as could be assumed, consistency in terms of an environmental standard *per se*. Costs and benefits are described in terms of benefits only: for example, the unknown or unquantified benefits of “avoided erosion and sedimentation”, rather than the costs of this environmental damage. Further on, it is acknowledged that the existing plan rules of every local and regional council have not been looked at, so that the localised impacts of the policy are uncertain.¹

2.2 Putting in place an “environmental” standard, when it is acknowledged that there will be unknown local impacts, flies in the face of the requirement under S43 and 44 of the RMA to undertake any evaluation that will comply with S5 of the Act (Purpose), which is to promote the sustainable management of natural and physical resources, where “sustainable management” involves:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The last part of this clause relates directly to environmental effects. The NES infers that the nationally consistent approach relates to this, whereas, in many places, the term “nationally consistent approach” relates to consenting of forestry operations. The driver for this is to lessen cost to forestry operators without the need to consider local environmental effects.

2.3 The underlying premise of the proposed NES is that the draft rules, yet to be fully developed, will be based on “established good environmental and industry practice”. There is much established environmental and industry practice on land that should be considered marginal for forestry operations: this is not good practice. The NES will enable existing forestry operations to continue with little or no provision for local Councils to require compliance with their resource management plans. The Marlborough Sounds is one such area: see following sections of this submission. We are aware that there are other marginal areas: coastal land north of Gisborne is another place where plantation forestry on high-risk land has had negative environmental impacts.

2.4 The NES-PF lists, in Table 2 (p.20) some “out-of-scope” forestry effects, activities and risks, stating that local authorities will retain the ability to manage

¹ By contrast, the NES for sources of Sources of Drinking Water “requires Regional Councils to ensure that effects of activities on drinking water are considered in decisions on resource consents and plans” (MfE, 2008). This is clearly in line with S44 and S5 of the RMA.

them “as they consider appropriate”. We submit that all of the actual or potential risks of forestry operations should be covered by this NES, not just some of them. It appears as if some of the potentially most costly issues to be addressed may have been removed from the cost-benefit analysis. Without prior resource consent, Councils would need to respond to such effects after environmental damage had occurred. The monitoring responsibility of Councils must be transparent and within the resource consent from the outset, not simply a transfer of monitoring and compliance costs to Councils, which would then have to be passed on to local ratepayers. Again, this is counter to S5 (Purpose) of the RMA.

3 The tools: ESC and FSI and Wilding Tree Risk Calculator

3.1 Bloomberg *et al* (2011) note that, for land with high susceptibility to erosion, there is a method of predicting the combination of rainfall intensity (millimetres per hour) and duration (hours) which will trigger landslides. In response to an RFP by MPI in 2011, the authors undertook a qualitative and relative assessment of the erosion and sedimentation risks of plantation forestry activities (including afforestation, harvesting, earthworks, mechanical land preparation and quarrying). The authors considered that a NES Plantation Forestry would work “only if it is backed up by clear standards for design and execution of any forest operations which have the potential to increase erosion susceptibility” *ibid*,p.19).

3.2 The “environmental risk assessment tools” to take account of local environmental conditions have not yet been developed. There is scant reference in the NES to prior research outputs, even the above one, which was undertaken for MPI only four years ago. They appear erroneous in their assumptions: for example, the map for the top of the South Island shows large parts of afforested land in the Marlborough Sounds as being of medium erosion susceptibility, rather than as high or very high, which past experience, and new research, would indicate. The tool whilst incomplete, is also based on outdated assumptions and knowledge (see 3.3).

3.3 The land use capability system (LUC, 3rd Edition) re-developed by Landcare Research in 2009, categorises land into eight classes according to its long-term capability to sustain one or more productive uses. According to the authors, this “provides the most reliable basis on which to promote sustainable land management”. The methodology by which capacity and capability for productive use is based on scientific interpretation of the NZ Land Resource Inventory (NZLRI), which itself has been informed by data on climate, flood risk, erosion history and the effects of past practices. However, the LUC was initially developed to determine whether land could support pasture, not for the purpose of informing planning documents related to plantation forestry. The individual land units are not detailed enough to allow for soil and slope conditions to accurately predict erosion and slipping risk relating to forestry operations.

3.3 Apparently forest companies and forest owners will now provide new or updated mapping (MPI Technical paper 25/12, p.1). Further, it is stated that changes to ESC class and to ESC mapping will most likely be requested by

forestry companies “where a resource consent would be required by existing ESC mapping” (*Ibid.*, p.3). This is an unacceptable conflict of interest, and will inhibit local Councils’ ability to set limits where there is evidence of high erosion susceptibility.

3.4 As with the ESC, the Fish Spawning Indicator is not yet developed to the point where it can be accessed from the map provided. Although major streams may be marked, fish species are not identified, and minor stream gullies, all of them crucial for fish spawning in hill country, are not marked. In the Marlborough Sounds, where there are only indigenous fish in streams, many additional species are not accounted for, and the given fish spawning times are simply not accurate for all of the indigenous species present.

3.5 Given that forestry operators are expected to be responsible to assessing fish spawning activity, it is almost certain that lack of fish spawning will not be reported, especially in existing forests. There is no mechanism stated in the NES requiring such reporting to occur. An objective viewpoint, as would be provided by Council freshwater and marine scientists, is essential for this conflict of interest to be removed. Further, it is unlikely that forestry operations will cease during the months of May-June and September-October, as indicated in the NES. The consequences of not halting operations during this period are not discussed in the document. This also implies an unacceptable conflict of interest.

3.6 In 2011 MAF Biosecurity (now MPI) commissioned two reports on wilding conifer management. Forestry plantations are recognised as one source of wilding conifer spread. *Radiata* pine, probably the most drought resistant conifer, has spread widely in coastal and lowland sites, commonly in Northland and the Marlborough Sounds, where it is the main species of wilding conifer, and the main species for plantation forestry. It is hoped that these two reports will be influential in the implementation of the NES. Associated with the NES is a Wilding Pine Risk Calculator, a seemingly simple questionnaire, but with negative implications, should forestry operators seek to challenge the calculated score for their forest area. Further, as wilding pines are managed nationally under the Biosecurity Act, we doubt that this issue can be managed by foresters under this NES, without risk of contravening or ignoring the provisions of the Biosecurity Act.

3.7 In the Marlborough Sounds, for example, a total of 13-17 points is obtained through the wilding pine calculator. This is not surprising, given the steepness of forested hills, their position in notoriously windy sites (eg Tory Channel, Cook Strait), and the regenerating scrubland which surrounds all sites, until it is overtaken by wilding pines (see map, p.16, “Wilding Pines in NZ: Beyond the Status Report”). A high risk of wilding pine invasion is indicated. This is borne out by published information, including that provided by the MPI Wilding Pine Strategy Report, the Department of Conservation, and the Sounds Restoration Trust. The Indicator notes that, where risk of spread is high, a commitment can be made by the forest owner to wilding removal. **No funding**

has ever been provided by forest owners towards the \$1.5 million spent on wilding pine removal in the Marlborough Sounds².

4 Forestry operations in the Marlborough Sounds

4.1 Geology, soils and toe erosion

4.1.1 The Marlborough Sounds are a landscape of high and rugged ridges, steep gullies and interlocking waterways. Molloy (1988) has defined “hill country” as land with slopes of 12 degrees to 28 degrees, and “steep land” as land with slopes greater than 28 degrees. Molloy describes the Sounds as generally steep (*ibid.* p.29). The factors to be taken into account when describing features of hill/steep country soils are: geology, topography, climate and vegetation.

4.1.2 Molloy has described the soils of the Marlborough Sounds as thin, generally related to the parent rock material and leached because of the high rainfall. Rainfall in this area varies, but generally averages between 1500mm and 2000mm annually. The area is prone to extended wet periods with heavy falls over short periods through the winter months causing slips.

4.1.3 A further key erosion characteristic of the Marlborough sounds is toe erosion. The sea-level in this area has already risen by more than 200mm in the past century, with the rate forecast to increase dramatically in the next century. This is caused by a combination of sea-level rise and sinking landmass, as the Sounds are subducted under the North Island at >-1mm per annum. This coupled with climate-driven sea level rise is resulting in an overall sea-level rise of up to 4mm per year in the Sounds area (Beaven and Litchfield, 2012).

4.2 Plantation forestry effects

4.2.1 Since the late 1970s large areas have been planted in pines³. An even larger area is now affected by the spread of wilding pines. Until recently, there had not been a great deal of research into the effects of forestry on the steep hill country, although there has been much criticism and comment of the visual effects of poor harvest practices, and many of the conditions of early forestry permits have not been adhered to.⁴

4.2.2 A recent research, survey and monitoring report prepared for the Marlborough District Council (Davidson Environmental Ltd, 2015) has shown that sedimentation is destroying fragile marine ecosystems in the Marlborough Sounds. Most of this is attributed to harvesting of plantation forests. This report has clearly indicated that forestry operations on erosion-prone land in the Marlborough Sounds will make the NES–PF unworkable in this region, unless the Regional Council has the ability to enforce standards and set limits based on scientific evidence and improved knowledge of the effects of forestry activities. Many of these activities have now resulted in high loadings of sedimentation,

² Audited accounts of the Marlborough Sounds Restoration Trust

³ See map appendix 1

⁴ For example, one large forestry block in Tory Channel was abandoned after harvest. The block and associated foreshore area is now an untidy wilderness, of slash, fallen trees and wilding pines. Others have failed to complete required foreshore remediation.

overburden of slash on erosion prone steep country, and abandoned foreshore reserve area with a high loading of wilding pines. Under the NES-PF the Council will have no redress other than to attempt to prosecute for harm caused.

4.2.3 The loss of freshwater and marine biodiversity is a major issue in the Marlborough Sounds, with plantation forests having minimal or no setbacks from small streams, and with the high and increasing levels of sedimentation now known to exist (Davidson Report). We consider that the conditions, as stated in the discussion document, are wholly inadequate for managing the effects of plantation forestry on the coastal marine environment.

5 Changes to the NES-PF

5.1 The most important change requested is that local Councils retain the right, under the provisions of S4 of the RMA, to set conditions for harvest, including forestry roading, remediation or mitigation of associated erosion and slips, skids, clean-up of slash and transport of logs on local roads. Given that under the proposed NES, foresters retain responsibility for these operations and any mitigation, it is most likely that some will continue to walk away from what they see as uneconomic activities. Councils should retain the right to seek remediation for environmental harm.

5.2 The proposed environmental “tools” are incomplete. The change requested is that they are completed, that they are consistent with relevant and current scientific research, and that responsibility for their use and implementation is monitored by Councils, so that the perceived unacceptable conflict of interest inherent in the current plan is removed. Forestry operators should pay for this, to avoid costs of forestry operations being passed on to ratepayers.

5.3 The rules for the NES are still in draft form. This implies that they will be completed after the NES is in place, with no provision for further feed-back. This is an issue of trust: prior to the completion of the proposed NES, the proposed rules should be seen in full, with clear descriptions of the different proposed colour zones upon which the rules appear to be based.

6 Recommendation to the Minister **it is recommended that**

- identification of high impact areas must reside with Councils not foresters;
- Councils must retain the right to set conditions for harvest under their resource management plans;
- The ESC, FSI and Wilding Pines Indicator tools must be completed and refined, to be consistent with current scientific knowledge;
- Responsibility for using the tools must not be solely the responsibility of foresters, to avoid perceived or actual conflict of interest (first point is also referred to here).

References

Beaven, R.J., Litchfield, N. J. 2012. Vertical land movement around the New Zealand coastline: implications for sea-level rise. *GNS Science Report 2012/29*.

Bloomberg, M., Davies, T., Visser, R., Morgenroth, J. (17 May 2011). *Erosion susceptibility classification and analysis of erosion risks for plantation forestry*. Wellington: MFE

Davidson, R.J & Richards, L.A. 2015. Significant marine site survey and monitoring programme: Summary 2014-2015. Prepared for Marlborough District Council. *Research, survey and Monitoring Report #819*. Nelson: Davidson Environmental Limited

Froude, V.A. 2011. *Wilding conifers in New Zealand: Status report*. Prepared for the Ministry of Agriculture and Forestry. Wellington: Pacific Eco-Logic Ltd

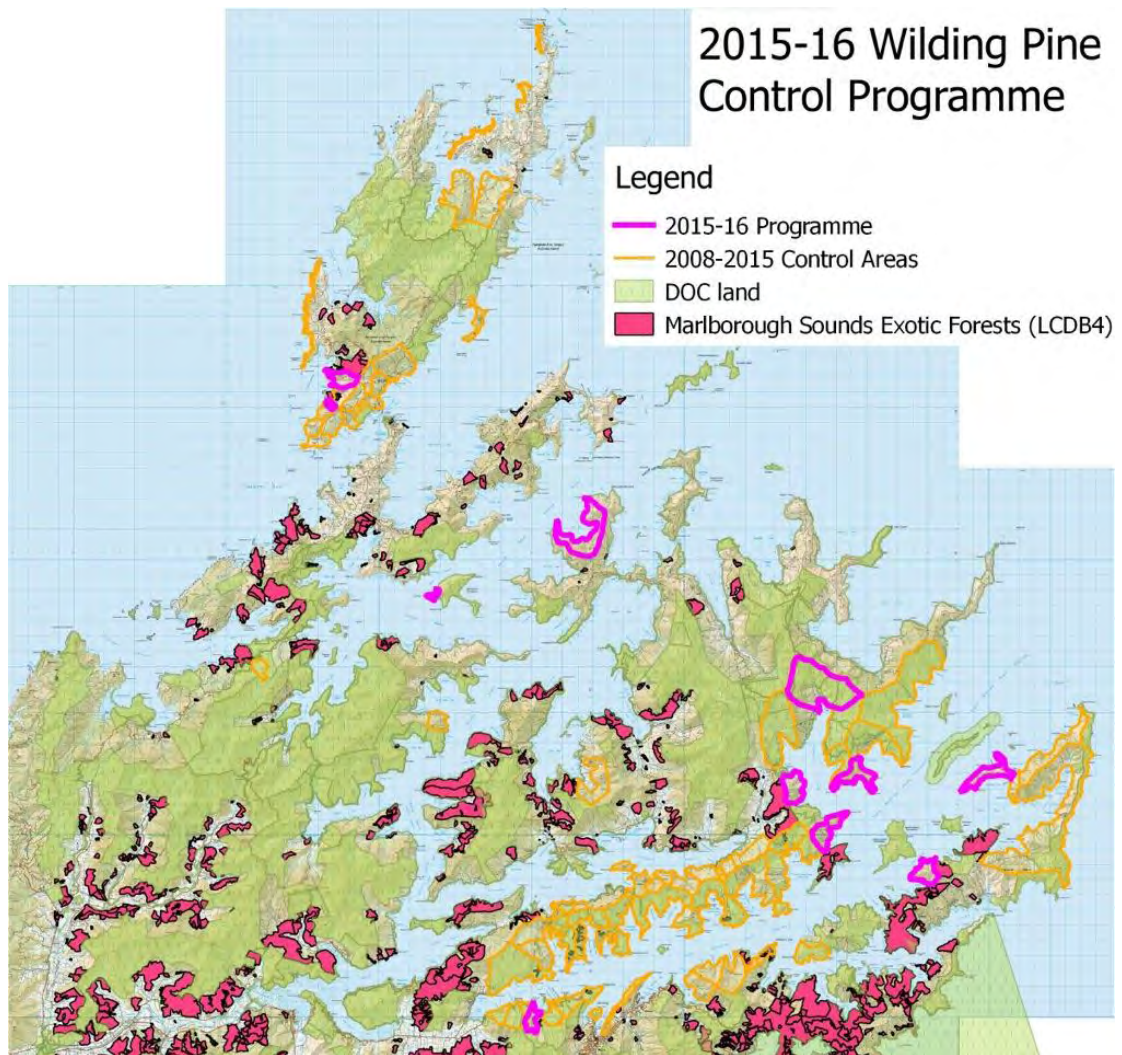
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Landcare Research. 2009. *Land use capability survey handbook (3rd Edition)*. Lincoln: Manaaki Whenua Press

Landcare Research. 2015. Update of the erosion susceptibility classification for the proposed NES for plantation forestry: Managing changes to the ESC and incorporating detailed mapping. *MPI Technical paper No. 2015/12*. Wellington: MPI

Molloy, Les. 1988. *Soils in the New Zealand landscape: the living mantle (2nd Edition)*. Lincoln: New Zealand Society of Soil Science

APPENDIX 1: Plantation and wilding pine control in the Marlborough Sounds



Source:
Marlborough Sounds Restoration Trust

Submission Form for the Proposed National Environmental Standard for Plantation Forestry

Email to NES-PFConsultation@mpi.govt.nz OR

Post to : Stuart Miller, Spatial, Forestry & Land Management
Ministry for Primary Industries
P O Box 2526, WELLINGTON 6140

My Name ... Robyn Patricia HEMBRY

Postal Address

Phone Email

Privacy Issue I do / I do not want my personal details made public

In response to the MPI's proposed National Environmental Standard (NES) for Plantation Forestry, I would like to see a sustainable plantation forest sector that protects our indigenous vegetation and habitations, provides food and shelter for native birds, protects our soils from erosion, and our waterways and estuaries from saltation.

I would also like to see the MPI take a precautionary approach to outdoor use of Genetically Modified Organisms by preventing the planting of Genetically Engineered tree stocks in either field trials or plant releases.

I specifically refer to NES-PF 6.4 pages 43 of the consultation document, 64 and 82.

These are my reasons:

- * I have no faith that a "Nationally consistent approach" would be "responsive to local environments" & that a NES should be a baseline that regional & District councils can improve on to suit local conditions.
- * I believe that the Precautionary Principle should be sort & followed. There is no scientific evidence to support GE or GM safety. 100% safety - its too late when GE or GM is released. There is no going back.

Signature R. Hembry



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:

Neil Henderson

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation?No

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

n/a

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

NO



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.

I do not agree that the longterm problems facing the plantation forestry industry stem so much from the “operational uncertainty” that results from regular changes to local plans at a Regional Authority level. I think that the biggest changes that are likely to beset the industry over a single forestry cycle are more likely to arise from rapid and unpredictable changes in the overseas market. Proposed changes via this NESPF, that will impact on the RMA seem vague at best and I do not see enhanced outcomes for the environment as a result. The fact that on p34 of the document (4.3.1) NZIERS research shows that if nothing is done, the long term outcomes will simply be a degree of requirement on the part of industry to make regular submissions to local plan changes. NZIER are suitably vague. A statement like “it is expected that, over time, a degree of unwarranted variation between councils approaches...” Does not seem to be pointing towards a requirement for large changes.



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.

No I do not think that a greater level of permitted activity will enhance the “stewardship” activities of what is already a largely selfregulating industry. Once the slide begins on the slippery slope (driven by a few years of price reduction in overseas markets for example) Local Councils and regional Authorities will have little ability or access to adequate funding to carry out even the most basic environmental assessments.

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.

No Comment

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.

No comment

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 environmental risk assessment tools are quite frankly inadequate considering that MPI has expressed a desire to incorporate into this NES-PF a provision (6.4) permitting afforestation using genetically modified tree stock, even if it has been approved by the Environmental Protection Authority under Hazno 1996. I can not understand why some attempt at analysis of likely risks to the environment as a result of allowing the release of GE tree crops could not be considered along side these three other assessments. If GE forestry is to be even considered as part of this NES-PF then I am appalled that no mention is made of the following chapter in the 2014 publication:-

[Challenges and Opportunities for the World's Forests in the 21st Century](#)
[Forestry Sciences](#) Volume 81, 2014, pp 491-524

Biosafety Considerations in the Context of Deployment of GE Trees. Authors include

[Hely Häggman](#),

[Suvi Sutela](#),

[Christian Walter](#),

[Matthias Fladung](#)

Christian Walker is currently working with SCION in Rotorua, so it is not as if we do not have people with some degree of ability who could make comment. The complete lack of discussion and the relegation of GE Forestry to ten or so lines on p43 of the document makes me think that its inclusion is adhoc at worst or quite simply cynical at best.

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.



On page 64 of the Rules the rule that Gmtree stock afforestation should be a permitted activity must not stand. Despite the clearance by the EPA of any GMO, it should be the right under the RMA for a local authority to demand restrictions and either ban or make as restricted activity any release. This has recently been upheld by the Court in Whangarei and this is after careful consideration that in fact there is considerable evidence to suggest that there are serious holes in the HAZNO/EPA ability to anticipate potentially serious environmental and economic risks that may result from wide release of GM crops. HAZNO and the EPA do not have the legislative ability to enable any mitigation of an unforeseen event once an organism is passed and subsequently released from being a “New organism”. This is why it is entirely appropriate for a local authority, who will carry the full brunt of any unforeseen issues to add another layer of protection, under the RMA, to satisfy itself that adequate mitigation can be provided by the entity wishing to release the GMO. That there are serious issues is well known. Currently wilding species of poplar in China for example : Reports indicate that the GM poplars have spread beyond the area of original planting and that contamination of native poplars with the Bt gene is occurring. There is concern with these developments, particularly because the pesticide producing trait may impart a positive selective advantage on the poplar, allowing it a high level of invasiveness.

In addition, the poplars, as well as carrying the BT gene for insect resistance, also carry two markers for antibiotic resistance <http://www.isaaa.org/gmapprovaldatabase/event/default.asp?EventID=247> neomycin kanamycin antibiotic markers. China has recently experienced a massive series of pollution by antibiotic resistant pathogens in its six main rivers and these are all considered to have derived their resistance as a result of horizontal gene transfer. Antibiotic resistant genes are still regularly used as markers in the development of many GMO, including forestry trees expressing the BT gene.

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.

No comment

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 not at all.I do not agree that SCION should be providing the assessment of the environmental impacts .SCION is NOT an independant operator as has been stated and this quasi Government organistaion has recently been involved in litation against Local Authorities around its stated wishes to introduce GE forestry into this country.I have already noted the complete and utter lack of inclusion of any discussion around risks of GE forestry and there is huge scope that Genetically modified trees may change a number of the variables presented in the so called Environmental impact assessment done by SCION.For example GE trees may have faster generation time ,taking up more water than wildtype trees ,they may also have greatly enhanced ability to spread as wildings ,especially if they are resistant to disease.

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 inclusion of GE forestry as a permitted activity will drive a wedge into any regional Authorities ability to create circumstances to mitigate against unforeseen effects resulting from the presense of these crops within the area of its authority.Currently the concerns of Local Authorities around these “Post HAZNO/EPA” issues with GM release are well supported legally.

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

The risk to a territorial authority that arises from the permitted release of a GM forestry crop.

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)?

No comment

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



I would simply like to reiterate my great concern that MPI has chosen to include ,in a bizarre and adhoc,way that the reforestation of areas may be done with GE forestry trees as a permitted activity.I also find it particularly disturbing that there is no discussion around potential risks associated with this (despite a number of successful recent legal precedents testifying that these risks are indeed real and that they are inadequately covered by the EPA or under HAZNO),as well as finding it particularly disturbing that SCION one of the key litigants in support of overturning the ability of regional or local authorities to add additional protective measures around GMO release,is stated as being an independant assessor of risk in this present document and has at no point made any declaration of conflict of interest with regard the inclusion of GE forestry in this NES-PF.This lack of declaration of conflict of interest and its enjoyment of “independant “status around environmental risk assessment would be particularly galling if it was to be discovede that SCION played any significant part in advising MPI around the inclusion of the present permissive provisions.



Dr-Ing Oliver Hoffmann

s 9(2)(a)

s 9(2)

s 9(2)(a)

ph s 9(2)(a)

e-mail: s 9(2)(a)

Ministry for Primary Industries
Manatū Ahu Matua
Parliament Buildings
Wellington
via email

13th August 2015

***Re: Submission on National Environment Standard
(Plantation Forestry) proposals***

All actions that could result in a deterioration of our environment or a weakening of standards that protect our environment are surely to be avoided. Yet the government's proposed National Environment Standard (Plantation Forestry) would result in exactly that outcome, which is why I oppose such a proposal.

The danger of the proposed new standards is that foreign forestry corporations will get a foot in the door of our forestry industry and thereby negatively impact on both our environment as well as the local communities where they would be carrying out their operations. The longterm sustainability that our current standards are protecting would no longer be guaranteed. There are concerns around the release of genetically engineered trees.

In my view local communities and iwi would see risk losing any say they have around the cultivation and protection of their forestry and fishing territories. The danger of the proposed new standards spreads is again that they could easily result in the degradation of indigenous habitats and the water quality of our rivers and lakes. Many councils are rightly adopting a precautionary approach regarding genetic engineering encroaching into local management plans when it is in their own interests to protect their natural environment.

If hearings are to be held in Auckland, I would wish to also make an oral submission on these issues. Thank you for this opportunity to make my views known and for hopefully including them in the submission process.

Oliver Hoffmann

From: Warren Hoy
Sent: Monday, 3 August 2015 1:13 p.m.
To: NES PF Consultation
Subject: SUBMISSION - PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY
Attachments: Nelson Plan - Forestry Council Submission on NES-PF July2015.pdf

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

I SUPPORT THE SUBMISSION FROM NELSON CITY COUNCIL

See pdf attached

THE KEY ISSUES FOR ME ARE

This entire process has been driven by the large plantation companies seeking greater consistency in the rules across Council boundaries. While this is not unreasonable, the MPI-appointed Working Group has also used the opportunity to incorporate much higher levels of permissibility into the proposed NES than many Council Plans currently allow. This effectively and fundamentally undermines the purpose of the RMA, and runs the risk of backfiring on the industry sooner or later.

There are a number of major deficiencies and issues with the proposed NES for Plantation Forestry:

- a. In overall effect, the proposed NES would indeed provide greater consistency of rules nation-wide but in the process, it lowers the bar in critical areas. Because such a large area of productive land (94%) is subject to the 'Permitted with conditions' regime, it is essentially a voluntary code of practise for forestry masquerading as a Standard
- b. There are extremely limited opportunities for consultation with stakeholders in the process of developing and introducing the NES. If approved, Councils must incorporate the NES into their Plans without public consultation.
- c. There is no explanation of the legal implications of MPI 'taking over' the development and introduction of this Standard from MfE.
- d. Many important Environment Court decisions and community-supported provisions of Regional and District Plans around the country will be down-graded or overridden if the proposed NES is approved by the Minister.
- e. The NZ Land Resource Inventory (LRI) data does not have sufficient resolution or reliability as the primary framework for the rules. Furthermore, the revised (2015) version of the Erosion Susceptibility Classes does not accurately reflect erosion risk and is totally unacceptable.
- f. There is a failure to properly reflect the different levels of risk of plantation management in a logical and systematic way and to properly match forest management options, including different silvicultural systems or harvesting systems, to the different levels of erosion risk.
- g. There is a failure to include any measurable thresholds in the proposed Standard or to place any limits on the size or aggregation of clearcuts to match erosion risk.
- h. There is a failure to recognise the value of alternative species, particularly those which retain live root systems after harvesting, to mitigate erosion risks.
- i. There is no explanation of why Councils (ie. ratepayers) should bear the total cost of monitoring or enforcing 'Permitted' forestry operations.
- j. There is no minimum plantation area threshold to which the NES rules will apply.

I appreciate the work that you have done, and I encourage you to easily find environmentally viable solutions to these vitally important issues.

Thank you very much

Kind Regards

Warren Hoy

[Redacted]

[Redacted]

NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY CONSULTATION DOCUMENT - JUNE 2015

Submission from NELSON CITY COUNCIL

The Nelson City Council appreciates the opportunity to comment on the consultation document of A National Environment Standard for Plantation Forestry (NES-PF).

1. Overview

In general, while Nelson City Council appreciates and supports the effort that has gone into developing an NES for plantation forestry and the improvements since the last iteration; this submission is largely in opposition to the proposed permitted activity standards and does not support the draft in its current form.

While the NES-PF tries to introduce a level of national consistency in relation to the plantation forestry sector, it does so in a way which starts from a premise that all activities should be permitted where the effects are largely unknown and introduce judgement and uncertainty. Language used such as “as far as is practicable”, “if unavoidable”, “except where unsafe or impracticable to do so” results in conditions that are litigious or unenforceable. This is at variance with the RMA and effects based planning. It is therefore questionable whether the proposed permitted activity standard conditions are *vires* as they provide inadequate certainty or clarity.

The NES proposal explains further analysis and drafting is envisaged and the rules as they are amount to drafting instructions. There is no obvious clear and certain language for many of the rules that would suitably manage adverse effects across all circumstances. Therefore it is important that if the permitted activity status is retained for these activities, the relevant conditions err on the side of caution, alternatively a consents regime should be required.

The proposed NES is likely to result in higher costs for both the plantation forest industry and the Council in terms of permitted activity monitoring and enforcement with little clear additional benefit.

2. Overall Issues with Draft Rules

The proposed permitted activity rules where they are uncertain or unclear result in risks to the environment, or result in costly new processes and monitoring for councils. In particular Nelson City Council has concerns with the following:

- a) Frequent use of uncertain language such as “as far as is practicable”, “if unavoidable”, “except where unsafe or impracticable to do so” is all too uncertain and unclear to enable effective monitoring and compliance by councils.
- b) Third party approvals or processes for permitted activities (e.g. minimum afforestation distances from adjoining properties and dwellings, Heritage NZ).
- c) The requirements for provision of earthworks, harvesting and quarry management plans do not specify the required content or standards that must be met, nor are they able to be declined or improved if deficient. These plans should also be provided to councils without the need to request them.
- d) Requirements for auditing result in increased workloads and costs for the Council. Costs for managing this information are not recoverable for permitted activities.
- e) Further definition and explanation for the majority of the terms used, such as “urban area” is required.

- f) It is unclear what process councils are to follow where more stringent rules are required in addition to the NES-PF rules. For example to maintain and enhance waterbodies as required under the NPS for Freshwater Management (NPS-FM).

3. Ability to be More Stringent

The listed NES-PF activities covered by the rules encompass all major works within forest activities. The ability for councils to be more stringent is tightly constrained. To properly apply sustainable management and give effect to our statutory responsibility Council requires the ability to be more stringent than allowed for in the NES-PF.

Mapping areas of significance is expensive, takes considerable time to collect and collate the required data, and may not be the best planning management option. Good outcomes can be achieved through setting out key parameters and using site specific assessments.

Relief sought: Unmapped wahi tapu sites, unmapped significant indigenous flora and fauna, other than outstanding but still significant freshwater bodies and natural features and landscapes (as well as sensitive receiving environments as below) all be included as matters where councils can apply more stringent rules.

4. Sensitive Receiving Environments

The Fish spawning indicator enables controls to be targeted so restrictions on activities only occur where required to protect instream fish habitat. However, the NES-PF does not fully recognise the potential catchment scale flow on effects to sensitive habitats (e.g. lower catchment waterways and estuaries), and provides no incentives to harvest in a more sustainable manner (e.g. harvest smaller areas) to reduce wide-scale slope erosion and sediment discharges during intense rainfall events.

Relief sought: Inclusion of sensitive receiving environments such as estuaries, coastal marine areas, water intakes, sites of significance, dwellings and amenity features into the matters where councils can apply more stringent rules.

5. Orange Zone - Harvesting and Afforestation

Harvesting on all of the Orange Zone Erosion Susceptibility Class (ESC) is a permitted activity. This is opposed for the Nelson Region. Orange zoned land includes a number of Land Use Capability (LUC) units that are steep to very steep erosion prone land. The NES permitted activity conditions are inadequate and rigid. It is unacceptable that such land is afforded permitted activity status given the risks involved. Section 43 A (3) (b) RMA 1991 does not allow an NES to state that an activity is a permitted activity if it has significant adverse effects on the environment. This is such an activity.

Relief sought: Controlled or restricted discretionary status for harvesting on steep to very steep erosion prone LUC units of Orange Zone ESC.

Linked to Orange ESC harvesting issues is afforestation (of new forests) which is a permitted activity in this zone. This would prevent Councils from applying planting restrictions as a method to mitigate woody debris from future harvesting.

Relief sought: Apply restricted discretionary status for afforestation on steep to very steep erosion prone LUC units of Orange Zone ESC.

6. Earthworks

The timing of earthworks and activity within riverbeds is a significant issue both in terms of generation of sediment and avoidance of impacts on aquatic ecosystems and birdlife. No provision for an earthworks "close out" season is provided for in order to protect the values of sensitive receiving environments including outstanding waterbodies and wetlands.

Relief sought: Councils have the ability to be more stringent around the timing of earthworks and activities adjacent to and within the bed of a river or lake in all zones where this is required to protect sensitive receiving environments.

7. Management Plans

Harvest Plans, Quarry Management Plans, and Erosion and Sediment Control Plans are required to be prepared for harvesting, quarrying and earthworks respectively. The contents required of these plans is broadly described and it is uncertain whether the plans will adequately describe activities or if the activities intended will be sufficient to achieve other permitted activity conditions.

The role of councils is restricted to being advised when activities will begin and having the Plans made available to them. There is no provision for councils (or any other body) to certify the Plans as adequate.

Relief Sought: During the legal drafting phase, the content of management plans should be made clear and linked to clear outcomes. Provision should also be made for Council certification to ensure they adequately meet requirements.

8. NPS for Freshwater Management (NPS-FM)

Many of the proposed rules in the Draft NES-PF do not provide for the NPS-FM Objectives 1 and 2, and the requirement for the Council to maintain and improve water quality. While the NES-PF provides councils with the “ability to be more stringent where required to meet the Objectives of the NPS-FM”, the discussion document identifies this as only where a limit has been set that has not been met, and forestry activities are the source of the contaminant.

In the table on page 99 which lists matters where councils can apply more stringent rules, this only specifies this can be done in relation to Outstanding Freshwater Bodies. Under the NPS-FM the threshold to include freshwater bodies as ‘outstanding’ is very high and has to be exceptional in some way. Only a small number have been identified by MFE across New Zealand. Under this definition, Nelson has no outstanding freshwater bodies, but many it does have several waterbodies which must be maintained and enhanced. This does not provide for councils to meet their requirements under the NPS-FM.

Relief sought: Councils have the ability to be more stringent in relation to all water quality limits set in order to enable them to maintain and improve water quality as required by the NPS-FM.

The NPS-FM specifically requires the protection of the significant values of wetlands. The discussion document does not specifically identify wetlands and their riparian areas as being a matter over which councils can be more stringent. All of the forestry activities identified within the rule tables have the ability to affect the significant values of wetlands. For example in relation to setbacks the NES-PF rule tables reference wetlands only greater than 2500m². In many instances the setbacks proposed may be insufficient to protect a wetland’s significant values – for example by altering the water table.

Relief sought: The rules in relation to wetlands are deleted in their entirety and councils retain the ability to be more stringent around the management of wetlands and their riparian areas across all activities.

9. Setbacks and Riparian Buffers

The conditions for earthworks and afforestation require setbacks of 5 metres for streams less than 3 metres in width and 10m for those greater than 3 metres. A riparian buffer width of less than 10 metres will not maintain all of the ecological functions that support healthy freshwater ecosystem processes, such as efficient plant nutrient uptake. Some riparian functions can be maintained or enhanced with riparian widths less than 5 metres either side

of the stream, whereas others may require widths of greater than 15 metres (Parkyn *et al.* 2000).

Relief sought: Review information on riparian buffer widths necessary to support sustainable vegetation and meet aquatic functions.

The Harvesting rule allows for the felling of trees directly across waterbodies where unavoidable and for harvesting within and across riparian zones. As discussed above riparian zones are required to support healthy freshwater ecosystems and no felling into or across these zones should be permitted as of right.

Relief sought: Delete references to allowing the felling and harvesting within riparian zones in the rules and allow councils the full ability to put in place appropriate rules for activities which could affect these riparian areas.

10. Genetically Modified Tree Stock

Afforestation and replanting using genetically modified tree stock is a permitted activity where approval has been granted by the Environmental Protection Authority (EPA). There is no opportunity for council to make its own rules or policies in relation to GM tree species in relation to landscapes and ecosystems. This provision contradicts the recent Environment Court decision (2015 NZEnvC 89) (*Federated Farmers v Northland Regional Council*, decision Principal Environment Judge Newhook, 12 May 2015). That decision found that there is jurisdiction under the RMA for regional councils to make provision for control of the use of GMOs through regional policy statements and plans.

Relief sought: Delete reference to allowing the allowing the use of genetically modified tree stock as a permitted activity and allow councils the full ability to put in place appropriate rules to manage the use GMO species (potentially for a range of reasons including environmental risk, pest management, or risks to the region's economy and reputation and ability to market produce overseas).

11. Environmental Risk Assessment Tools

There are issues with the reliability and implementation of the three environmental risk assessment tools as all involve judgement and interpretation. As discussed above it is questionable whether such performance standards are viable.

Council has the following comments:

• Erosion Susceptibility Classification

The ESC classification is based on LUC which is then used to determine activity status. This is a very good process to assess risk on the sites where the forestry activities are being carried out, but takes no account of variations in downstream receiving environments which demand site specific measures to avoid or mitigate adverse effects.

Where the activity status includes a resource consent requirement this imparts the flexibility to provide for differing receiving environments and this is supported. However where permitted activity status applies, supported by generic permitted activity conditions only without allowance for variations in downstream receiving environments, this is opposed. It also breaches the Section 43A (3) (b) RMA.

Relief sought: Inclusion of sensitive receiving environments such as estuaries, coastal marine areas, water intakes, dwellings and amenity features into the matters where councils can apply more stringent rules. It is noted that in the earlier Plantation Forestry NES proposal this included an exception for sensitive receiving environments.

Under several rules, for example earthworks, these activities are a restricted discretionary activity for land in the Orange Zone with a slope of greater than 25 degrees. It is unclear how this rule will be enforced and who is responsible for determining these areas.

Relief sought: Clarify who is responsible for defining land in the Orange Zone that has a slope that is over 25 degrees.

- ***Fish Spawning Indicator***

Fish species: There are significant issues with the fish spawning indicator. The information used in the calculator is based on old research and outdated records dating back to 1915. The indicator only includes a limited number of species, and fails to include many endangered and at risk species across New Zealand.

Relief sought: Amend list to include: long finned eel, short finned eel, short jawed kokopu, torrentfish, Crans bully, bluegill bully, upland bully, giant bully, inanga, banded kokopu, lamprey and smelt.

Spawning: The General Conditions list periods of time where beds of rivers cannot be disturbed in order to protect the spawning of fish species. These times do not however align with local spawning dates for those species. Fish spawn at different times in the Nelson region which renders some these dates ineffective.

Relief sought: Allow councils to identify the local spawning times for fish species in their region through their regional plans.

Non migratory fish species: The General Conditions do not provide for native non migratory fish species. For many non migratory fish species, such as kokopu and koraro, that spend their adult life in one location adverse impacts from forestry related activities presents a significant risk to the adult, its habitat, and lifecycle.

Relief sought: Allow councils to identify sites of significance for non migratory native fish in their regions and be more stringent in relation to activities in the beds of rivers during these periods.

Fish migration: The General Conditions do not provide for native fish migration. In the case of species such as long finned eel, barriers to downstream migration can result in the death of the eels as they have undergone physiological change in order to undertake migration and no longer feed.

Relief sought: Allow councils to identify important migration periods for native fish in their regions and be more stringent in relation to activities in the beds of rivers during these periods.

Water temperature: The review of harvesting effects on fish spawning and habitat provides a useful summary but does not fully take account of the significant increase in river water temperatures that occur when riparian margins are removed as part of the harvest. Increase in stream water temperature post harvest can have long term negative effects on freshwater invertebrate communities and fish spawning, which is well documented in NZ.

Relief sought: Allow councils to identify sites of significance for native fish in their regions and be more stringent in relation to riparian margin setbacks and activities in the beds of rivers during these periods.

Nesting sites: The General Conditions provide for protection of nesting sites from disturbance for Nationally Critical or Nationally Endangered species. This does not provide for regionally threatened species or stronghold populations.

Relief sought: Councils are able to be more stringent where they have identified regionally threatened species or stronghold populations.

12. General Conditions

Fuel: The current permitted activity rule allows refuelling of machinery adjacent to surface water provided this does not occur within the waterbody. To reduce the risk from any accidental spills, a minimum distance for refuelling should be specified.

Relief sought: Require that all machinery on the work site shall be refuelled at least 20 metres away from any open watercourse. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Council shall be immediately informed.

Vegetation Clearance and Disturbance: The permitted activity rule allows indigenous vegetation of existing tracks within SNAs to be damaged or removed. This may be at odds with Councils aim to maintain and enhance these areas, including old roads or tracks. The rule also allows incidental damage to riparian and indigenous vegetation provided it will readily recover within five years. As discussed above these performance standards are subjective and open to interpretation. Who will determine if the vegetation can recover within five years, and what happens if it does not – what comeback is there for councils or adjacent landowners?

Relief sought: Delete the last three bullet points of this performance standard. Consent should be required to damage or remove any indigenous vegetation within an SNA. Directional felling and adoption of appropriate harvesting techniques should also be implemented to avoid incidental vegetation damage. If it is determined that this cannot be achieved, consent should be required as a controlled or restricted discretionary activity.

Introduction of weed species from soil residues on heavy machinery: Undesirable weed seed can be transported between areas on the tracks and tyre treads of skidders, haulers and diggers as these are uplifted from one site to another by trailer. Unlike logging truck movements that have greater potential to lose contaminated soil from tyre treads en-route to the next site, heavy logging machinery can potentially introduce new weed species from another district directly from stuck on, seed infested mud/soil.

Relief sought: Consideration should be given to the mandatory water blasting of machinery between sites. This should particularly apply if the next site is relatively weed free or in cases where a forest is being retired from plantation forestry.

13. Administrative and Monitoring Costs

Nelson City Council considers that the provisions for permitted activities along with the monitoring and reporting requirements will lead to significant increased costs. The shift in focus to permitting activities for the forestry sector results in a shift of administrative and monitoring costs to the wider ratepaying community.

The need for amendments and alignment with council plans will require considerable administrative effort to align concepts and activity specifications in the Council Plan with the NES-PF.

Resource consent processes involve pre-application discussions, requiring further information and formulating clear activity based conditions that will lead to required environmental outcomes. These are proactive processes by which forestry activities are able to be shaped before they begin. Forestry activities such as earthworks, quarrying and harvesting are irreversible and are often large in scale and happen very quickly.

Where activities are permitted they are able to proceed without council approval. How the activities are carried out is unable to be influenced. Council involvement is limited to compliance monitoring and enforcement. These are reactive in nature, occurring after activities have occurred.

Relief sought: Councils are provided with the ability to charge forestry operators to monitor permitted activities; or councils are provided central government funding to fulfil the monitoring requirements.

Council supports the proposed review of the NES-PF after five years given its wide reaching impact on council rules and potential for significant adverse environmental effects.

Thank you for the opportunity to comment on this document. I would be pleased to make officers available to further explain these submission points and work with MPI staff towards solutions.

Yours faithfully

Clare Hadley
Chief Executive
Nelson City Council

11 August 2015

Minister M.P.I
Cc Stuart Miller
Ministry for Primary Industry
P.O Box 2526
Wellington 6140

To Whom It concerns:

Submission: M.P.I" Proposed NES for Plantation forestry "

11 August 2015

Opposing the proposed standards:

Nationally applied standards limit sustainable development & socially powered community growth. Environmentally it undermines regional ethics and promotes G.E generated pollution.

I do not wish to be burdened financially, physically or legally by the promoted M.P.I National Environmental Standard for plantation forestry as it does not promote sustainable land management as required within section 5 of the R.M.A. It fails to adequately protect social, environmental, economical values of citizens within our diverse regions and fails to provide the flexibility that enables intrinsic values of these communities to be maintained.

Based on the following grounds:

- National standards limit individual regional development
- National standards hinder the evolution of management
- National standards create platforms for specialist professionals
- The National standards promoted provide opportunity to regionally pollute
- National standards compliance are not regionally sensitive and ignore regional diversity
- National standards for plantation forestry locks growers into further regulatory boundaries
- National standards remove existing property rights

Janet Hyde

s 9(2)(a)

PH s 9(2)(a)

Submission to the Ministry for Primary Industries
Attention:
Stuart Miller
Spatial, Forestry and Land Management

Name of submitters
George and Hilary Iles

s 9(2)(a)

Submission on rule changes in NES-PF section 6.4 pages 43, 64 & 82

I am strongly opposed to these rule changes:

1. This is a much too casual and rushed approach towards the introduction of GMO's which could have detrimental consequences for the economy and the environment. Time and time again we have seen similar mistakes been made in NZ – for example with the introduction of foreign species supposedly good for the economy or to try and solve and earlier mistakes e.g. – rabbits, stoats, possums, Douglas Fir and Pinus Contorta and Radiata, DDT, organo-phosphates etc. The tax payer ends up picking up the cost for these “mistakes” which are not simple to resolve if even possible. This will become another classic example of big money overriding common sense.

2. Firstly the knowledge about the long term effects of introduction of DNA of one species into another is very, very limited, if only by virtue that the technique of DNA transfer in this manner is in its infancy.

The risks of planting of trees with eg Bt genes into our environment is enormous. If these GME trees do what their designers intend them to do, those trees could potentially kill all insects which eat any material of these trees: leaves, needles, bark, flowers, pollen, root material etc. Visiting bees which are essential for pollination of our orchard fruit producers, could be the victims if they would eat tree pollen or sugars which drip from tree wounds.

Would you want to be responsible for the loss or partial loss of our fruit industry and it's economic flow on effect?

2. Harvesting of the trees poses another threat, as all the remaining parts will be recycled back into the system creating a biohazard to all the fauna in the soil.

Has the huge clean up and disposal cost of these forest forests even been considered? Or is killing of the forest fauna not considered a problem!

3. The genetically modified material could get anywhere into our environment: soils, waterways and coastal waters. There are indications that the active chemicals created in the "Bt-cells" remain active for a long period and could have an effect on larger organisms as it accumulates in the food chain. Again no long term research has been or could have been done.

We should not take the risk that other species, like fish could be affected; the cost to our fisheries can not be predicted with our current knowledge. Not to mention that the potential cost to human health could be even greater.

4. In this proposal the local and regional councils will have no say which is sidelining the democratic process. This is another huge concern for me.

I want all wording referring to genetically modified trees and rootstock (section 6.4 p43, 64 & 82) removed from the NES for Plantation Forestry. I also want local councils to continue to have the right to prevent any experiments with GMO's or introduction of GMO's.

MPI should set a minimum standard and councils should have the right to require higher standards.

EPA has so far rubber stamped just about every proposal it received. Considering the latest appointment to the EPA of Mr Allan Freeth and knowing his views on GMO's, I have no confidence in the EPA protecting the New Zealand environment from harm and the New Zealand economy from major loss.

regards

George and Hilary Iles

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140
By email to NES-PFConsultation@mpi.govt.nz

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

Contact details for this submitter are:

Submitter:
Stanley Mitchell Irvine
for Anslows Forest

Contact address:

s 9(2)(a) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

Submitters Background:

Our family has owned the Lee Valley in the Tasman District for the last 100 years where we have farmed and latterly run plantation forest s. I have been involved with this valley for the last 70+ years and as the current owner I believe I have good knowledge of this area.

I wish to submit that:

1. I believe the NES identification process needs to be based on a case by case basis with local knowledge and input rather than a blanket approach. For example in the upper Lee Valley area, Which is in Tasman District is currently coded orange, these forests are on their second and third rotation with all infrastructure e.g. skids and roads in place and proven and with very generous Riparian strips along river and creeks and no evidence of erosion caused by these operations, spanning the last 50 odd years.
2. The upper Lee Valley is currently being investigated by the Tasman District Council for the proposed Waimea Community Dam; the area was chosen by the council and extensively investigated by Tonkin and Taylor and found to be extremely stable and very suitable with little or no areas of erosion or sediment contamination. The valley consists of mainly clean rock with little or no clay.
3. Tasman District Council information on erosion for this valley can be viewed on the TDC website under the dam proposal, geotechnical, this goes into great detail that these sites are low susceptibility to erosion.
4. I believe that this valley should be coded yellow and not orange as it currently is.

5. I am in agreement with the NES approach for protecting our waterways from pollution, but I strongly believe we should be careful when implementing sweeping changes that we must get the facts correct.

Yours sincerely

SM Irvine

s 9(2)(a)



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, and are welcome to attach any supplementary information.

Your completed submission can be either:

- emailed to NES-PFConsultation@mpi.govt.nz, or
- posted to:

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

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:

Ion Jagard

Postal address:

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KEEP ME INFORMED

I SUPPORT WHANGAREI DISTRICT COUNCIL, NORTHLAND REGIONAL COUNCIL, FAR NORTH DISTRICT COUNCIL, AUCKLAND COUNCIL PRECAUTIONARY & PROHIBITIVE GE/GMO POLICIES. THESE LOCAL COUNCIL POLICIES ARE EXCELLENT & MUCH NEEDED, DUE TO DEFICIENCIES IN THE HSN ACT 1996.



Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes [] ☒ 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):

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?
2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?
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?
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)?
5. Do you support MPI's proposal to allow GE trees and override NZ councils precautionary or prohibitive GE/GMO policies in local plans? (new question in response to MPI proposal 6.4)

Please provide comments to support your views

No - my family & I OPPOSE GE TREES & SUPPORT OUR COUNCILS PRECAUTIONARY & PROHIBITIVE GE POLICIES. GE TREES ARE PROHIBITED

(FSC & PEPC)
BODIES FOR SUSTAINABLE FORESTRY. NO GE TREES IN NZ.
BY INTERNATIONAL CERTIFICATION

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

11 August 2015

**Submission on the proposed
National Environmental Standard for Plantation Forestry (NES-PF)**

Opposition

I am opposed to:

1. The inclusion of 'genetically modified' (genetically engineered) trees and/or tree stock (even if approved by the Environmental Protection Authority) as a permitted activity in the NES-PF (clause 6.4).
2. The inclusion of any mention of genetically modified or genetically engineered trees in the NES-PF at all.
3. Limiting the prerequisite approval for permitted activity use of a GE organism to Environmental Protection Authority (EPA) approval under the Hazardous Substances and New Organisms (HSNO) Act 1996.

Request

I request that **clause 6.4 be removed**, and that any reference to genetic engineering or genetic modification be removed from the NES-PF.

Hearings

If there are any hearings for the proposed NES-PF, I would like to be heard.

Reasons

1. Jurisdiction

- a. The reason given in the proposed NES-PF for the inclusion of clause 6.4 is to avoid 'duplication' (presumably of legislation). This is incorrect. The Resource Management Act (RMA) does not duplicate the Hazardous Substances and New Organisms (HSNO) Act. Rather, they are complementary.
- b. An NES should not conflict with, nor remove, the provisions in any Act of Parliament.
- c. Principal Environment Court Judge Newhook found this year that there is jurisdiction under the RMA for regional councils to make provision for GE organisms through regional policy statements and plans.
- d. Regional and district councils have clear duties under sections 30 and 31 of the RMA for the integrated management of resources and the integrated management of the effects of the use and development of resources. Localised effects of plantation forestry such as erosion, wilding management and fish spawning areas are clearly able to be managed using national standards. However, the use of GE organisms, which may have region- and district-wide adverse economic, environmental and cultural effects depending on the pattern and type of resources and land-use activities in any given area, cannot be

managed through a national permitted activity status. These region- and district-wide functions are very important and would not be addressed by regulation under HSNO.

- e. Clause 6.4 would remove the ability of local authorities to have an additional tier of protection for their communities and primary producers (including foresters) from any possible adverse effects of GE organisms.

2. Rigour of process and ongoing monitoring

- a. The EPA is currently insufficiently resourced to adequately undertake in-depth assessment of GE applications, and relies on the applicant and similar decisions overseas for much information, which may be deliberately or inadvertently biased and/or incomplete. The US FDA for example claims that GE food is safe, but many of its own scientists have questioned this. Clause 6.4 would remove the check and balance of local authorities using the RMA.
- b. A GE organism is only under the protection of the EPA until it becomes approved for general release. At that point it becomes a part of New Zealand's environment and no one is responsible for ongoing monitoring and liable for any damage.

3. Risks and liability

- a. The NES-PF consultation document has no information or discussion about any risks involved with the use of GE organisms. Although the objectives of the NES include 'understanding the risk of adverse effects on the environment around the country should be informed by up-to-date science', there is no discussion of up-to-date science with respect to GE organisms to underpin the provision for use of GE tree stock as a permitted activity. Given the controversial nature of this topic and potential adverse effects, this shows a lack of balanced consideration.
- b. The HSNO Act provides an approval process for GE organisms. However, it makes **no provision for liability** in instances of adverse effects. The Inter Council Working Party on GMOs spent 13 years assessing the risks and evaluating risk management of the outdoor use of GE organisms. This multi-council group found a range of environmental, socio-cultural and economic risks of the outdoor use of GE organisms:
<http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/Genetic-Engineering/Pages/default.aspx>
- c. While scientists can select genes for certain traits, they cannot control where the genetic material will end up in the DNA. Therefore genetic engineering carries inherent unknowns, including unknown risks.
- d. Unlike most other topics covered by the consultation document, the use of GE organisms is not the subject of settled science. It has been argued by proponents of GE tree stock that the risk of escape of GE material from a plantation is low. However, this is far from settled. Sterile GE trees that do not produce pollen have been in development for some years with no success to date. The risk of escape by wind- or insect-borne pollen or seed is in fact high, and pollen from forestry plantations can travel several kilometres. Potential adverse events are very significant and range from the loss of individual enterprises such as organic farms and the loss of Forest Stewardship Certification for foresters, to the loss of whole markets for districts, regions and even New Zealand. Stringent criteria apply to certification for organic

producers and sustainable foresters and some important international markets also require GE-free status certification.

- e. Clause 6.4 must be removed from NES-PF otherwise communities are open to environmental, economic and socio-cultural risks from outdoor use of GE organisms. Ratepayers and/or taxpayers may end up paying for any adverse effects of GE, as has already happened (one of several examples is the GE sheep in the Waikato – the New Zealand taxpayer had to clean up after Scottish company PPL went bust).
- f. No insurance company will insure against the adverse effects of genetic engineering. However, the RMA empowers councils to impose conditions on GE organisms in their area, such as requiring a bond or other financial instrument. The RMA must not be undermined by clause 6.4 of the NES-PF.
- g. To date, most outdoor GE trial conditions set by the EPA have been breached (e.g. species allowed to flower when this was not permitted). This gives me little confidence in any future outdoor use of GE species.

4. Adverse environmental effects of GE trees / tree stock

Adverse effects of GE trees and tree stock are unknown. Because of the large scale of many forests, the risks may be great, and may be beyond the capacity of MPI to monitor, measure and mitigate.

The NES-PF does not address the following risks:

- a. GE wilding trees – these may have additional risks beyond the current non-GE wilding species, which are bad enough problems in themselves.
- b. Any potential cross-pollination.
- c. Any impacts of GE trees on soil organisms, insects, birds, mammals and aquatic species.
- d. Any impacts of GE trees on native flora and fauna.
- e. Any health impacts of GE pollen, which may contain stronger or novel allergens.
- f. Any risks from the probable increased use of herbicides that are used with most GE organisms. Risks include herbicide-resistant ‘super weeds’ developing, the pollution of air, soil and waterways, and risks to the health of humans and other species in the ecosystem.
- g. The only condition for this permitted activity is prior approval by the EPA under the HSNO Act, and this only applies to planting and replanting. The issue of management of slash involving GE material has not been addressed.

5. Adverse economic effects of GE trees / tree stock

There is no independent economic case for using GE trees. Instead, there are many risks.

- a. Economic analysis carried out as background to the proposed NES Plantation Forestry did not include economic impact on local and international produce markets arising from the use of GE tree stock. This means that one if not the most significant impact of the proposed NES has not been analysed, and the risk of acting as proposed is unconscionably high.
- b. GE trees will probably adversely affect New Zealand’s ‘clean green’ brand.
- c. GE pollen or other GE tree material may contaminate the farms and products of primary producers, including Forest Stewardship Certified foresters, beekeepers, farmers who wish to remain GE-free. If this happens, these primary producers will lose income.

- d. Providing for the use of GE tree stock as a permitted activity with no conditions relating to assessment or management of risk leaves land owners, farmers, foresters and people using land and waterways for other activities (including recreation) at risk of adverse effects and without any say in the location or type of GE stock used. This is contrary to the scheme of the RMA. Any potential adverse effects are of particular concern to organic farmers and to foresters with sustainable certification such as the Forest Stewardship Council certification, as the certification standards for these farmers and foresters do not allow the presence of GE organisms on the land or in the primary products produced.
- e. Potential impacts range across virtually all primary production, including forestry, horticulture, honey production, pastoral and dairy farming. Much wider analysis and consultation is essential before assigning activity status to the use of GE tree stock, let alone the high level of risk of permitted activity.

6. *Spiritual risks*

- a. GE trees would disturb the spirit or mauri of the trees and disturb the whakapapa or kinship with other organisms in the environment – the intricate relationships between myriad organisms in ecosystems.
- b. GE trees are part of a wider mindset of dominance over nature for financial gain. With the major crises facing the planet right now, we need to work in harmony with nature. GE trees play no part in a thriving, healthy and harmonious world.

New Zealanders must retain our right to apply the precautionary principle and not be hobbled by a rule that removes the right to integrated management of our natural resources.

Sincerely,

Philippa Jamieson





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:

Joop Jansen and Hanneke Kroon

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 [x]

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):



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.

These sections only address the problems from the forestry perspective and pave the way for the NES to benefit the forestry owners.

The RMA is not there for the forestry owners, but for the sustainable management of NZ natural and physical resources. It is important that Councils have the final say on the implementation of rules under the RMA. Every region has its own special problems, that need to be addressed. With resource consent applications comes the chance for locals to put in submissions. This right will be severely curtailed under NES, which is unacceptable.

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.

NO, NO, NO. We live in the Marlborough Sounds and experience the effects of plantation forests Daily.

The set backs are totally inadequate. The effects of tree felling within meters of the road, the next house, the next land section is not considered and is severe, unless the setbacks are much larger. Are the setbacks measured as if they are on flat land, or along the hill contour? We have had forests logged and processed on our road, where we often had to wait 0.5 to 1 hour for clearing the road so we can pass.

The coastal marine setback is much too small. The erosion effects into the Marlborough Sounds are serious and degrade the water environment.

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.

Consents in Orange Zone have to be notified, so locals can have their say.

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.

Totally inadequate. Not enough local control at all.
Earthworks should not be a permitted activity, as they need strict council control.

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.

Please enter your comments here ...

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



GENETICALLY MODIFIED TREE STOCK SHOULD NOT BE PERMITTED UNDER ANY CIRCUMSTANCES. Keep NZ clean green and GE free.

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.

NO

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

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.

NES-PF will often not fit the circumstances in different areas of the country. Its implementation will not be adequate. Without resource consents, we will go back to the time before the RMA, which is what the NES-PF will accomplish. Less regulation, more freedom for the forestry sector to do as they please, less control by the council, no consultation of local groups and people.

In the Marlborough Sounds the MDC often imposes the requirement that logs are carried away across the water, no logging trucks on the narrow, long, winding roads that are often gravel roads. I have not seen any provision for the MDC to keep doing this. Even with this condition in place the forest owners try to move the logs via the road, endangering the lives of other people needing to use this public road.

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



In Marlborough Sounds many of the hill sides should never have been used for commercial forestry. The wilding pine issue is a serious concern. Even if no more forests are planted, the wilding pines will plague the area for decades to come. Thousands of trees have been poisoned by a voluntary trust (this is not done by the forestry owners), thousands of trees can only be cut down (too close to roads, houses, water ways, etc), these are 30, 40 meters high. Wilding pine control is like mopping up water, while the tap is running. In this case new seedlings get established by the thousands, while we try to remove them one by one.

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.

Please enter your comments here ...

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)?

Please enter your comments here ...

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



1. The commercial forest owners should pay for the wilding pine eradication, also for removal of wilding pines from an earlier time, as they all arrived because of pine plantation planting.
2. Much more control is needed at the harvesting phase.
3. The Nuisance factor during harvesting (it took 3 years in our bay) is enormous, the noise, machinery, road closures and degradation and now the slips (10 currently from logging finished 2 years ago), it should get much more consideration.
4. What to do with areas where NO pine forests should be planted any more, because it was a bad idea from the start, i.e. historical errors?
5. What about areas, which were outstanding landscapes BEFORE the plantation forests were established? Are they now forever degraded, therefore yet more and bigger plantations can be planted? This is certainly the case in the Pelorus Sound.

We want the Marlborough District Council to keep full control over land use for forestry and not be restricted by this NES-PF. It will certainly go the same way as with the NZ King Salmon farms application, which went to a BOI, because it was contrary to the Marlborough district plan, but via this central government process was allowed in part in the end. The environmental groups had to go to the Supreme Court to fight it at a huge cost to the community. By now, years too late the reports are coming out about the detrimental effects of too much aquaculture, but nothing that the MDC or the people can do about it now. We, the people of Marlborough, want to keep our rights to determine what happens within Marlborough.

[REDACTED]

From: Tom Jolly [REDACTED]
Sent: Monday, 3 August 2015 7:41 p.m.
To: NES PF Consultation
Subject: submission on rule changes in NES-PF section 6.4 pages 43, 64 & 82

Submission to the Ministry for Primary Industries

Proposed National Environmental Standard for Plantation Forestry

Stuart Miller

Spatial, Forestry and Land Management
Ministry for Primary Industries

From

Frederic Jolly
[REDACTED]

submission on rule changes in NES-PF section 6.4 pages 43, 64 & 82



I strongly oppose these rule changes.

I am very concerned with the casual approach towards the introduction of GMO's which could have detrimental consequences for the economy. Time and time again we see the state i.e. the tax payers pick up the cost after a small group of individuals have taken the profits. This is not the right way of going about introduction of new technology or innovations.

I am also very concerned about the fact that both local and regional councils will be sidelined. Overriding with a stroke of the pen, plans for a precautionary approach equals a total disregard for the opinions and concerns which live amongst the people in the area from Auckland to Cape Reinga and in other areas of New Zealand.

Regards

Frederic Jolly


From: Sean Kearney 
Sent: Friday, 31 July 2015 1:18 p.m.
To: NES PF Consultation
Subject: Submission: NES-PF

Dear Sir/Madam,

I would like to express my emphatic opposition and disgust at the move by this government to introduce a clause (Cl. 6.4) into its latest proposal for a National Environment Standard on Plantation Forestry (NES-PF) which specifically includes a provision permitting afforestation using genetically modified tree stock where it has been approved by the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act 1996..

New Zealand is clean, GMO free country and should remain this way. To do otherwise stands to undermine the currency we have built up with foreign buyers of natural, New Zealand made, products.

Your Sincerely,

Sean Kearney,


s 9(2)(a)

From: Rachel Keedwell s 9(2)(a)
Sent: Monday, 10 August 2015 7:43 p.m.
To: NES PF Consultation
Subject: Submission on NES for Plantation Forestry

I support environmental standards for plantation forests in New Zealand that give certainty and encourage the long-term sustainability of the industry.

A sustainable forest sector is one that protects our indigenous vegetation and habitats, protects our soils from erosion and our waterways and estuaries from siltation; protects the fisheries that depend on them; and continues to allow local communities to have a say on forestry practices.

Specific changes that I would like to see in the draft National Environmental Standard for Plantation Forestry, are:

1. Amend the NES to include an appropriate setback from indigenous biological diversity habitats and any consequential amendments required to the rules cascade. The NES as it stands does not provide adequate setback from areas of indigenous vegetation and therefore does not provide adequate protection to some areas of indigenous habitat.
2. Delete the deployment of genetically modified tree stock from the Permitted Activity rules for afforestation and replanting. Permitted activities are generally appropriate for common place activities likely to have no more than minor adverse effects on the environment. They are used where the environmental effects are known and the measures to avoid remedy or mitigate them have a good track record. Use of GMO tree stock does not fit this description and given the recent court case that determine local authorities can make for control of GMOs in regional plans, this clause must be deleted to allow local communities to make their own decisions about how they want to address GMOs in their region.

Thank you.

Rachel Keedwell (PhD)
[Councillor for Horizons Regional Council, Palmerston North constituency](#)

s 9(2)(a)

Phone s 9(2)(a) Cell s 9(2)(a) Email s 9(2)(a)

From: [John Kershaw](#)
To: [NES PF Consultation](#)
Subject: Submission against the proposed National Environmental Standard for Plantation Forestry
Date: Tuesday, 11 August 2015 3:41:05 p.m.

I oppose the proposed National Environmental Standard for Plantation Forestry.

Forestry activities should not be permitted without resource consent. To do so would allow random forestry development with the local community having no say. Our local council would not be able to manage sedimentation and degradation of our rivers and coastal waters. Forestry trucks could not be kept off dangerous gravel roads and forest could be planted in areas of high amenity value, destroying that amenity.

It is patronising to suggest: Local bodies will... "No longer need to develop forestry-specific rules in plans..." we WANT our local bodies to write the rules our community wants.

I ask the minister to completely reject this proposal.

Yours faithfully,

JOHN KERSHAW





Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

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

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- your name, postal address, phone number and, if you have one, email address
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- 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:

Verdun King

Postal address:

Phone number:

Email address:

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

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



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

Submission

The forestry industry is an important component of the NZ economy creating income and jobs within the industry and many more in downstream economic activities. Plantation forests also offer significant environmental benefits. The current system for the regulation of forestry activities creates unnecessary complexity and costs for the forestry industry and to that end I support changes that will result in greater certainty and consistency for the forestry industry.

My concern is with regard to the weakening of environmental protections, and almost certain decline in environmental outcomes as a result of this document.

This National Environmental Standard for Plantation Forestry seeks to improve outcomes for the Forestry Industry by making it easier to comply with regulations and therefore easier to carry out their core activities. This desire for increased certainty and improved outcomes for the forestry industry must not be at the cost of the environment.

The reasons for choosing a National Environmental Standard for Plantation Forestry are stated in Box 13 pg 29 of the document. In regard to the environment NES-PF seeks to 'improve certainty for forestry stakeholders and communities nationally about environmental outcomes from plantation forestry activities'. This as a fundamental assessment criterion is very weak. It sets in place at a fundamental level the primacy of the forestry industry over the environment and poor environmental outcomes as an acceptable cost. Improved environmental outcomes should be an underpinning principle of this document, right alongside improved certainty and improved outcomes for the forestry industry.



Relief Sought

1. Pg 29 First and Second Order Assessment Criteria 'Improved environmental outcomes' to be included in the first order assessment criteria
2. Pg18 Objectives of the Proposal
'improve certainty about environmental outcomes from plantation forestry activities'
be changed to
'improve environmental outcomes from plantation forestry activities'.

Erosion Susceptibility Classification.

The ESC is fundamental to interpretation of the NES-PF conditions as, at this stage, it defines the status of most forestry activities.

Because New Zealand is so diverse geologically the ESC would need to be very accurate to be a reliable framework.

Because the ESC is based on the Land Resource Inventory (LRI) dataset it will not suffice as a guide to erosion ratings. It was originally used to determine whether land could sustain pasture and so is inappropriate as a guide to erosion susceptibility for earthworks concerned with forestry.

Furthermore the LRI polygons are too large to reflect erosion susceptibility for many smaller forests. The average size of the polygons is 300 ha, but there are over 12,000 forest owners with less than 50 ha.

The ESC as applied in the NES-PF is a weak and inappropriate standard that has the appearance of being used to be permissive of forestry activities in nearly all circumstances, rather than being used to minimise poor environmental outcomes. Sedimentation of waterways, estuaries and marine environments result in environmental degradation and reduction in the economic, social and environmental values of these ecosystems. It also results in the reduced ability of these ecosystems to withstand damaging weather events, reduced biodiversity and reductions in their ecosystem services.

It is also apparent that some councils are very concerned that application of the ESC in the NES-PF prevents them from applying more stringent and appropriate rules for the more vulnerable areas in their districts. This is especially pertinent in the Marlborough Sounds where a recent scientific report commissioned by the Department of Conservation and the Marlborough District Council has identified significant deterioration in the Marlborough Sounds marine environment, and that is at least partly the result of forestry activities. The Marlborough District Council believes that they will have no ability to address this issue under this document in its current form. Other councils have similar concerns.

Relief Sought

A stronger and more detailed Erosion Susceptibility Classification system be developed and/or deployed. Councils be given greater discretion to impose local variations to rules and Best Management Practices in order to protect their local environments.



General

In general this document is very permissive of forestry activities and is far too weak on environmental issues. This document clearly identifies the regulatory issues facing the forestry companies and seeks to address these problems - at the expense of the environment. The regulatory issues affecting the forestry industry need to be addressed. However improved outcomes for the environment must be achieved alongside improved outcomes for the forestry industry. There should be no backward steps for the environment. National and local governments alongside the forestry industry, community and conservation/environmental groups should be working together to achieve better outcomes at the level of regulation and Best Management Practices as well as on the ground out in the environment.

Relief Sought

Stronger and more detailed environmental protections built into the NES-PF. Greater ability for councils to regulate in order to protect local environments – with the requirement that convergence of regulation occurs between councils, rather than divergence. Monitoring of the environment to ensure outcomes are beneficial for the environment as well as the forestry industry, the majority of costs to be bourn by the forestry industry and carried out by independent scientists. Regulation aimed at preventing poor environmental outcomes rather than detecting environmental damage *after* it has occurred and *then* requiring repair and or mitigation, if detected at all. Minimum standards for environmental outcomes be established, and these be verified by monitoring. The standards for forestry activities outlined in the NES-PF be subservient to other standards developed and designed to protect the environment.

From: Lynne Lochhead s 9(2)(a)
Sent: Monday, 10 August 2015 11:32 p.m.
To: NES PF Consultation
Subject: Submission on National Forestry Standards

Dear Sir

I support the move to develop national forestry standards provided that those standards meet international best practice and are sufficiently strong to protect the environment from the harmful aspects of the industry. I am opposed to any aspect of the proposed NFS which has the effect of reducing the protection provided by existing local and regional plans.

The following matters are of particular concern to me.

Riparian Protection: The provision of 5 metre setbacks for streams and wetlands and 10 metres for lakes is woefully inadequate. This is not sufficient to buffer the natural character of those environments or to prevent run-off or fouling by forest debris. A minimum set back of at least 20 metres should be required for streams and small wetlands and at least 30 metres for large wetlands, lakes and rivers.

Erosion susceptibility classification: I am concerned that the proposed standards downgrade the erosion susceptibility standards from the 2011 NPS-PF standard. The 2011 standard should be adopted and the classification and rules should apply to the whole forestry cycle, from planting through to harvest. Councils must be able to apply more stringent rules to all aspects of the forestry cycle on lands of moderate to high erosion risk and clear felling should not be permitted at all in areas of high erosion risk. Clear felling is also undesirable in areas of moderate erosion risk but if it is to be permitted, then at the very least, the size of areas which may be clear felled needs to be strictly controlled so as to minimise the risk of erosion and impact of run-off on waterways or lower lying land.

Overplanting indigenous shrub land and tussock land with exotic forestry:

Indigenous shrub lands and tussock lands are important elements of our biodiversity. Establishment of exotic forests in these areas should not be allowed to proceed without a notified resource consent and it is important that local authorities are able to set more stringent standards than provided in the NFS in order to meet particular local needs.

There needs to be a buffer zone around any Significant Natural Areas defined in regional or local plans. The NFS should set a minimum buffer zone with local councils empowered to set stricter standards of protection if they consider it necessary.

Proposal that planting genetically modified trees shall be a permitted activity: I am strongly opposed to any changes which facilitate the planting of genetically modified trees and which remove the ability of local communities to stop the planting of genetically modified trees.

Sediment loss standards: The NFS needs to set a clear bottom line for acceptable levels of sediment loss.

Water yield: The NFS needs to address the issue of the impact of afforestation on water-yield in areas of low and moderate rainfall.

Thank you for the opportunity to make this submission.

Yours sincerely

Lynne Lochhead

[REDACTED]

From: david lourie s 9(2)(a)
Sent: Thursday, 13 August 2015 6:33 p.m.
To: NES PF Consultation
Subject: RE: NES PF feedback

The address for my comments /submission was missing a hyphen and the address could not be found. I hope you will forgive this mistake and accept this submission as a useful contribution to this change of regulations.

Kind regards
David

From: [REDACTED]
To: nespconsultation@mpi.govt.nz
Subject: RE: NES PF feedback
Date: Tue, 11 Aug 2015 01:50:21 +0000

I just added that I wish to be heard

From: [REDACTED]
To: nespconsultation@mpi.govt.nz
Subject: NES PF feedback
Date: Tue, 11 Aug 2015 01:44:55 +0000

Submission

by **David Alexander Lourie**
of s 9(2)(a)

Phone s 9(2)(a)
email s 9(2)(a)

in response to

Ministry of Primary Industries & Ministry for the Environment

**National Environmental Standard
for Plantation Forestry**

**Consultation Document
June 2015.**

DATE OF SUBMISSION
Monday, 10 August 2015
SUBMISSION MADE TO

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526 Wellington 6140
via: email
NESPFConsultation@mpi.govt.nz

I wish to be heard

Introduction.

National Environmental Standards for Plantation Forestry are well overdue.

The standards need to be baselines and objectives with some guidance in how to achieve objectives and give local government greater freedom to decide what should be done in various situations to ensure that the objectives are met through methods that meet national standards and agreed upon by people living in that area. Providing that the national standards meet the needs of the local people.

A change I propose relates to Harvesting page 57 (hard copy)

Six months to a year before harvesting the forest managers notify Department of Conservation, Landcare groups, and environmental organisations and pest controllers to

allow any rare and endangered plants to be identified and removed for propagation

Reason to preserve and protect rare and endangered species which may be endemic to that area.

allow access to plantation forests prior to harvest for pest control

Reason To prevent the spread into surrounding areas of pests fleeing from the disturbances of harvesting operations. Many pest species are territorial. Mass migrations from plantation forests are likely to cause a ripple effect in the surrounding area causing losses to plant and animal biodiversity. Pre harvest pest control would create opportunity for fur trappers and follow up with control of species of no interest to fur industry eg rats, stoats etc.

Delete 5.2

5.2 What the changes will mean for existing plans

An NES-PF would replace existing district and regional plan rules for plantation forestry activities on the date of commencement of the NES-PF.¹² Where inconsistencies between existing plans and the NES-PF rules exist, NES-PF rules would supersede relevant existing plan rules. Councils would be required to adjust their plans to reflect NES-PF rules as soon as practical, which may be at the time of an expected plan change.

Reason

This proposal plans to replace local government plans that control plantation forestry.

For an industry led central government reform to over ride local government is supremely arrogant and directly assaults local democracy.

Central government has a role to provide oversight to allow public benefit to prevail at a local level or call local government to account for failing to provide public benefit. It is acceptable that local government have to comply with central government regulation that has undergone robust public participation and provides stronger environmental protections. This is of particular importance when the 'business friendly' free market model of 'competitive cities' encourage a 'race to the bottom' as councils lower their compliance levels to attract rogue industries into their economic catchment. In such circumstances national standards have public benefit and deserve support. National standards that undermine strong and robust environmental protection are a menace and are not acceptable.

Delete 6.4

6.4 Hazardous Substances and New Organisms Act 1996

Genetically modified organisms are regulated under the Hazardous Substances and New Organisms Act 1996. To avoid duplication, the proposed NES-PF includes a provision permitting afforestation using genetically modified tree stock where it has been approved by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996.

Reason

This is a blatant and provocative attack on the communities represented by councils who have worked relentlessly for over a decade to ward off GE technologies that have **not** been proven to be safe and threaten access to markets for many hard working rural based families and industries creating life changing uncertainty through risk to their capital, life savings and health. For central government to 'gang up' with foreign pension funds and other foreign and local investors who compete with local people and communities for land and water while filling the air with pine pollen, quarrying in river beds, reducing water quality, reducing biodiversity, increasing sedimentation, filling rivers with debris that damages private property public infrastructure, increasing the number of trucks that are traffic hazards while they wreck the roads that locals have to pay for...

... and now MPI and MfE want to bypass and undermine local democratic process regarding GMOs. Large swathes of this NES PF are way out of control.

While Farm Forestry Association, Fish and Game and Forest and Bird were involved in discussion they were not informed of the inclusion of GMOs. While they were in agreement with much of the overall direction of the documents' content the devious inclusion of GMOs in the later stages without their knowledge shows a total lack of goodwill between MPI and the public. MPI representatives promoting the NES PF at public meetings misinformed the public by stating that the three groups above approved of the NES PF. In fact the groups were not told about the inclusion of GMOs in the national standards and expressed grievous betrayal.

The MPI representatives false assumptions were in no uncertain terms corrected by members of these groups present at the meeting. The misinformation was repeated by the MPI in the following meeting. This consistent lack of ethical behaviour sets a very low tone and standard for the continuation of this process and reflects poorly on this government which appears to cultivate the decay of public ethics, akin to 'Whale Oil', under the guise of promoting 'growth'. We don't 'buy into it' to use the market based expression for agreement.

'Genetically modified tree stock

Afforestation using genetically modified tree stock is permitted **where the tree stock has gained the appropriate approval for deployment from the Environmental Protection Authority (EPA), and is subject to conditions imposed by the EPA.** ' From Page 62

'Replanting using genetically modified tree stock is permitted **where the tree stock has gained the appropriate approval for deployment from the Environmental Protection Authority (EPA) and is subject to conditions imposed by the EPA.**' From Page 80

where it has been approved by the Environmental
Protection Authority

There are very strong concerns about how the appointment of Dr Allan Freeth will effect the important impartial decision making by the EPA.

This is not a personal attack on Dr Allan Freeth.

Dr Allan Freeth has been appointed Chief Executive of the New Zealand Environmental Protection Authority (EPA).
<http://news.agropages.com/News/NewsDetail---15396.htm>

Those who appointed him chose Dr Allan Freeth to pursue the interests of their funders as one would expect in a corporatised organisation. As government is continuing to enter partnerships with private enterprise protected by commercial sensitivity agreements, particularly in research including bio tech companies, it is difficult to separate the interests of the private sector and the state.

For those of us who see the state as an organ of democracy there is a conflict of interest here.

For those who see the state as a business partner the state becomes an organ of their corporate structure particularly when there is a revolving door between the state and the corporate sector.

'Another result of the close "collaboration" between business and government in Italy was 'a continual interchange of personnel between the . . . civil service and private business.' Because of this 'revolving door' between business and government, Mussolini had 'created a state within the state to serve private interests which are not always in harmony with the general interests of the nation.'

Mussolini's 'revolving door' swung far and wide...

The whole idea behind collectivism in general and fascism in particular is to make citizens subservient to the state and to place power over resource allocation in the hands of a small elite... Such decisions should be made by a "dominant class" he labeled "the elite." Thomas DiLorenzo'

Millions lost' if GM ban runs on

11 October 2003

By MATHEW LOH HO-SANG

[Wrightson owns a 15.4 per cent stake in biotechnology company Genesis Research & Development]

<http://www.stuff.co.nz/stuff/0,2106,2687893a13,00.html>

Wrightson claims that millions of dollars it has spent on research and investment will be lost overseas if the moratorium on genetic modification is extended.

The agri-business firm used its annual meeting in Wellington yesterday to warn shareholders about the impact of an extended moratorium.

The GM moratorium, in effect for almost two years, is scheduled to end on October 29.

Wrightson managing director Allan Freeth said yesterday millions of dollars would be lost to New Zealand agricultural research if the ban continued.

The anti-GM movement was getting out of hand and Wrightson wanted people to realise that

millions of dollars in research funds and potential benefits were at risk.

"The issue has become more and more distorted and as our company and the country are increasingly dependent on innovation and technology we had to get our views out there."

Chairman John Palmer said the GM issue was causing the company a lot of concern. A recent government report had identified agriculture and forestry as the two sectors offering the most potential for growth.

Biotechnology, possibly including GM, was the key to realising much of the potential.

"It is very important that the moratorium on the commercial release of genetically modified organisms is lifted later this month," he said.

The extract from 'The Economics of Fascism by Thomas DiLorenzo' which gives deeper historical context and the statements previously made by the newly appointed Chief Executive of the New Zealand Environmental Protection Authority (EPA) Allan Freeth and his historic bias supporting corporate interests of biotech research and commercial release gives a clear indication this appointment was made knowing his historical record of stridently supporting GMO industries. Particular aspects of the NES PF clearly indicate that it is a blatant attempt to undermine democratic process by facilitating the abuse of process.

This attitude is something that has not gone unnoticed by contemporary commentators.

"Perhaps the greatest threat to freedom and democracy in the world today comes from the formation of unholy alliances between government and business. This is not a new phenomenon. It used to be called fascism...the outward appearances of the democratic process are observed, but the powers of the state are diverted to the benefit of private interests."
George Soros.

This is a method of government promoted by major trading partners that we fawn to whose senior public administrators are war criminals, engage in illegal wars, harbour war criminals, ignore the Geneva Convention, engage in torture, fund terror campaigns
It is against the public interest collaborate with such human failures.
We can not accept any further trends in this direction that have a corrupting influence on rigorous democratic process.

**I support the points raised by the Green party, Farm Forestry Association, Fish and Game, and Forest and Bird.
These people want an industry that is truly sustainable, protects local interests, and protects access to valuable export markets.**

David Lourie

From: s 9(2)(a)
Sent: Wednesday, 5 August 2015 3:03 p.m.
To: NES PF Consultation
Subject: Opposition to the release of GE trees or any other GMO flora into NZ's natural environment.

Kia Ora Minister Guy,

I sincerely trust that you sincerely, way-up the information before NZ deploys this embryonic technology into the natural world.

To have the ear of a biotech industry, flush with money and incomplete research on the impact on the environment over 5 generations of insects eating the genetically altered flora, has to be seriously called into question.

For I oppose the Proposed Standard – NES & other relevant legislation: 6.4 – Genetically modified tree/root stock (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

Submitter: Tim Lynch, radio host and interviewer on GreenplanetFM.com here in Auckland where I look at sustainability and health, plus frequently interview scientists and professionals in their field on the challenges within the biosphere including all green issues. This radio program has also focussed its concern about genetic engineering and the fact that it is still in its infancy. You will note that concern still exists within New Zealand regarding our somewhat tardy 'clean green image' and the majority of people here are not keen to see New Zealand release GE into the environment, nor into our food.

In August 2013 a Colmar Brunton survey of 1000 people nationwide found that 83% wanted New Zealand to be GE free, and 79% said that regions should be able to choose whether they wanted to stay GE free.

Internationally there is a huge move away from genetic engineering. 100,000 people wrote to the Brazilian government earlier this year demanding that they do not authorise the release of GE eucalyptus trees in the Amazon basin.

US corporations are battling against the public who want their food labelled to show GE ingredients. If GE was a benefit then the US corporations would welcome having their products labelled. Public opinion worldwide is against GE in food and the environment.

Therefore New Zealand would be most foolish to destroy our 'GE free in field and food' status, by releasing GE trees into the environment and by removing local government's ability to regulate this democratically.

Submission and Reasons –

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential contamination of

– soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

We ask that you remove all conditions and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and allow Councils to manage Regional and District land use through their mandated planning functions' under the Resource Management Act (RMA). Both the Environment Court and the Royal Commission on Genetic Modification (Chapter 13, 6) have stated the clear responsibilities and boundaries between the EPA and Council jurisdiction, there is no "duplication" between the HSNO or RMA once a GMO is released. This must not be undermined by any clause in the proposed NES-PF.

The Environment Court, Judges Thomson and Newhook, decision upheld the Councils ability, under the RMA, to place policies, rules and objectives, on the management of GMO land use activities as part of their management and planning functions in their regional and district plans [1], [2].

References:

[1] <http://www.boprc.govt.nz/media/321876/environment-court-decision-18-dec-2013-env-2012-339-000041-part-one-section-17.pdf>

[2] <http://www.ge-free.co.nz/assets/pdf/20150512145527872.pdf>

Changes we would like you to make –

Remove all GM clauses in the proposed NES – PF and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and

Retain and provide for Regional and District Councils to place more GM stringent land use rules, objectives and policies in their plans for the management of the natural and physical resources through their mandated planning functions' under the Resource Management Act (RMA).

Protect the Regional and District Council mandate and duty of care, under the RMA, to the existing foresters, primary producers and businesses in their region and districts so they can maintain their responsibilities with national and global certification bodies.

Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.

The decision we would like the Minister to make

1. Remove all wording in the NES-PF in 6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82, referring to genetically modified trees and rootstock.
2. Place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMO's as part of their land use planning function, under the RMA, when addressing the economic, social and cultural wellbeing of their communities.

I/we wish to be heard. Please keep me informed.

Regards,

Tim Lynch

s 9(2)(a)

www.GreenplanetFM.com

s 9(2)(a)

From: David MacClement
Sent: Sunday, 9 August 2015 10:35 a.m.
To: NES PF Consultation
Cc: s 9(2)(a)
Subject: D. MacClement: submission re: draft National Environmental Standard – Plantation Forestry (NES-PF)

To:
Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries

Submission from:

David MacClement
s 9(2)(a)

Re: draft National Environmental Standard – Plantation Forestry (NES-PF).

My preferred email:

{N.B. You may get another nearly-identical submission from me, passed-on from the Minister's office. It was originally a webpage form, to which I added my actual submission, as below. I would be happy if either version was taken as my submission.}

Here is a Summary of changes needed

The NES-PF needs much stronger provisions to protect our indigenous plants, wildlife, habitats and ecosystems, our fisheries, public participation process, and ensure a precautionary approach around genetic engineering.

More specifically:

- GE tree technology is not proven safe or beneficial.
- *** The GE trees provision should be removed from the NES-PF. *** Communities and local councils must be able to exercise precaution and include provisions in their RMA plans to control the planting of genetic engineered or modified trees.
- Councils must be able to put in more stringent rules in any aspect of forestry activity, to protect the environment and the future wellbeing of their communities.
- Any new plantations in existing areas of indigenous vegetation and habitat should be a non-complying activity which requires resource consent.
- Prohibit the modification of Significant Natural Areas (SNA) in any planting or replanting.
- Require setbacks of at least 20 metres for streams and 30 metres around all wetlands and lakes.
- Include a new provision which requires regional councils to address the impacts of afforestation on water yields and water flows in low-to-moderate rainfall areas.
- The Erosion Susceptibility Classification should be upgraded to high-resolution-definition mapping to ensure erosion-prone land is correctly classified.
- There should be no clear-cuts on land with a moderate, high or very high risk classification.
- Erosion susceptibility classifications and rules should apply to all forestry land uses.
- Councils should be able to encourage permanent-canopy forestry for erosion-prone land and the planting of lower fire risk trees.
- All harvest plans should go through an approval process.

- The NES-PF should set a high and clear bottom-line on sediment loss to protect fisheries

Below are the changes I request; for reasons, see:

https://d3n8a8pro7vhmx.cloudfront.net/beachheroes/pages/1462/attachments/original/1437105939/NES-PF_Submission_guide.pdf

1. Communities must be able to say _no_ to GE trees Government is using the NES-PF to prevent councils and communities from using local RMA plans to stop the planting of GE trees.

GE trees are banned in most international environmental standards

including:

_ Forest Stewardship Council (FSC) and:

_ Standards New Zealand's Sustainable Forest Management NZS AS

4708-2014 (3.8 Introduced Genetics 2.)

Change needed

- Amend the NPS-PF to allow councils to include provisions in their RMA plans to control and prohibit the planting of genetically engineered or modified trees.

2. Protecting indigenous biodiversity

Changes needed

- The NPS-PF needs much stronger provisions to protect our indigenous plants, wildlife, habitats and ecosystems.

These include:

- Any new plantations in existing areas of indigenous vegetation and habitat should be a non-complying activity which require a resource consent.
- Prohibit the modification of SNAs in any planting or replanting.
- Require setbacks of at least 20 metres for streams and 30 metres around all wetlands and lakes.
- Include a new provision which requires regional councils to address the impacts of afforestation on water yields and water flows in low-to-moderate rainfall areas.

3. Erosion Susceptibility Classification

Changes needed

- No clear-cuts should be allowed on land at risk of erosion, i.e. land in the moderate, high and very high risk classification.
- The Erosion Susceptibility Classification should be upgraded to high-resolution-definition mapping to ensure land at risk of erosion is correctly classified.
- Erosion susceptibility classifications and rules should apply to all forestry uses from planting to harvesting.
- Allow councils to take the initiative of introducing more stringent rules to control all aspects of forestry activity on land classified as moderate, high and very high risk of erosion susceptibility.
- Require all harvest plans to go through an approval process.

4. Fisheries and sediment

Change needed

- The NES-PF should set a clear bottom-line to protect fisheries from sediment.

s 9(2)(a)

From: s 9(2)(a)
Sent: Monday, 10 August 2015 6:41 p.m.
To: NES PF Consultation
Subject: Submission NES - PF

**Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140**

Stuart Miller
Email: NES-PFConsultation@mpi.govt.nz

Vivienne MacFarlane

s 9(2)(a)

Phone s 9(2)(a)
2015

Email s 9(2)(a)

Date 10th August,

Re: Submission Proposed National Environmental Standard for Plantation Forestry (NES-PF)

Dear Minister Guy,

I **oppose** the Proposed Standard – **NES & other relevant legislation: 6.4 - Genetically modified tree/root stock** (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

Submission and Reasons –

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential contamination of - soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

We ask that you remove all conditions and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and allow Councils to manage Regional and District land use through their mandated planning functions' under the Resource Management Act (RMA).

Both the Environment Court and the Royal Commission on Genetic Modification (Chapter 13, Recommendation 13.1, H1, p.339) have stated the clear responsibilities and boundaries between the EPA and Council jurisdiction, there is no "duplication" between the HSNO or RMA once a GMO is released. This must not be undermined by any clause in the proposed NES-PF.

The Environment Court, Judges Thomson and Newhook, decision upheld the Councils ability, under the RMA, to place policies, rules and objectives, on the management of GMO land use activities as part of their management and planning functions in their regional and district plans [1], [2].

References:

[1] <http://www.boprc.govt.nz/media/321876/environment-court-decision-18-dec-2013-env-2012-339-000041-part-one-section-17.pdf>

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Changes I would like you to make -

- Remove all GM clauses in the proposed NES – PF and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and
- Retain and provide for Local Bodies to place more GM stringent land use rules, objectives and policies in their plans for the management of the natural and physical resources through their mandated planning functions' under the Resource Management Act (RMA).
- Protect the Local Bodies mandate and duty of care, under the RMA, to the existing foresters, primary producers and businesses in their region and districts so they can maintain their responsibilities with national and global certification bodies.
- Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.

The decision I would like the Minister to make

1. Remove all wording in the NES-PF in **6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82**, referring to genetically modified trees and rootstock.
2. Place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMO's as part of their land use planning function, under the RMA, when addressing the economic, social and cultural wellbeing of their communities.

Please keep me informed.

Sincerely

Vivienne MacFarlane



s 9(2)(a)



www.waiterenui.co.nz



Waiterenui Angus Cattle

s 9(2)(a)

From: s 9(2)(a)
Sent: Monday, 10 August 2015 7:41 p.m.
To: NES PF Consultation
Subject: Submission

**Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140**

Stuart Miller
Email: NES-PFConsultation@mpi.govt.nz

Name Will MacFarlane

Postal s 9(2)(a)

Phone s 9(2)(a)

Email s 9(2)(a)

Date 10/08/15

Re: Submission Proposed National Environmental Standard for Plantation Forestry (NES-PF)

Dear Minister Guy,

I **oppose** the Proposed Standard – **NES & other relevant legislation: 6.4 - Genetically modified tree/root stock** (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

Submission and Reasons –

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential contamination of - soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

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- Protect the Local Bodies mandate and duty of care, under the RMA, to the existing foresters, primary producers and businesses in their region and districts so they can maintain their responsibilities with national and global certification bodies.
- Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.
-

The decision I would like the Minister to make

1. Remove all wording in the NES-PF in **6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82**, referring to genetically modified trees and rootstock.
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Please keep us informed.

Sincerely

Will MacFarlane.



s 9(2)(a)



www.waiterenui.co.nz



Waiterenui Angus Cattle

Peter Maguire

s 9(2)(a)

Tel: s 9(2)(a)

e.mail: s 9(2)(a)

10 of August 2015

to

MPI

e.mail: NES-PFConsultation@mpi.govt.nz

Submission on the proposed National Environmental Standard for Plantation Forestry:

Specifically I am referring to clauses 5.1.1 ,5.1.4 5.2 (what the changes will mean for existing Local Body plans and appropriate powers).

I Object to the introduction of this clause on the following grounds:

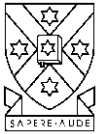
- I believe that it would over-ride the precautionary decisions of Hapu and local bodies on the introduction of GE plants.
- I think that the principle of subsidiarity should prevail here in that the final decision should be made at as low a level in society as is reasonable and that as far as GE organisms are concerned this is at the district and regional level.
- Final decision on the release of GE organisms must rest with the local bodies and should be one of the areas in which more stringent regulations can be made (NES PF consultation 5.1.1)
- The decision to prohibit GE organisms by Northland local bodies is the result of a lot of work and democratic input from Hapu and citizens. To cavalierly override this is to devalue the democratic process and Te Tiriti O Waitangi. And to actively work against the interests of the Hapu and citizens of the region who have clearly decided where their interest lie.
- The competency of Hapu and Local Bodies to impose these conditions has been supported by the recent High Court decision NRC vs Federated Farmers
- I object to the likely increased cost associated with making submissions under 5.1.4 especially in relation to the areas such a GE organisms and the exercise of the precautionary and subsidiarity principles

My objection would be met by the removal of Clause 5.2 and an assurance in the regulations of the precautionary principle and the subsidiarity principle and they may be applied to a greater range of conditions where greater stringency apply (clause 5.1.1)

I do not wish to be heard in support of this submission.

Yours in democratic citizenship

Peter Maguire



s 9(2)(a)

Email: s 9(2)(a)

August 8, 2015.

**Stuart Miller,
Ministry of Primary Industries,
WELLINGTON.**

SUBMISSION ON ENVIRONMENTAL BOTTOM LINES FOR PLANTATION FORESTRY

As a plant ecologist with a lifetime experience researching the pure and applied ecology and sustainable management of the upland snow tussock grasslands of the South Island high country, I am deeply concerned with the short- and long-term consequences of inappropriated plantation forestry and the invasiveness of wilding conifers emanating from both commercial and conservation plantings. I am an inaugural member of the Mid Dome Wilding Tree Chritable Trust and also the founder of a volunteer group of student and Forest & Bird members, which has been involved in wilding conifer clearance for southern South Island high country since the late 1990s: over this time more than 500,000 wildings have been removed.

Examples of inappropriate commercial plantings of conifers, both Douglas Fir in these cases: one of ~190 ha in the late 1990s on pastoral leasehold land on Glenfellen Station in northern Southland (since removed at a cost of ~\$200,000 by the Department of Conservation when it acquired the area through tenure review), and the other of ~180 ha in 2005 by Landcorp, in tall snow tussock grasslad which they both desiccated and burnt before planting, on their Waipori Farm block on the Lammerlaw Range, eastern Otago, mererely 200 m upwind of wilding-free Te Papanui Conservation Park (see attached image), and despite their forestry consultants, PFOlsen, indicating that the threat of wilding spread would be serious. I am awaiting a Memorandum of Understanding to be finalised between Landcorp and DOC regarding Landcorp's assued responsibility for future control of wildings of the Conservation tussocklands (which are known to be highly vulnerable to wilding conifer invasion).

In both these cases provisions in their respective District Plans did not cover planting of this relatively small size, but these have both now been amended such that their plans under the RMA would now prohibit such plantings.

Although there is a national strategy recently developed by he MPI for wilding tree control, it has no legal status, whereas there is government legislation offering financial incentives (through the Afforestation encouragement grants and the Emissions Trading Scheme) that appear not to have limitation criteria (Landcorp received an Afforestation grant for its Waipori planting) as to where afforestation will or will

not be encouraged, so that retaining control through the RMA, vested in local authorities, remains essential in my considered submission. The seriousness of the wilding conifer problem continues to be emphasised by many organisations and individuals (see a joint article on the topic published in the NZ Ecological Society Newsletter; attached to this submission).

I could add considerably to this submission citing many other cases of serious wilding infestations throughout the South Island, such that it has been claimed by many who are dealing with this serious issue, that “the cost of procrastination is enormous”, and moreover, that if the wilding issue is not contained within this decade, the problem is likely to become uncontrollable. I trust therefore, that this submission will be given serious consideration in this exercise.

Yours sincerely,

Alan F. Mark, FRSNZ, KNZM.

Emeritus Professor, University of Otago.

E-mail address: s 9(2)(a)

**Landcorp Waipori Station, Lammerlaw Range. 189ha.
Desiccant/Burnt. 198,450 Douglas fir planted.
May, 2012 for Carbon Credits.
Emissions Trading Scheme under Climate Change Response Act, 2002.
Permanent Forest Sink Initiative under Forests Act, 1949.
Carbon credits \$20/tonne (2010) > \$4.20 (2012).
Non-statutory national strategy for wilding tree control (planned).**



“Nothing can show greater ignorance of grass[nature] conservation than repeated burning [and exotic tree planting] which is [now] so frequently carried out.”



NEW ZEALAND
ECOLOGICAL
SOCIETY

Newsletter

Published by the New Zealand Ecological Society (Inc.),
P.O. Box 5075, Papanui, Christchurch 8542

No. 141, September 2012

ARTICLES

WHAT IS THE RIGHT TREE AND WHERE IS THE RIGHT PLACE FOR EXOTIC CONIFERS ON HIGH COUNTRY LANDS?

Larry Burrows^a, Alan Mark^b and Ali Timms^c

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Recent publicity has again raised the perennial issue of the place of exotic conifers in the New Zealand high country. Offsetting greenhouse gas emissions is being used as a driver for new woodlot establishment of exotic conifers in high country lands. How do we judge the right tree species and the right place for them when new research and wide experience of private landowners, Regional Authorities and Government Departments suggest we still have a lot to learn about managing their impacts? Decisions to establish exotic conifers have very long-term implications and risks as an economic land-use option, particularly when considered for carbon offsets. Such decisions should not be made casually. Some Regional Councils are tackling these questions now; others ignore the issue, but at present in our High Country lands this is a major issue that requires considerable further effort to urgently resolve.

Douglas fir has been planted on Waipori Station, Otago^{1,2,3}. In a letter to the editor⁴, P. Weir (Chair NZ Forest Owners Environment Committee) advocates that with 'afforestation in the South Island High Country using Douglas-fir in particular, it is entirely possible to sequester carbon at world beating rates'. It is technically feasible to establish exotic trees in much of the High Country and that this afforestation can be a carbon sink. However it is questionable whether that is a desirable activity or suitable land-use option for pastoral leasehold or other high country land when other important values or actual costs are considered. Many Regional Authority or District Plans place restrictions on afforestation by exotic conifers (deliberate or accidental) in some high country lands because of perceived or actual problems with resulting tree invasion. As we gather new understanding of long-term legacies created by what were thought to be safe tree species at the time, and despite management guidelines for reducing risk, experience shows that what is the right tree and where is the right place for them, still remains unresolved.

We have all heard how good trees can be at sequestering carbon, but trees or afforestation also have other adverse effects; on landscapes, water productivity, successions, biodiversity, natural habitat and primary production. These effects are reflected in District or Regional plans and National policy statements/reviews that concern weeds and pests.



Figure 1. Tussock area burned and planted in Douglas fir on Waipori Station, Lammerlaw Range, Otago as a carbon offset. According to the Wilding Spread Risk Calculator⁵ the species presents a high risk as a source of wilding spread, and features of the site creates high risk of wilding invasion onto adjacent land at this location. (Photo: S Maturin).

Mark et al.¹ point out in the recent case of the Waipori Station, Lammerlaw Range, that exotic afforestation adjacent to the Te Papanui (tussockland) Conservation Park (downwind) and Stoney Creek (tussockland) Scenic Reserve "poses a clear threat of predictable and highly undesirable spread on to prime conservation tussock lands, currently free of wildings." They are also deeply concerned that "the proposed mitigation measures, 100m to 250m unplanted buffer zone and double perimeter of ponderosa pine, would be ineffectual in minimising infestation of adjoining conservation lands ... given the very windy nature of the site" (Fig. 1).

Plantations of exotic trees have a stark effect on landscapes and the concept of Outstanding Natural Landscapes has been investigated and confirmed near this Lammerlaw location by the Environment Court in relation to a proposed wind-farm. When should the landscape effect of plantations be taken into account?

Have we not learned from a legacy of unproven afforestation management options being tested inappropriately and in a way that will add to the vast extent of existing wilding weed problems? It is accepted that Douglas fir has high invasion potential so that the feasibility of clearing wildings by hand or grazing management (Douglas fir are relatively unpalatable) on adjacent conservation land is now questioned⁶. In the decades ahead whose responsibility will be wildings beyond the narrow buffer, and what will be the on-going cost of their long-term management? New techniques are now being implemented at considerable cost.

Recent studies and reports have shed new light on wilding issues and, in some cases, differ from earlier work on exotic conifer afforestation in the high country. Until recently, Douglas fir was not thought to present a significant wilding problem, but we now know it has very high spreading potential and it is now seen as a greater problem than the spread of *P. radiata*⁷. The invasion potential of Douglas fir is likely to be increased by the spread of its associated ectomycorrhizal fungi (i.e., beneficial fungi found on roots that can promote tree survival and growth). This may be a key reason for not only world-beating rates of growth in Douglas fir plantations, but also for world-beating rates of spread and wilding invasion. Studies from Australia, North and South America show that conifer species that create problems in New Zealand can have relatively slow rates of unwanted invasion elsewhere. The same environmental conditions that make New Zealand a prime location for fast plantation forest growth underpins why New Zealand also exhibits world-beating rates of invasive wildings.

Management tools to control wilding spread

There are numerous standard practices and guidelines recommended for managing wilding tree spread from planted stands⁸. These include grazing, direct marginal weed control techniques, species selection, site selection and others. As we learn more it is clear that for any particular site some may work, some need more understanding or method refinement, and some we don't yet know. Case studies of model exotic conifer plantings set up in the best locations and with the best possible intentions have with time ended up being an unexpected economic headache and source of wildings on neighbouring lands (Fig. 2).



Figure 2: A. An area of shelter belts and plantations on Ribbonwood Station, Omarama, described in 1999 as 'a minimum-spread risk situation... woodlots have been sited on sheltered land with improved pasture and intensive grazing immediately downwind'. And B. pasture adjacent to those shelter belts in 2010 with extensive marginal wilding spread onto grazed land.

Grazing as a management tool for containing wilding tree weeds may be effective in some circumstances, but not in High Country situations where grazing is sporadic, low intensity, or weed spread is into retired or conservation land. Even short breaks in intensive grazing have been shown to result in rapid conifer invasion¹⁰. Traditional 'take-off' sites of tree seeds from near high points in the landscape are being revised as we learn more about wind turbulence and flow dynamics. Planting margins of plantations with belts of pine species of low spreading vigour has been recommended as a means to limit seed spread. Some such stands with buffers have been established but this remains an unproven technique.

Existing wildings

It is still to be resolved where the cost and responsibility rests for controlling up to 800 000 ha¹¹ of wilding conifers already in New Zealand. Those costs have yet to be quantified but influence the economic benefit of any resulting carbon sink. Clearing pre-1990 wilding stands will incur a deforestation liability to account for the carbon lost. Exemptions from a deforestation liability can be claimed under certain conditions¹², but that simply shifts the liability to the Crown.

On Mid Dome in northern Southland, where a major wilding tree clearance operation is under way, the government is offsetting the huge financial cost in C credit removals and the deforestation liability of removing the pre-1990 planted *Pinus contorta* stands (estimated by Ministry of Primary Industry as \$3 million for ca. 250 ha). That is in addition to the >\$12 million to carry out the actual clearance. Interestingly, the 2012–13 work program of the Mid Dome Trust to remove more pre-1990 high-risk seed sources of tree weeds is on hold because the Climate Change Convention is yet to announce details of a commitment period beyond December 31st, 2012.

Nearby in northern Southland a 190 ha block of Douglas fir, planted on Glenfellen high country pastoral lease ten years ago was recently cleared by the Conservation Department, at a cost of ca. \$200,000, because of the high risk of wilding infestation down-wind into remote high country tussocklands. At the same time land-owners on other nearby properties are establishing hundreds of hectares of exotic conifers on lands with similar risks. So it costs the Crown to deal with wilding problems from the past, and it will cost the Crown as new liabilities occur in the future.

Should ownership of any liability caused by new plantings be carried by the taxpayer or should there be an industry levy that can be used to deal with the certain problems that will occur?

A recent study of ecosystem carbon in high country lands¹³ showed there is little effect of extensive pastoral land-use on ecosystem carbon. This suggests there is little need for direct agricultural emissions offsets on high country lands. Some effects of trees are counter-intuitive. For example, we know that conifers can cause a loss, not a gain, in soil carbon¹⁴. Investigations of trade-offs between ecosystem services potentially provided by high country lands (e.g. carbon, provision of clean water¹⁵, regulation of water-flow, reduction of soil erosion, provision of food and fibre, regulation of climate, provision of natural habitat) are now being made with novel outcomes^{16,17} that will influence land-use decisions. Taking account of these effects means that, for most High Country farmers, it is simply not economic to embark on the consent process to establish exotic plantations.

Recent examples by some local Councils developing district plans show that concerns about wilding conifers and landscape values are considered more important than carbon credit potential.

There are a number of additional and promising new tools for aiding management of exotic conifers in the High Country. Some are under development or still on the horizon. Simply establishing more exotic conifers in the High Country for the sake of a carbon sink appears to have very little merit and considerable risk until those tools are in place. More work is required to understand the role of ectomycorrhizal fungi in tree invasions, on landscape values and social acceptance of trees in montane tussock grasslands, on sterile conifers, on the trade-offs of tree carbon with other ecosystem services, on when and where grazing management works to control woody weeds, on improved spatial predictions of wind-dispersed conifer spread, on environmental and economic costs and responsibility of existing and new wildings, on the effectiveness of tree buffers to limit seed spread, and many other related subjects.

With care and in time, we will be able to better judge the right tree species and the right place for it. However, but such decisions have very long-term implications and risks as an economic land-use option, particularly for carbon credits. This is a major issue in our High Country environment that must be urgently addressed.

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[REDACTED]

From: Di Maxwell [REDACTED]
Sent: Monday, 6 July 2015 11:43 a.m.
To: NES PF Consultation
Subject: National Environmental Standards (NES) for Plantation Forestry

Attention: Ministry for Primary Industries (MPI)
& Minister for Primary Industries Nathan Guy

Kia ora

I would like to convey my apologies as I cannot attend the MPI hui on the proposed new National Environmental Standards (NES) for Plantation Forestry (for NZ) at Kawakawa tomorrow.

However, I would like to make a submission to MPI on this matter.

Please advise what the time frame is for this and how I can participate fully. Thank you.

I have particular concerns about the MPI proposal for the NES for Plantation Forestry in NZ, including the inappropriate inclusion of text stating that MPI will BLOCK the -good- work of local councils to put in place a much needed additional tier of local protection against the risks of outdoor use of GMOs) is proposing that GE trees be allowed in NZ.

This is despite the good work of local councils (including a solid block of all councils from south Auckland to Cape Reinga) working constructively together to put in place much needed additional local protections against the risks of outdoor use of GMOs (due to serious gaps/ deficiencies in the HSNO Act)

I am also aware that Forest Stewardship Council, the international certification body for truly sustainable forestry, prohibits the use of GMOs in FSC certified forests.

Far North District Council is a full member of the Northland/ Auckland "Inter Council Working Party on GMO Risk Evaluation and Management Options".

GE trees are unacceptable, due to the serious ecological/ environmental/ economic risks they present, as is the proposal by MPI to strip local councils of their authority and jurisdiction (and to undermine local democratic process).

Do keep me informed, I ask that the proposal allowing GE trees in the NES for Plantation Forestry be removed in its entirety

Sincerely

Di Maxwell
[REDACTED]



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:

Don Miller

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 [N]

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):



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

Rather than respond to your questions I will outline the implications of the NES for Plantation Forestry as I see them

1. I make this submission as a retired scientist and consultant with over 40 years field experience in soil erosion control, forestry (establishment and harvest monitoring) , geotechnical investigations and related university lecturing in six countries. I have a post graduate degree in Agricultural Engineering from Lincoln University. I was involved in field work for the first LUC survey of the East Coast region in 1973 and spent 20 years studying erosion processes in that region before operating as an independent consultant both locally and internationally. I am very familiar with the geology, soils, erosion processes and forest harvesting issues of that area. I now live in the Marlborough Sounds and am becoming all too familiar with the problems related to forestry operations here. I was a judge in the 2012 Marlborough Sustainable Forestry Awards.

2. The concept of a unified standard for forest harvesting in a country with a highly variable geology appears illogical. While a desk top study was carried out at University of Canterbury, the outcome has not met approval by those I know who are working on harvesting compliance in the field.

I read the report ("Erosion Susceptibility Classification and Analysis of Erosion Risks for Plantation Forestry") with growing alarm as it mimics so many consultants reports that I have read during the course of my international work. The idea that a report, based entirely on previous reports of unknown veracity, should somehow be regarded as more authoritative than the long term experience of those working in the field is a joke. (To be frank, parts of it reminded me of Tui Beer adverts. eg on page 8. "3. Infrequent road-related mass movements...." Yeah. Right! I see these road-related failures **frequently** where I now live in Marlborough and the large volume of sediment they produce is obvious, particularly when they spill out onto highways.)



The outcome of using this report to assess erosion susceptibility on specific sites that I am familiar with only confirms my concerns. For example, The steep thin soils inland from East Cape, those to the west of Tolaga Bay and those in the Wharerata Ranges south of Poverty Bay, are classified in a lower category than they should be, based on local experience. The growing of large trees on these slopes and soils may stabilise the slopes while the forest is actually alive, but harvesting appears to reduce the stability of the soils to a lower level than that prior to planting. There are soils/plant processes that can explain the phenomenon.

The concept that an external body “knows better” than local staff bears echoes of my observations in other countries. While the outsider may know more about the theoretical aspects of the work, the local specialist will have a far better knowledge of the real problems to be encountered. The ideal, in my experience, is for the external “expert” to listen to the local **unbiased** specialists. From my knowledge of this current exercise the local unbiased specialists have been largely ignored, in favour of the forestry industry representatives.

3. Receiving Environment

The report referred to above does not adequately consider the nature of the receiving environment and the down-stream impacts. These issues have been highlighted in recent years in harvested forest areas south of Poverty Bay and inland from Tolaga Bay. Large volumes of timber and slash have blocked bridges and streams following heavy rainfall, with substantial cost being entailed in the clean up. Note that these are regarded as being areas of moderate to high erosion risk, not the highest category, yet substantial quantities of soil have been lost.

A greater impact is being observed and monitored in the Marlborough Sounds where a recent report has indicated the destruction of substantial areas of seabed by sediment sourced from nearby logging operations. This comes as no surprise to me as within a week of moving to Marlborough in late 2010 a storm event muddied the local bay. The Havelock/Cullensville area was worse affected by that storm.



Havelock/ Canvastown has been impacted during two subsequent rain events. These are not isolated, infrequent events and the state of the water in Kaiuma Bay/Pelorus Sound reflects what is happening a few kilometres upstream.

The following two photographs were taken on 4th June 2015.



View from near the Trout Hotel. Note that slope to left of that photographed above suffered similar damage in 2013.



State of water in Kaiuma Bay/ Pelorus Sound, approximately 12 km from the Trout Hotel.



Under the proposed NES for Forestry I understand that the Marlborough District Council may no longer have any control over forest harvesting, despite the obvious, proven damage that is being inflicted on the Marlborough Sounds by its continuation as a permitted land use.

A forest harvesting conference I attended recently confirmed that the profit margin on timber is extremely low, hence the financial pressure to harvest at minimal cost is high. In effect this means passing on the environmental costs to the public if possible, and the NES for Forestry appears to be facilitating this action.

4. Log Transport

The record in NZ for logging truck accidents is not great. Gisborne in particular has been frequently in the news and it is only the low traffic density on those roads that has prevented more fatalities. In the East Coast no alternative means of transport is available.

In the Marlborough Sounds the option of barging logs exists, yet this is often only used when the MDC has restricted the use of public roads for logging trucks. The impact of heavily loaded trucks is severe and the risk to the motorists (not infrequently foreign tourists) are high. The photo below shows a common situation on the narrow winding local roads. There are many corners on the road between Port Underwood and Picton where this situation arises as the truck/trailer units are quite unable to stay on their side of the road while negotiating bends.

Under the proposed NES for Forestry the ability for the MDC to restrict log transport by road will be limited.





5. Arson

I became aware of the risk of arson to plantation forestry when I was involved in a forestry project in Vanuatu for the period spanning 1995 to 2010. The severely eroded island of Aneityum had been planted in *Pinus caribaea* during its colonial period. While much of the work had had beneficial effects some land owners felt they had been disadvantaged. One in particular would take revenge on occasions by setting fire to blocks of trees, reducing their value substantially.

When later working in Myanmar I discovered that a similar activity was taking place as a form of resistance to the military government.

The history of forestry on the island of Cypress has very relevant lessons for those taking the control of forestry away from the local people. While local care of indigenous forests by local people had been poor, when the British established forest areas that deprived the local people of their normal rights of land management, arson became common. The activity appeared to peak around 1924 and it wasn't until a greater degree of management was returned to the local people in the 1940s that the risk of arson diminished. ("Man and the Mediterranean Forest" J.V.Thirgood, Academic Press, 1981.)

I understand that there was gossip of setting fire to forests near Ruatoria a few years ago when the mana of some local people was being undermined by ownership/management changes, so the concept might not be foreign to NZ. Some forest fires in Marlborough are reputedly the result of marijuana plantations being reported to the police. The large fire in the Onamalutu Valley earlier this year demonstrated how serious such events can be. A forest can be a very difficult asset to protect against determined arsonists.

There is already frustration in the Marlborough Sounds regarding the lack of control on forestry activities and the inaction of the MDC in controlling sediment damage. While at this time the problem may lie in part with the MDC, if the council is deprived (through the imposition of the NES for Plantation Forestry) of the ability to respond to public pressure to protect the Sounds, unwise actions may be a course for some. As shown in Cypress, allowing local control is a fundamental way of reducing the risk of arson. The prospect of arson in this region scares me greatly.

In summary, removing control of forest harvesting from local government control appears to be unwise at many levels, while clearly pandering to the forestry industry.

From: [Andrew Mitchell](#)
To: [NES PF Consultation](#)
Subject: Submission on MPI proposed new National Environmental Standard for Plantation Forestry.
Date: Tuesday, 11 August 2015 3:54:57 p.m.
Importance: Low

Andrew Mitchell

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To whom it may concern:

I believe that Government is responsible to do what is best for its people.

- 1/ Genetically Modified Organisms (GMO's) are bad for people at a personal level because they increase suffering and illness.
- 2/ GMO's will turn out to be bad for people economically as the world realizes the risks and damage that they cause and as a result refuse to buy products and foodstuffs from New Zealand out of fear that they have been genetically modified. However, if New Zealand remains G.E. free, our products will be able to be sold on the world market at a premium. This consequence has already been seen in the U.S.A. Because of the difficulty of segregating GM crops from non-GM crops, many overseas buyers have simply rejected all corn, canola and cotton from the U.S. and Canada. U.S. corn exports to Europe have been virtually eliminated, down 99.4%. The USDA announced in May 2001 that European demand for non-GM animal feed jumped from near zero to 20 to 25 percent within twelve months. The lost markets for U.S. crops contributed to near record low prices. The American Corn Growers Association calculated the resultant drop in corn prices at 13 to 20 percent. Even in the U.S. more and more food manufacturers are committing to remove GM ingredients from their products. Stuck with products that no one wants, the U.S. has tried to give GM grain away as food aid to developing nations. But consumer groups and governments alike regularly reject the food, which they say has not been proven safe. So instead of creating a solution to the trade deficit, GM crops have been a disaster for U.S. trade.

I strongly oppose the introduction of any GMO in New Zealand and in particular in this submission I oppose the introduction of GE pine trees. I oppose this introduction of GE on the following grounds:

- 1/ Pollen from these trees will be everywhere and inhaled by many people causing allergic responses.
- 2/ There may be cross pollination with non GM plants resulting in contamination of the food chain.

Firstly, genetically engineered organisms are infected with a virally activated foreign gene complex. This means that when people inadvertently inhale pollen from the genetically modified pine trees they are breathing in genetically modified DNA. The immune system sees this foreign gene complex as foreign protein material, or antigen, resulting in a defensive immune response. We see evidence of this risk when in the summer of 2003, 39 people living adjacent to a Bt cornfield in the Philippines developed respiratory, intestinal, and skin reactions and fever while

the corn was pollinating. Blood test conducted by the Norwegian Institute for Gene Ecology verified antibody reactions to Bt toxin which indicates an immune reaction to the pollen.

2/ Some crops have accidentally acquired additional foreign genes through cross pollination. Once these genes are in other plants (food) they will remain in the food chain forever. One example of this happening is Starlink, sold as yellow feed corn. This has cross pollinated into sweet corn, pop-corn and white corn. Genetically modified plants affect non-genetically modified plants and it then becomes difficult for organic crops to remain unaffected.

3/ Negative health effects.

Foreign genes either being inhaled or entering the food chain and being consumed results in inflammation, i.e. elevated T cells. These increase in humans with asthma, food allergies, juvenile arthritis and connective tissue diseases. IgE and IgG antibodies are elevated and this is typically associated with allergies and infections. Cytokines are increased and this is associated with allergic and inflammatory response.

When consumed, the genes from GM foods can be transferred to the DNA of bacteria residing in the human gut. This has been shown to occur when it was found that peoples digestive bacteria contained the herbicide resistant gene used in soy beans. Also antibiotic marker genes may cause bacteria in our gut to become antibiotic resistant. DNA has been proven to survive digestion and to pass into the blood, intestinal wall, liver and spleen. So it is possible for this foreign genetic material to be incorporated into human DNA. Research by the Norwegian Institute has discovered intact CaMV promoters inside rat tissues two hours, six hours, and three days after genetic material was mixed into a single meal. They have also verified that CaMV promoter functions inside human cells in test tubes. These findings overturn industry assertions that horizontal gene transfer cannot occur and that the promoter only functions in plants.

In Summary, introducing GE pine trees is bad for NZ because of the increased health problems people will undoubtedly experience from the pollen and also because of the unforeseen consequences of cross pollination and contamination of the food supply leading to further health problems and costs to the country and a reducing demand for our products.

Regards,
Andrew Mitchell.

From: Roger Monckton s 9(2)(a)
Sent: Tuesday, 11 August 2015 4:54 p.m.
To: NES PF Consultation
Subject: GM submission

Dear Minister Guy,

I oppose the Proposed Standard – NES & other relevant legislation: 6.4 – Genetically modified tree/root stock (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

Reasons for being GM free –

In August 2013 a Colmar Brunton survey of 1000 people nationwide found that 83% wanted New Zealand to be GE free, and 79% said that regions should be able to choose whether they wanted to stay GE free.

Internationally there is a huge move away from genetic engineering. 100,000 people wrote to the Brazilian government earlier this year demanding that they do not authorise the release of GE eucalyptus trees there.

US corporations are battling against the public who want their food labelled to show GE ingredients. If GE was a benefit then these companies would welcome having their products labelled. Public opinion worldwide is against GE in food and the environment.

New Zealand produces world class produce so our first concern should be to ensure that our fields remain free of GM.

Any GM Free policy must include GM trees because plantation-scale GM forestry could be very damaging for our food export branding. A real concern to food growers and exporters is GM pollen from the trees. In spring time parts of the region turn lemon yellow as pine pollen spreads over our towns and productive land.

Our food exports are routinely tested to ensure they are free of GM contamination. If GM pollen attaches to our food products and is detected, our exports will be rejected. GM forestry developers have not been able to convince the forestry industry that GM trees have a role in sustainable forestry.

New Zealand should always aim to be a producer of high end niche products rather than low priced GM products -Therefore we would be most foolish to destroy our 'GE free in field and food' status, by releasing GE trees into the environment and by removing local government's ability to regulate this democratically.

Submission

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential

contamination of – soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

We ask that you remove all conditions and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and allow Councils to manage Regional and District land use through their mandated planning functions' under the Resource Management Act (RMA).

Both the Environment Court and the Royal Commission on Genetic Modification (Chapter 13, 6) have stated the clear responsibilities and boundaries between the EPA and Council jurisdiction, there is no "duplication" between the HSNO or RMA once a GMO is released. This must not be undermined by any clause in the proposed NES-PF.

The Environment Court, Judges Thomson and Newhook, decision upheld the Councils ability, under the RMA, to place policies, rules and objectives, on the management of GMO land use activities as part of their management and planning functions in their regional and district plans [1], [2].

References:

[1] <http://www.boprc.govt.nz/media/321876/environment-court-decision-18-dec-2013-env-2012-339-000041-part-one-section-17.pdf>

[2] <http://www.ge-free.co.nz/assets/pdf/20150512145527872.pdf>

Changes we would like you to make –

Remove all GM clauses in the proposed NES – PF and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and

Retain and provide for Regional and District Councils to place more GM stringent land use rules, objectives and policies in their plans for the management of the natural and physical resources through their mandated planning functions' under the Resource Management Act (RMA).

Protect the Regional and District Council mandate and duty of care, under the RMA, to the existing foresters, primary producers and businesses in their region and districts so they can maintain their responsibilities with national and global certification bodies.

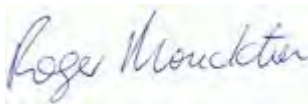
Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.

The decision we would like the Minister to make

- 1. Remove all wording in the NES-PF in 6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82, referring to genetically modified trees and rootstock.*
- 2. Place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMO's as part of their land use planning function, under the RMA, when addressing the economic, social and cultural wellbeing of their communities.*

I wish to be heard. Please keep us informed.

Regards

A handwritten signature in blue ink that reads "Roger Monckton". The signature is written in a cursive, slightly slanted style.

Roger Monckton

(B.Eng Civil)

[REDACTED]

From: [REDACTED]
Sent: Thursday, 30 July 2015 12:37 p.m.
To: NES PF Consultation
Subject: Submission Proposed National Environmental Standard for Plantation Forestry

**Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140**

Stuart Miller
Email: NES-PFConsultation@mpi.govt.nz

Name Kate Moroney

Postal [REDACTED]

Email [REDACTED]

Date 30.07.2015

Re: Submission Proposed National Environmental Standard for Plantation Forestry (NES-PF)

Dear Minister Guy,

I oppose the Proposed Standard – NES & other relevant legislation: 6.4 - Genetically modified tree/root stock (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

I believe planting GMO-trees increases the dependence on the already huge patent-hungry industry with never-ending effect and that GMO are a short-sighted method to achieve short-term effects, which will be irreversible

Submission and Reasons –

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential contamination of - soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

I ask that you remove all conditions and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and allow Councils to manage Regional and District land use through their mandated planning functions' under the Resource Management Act (RMA).

Both the Environment Court and the Royal Commission on Genetic Modification (Chapter 13, 6) have stated the clear responsibilities and boundaries between the EPA and Council jurisdiction, there is no "duplication" between the HSNO or RMA once a GMO is released. This must not be undermined by any clause in the proposed NES-PF.

The Environment Court, Judges Thomson and Newhook, decision upheld the Councils ability, under the RMA, to place policies, rules and objectives, on the management of GMO land use activities as part of their management and planning functions in their regional and district plans [1], [2].

References:

[1] <http://www.boprc.govt.nz/media/321876/environment-court-decision-18-dec-2013-env-2012-339-000041-part-one-section-17.pdf>

[2] <http://www.ge-free.co.nz/assets/pdf/20150512145527872.pdf>

Changes I would like you to make -

- Remove all GM clauses in the proposed NES – PF and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and
- Retain and provide for Regional and District Councils to place more GM stringent land use rules, objectives and policies in their plans for the management of the natural and physical resources through their mandated planning functions' under the Resource Management Act (RMA).
- Protect the Regional and District Council mandate and duty of care, under the RMA, to the existing foresters, primary producers and businesses in their region and districts so they can maintain their responsibilities with national and global certification bodies.
- Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.

The decision I would like the Minister to make

1. Remove all wording in the NES-PF in **6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82**, referring to genetically modified trees and rootstock.
2. Place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMO's as part of their land use planning function, under the RMA, when addressing the economic, social and cultural wellbeing of their communities.

I wish to be heard. Please keep me informed.

Sincerely

Kate Moroney

[REDACTED]

From: Rolf Mueller-Glodde [REDACTED]
Sent: Thursday, 30 July 2015 9:47 a.m.
To: NES PF Consultation
Subject: Submission Proposed National Environmental Standard for Plantation Forestry (NES-PF)
Attachments: Ora Ora signature.pdf

**Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140**

Stuart Miller

Email: NES-PFConsultation@mpi.govt.nz

Name

Rolf Mueller-Glodde

Postal

[REDACTED]

Phone

[REDACTED] **Email** [REDACTED]

Date 30.07.2015

Re: Submission Proposed National Environmental Standard for Plantation Forestry (NES-PF)

Dear Minister Guy,

I **oppose** the Proposed Standard – **NES & other relevant legislation: 6.4 - Genetically modified tree/root stock** (p. 43, Appendix 3, Afforestation, p. 64 & Replanting, p. 82)

Personal comments

I have attended the MPI information meeting in Kawakawa recently and received the distributed brochure, which does not even mention the intended use of GM-trees. The notes made during the meeting should clearly show the critical points raised, among which were these:

- Northland and Auckland Councils have (based on wide voters' initiative and thus democratic principals) agreed to apply a very cautionary approach to GMO; this cannot be overruled by generally allowing to plant GMO-trees in local forests
- GMO-trees in local forests contradict the regional GE-free status
- Organic status and produce are appreciating a rapidly increasing regard not only in NZ, but globally; NZ is a country sufficiently isolated to enable a competitive edge by staying GMO-free and offering GMO-free produce
- planting GMO-trees increases the dependence on the already huge patent-hungry industry with never-ending effect
- GMO are a short-sighted method to achieve short-term effects, which will be irreversible
- It is not a matter of GMO-opponents to prove that GMO is/can be harmful, but GMO producers need to prove that GMO is harmless; science and the relative short experience do not provide such proof; it would be most irresponsible to present and future generations to experiment globally without being certain about the effects

Submission and Reasons –

The GM clauses on p. 43, 64 & 82, in the proposed NES – PF do not meet the objectives of environmental protection for communities, nor does the standard take into account the inherent dangers and liabilities associated with novel genetic technology and its potential contamination of - soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways.

We ask that you remove all conditions and references permitting genetically modified organisms to be the sole responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act (HSNO) and allow Councils to manage Regional and District land use through their mandated planning functions' under the Resource Management Act (RMA).

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- Ensure that the Regional and District Councils have the ability, under the RMA, to create a much needed additional tier of local protection against the risks of outdoor release and use of GMOs.

The decision I would like the Minister to make

1. Remove all wording in the NES-PF in **6.4 p.43, Appendix 3; Afforestation: p. 64 & Replanting: p. 82**, referring to genetically modified trees and rootstock.
2. Place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMO's as part of their land use planning function, under the RMA, when addressing the economic, social and cultural wellbeing of their communities.

I wish to be heard. Please keep me informed.

Sincerely

Rolf Mueller-Glodde

s 9(2)(a)

From: s 9(2)(a)
Sent: Tuesday, 11 August 2015 3:15 p.m.
To: NES PF Consultation
Subject: Proposed new Environmental Standard for Plantation Forestry

To the Ministry of Primary Industries and the Minister of Primary Industries, Mr Nathan Guy.

My family and I are opposed to the use of genetically engineered organisms being released into our environment. The new Environmental Standard for Plantation Forestry should specify that GE Trees are not permitted. We are opposed to the use of GE pine trees in NZ forestry. NZ should protect and maintain our GE Free status. We think NZ should continue to grow and supply GE free products to NZ consumers and the world markets to satisfy the demand for natural ecologically grown crops/products. There is also the possibility/probability that GE pines could adversely affect NZ ecology/flora and fauna. We support submissions made by GE Free Northland, the Whangarei District Council, the Soil and Health Association of NZ and the Sustainability Council of NZ.

Thank you

Anna Murphy

s 9(2)(a)