SUBMISSION ON CONSULTATION DOCUMENT JUNE 2015
NATIONAL ENVIRONMENT STANDARD FOR PLANTATION FORESTRY

To: Ministry for Primary Industries

NES-PFConsultation@mpi.govt.nz

Submitter: BioGro New Zealand Ltd ('BioGro')

Address for service:
Donald Nordeng
CEO
BioGro New Zealand Ltd.
[redacted]

Email: [redacted]
Phone:

BioGro New Zealand Ltd. wishes to be heard.

BioGro New Zealand Ltd. makes this submission partly in **support and** partly in **opposition** to the proposed **National Environmental Standard Plantation Forestry.**

Support: BioGro supports the NES Plantation Forestry insofar as it seeks to codify activity status and conditions for physical plantation forestry activities on the basis of land and plant related classifications. The proposed erosion susceptibility classification, wildings spread risk calculator and fish spawning indicator are useful tools capable of measurement and calculation and will provide a degree of rigour to the regulation process.

To that extent, BioGro agrees that the NES Plantation Forestry will provide a nationwide standard basis for regulation of forestry activities to achieve the stated objectives of change of regulation.

Opposition: BioGro strongly opposes:

a) the proposal that planting or replanting using genetically modified tree stock (GMO) be a permitted activity, or be provided for under the NES Plantation Forestry at all.

b) Limiting the pre-requisite approval for permitted activity use of a GMO to EPA approval under the Hazardous Substances and New Organisms Act 1996 (HSNO).

c) The statement in 6.4 of the consultation document that GMOs are regulated by the EPA under the HSNO, without any mention of the role of territorial authorities under the Resource Management Act, 1991.

d) The absence in the consultation document of any information or discussion about the risks attendant on use of GMOs. Although the objectives of the change (see executive summary) 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 GMOs to underpin the provision for use of GM tree stock as permitted activities. Given the controversial nature of this topic and potential adverse effects, this shows a lack of balanced consideration.

BioGro New Zealand Ltd.

BioGro New Zealand Ltd. certifies over 58,000 ha of organic production land and over 85% of New Zealand's organic exports of $300 million. BioGro certifies over 1000 operations and over 630 licensees including major exporters in the wine, pipfruit, honey and kiwifruit industries. Our customers export to organic markets worth over $100 billion and non-GMO markets worth over $400 billion for a combined market of $500 billion. This legislation directly threatens the New Zealand brand and access to these markets. Customers in the European Union, China, Japan, and Korea uniformly reject GMOs. Other markets such as the U.S., Canada are established based on New Zealand being free of GMOs. This legislation threatens these markets.

Reasons for Opposition to provision for GM Tree Stock

1. **Genetically Modified Tree Stock Provisions.**

   a) Providing for the use of GM 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 GM 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 all the certification standards for these farmers and foresters do not allow the presence of genetically modified organisms on the land or in the primary products produced

   b) Unlike most other topics covered by the consultation document, the use of genetically modified organisms is not the subject of settled science. It has been argued by proponents of GM tree stock that the risk of escape of GM material from a plantation is low. However, this is far from settled. Sterile GM trees that do not produce pollen have been in development for some years with no success to date. SHA considers that 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.

   c) Economic analysis carried out by Covec as background to the proposed NES Plantation Forestry did not include economic impact on local and international produce markets arising from the use of GM 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.

   d) Potential impacts range across virtually all primary production including forestry – horticulture, animal husbandry, honey production and dairy products. Much wider analysis and consultation is essential before assigning activity status to the use of GM tree stock, let alone the high risk level of permitted activity.

   e) The only condition for this permitted activity is prior approval by the EPA under HSNO and this only applies to planting and replanting. The whole issue of management of slash involving GM material has not been addressed. Potential impacts of GM species on soil ecosystems, water ecosystems and indigenous species ecosystems has not been addressed.

2. Jurisdiction

a) The Ministry will be well aware of the Environment Court decision in *Federated Farmers of New Zealand v Northland Regional Council* 2015NZEnvC89. That decision pointed to the different functional approach between HSNO and the RMA and the complementary roles they play.

b) BioGro submits that making the use of GM tree stock a permitted activity under the NES Plantation Forestry flies in the face of the Environment Court decision and purports to limit the regulation of that activity to the EPA acting under HSNO alone.

c) Regional and district councils have clear duties under sections 30 and 31 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 ercsion, wilding management and fish spawning areas are clearly able to be managed using national standards. However, the use of GMOs 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.

d) Attention is drawn to RMA section 43A(3) which states:

If an activity has significant adverse effects on the environment, a national environmental standard must not, under sections (1)(b) and (4), –

(a) allow the activity, unless it states that a resource consent is required for the activity; or

(b) state that the activity is a permitted activity.

e) There is risk that the use of GM tree stock could have unmanageable and significant adverse effects over a wide area through, for example, seed spread and pollen blow over many kilometres. Such effects would devastate all GMO Free producers including all certified organic producers and FSC-certified foresters. BioGro submits that this activity cannot be made a permitted activity under the NES Plantation Forestry. This activity should be a non-complying activity if it is provided for at all.

3. Assessment

BioGro opposes the provision for the use of any GMO material under the NES Plantation Forestry. However, if it is so provided for, then comprehensive assessment criteria should also be incorporated that would include reference to the following categories of effects:

a) Risk of spread of GM material beyond the forest site

b) Economic and particularly with respect to GE Free producers, organic farmers, FSC-certified foresters and marketing;

c) Cultural

d) Social

e) Mitigation by way of bonds or other financial instruments.

4. Notification

Use of GMOs is an environmental topic with widespread implications for whole communities as well as numerous individuals dependant on maintaining GE Free markets and organic certification for their enterprises and products. Applications for the use of GM tree stock should be publically notified.

5. Relief sought

BioGro requests the following changes to the proposed NES:

a) Remove all provision for the use of GM tree stock from the NES

Without prejudice to the above strong first preference, if provision for the use of GM tree stock tree stock is retained, then

b) Make the use of GM tree stock a non-complying activity;

c) Make jurisdiction for applications for the use of GM tree stock a regional council responsibility.

Signed this 11th day of August 2015

Donald Nordeng

CEO
BioGro New Zealand Ltd.

10 August 2015

Submission on the National Environmental Standard for Plantation Forestry - Consultation document – June 2015.

Background

The Brook Waimarama Sanctuary Trust was established in 2004 and is a community-based initiative to establish a pest-proof wildlife sanctuary in the headwaters of the Brook Stream, a former water supply catchment for Nelson City. A 14km predator-free fence is currently under construction and is expected to be completed in early 2016. We intend to reintroduce indigenous species into the sanctuary and also work with the Nelson City Council and other community groups to enhance the biodiversity values of the areas around the sanctuary (the 'halo' area) to improve the habitats for species such as birds that will spill out of the fenced area. This includes into the adjacent Mt Richmond Forest Park, the water supply catchments in the Maitai and Roding valleys and well as the urban areas of Nelson City and Richmond.

General concerns

While we can appreciate the intent behind the proposed National Environmental Standard (NES) for Plantation Forestry of having greater consistency in rules that apply to plantation forestry throughout the country, we have major reservations about such a broad brush approach. Such an approach makes it very challenging to adequately take account of local variations, such as:

- in the topography of the land where plantations are established;
- the underlying geology and it's susceptibility to erosion;
- the health of rivers and streams and associated riparian margins in catchments with plantation forests and downstream of areas with significant areas in plantation forest; and
- the health of indigenous vegetation that often adjoins and/or is closely associated with plantation forests.

By way of an example, in the wider area around our sanctuary there are considerable areas of plantation forestry with much of it being on steep to very steep erosion prone land. Given the erosion risks, the past adverse effects and likely adverse impacts downstream in the future, we don't believe that the proposed Orange Zone Erosion Susceptibility Class which would allow harvesting to be a permitted activity is appropriate for much of this land.

With most of the activities associated with plantation forestry proposed to be permitted activities there is no or very little scope for local stakeholders, and even Councils, to be involved in any formal processes to try and prevent potential adverse effects on other values. They will largely be

limited to reacting to situations after the damage has already occurred – usually a very unsatisfactory situation for all parties including those involved in forestry.

We also note the requirement for councils to monitor these permitted activities but don't see any means by which these costs can be recovered from plantation forestry parties. As a result the costs will fall on the ratepayers rather than those who are undertaking the activities contrary to the widely accepted exacerbator pays approach. It is already a challenge for many council's to allocate adequate resources to the monitoring of permitted activities given the breadth of their activities and responsibilities (even wider in the top of the South Island as they are unitary councils) and the pressure they are under from some ratepayers to keep rate rises down. If the NES proceeds then there should be the ability for councils to recover a reasonable portion of the costs associated with monitoring the permitted activities.

Indigenous Biodiversity Values

In addition to establishing a thriving 750ha predator-free sanctuary, the trust is actively working with the Nelson City Council and other members of the Nelson Biodiversity Forum to improve the indigenous biodiversity values of the adjacent 'halo' area outside of the fenced area. The Council has recently launched an ambitious $6million Nelson Nature programme over the next 10 years which includes several projects designed to improve the biodiversity values in the halo area. There are considerable areas of plantation forests in this halo area and they have the potential to adversely impact on the current biodiversity values, let alone make it difficult to improve them.

By way of an example the Trust is planning to establish breeding facilities for the endangered whio or blue duck in the sanctuary and is keen for them to be able to spread to the adjacent Maitai and Roding catchments. Amongst the requirements of whio are healthy streams with adequate populations of invertebrates and nesting sites in adjacent riparian vegetation free of animal predators and others disturbances. This will require improvements to how land uses in these catchments, including forestry, are managed to reduce the run-off of silt and nutrients that can adversely affect water quality and other in-stream values. It may require such measures as increasing the width of riparian margins to try and reduce the silt and nutrients entering waterways, as well as providing greater riparian habitat for whio and other indigenous species. It would appear to be much more difficult to achieve such improvements under the proposed NES regime given the level of permitted activity status proposed for many forestry activities.

The Trust is also involved in the Nelson City Council's programme to improve the health of the Maitai/Mahitahi River and its tributaries, which includes the Brook Stream. Nelson residents and community groups are very supportive of this initiative and many are actively contributing their time, energy and financial resources. This programme dovetails well into the requirement for councils to give effect to the National Policy Statement for Freshwater Management which includes maintaining and improving water quality and the Maitai/Mahitahi programme is a key means to achieving improvements in the health of the Maitai River and its tributaries. Although we acknowledge that the NES provides an opportunity for councils to be more stringent, we are unclear as to how they may work let alone whether they will be effective or not and can foresee the potential for forestry operators to legally challenge such measures that councils may attempt. Again councils may be reluctant to allocate resources to contest such challenges.

We are concerned at the proposal to only allow consideration of potentially more stringent provisions with respect to significant natural areas (SNA) if they are mapped. We understand that there are many sites in the Nelson region that meet the criteria but are not mapped in the current Nelson Resource Management for various reasons, including landowner reluctance for them to be identified in this manner. If the NES proceeds then unmapped SNAs should be accorded the same status as those that are mapped.

Genetically modified trees

Many organisations in the Nelson region have endeavoured over the past decade to ensure that the region is free of genetically modified organisms (GMO) for a variety of reasons, including the maintenance of a 'clean and green' regional brand. We oppose this proposed provision that would allow genetically modified trees to be used in afforestation or replanting where approval has been granted by the Environmental Protection Agency (EPA) as it removes the opportunity for the local community to determine whether they wish to allow GMOs into the region or not. A recent Environment Court decision (2015 NZEnvC 89) found under the RMA that regional councils have the ability to control the use of GMOs in their regional policy statements and plans. If the NES proceeds then we would like to see this provision removed.

Conclusion

We have serious concerns with many of the proposed directions and provisions in this consultation document and would like to see it withdrawn and, if it is to proceed, then further consultation occur with a wider range of interested stakeholders, including more in the regions where there are significant holdings of plantation forests such as Nelson and Tasman.

Support for Other Submissions

We would like to indicate our support for the submissions made by the:

- Nelson City Council; and
- Friends of the Maitai

Address for service:

Raeonie Ellery

Brook Waimarama Sanctuary

[redacted]

Ph [redacted]

[redacted]

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

Zella Downing

Email: [redacted]

Coal Action Network Aotearoa

[redacted]

Phone [redacted]

Date **August 9, 2015**

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

Dear Minister Guy,

We **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)

We support governmental policies that assist in the fight against climate change and promote wise practices that will ensure future generations have access to an abundance of clean water, fresh air, healthy soils, natural food, and vibrant communities.

We believe that decreasing humanity's dependency on fossil fuels is a step toward achieving sustainability, but we also believe that wise decision making in regard to the stewardship of our natural resources is crucial in guarding against irreversible and calamitous climate change.

We support a sustainable forest sector. We argue in favour of full protection of indigenous vegetation, habitats, soil, waterways, and fisheries. We believe that local communities should have authority over the forestry practices in their region. We also believe that the introduction of larger riparian buffer zones and setbacks along rivers and around lakes and wetlands will help protect the natural character and water quality of a region.

We oppose:

1. the introduction of GE material in our forests
2. councils being unable to prevent the release of GE material
3. unlimited, unregulated clear cuts

Research shows that native forests absorb more carbon than plantations and that plantations can threaten biodiversity, intensify water and nutrient depletion, increase soil salinity and acidity, increase the risk of fire and increase the spread of disease.

Trees naturally take in carbon from the atmosphere and store it as they grow, but the claims that GE trees are a solution to global warming are unsubstantiated. The United Nations' Inter-governmental Panel on Climate Change authored a report in February 2001 that supported the idea of carbon offset forestry, but admitted the carbon storage effects would be temporary. Any introduction of GE tree material is certain to bring risk but offers no guarantee of a solution.

Intensifying the use of GE material will destroy our niche market advantage and force New Zealand food producers to compete head-to-head with much larger countries. Economically we lose our elite and exclusive market position as guaranteed GE free and 100% Pure, an image which allows produce growing exporters to succeed in a premium in global markets for their fruit, vegetables, wine and other foodstuffs.

A 1995 report by the World Resources Institute and the US Environmental Protection Agency found that plantations and tree farms in tropical forests at best only store 25% of the carbon absorbed by native forests.

A recent study funded by Duke University's Center on Global Change, the National Science Foundation, the National Institute for Global Environmental Change/Department of Energy, and the inter-American Institute for Global Change Research has found that "Growing tree plantations to remove carbon dioxide from the atmosphere to mitigate global warming…could trigger environmental changes that outweigh some of the benefits."

Clause (Cl. 6.4) includes a provision permitting afforestation using genetically modified tree stock where it has been approved by the Environmental Protection Authority under Hazardous Substances legislation. This proposal will loosen restrictions on genetically modified pine trees and force councils to remove preventive wording about GMO trees from their policies and plan changes.

We strongly oppose clause (Cl.6.4).

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

[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 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 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.

We wish to be heard. Please keep us informed.

Sincerely

Signature

Zella Downing
on behalf of Coal Action Network Aotearoa

s 9(2)(a)

From: Andi Cockroft (andic) s 9(2)(a)
Sent: Friday, 14 August 2015 10:05 p.m.
To: NES PF Consultation
Subject: forestry submission

Council of Outdoor Recreation Associations of NZ (CORANZ)

Co-chairman Andi Cockcroft
E mail- s 9(2)(a)

Submission on the National Environmental Standard – Production Forestry, Consultation Document (MPI Discussion Paper No: 2015/18)

Introduction

The Council of Outdoor Recreation Associations of NZ (CORANZ) is an umbrella group for national and regional outdoor recreational organisations that embraces recreational fishing, hunting, four wheel driving, public access and other outdoor groups. CORANZ has naturally been deeply interested in environmental matters as the activities of members are in the outdoor environment.

CORANZ welcomes the opportunity to submit on the "National Environmental Standard – Production Forestry, Consultation Document" (NES-PF).

Submission

CORANZ's considers that production (commercial) forestry particular in extensive monoculture causes potentially dramatic changes to the environment.

Currently - for example - public attention has focused on the heavy siltation in the Pelorus Sound of the Marlborough Sounds. The damage to marine environments is well documented in recent research.

Relative to rivers and streams Fish and Game NZ's "pro-rivers campaign" has focused solely on "dirty dairying". What are forestry detrimental effects ecologically and environmentally to rivers?

CORANZ understands that the proposal for a "National Environmental Standard" has been driven by strong lobbying from corporate forestry companies. CORANZ regards the use of the word "environmental" as misplaced.

Water Take

Forestry (exotic) takes large quantities of water from streams compared to native vegetation. Water from a pine forest has quicker run-off compared to a native forest area with understorey. Native forest has a higher water retention factor. CORANZ members report depleted water flows in catchments following the establishment of extensive commercial pines planted. Clearly a

macro-national regime and standards would not allow this vital micro-planning to avoid regional monocultures.

pH levels

Acidification with reduced pH levels occurs with exotic pine forests. The pH level (degree of acidity) is important to the freshwater environment. In a 2008 UK "Trout and Salmon" magazine it was reported "conifers are highly efficient at taking and filtering acidity so that it flows through the soil and water beneath them. Thus acidic loading increases as the trees grow."

Frost and Brown in the scientific book "The Trout" refer to streams rising in limestone country as having more abundant bottom fauna populations and refer to subsequent trout growth as being better in limestone alkaline waters than waters tending acidic. pH levels are critical to freshwater ecology.

Runoff

At planting time, native bush is usually cleared, at times by burning. Runoff with silt and debris inevitably follows with following rain.

Harvesting (clear felling) again results in silt/debris laden runoff. This practice is poor environmentally. In some European countries felling is in done in two cuts perhaps 12 months apart, along contours thus reducing runoff.

Conclusion:

Taking away the abilities of local councils to implement environmental safeguards and to environmentally monitor forestry practices as is proposed would be a dramatic and disastrous course to take.

CORANZ considers there needs to be far better harvesting regimes as practised in Europe, zoning of land use to avoid extensive monocultures, buffer zones (100 metres) along all rivers and streams.

The proposals to abolish local control and institute a national regime are shortsighted. Regions differ greatly in topography, contours, geology and climate. Individual regional management must not be done away with.

ENDS

Stuart Miller
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National Environmental Standard for Plantation Forestry (NES-PF)

I support smart, strong environmental standards for plantation forests in New Zealand – standards 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; and protects the fisheries that depend on them. It is one that takes a precautionary approach to GE by preventing the planting of GE tree stocks and contamination of the local environment; and continues to allow local communities to have a say on forestry practices.

In response to the draft National Environmental Standard for Plantation Forestry, I would like to see:

1. Indigenous vegetation and habitats protected from being over-planted with exotic trees;
2. Clear cut size limited to reduce erosion and sediment loss;
3. The use of overseas best practice by introducing larger riparian buffer zones and setbacks along rivers and around lakes and wetlands to protect their natural character and water quality;
4. My Council be able to prevent the release of GE material and introduce stronger controls to prevent erosion, control wildings and protect the environment;
5. Incentives to plant more diverse tree species to reduce fire risks and increase indigenous biodiversity.

I am opposed to the inclusion of GE trees as a permitted activity being included in the National Environmental Standard for Forestry. The reasons for this I list below:

• The Hazardous Substance and New Organisms Act (HSNO) does not provide for long term protection of the environment as it is designed as approval process and is not designed as a integrated management tool as the RMA is.

• The scientific approval process, under the HSNO, of a GMO for release into the NZ environment does not measure or mitigate any cultural, social or economic impact.

• The trust in the MPI to monitor trials (let alone full releases!) is very low. Nor would they have the capability or capacity to address a DNA spill; especially of the scale of forestry.

• Perception of bias and conflicts of interest between the research institutes and the EPA needs addressing.

• A GMO is only under the protection of the EPA until it becomes approved for general release. At that point it becomes a part of NZ's environment and no one is responsible for ongoing monitoring and liable for any damage.

• The New Organism approval process does not consider the effects of associated activities e.g. the blanket spraying of herbicide across vast stretches of land and the subsequent development of herbicide resistant weeds. There is a real risk of silent forests where few insects live so few birds live due to the blanket removal (through spraying) of valuable understory habitat. Setting ourselves up for another "Silent Spring" scenario.

• The ongoing monitoring of these genetically engineered forests will fall to unitary authorities and regional councils. Are they equipped to deal with herbicide resistant weeds and any unforeseen negative effects? Have you asked them? Have they had the opportunity to ask their communities?

• No independent case has yet been presented which indicates that these will be of greater economic value than non-GE trees and the damage (e.g. from loss of GE Free status of an area) and contamination of other industries (e.g. honey industry via pollen) has not been quantified (and unlikely to be under the HSNO process).

- We must retain our right to apply the precautionary principle and not be forced into removing the right to integrated management of our natural resources.
- A national poll commissioned by Pure Hawke's Bay, a group of food growers and exporters, found that four out of five New Zealanders surveyed believe regions should be able to keep their territories GM Free using the Resource Management Act.
- Food producers first concern is to ensure that our fields remain free of GM.
- 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.
- Neither of the two leading global sustainable forestry certification schemes permit the use of GM trees in accredited plantations.
- The Government says that the standard will "save the forestry industry millions in compliance costs". This ministerial preference for GM trees would come at the expense of food exporters and cost them hundreds of millions of dollars if our products are contaminated.

To this end, my party and I agree with and support Jodie Bruning from “Rite Demands” submission, (which you already have) as she has encapsulated all the concerns that we have.

Thank you for the consideration of the above.

Tracy Livingston – spokesperson, Democrats for Social Credit Party
s 9(2)(a)

ENVIRONMENT AND CONSERVATION ORGANISATIONS OF NZ INC.

s 9(2)(a)

Email: s 9(2)(a) Website: www.eco.org.nz
Phone/Fax s 9(2)(a)

11 August 2015

Proposed National Environmental Standard for Plantation Forestry

to NES-PFConsultation@mpi.govt.nz.

- your name, postal address, phone number and, if you have one, email address YES
- the title of the proposed standard you are making the submission about YES
- whether you support or oppose the standard - SOME ASPECTS, NOT OTHERS
- your submission, with reasons for your views YES
- any changes you would like made to the standard. MANY SUGGESTED AND ISSUES RAISED
- the decision you wish the Ministers to make: TO INCORPORATE OUR SUGGESTIONS INTO THE REVISED NES and REGULATIONS.

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

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

Contact details

Name:

s 9(2)(a)

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

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

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

Environment and Conservation Organisations of NZ Inc

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

N/A

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

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

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

3. *Q2 and 3: Conditions on activities outlined in Appendix 3:*

Part A

A1 Prelimianry Comments on making it easier for submitters to submit.

First some comments on the document from the point of view of submitters:

a It would be helpful if we could easily download and annotate a word file copy of the proposals to assist our critique here.

b It is great to have some feedback on points made in previous submissions, but some of this feedback needs more particulars. Some amount to little more than a sweeping statement that does not really give reasons for the dismissal of the points made.

c It would make submissions on the paper SO MUCH easier if you would please use numbers or letters instead of bullet points. When people want to give you feedback, it is much easier to refer to point 10.3.4, for instance, than to have to say the bullet point x under the heading Y on page zzz. PLEASE!

d Your text boxes caused considerable difficulties, with text disappearing and commands not working properly within these. We wasted a lot of time as a result – please avoid formatting of this kind.

A2 Introduction to ECO

The Environment and Conservation Organisations of NZ (ECO) is the national alliance of 55 groups with a concern for the environment. ECO has been active on matters of land use and sustainable land use including trying to improve forestry practices for many decades. We co-negotiated and signed the NZ Forests Accord and remain committed to that document and to improving forestry in New Zealand. ECO belongs to the New Zealand environment chamber

of the Forest Stewardship Council, FSC. We have an active interest in environmental law and management, and in conservation.

This submission has been prepared by members of the ECO Executive in our Exotic Forests subcommittee of our Improved Environmental Law and Management Working Group, in consultation with a number of our member bodies, outside experts and other organisations and our Executive Committee. Some members have sent in material for inclusion, This submission is in line with ECO Policy that was developed in consultation with ECO member bodies and endorsed by our AGMs.

Part B Comments on the paper – points that apply to several aspects of the paper:

B.1.1 We consider that local councils must retain the ability to apply more stringent rules on all of the key issues identified, but in particular on erosion control and water quality, biosecurity, biodiversity protection and restoration, GMOs, and wilding control.

B.1.2 The erosion control zoning seems to have a number of major problems where some areas of known high erosion risk are not classified as such e.g. parts of the Coromandel Peninsula and Marlborough Sounds.

B.1.3 Consideration of the receiving environment and its sensitivities is inadequate. The erosion susceptibility is considered, but the impacts on the receiving environment mostly are not.

a) The consideration of dwellings is welcome, but insufficient, since people affected are doing things on the land, farms, orchards, gardens, schools, at marae, shops and much more.
b) The sensitivities of the receiving and impacts natural environment is not well considered, with wetlands and invertebrates particularly ill-considered.

B.1.4 There is a general lack of acknowledgement of the issue of indigenous biodiversity and that any harvesting, replanting or afforestation must consider the needs for indigenous ecosystem restoration if goals around maintenance of biodiversity are to be achieved by the RMA.

B.1.5 The set-back distances for the categories of water bodies is inadequate and fails to consider the nature of the ecosystems and other sensitivities.

B.1.6 Biosecurity issues, with the exception of wilding pines, are not considered, but in our view are clearly required to be so under the RMA.

B.1.7 The proposed NES is essentially a voluntary code of practice: in areas with 'permitted' status, councils cannot stop operations or require changes to Erosion and Soil Conservation Plans or Harvest Pans prior to operations commencing, and councils are unable to influence or control environmental outcomes until enforcement action is triggered by a complaint or non-compliance with the conditions.

B.1.8 The paper is heavily influenced by MPI's industry focus and the preponderance of the forestry interests on the working group. Environmental NGOs were much less well represented, attendng a few meetings, and only one invited to the inner working group. Fish and Game (a QANGO, not an NGO) clearly has helped with the provisions for fish, but there the absence of biodiversity protection, and the sense that the foresters have written rules for themselves and their interests remains strong. This is not a great way of making policy, and officials must re-set the rules to give effect to the RMA requirements, not simply the interests of the forestry companies. In sayiing that, we acknowledge that some are genuinely trying to improve performance, but throughout the paper, there is a permissiveness that will undermine efforts to raise performance.

B.1.9 **Incentives to comply, councils' capability and capacity to detect non-compliance, and the likely outcome regarding environmental effects.**

The incentive for small forest owners, many of whom carry out the activities of planting, pruning/thinning, earthworks, river crossings only once in their lifetime, to comply with the rules may be very different from the incentive for large forest owners who are engaging in these activities continuously.

The location of the forests of large forest owners will generally be known to councils (and the general public) which makes monitoring by councils for non-compliance easier. Further, if there is non-compliance, councils can seriously disrupt the ongoing activities of the large forest owners by requiring that consents be applied for and this implied threat provides an incentive for large forest owners to comply.

On the other hand, the location of the forests of many small forest owners will often not be known by councils which makes monitoring by councils for non-compliance more difficult than with the large forest owners. Further, in small forests each of the activities covered by the NES (with the exception of harvestin) may be completed in a short period of time and be a fait accompli by the time any non-compliance is identified. In such cases the environmental damage will have been done and in most cases will be irreversible.

To be effective, the NES would require a substantially increased level of monitoring, and possibly enforcement, by councils. With the strong pressures on councils to constrain increases in rates, it is very unlikely that councils will make adequate funding available from rates.

This might suggest that the NES should apply only to forest owners with at least, say, 1000ha of forest. (While the problem that the NES seeks to overcome – namely different TLAs having different rules for forestry – is likely to be relevant to many large forest owners we suspect that it is irrelevant to almost all small forest owners.)

On the other hand, it is not clear that with respect to small forest owners the NES would result in worse outcomes (in terms of environmental outcomes) than under the current regimes.

In regions such as Hawkes Bay and Canterbury that currently have few rules regarding plantation forestry, the NES rules (assuming that there is good compliance) are likely to improve environmental outcomes relative to the current regimes.

B.1.10 Funding the required increase in councils' capability and capacity to monitor and enforce the NES

If implemented effectively, the NES will have the effect of reducing costs for (large) forest owners but increasing costs for councils in monitoring and possibly enforcement. With the strong pressures on councils to constrain increases in rates, it is very unlikely that councils will make adequate funding available from rates.

This suggests that if the NES is to be implemented effectively, there would need to be a levy on forest owners to fund the additional costs that would be incurred by councils.

B.1.11 The spread of weeds and other unwanted organisms

The NES addresses the unintended spread of plantation species but does not appear to address the transfer of weeds and other unwanted organisms (eg didymo) on forestry machinery and equipment. This is relevant to the activities of harvesting, earthworks, river crossings and mechanical land preparation.

Assuming that this issue is not adequately addressed elsewhere, *this suggests that conditions relating to this should be added to the General Conditions section of the draft rules.*

Part C Comments on the Sections of the Paper.

C.1 View on whether overall objective is well specified

Objective for Industry - Insufficient attention to the Purpose and Principles of the RMA and Duties of Decision makers to consider these.

It is clear that the plantation forest industry wants to save transactions costs and to have greater certainty. Some degree of commonality across New Zealand on minimum standards is welcomed, but the proposal pays insufficient attention to the Purpose and Principles of the Resource Management Act, and fails to test its proposals against those requirements.

The RMA requires the avoidance, remedy and mitigation of adverse effects on the environment, and enables "people and communties" to pursue their social, economic and cultural wellbeing, while fulfilling the conditions a-c in the Purpose, and complying with the conditions in Section 6-8.

What is striking about the proposed NES, is that it asserts that the purpose of the proposal is to remove unwarranted variations of conditions and so to lower costs and uncertainties,

while achieving the purpose of the RMA – but it makes no attempt to test or establish compliance with the RMA Purpose and Principles. It is a good aim, but it is not apparent that it is truly achieved. Moreover, there are other stakeholders and effects on the environment that need to be more closely considered.

Specifically, there is insufficient consideration of how the proposed NES achieves the Purpose and Principles of the RMA, particularly the cultural and social side, biodiversity (beyond the identified fish species) particularly ecosystems and invertebrates, and biosecurity. We do not accept that the provisions of the Biosecurity Act and pest management strategies are adequate to deal with plantation forestry impacts, and nor, as a matter of law and good policy, and achievement of the Purpose and Principles of the RMA, do we consider that deferring to the Biosecurity Act and Pest Management Strategies & Plans is adequate to control the impacts such as the spread of micro-organisms such as cause kauri dieback, or the many weeds that invariably seem to spread as a result of planation forestry activies.

C 2 View on whether an NES is the most appropriate approach & View on an effects-based NES as opposed to an activities-based NES

Of the options considered by MPI, we can live with the conclusion that the NES is adequate to the task that MPI has been set, but only if the standards are such that they really will be effective in terms of the Purpose and Principles of the RMA. The NES is an instrument of the RMA and thus must comply with those.

It is disappointing that there is little commentary in this proposal paper on the issue of how the approach adopted will interact with the effects-based approach of the RMA.

BUT, because of its provisions, we agree with colleagues that the proposed NES is essentially a voluntary code of practice: in areas with 'permitted' status. Councils are not given any powers to stop operations or to require changes to Erosion and Soil Conservation Plans or Harvest Pans prior to operations commencing. Councils are unable to influence or control environmental outcomes until enforcement action is triggered by a complaint or non-compliance with the conditions. That is not a sensible measure and in our view does not comply with the RMA Purpose, or the Principles.

Part D 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.

Q1 **- Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?**

1.a We can understand the desire for standardisation and for certainty, but these may come at a cost to others of enhanced risk for the environment and the risk that conditions are set too low.

1.b A problem not mentioned is simply the poor or lack of compliance by companies - we continue to see significant failures of erosion control after/during harvesting and land preparation e.g. Tairua a few years back and other parts of the Coromandel on a regular basis.

Your statement on p15 col 1 that "Generally, adverse environmental effects are well managed as a result of good practice within the industry and existing plan rules" does not match the experience of many of our member groups.

We have had numerous reports of slash blocking drains, culverts and water courses, of lack of riparian margins, of heavy silting and of afforestation and harvesting on improbably steep and unsuitable country. We recall the vivid language of a South Island DoC person who publicly called an official of a land use managing agency a "dickhead" for permitting planting of pines in an area where the community was already plagued by wildings. He was reprimanded for unprofessional language, but the community and conservationists whole-heartedly agreed.

ECO conducted its own study of the Ngunguru forestry case where the coastal marine area was heavily impacted and silted up, with even casual observation, not to mention careful documentation and photography by Wade Doak of the impacts on the coastal environment showed severe effects.

The recently reported damage in the Marlborough sounds and loss of important marine habitat was attributed in part to unsuitable forestry, and is recent and happened fast. It may also have reflected the use of dredges and scouring for scallop harvesting and resettlement, but in many situations there are several stressors on receiving environments.

ECO's member bodies in many parts of the country report inadequate conditions and inadequate enforcement of these.

1.c There is no acknowledgement that many plantations have simply been planted in the wrong places in the past e.g. very steep slopes or other sensitive sites, so there needs to be consideration given as to whether re-planting should be permitted or should indigenous restoration be required. Given the Permanent Forest Sinks Initiative (PFSI), and if the Emissions Trading System (ETS) were overhauled to remove the many exemptions and concessions that rob it of its effectiveness, then indigenous regeneration and restoration would be much more attractive to those involved.

1.d The proposed definition of "plantation forestry" (p19). We propose a change to: "a) at least 1 hectare of **tree** cover of **plantation** species that has been planted ...." . Justification: the definition in box 7 causes confusion between indigenous forest and plantations.

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

2.1 a **Not sufficently, no,** though some, such as seasonal closures to certain activities to protect biota are useful.

The conditions are too frequently designed to "manage" some impacts of forestry rather than to "avoid, remedy or mitigate" impacts. Avoidance is rarely considered, remedies also rarely mentioned, and where mitigation is referred to, it is mostly within the terms of existing forestry practice, rather than achieving the Purpose and Principles of the RMA. It reads as though the authors of the paper are not focussed on meetiing the terms of the RMA, and that sadly, is also reflected in the Outcome statement in Table 3, p19. We would consider that the NES–PF is not consistent with the requirements and considerations under the RMA.

b **Precedent Effects.** We have a considerable concern that the Permitted Activities approach will set too low a standard for other activities such as farming and mining. It will be essential that the bar for permitted use is moved to enable closer controls and to allow community engagement and to be less permissive. We note the points made about concerns of this kind on p35 of the paper, but we do not think that obviates our concerns.

The permitted use conditions are too permissive on many matters. The provisions are generally too liberal. That is a problem not only for this NES, but also for other NES's that may be adopted for farming or other activities, since this NES–PF will set a benchmark for other activities. It is likely to have a "precedent effect" of allowing similarly limited controls – though we appreciate that farming often does considserable damage too, with few controls. Mining is commonly also very damaging, and the controls for actvities done more intensely by mines may end up insufficiently strict if this NES is taken as a precedent.

c **Erosion Susceptibility Classification:** Part of the reason for our concerns is that permitted use status extends to even highly erodable land, and to moderately erodible land. We do not agree with the statement on p22 col 1 that "Typically green and yellow [erosion] classified land is considered low risk and in all cases forestry activitiy will be permitted ..". The **definition of yellow erosion susceptability classification** is that there is a **moderate** erosion susceptability – as the Table 5 on the same page illustrates. We thus cannot agree that this is "considered to be low risk". It clearly is NOT low risk.

We thus consider that the provisions in Fig 1 (and elsewhere in the text and appendices) be modified so that the slope classification and Permitted/ Restricted discretionary is shifted to Yellow (moderate erodability, 37%) , that all of the Orange classified land (High, 18%) be Restricted discretionary and

that none of the Red classificaiton (6%) be permitted for anything but afforestation with restoration of native vegetation as the goal. In Fig 1. for mechanical land preparation for orange and red it should be C and RD respectively.

We recommend that there is a further review of the classification to include areas where past evidence has shown there is a very high potential for erosion and sedimentation such as areas in Northland, Coromandel and Marlborough Sounds. The classification assumption of being equivalent to pasture cover is false as during land preparing and harvesting there is often considerable soil disturbance and if combined with a high rainfall event, creates high erosion and sedimentation risk.

d **Unclassified land.** It is not at all clear to us as to what governs those substantial areas of New Zealand that are undefined, as indicated on the map on p 23. We presume this is the Conservation estate, but some explanation is required in the document.

e T**he scope of the proposed conditions is not wide enough:**

i) The attention to biosecurity is inadequate and needs beefing up throughout. This is so still, despite our earlier urging. Proposed provisions relate really only to wilding pines (welcome as atttention to wildings is) and seems to rely wholly on the pest management plans of Regional Councils. Those are not adequate to control the transmission of soil and water based pathogens by forestry equipment and people in particular situtations, pay no attention to the manner in which forestry equipment carries invasive species such as pampas around, and will not be adequate to the task of avoiding, mitigating or remedying the adverse effects of invasive species and pathogens at particular forestry activity sites.

As above, the attention to biosecurity is not adequate to control the transmission of soil and water based pathogens. No conditions are provided to control the spread by forestry equipment of invasives and will not be adequate to the task of avoiding, mitigating or remedying the adverse effects of invasive species and pathogens. This is of particular concern in affected areas, such as the north of New Zealand where the spread of phytophthora is a major concern with Kauri dieback, itself apparently due to contaminated soil from foresty, and there are other pathogens, such as whatever is causing puriri die back. These are but examples of the reasons that there must be biosecurity rules and standards in any NES-PF as well as means of ensuring that these are enforced.

ii) The provisions for biodiversity protection are far too limited. We welcome moves to consider the spawning seaonality of the vulnerablility of the fish species identified, and occaisional mention of birds and nesting, but there is no apparent consideration at all of invertebrates, including frogs, snails, koura, and the many other aquatic creatures and plants that may be

affected. The impacts of loss of shade, of run-off, of herbicide use and other activities needs more consideration.

iii) Biodiversity controls are very weak. At times there are conditions to restrict damage to native vegetation, but those are infrequent and permissive of much damage. Ecological conditions are a basis for some stronger conditions in some circumstances, but on the whole, except for seasonal closures to protect some fish and some birds, there is little to encourage consideration of or protection of aquatic ecosystems, coastal and marine ecosystems, invertebrate species – not even of koura. That is not good enough.

iv) **Proposed Non-notification compounds conditions problems**. We do note references made periodically to **ecological conditions being a basis for councils to in some circumstances add or strengthen conditions, but the provisions for non-notificaiton of many applications** for consents erodes the ability of communities and non-council experts to have input to such decisions. Council staff frequently lack the knowledge or experience to draft adequate conditions.

v) **Setbacks are too limited**, and should be at least 10m, but there needs also to be consideration of the receiving environment, not simply of the activity, since the effects vary with the receiving environment.

vi) **Wetlands and Lakes** – (E.g. p61, p67 and elsewhere) It is unacceptable to allow permitted uses for forestry and zero setbacks of wetlands and lakes of <0.25 ha. New Zealand has already lost a very high proportion of wetlands, and these provisions will alllow the destruction of still more.

v) **Communities, social and cultural concerns.** The Table 2 on p18 and accompanying discussion lists what is "Out of Scope" of the NES, but this table and the discussion in Appendix 3 does not give a good account of how matters that communities care about a lot will be dealt with.

It strikes us that there should be some standard minimum conditions for the inclusion of, consultation with, treatment of communities, and that minimum cultural considerations need to be included. We get the unfortunate impression that cultural attention is restricted to consideration of archeological sites, but cultural concerns, Maori and otherwise, are alive and well and should be considered for contemporary as well as past cultural sensitivities. We have made that point before and remained concerned that the NES will foster the idea that cultural matters relate to how the dead and ancient are treated, not the living.

f) **Traffic impacts are barely mentioned,** either as in or out of scope – we recommend that some minimum standards be imposed, albeit that these should be able to be strengthened by councils. This is especially important in the light of the huge amount of harvesting about to happen, and because of the risks and health impacts of traffic, dust and noise.

g) **Many of the conditions are framed as required outputs such as plans, rather than as performance standards with specific physical or chemical limits.** We would like to see actual performance standards as well as plans, so that the biophysical standards to be achieved are clear. Plans themselves need to have very clear required specifications and these need to be made properly transparent.

h) **The timing of provision of operator plans and notice to Councils** under the proposals is not always workable or consistent with the requirements on councils to take action – this needs to be checked throughout the document and especially in Appendix 3.

For instance, on p63, there is a requirement on operators to notify councils at least 20 days in advance of earthworks, but then only on request of regional councils to provide an erosion and sediment control plan at least 20 days prior. This seems too tight, and in our opinion, both should be available at least 40 days in advance.

i) **The provisions to allow genetically engineered plants (e.g. p62) are unacceptable and we ask that these be withdrawn** as being contrary to good environmental management, an attempt to override local democracy, and risky. This is particularly so since GE trees have been poorly controlled even by research agencies. We ask that these provisions be removed altogether, and that other means be found to improve tree stock.

Plants genetically engineered to be herbicide resistant, for instance, could so easily go mega-invasive, with very poor options for containment and control since these have been engineered to resist herbicides.

We have heard that genetically engineered pines that are infertile would be one justification for this provision, and while that might be an application, there is no other discussion about means of making plantation species sterile or control of wildings, and the proposal remains unacceptable to our member bodies.

With the recent appointment to the EPA of someone with a strong background of promotion of GE, we are not confident that there can be reliance on the EPA for stringent conditions, and it is certainly not reasonsable to expect GE trees to be acceptable as a matter of course as a permitted use.

j) **Continuous canopy forestry.** There is little in the permitted use or other conditions to encourage continuous canopy plantation forestry. We are aware of trials of such, and that the really high risks of erosion and waterway damage come at the time of clear cut forestry. In our view it is time the industry and regulators addressed this set of problems with closed cannopy forestry and tiered planting. Until such forestry is fostered or required, it is unlikely that it will be adopted on an industrial scale.

k) **ECO recommends greater use of performance bonds, the liability provisions of the RMA, and the establishment of a levy on forestry**

activities to reflect the social and environmental costs of the activities. In particular, such a levy should be held by local councils and deployed to control wilding pines and for the mitigation of impacts such as environmental harms, noise and dust.

l) **NES–PF as providing minimum conditions**. ECO agrees with the idea of minimum conditions, but we oppose the limitation on the rights of local communities and councils to strengthen controls. The paper fails to a large extent to consider the nature of the receiving environment, but communities and councils are well placed to consider these, and to deny them this opportunity is to overturn aspects of local democracy and the principle of subsidiarity. Thus we urge that the NES-PF be a minimum standard, and that it aims to lift performance, but does not orverride local decision making where greater stringency of avoidance, remedy or mitigation and controls is sought by the relevant council and its constituents and those who make submissions.

m) **Openness and transparency.** The community will be able to engage with matters of compliance, and will feel less unfavourable to forestry if members have knowledge of consent conditions set, plans lodged by foresters and their agents, and of compliance reporting, monitoring results and so on. We urge that these matters be available to the public in a timely way, and that opportunities to comment and engage are provided to communities. This will lessen the perception of helplessness and will encourage better quality plans, monitoring and reporting.

n) **ECO opposes the provisions for non-notification**, especially in the orange zone, (e.g. p62, p67) which, we remind you, is an area of HIGH erosion susceptability.

o) **Noise, dust, other nuisances – consideration should not be limited to effects on dwellings.** We are very concerned at the limitations in the conditions on the extent of protection of neighbours and locals from dust, noise and other nuisances. We welcome the protection of dwellings from some of these, but such protection should be extended to others including schools, medical centres and hospitals, other businesses and lodges, campgrounds and also to those on farms and other open spaces. It is unfair for farmers and other outside workers to be exposed to noise and dust, and the argument that noise and dust can be expected in the country is unreasonable and unfair on those whose work is located there, even if there are protections for dwellings. Some of those need strengthening too. We do not accept reverse sensitivity arguments, since these amount simply to preserving the entitlement of operators to inflict a variety of harms and nuisances on other people and to limit their freedoms of action.

p) Deep ripping should not be permitted downhill, only on the contour.

Q 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?

3.1 As above, while many of the conditions are useful, they are often too liberal, and though some are clear and specific, others, such as requiring a plan but without specifying what should be in it, are inadequate or vaccuous. Appendices are needed to allow such specification, rather than relying on the operators to devise such plans.

3.2 We are concerned that the Councils will perceive the "permitted use" status of most forestry activities proposed in most areas, to be sufficient, and they and communities will fail to follow up with conditions on matters outside the scope or not mentioned at all.

3.3 As mentioned above, there is no discussion of the unclassified area for erosion susceptability.

3.4 Transparency and openness with public access to various documents, plans, conditions, monitoring reports and compliance information will enhance both complaince and the enforceability of the conditions, since operators will know that the community at large is able to observe events and activities and their outcomes, so helping the councils with their tasks. Trust and acceptance of the well performing companies will also be enhanced.

Q 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)?

a) Not entirely. As above, the Standarsds should be minima, not maxima, and councils should have the right to make conditions more stringent.

b) GE controls must remain with the councils.

c) We would like to see minimum standards for engagement, disclosure and consultation with the public.

d) Similarly, we consider there should be minimum standards for engagement with Maori, and consideration of contemporary as well and historic cultural matters.

e) Biosecuirty and biodiversity considerations need to be broadened and be strengthened by local authorities.

f) Flexibility should be allowed to councils to place addition conditions on the protection of small water courses in some landscapes where they are important for maintenance of water quality e.g. Coromandel Peninsula.

Q 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)?

1 The erosion control zoning seems to have a number of major problems where some areas of known high erosion risk are not classified as such e.g. parts of the Coromandel Peninsula and Marlborough Sounds.

2 We ask that the ESC be updated every 5 years and that such revisions apply to all plantation forests. This will reflect better technology and mapping and monitoring and actual changes of conditions as the effects of climate destabilisation manifest themselves with higher intensity storms, rainfall and other variations.

3 The Wilding Spread calculator and the Fish Spawning indicator are insufficient, in that the other considerations suggest that there should be other tools, such as biodiversity, biosecurity and receiving environment sensitivity that should be also assessed with tools.

Comments on Appendix 3 - Draft Rules of the Proposed NES- PF

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

A. Comments that apply to two or more sections of the draft NES)

6.1 Setbacks for afforestation, earthworks, mechanical land preparation and re-planting

For perennial rivers and streams >3m in width, the setbacks in the draft NES are 10m; for perennial rivers and streams <3m in width, the setbacks in the draft NES are 5m.

What is the justification for this difference? It seems to us that conducting the above activities 5m from a river or stream must have a greater risk to the integrity of the river or stream than conducting these activities 10m from the river or stream, irrespective of the size of the river or stream. So is the justification the assumption that damage to the integrity of a small river or stream is less important than damage to the integrity of a large river or stream? We doubt that this assumption would be validated by evidence.

In the absence of sound justification for the 5m setbacks for rivers and streams <3m in width, the setbacks should be 10m for all perennial rivers and streams.

Setback distances: p61 and in later sections these seem only to be based on in-stream values where as these should also consider terrestrial biodiversity and the role that streamside zones play as habitat and connectivity in the landscape. The inclusion of these values would require the setback zone to be much wider in many circumstances. To have only a 10m riparian zone for many river or lakes is ridiculous and has no credibility, especially if recreational and scenic values are taken into consideration.

A **matrix** for setback distance in relation to the range of variables relating to the instream values and impacts, the terrestrial and if applicable, coastal and marine values and impacts, and the terrestrial and biodiversity values of the activities and the water body would be more appropriate

Also there is no consideration given to small streams less that 3m or seasonal water bodies. In some landscapes and ecosystems, these can be considerable in number and habitat significance, and are often a key point source of erosion and water quality reduction. Flexibility should be allowed to councils to place addition conditions on the protection of small water courses in some landscapes where they are important for maintenance of water quality e.g. Coromandel Peninsula.

For wetlands >0.25ha the setbacks are 5m; for lakes >0.25ha the setbacks are 10m; for outstanding freshwater bodies (as defined in the NPS-FM) and for surface water bodies subject to a Water Conservation Order (WCO) the setback is 10m; for all other wetlands and lakes there is no setback requirement.

It appears to be assumed that wetlands and lakes <0.25ha have significant value only if they are 'outstanding freshwater bodies' or are subject to a WCO. Is there is evidence for this? (0.25ha is the same size as an area 50m x 50m) Again, we doubt that this assumption would be validated by evidence.

Why is there only a 5m setback for wetlands whereas there is a 10m setback for lakes?

In the absence of sound justification for the 5m setback for wetlands >0.25ha, the setbacks should be 10m.

6.2 Consents in Orange Zone

The NES currently states that for Afforestation and Earthworks, "Consents in Orange Zone must be non-notified."

These activities in the Orange Zone are of sufficient public interest that *all consents in Orange Zone should be notified.*

6.3 Erosion Susceptibility Classification (ESC)

a Improvements to technology and more on-site assessments are expected to enable the accuracy of the ESC to be improved over time. For this reason, *the ESC should be updated every 5 years and the updated ESC applied to all relevant activities in all plantation forests. (Application of the updated ESC should not be retrospective.)*

6.4 Effects in receiving environments

When referring to the ecological and aquatic effects of activities the NES sometimes mentions the effects on receiving environments and sometimes doesn't. Similarly, when referring to damage to downstream infrastructure and property" it sometimes includes receiving environments and sometimes doesn't. Also when referring to the impacts of

sediment the NES sometimes refers to clogging downstream receiving environments and sometimes it doesn't.

In all cases the words "including effects on receiving environments" should follow references to "ecological and aquatic effects".

In all cases "or receiving environments" should follow reference to "damage to downstream infrastructure and property".

In all instances the clogging of downstream receiving environments should be mentioned as an impact of sediment.

6.5 Ability to be more stringent: National Policy Statement for Freshwater Management

We strongly support the position in the draft NES that "councils may apply more stringent rules where the NES-PF is not sufficient to meet limits established under the NPS-FM or to protect the significant values of wetlands and outstanding freshwater bodies." (p97)

6.6 Afforestation and Replanting: genetically modified tree stock

GM trees: p62:

Proposed as permitted if approved by the EPA but this is completely unacceptable. GM trees should be moved to the Restricted Discretionary section where councils retain the ability to not permit GM tree planting.

Some communities in NZ use a broader framework than the EPA is constrained to use by the HASNO Act when they assess the risks and opportunities in relation to genetically modified organisms. Hence, over and above any decision by the EPA to allow the planting of genetically modified tree stock, whether, and if so, under what conditions, genetically modified tree stock should be planted in any area is a matter best addressed at a local level.

The planting of genetically modified tree stock should be out of scope of the NES-PF.

(NB. This is the same rationale stated in the NES for vehicle movements and road damage to be out of scope of the NES and addressed at local level.)

6. B. Comments on specific sections

6.B.1 Afforestation:

a) p60: this section omits the risk that the establishment of plantations in areas required for the restoration and protection of indigenous ecosystems threatens the maintenance of biodiversity.

b) Afforestation: Restricted discretionary, Matters to which discretion is restricted (p62)

Insert the words "only" and "(not because permitted activity conditions cannot be met)" so that the relevant sentence reads:

"Where afforestation is restricted discretionary only because it is located on Red Zone land (not because permitted activity conditions cannot be met), then discretion must be restricted to the matters that address erosion risk."

c) GM trees: p62:
Proposed as permitted if approved by the EPA but this is completely unacceptable. GM trees should be moved to the Restricted Discretionary section where councils retain the ability to not permit GM tree planting.

6.B.2 Earthworks (p63)

a) As currently written it seems that digging a post hole would be considered to be earthworks. If this is correct this suggests that there should there be a de minimus provision, perhaps along the lines of:

Any earthworks in a forestry plantation that involves the moving of <10m^3 and is >10m from a perennial river or stream or a surface water body is a permitted activity in all Zones and is not required to meet the permitted activity conditions.

b) Earthworks: Permitted activity conditions, Road widening and realignment for safety purposes (p64)

We assume the statement "the volume moved is more than 5,000m^3 per activity area;" should read *"the volume moved is less than 5,000m^3 per activity area;"*.

This raises the issue of what is an "activity area". We are aware that there have been sly practices in some of the sustainable forestry (sic) permits where the permission to fell a certain area has been manipulated by having numerous "areas" so that the permissable coup logging is amalgamated to become much larger than orginally envisaged. We would like to see safeguards to prevent such sleights of hand.

c) Earthworks: p67 on Matters on which discretion is restricted: add the ability of councils to alter the setback distances including to consider terrestrial biodiversity effects.

6.B.3 Harvesting (p68)

a) *Harvesting: p68 Scope*: ECO strongly supports the inclusion of damage to indigenous vegetation but this needs to be added as a key risk from harvesting.

b) In ECO's view there is a need to consider setback for key water bodies as at least the distance of the height of the trees being felled in order to keep them from disturbing the setback zones. We lack consider that in view of their hydrological and habitat significance, there should be much more careful consideration of small and seasonal water courses, albeit that this will not be welcomed by the foresters.

c) As currently written it seems that felling one tree would be considered to be harvesting. If this is correct this suggests that there should there be a de minimus provision, perhaps along the lines of:

The felling of trees in a forestry plantation is a permitted activity in all Zones and is not required to meet the permitted activity conditions if it involves fewer than 20 trees a year and, complies with set back requirements.

6.B.4 Mechanical land preparation, Permitted (p72-73)

a) As discussed under setbacks, there are insufficient and inadequate setback distances and flexibility.

b) ECO opposes downhill ripping. Following the contour should be a core part of erosion control. If not suitable for contour preparation, the area should not be used for this form of mechanical preparation.

c) As discussed earlier, we consider that mechanical land preparation should not be a permitted use on red zones where the slope is >25 degrees. If this proposal is not accepted, then we request a rewording such that:

In the third bullet replace "but" with "except where" so that the bullet reads:

> *In Orange and Red Zones where the slope is greater than 25 degrees except where the technique affects the subsoil (for example, deep ~~downhill~~ ripping or giant discing);*

d) p*73: Matters to which discretion is restricted*: ECO suggests that the Proposal needs to add terrestrial biodiversity effects including on ability to restore and maintain indigenous ecosystem reserve areas.

e) In the same vein, there is also need to consider very localised erosion and water quality risk situations, where councils should have the ability to either impose tight conditions, allow replanting based on it being continuous cover forestry, or only allow restoration of indigenous vegetation to maintain continuous vegetation cover.

6.B.5 Forestry Quarrying – location (p75)

a) We assume that the NES rules are intended to apply only to quarries on properties that are being used for forestry. However, nowhere is this stated and so it appears at face value that the rules apply to "the extraction of rock, sand or gravel for the formation of forest roads" in any location across the country.

The restricted application should be clarified by inserting the words "from a forestry property" in the first sentence of the Scope statement:

Forestry quarrying is the extraction of rock, sand or gravel from a forestry property for the formation of forest roads.

b) Forestry Quarrying: Permitted (p75)

For the reason given in 11. above, the sentence should be changed to read:

Quarrying on a forestry property is a permitted activity in all zones except .....

c) Forestry Quarrying: Controlled (p77)

The first bullet point is in direct conflict with the statement of what is Permitted.
We assume the two bullet points are meant to be a single bullet point reading:

> *in all zones (except the Red Zone where the ESC identifies land as having the potential for severe or very severe earthflow or slump erosion) where any of the permitted activity conditions (except for property setbacks) cannot be met.*

6.B.6 Replanting
Replanting: p79 Permitted activity conditions: as discussed in various places above, the setback requirements are inadequate, with a focus only on instream values. ECO asks that there be explicit consideration of terrestrial indigenous ecosystem values and effects, towards restoring and maintaining these, and for the protection of riparian margins to control the effects on the receiving environment including those downstream and the marine and coastal environment.

6.B.7 General Conditions, Fish spawning (p84)
a) We welcome provisions for the protection of fish spawning, but would like to see comparable consideration given to invertebrates.

b) The way 3. is currently written it appears that 1.a. and 1.b. would still apply. This seems nonsensical and suggests that 3. should read:

…. the species has not been found, none of 1.a., 1.b., or 1.c. apply.

c) We have concerns that the proposal is for greater permissiveness with rarer species. A probability of 0.5 means that it is 50:50 whether the fish are there. But with the rarer species, this probability may be lower, but the consequences of damage may be more severe if they are there, are seriously impacted and are rare. This suggests to us that there is a need for a requirement for ecological surveys, not guesses, and that there needs to be an ecological assessment done before each of the key potentially damaging activities is undertaken. The provision at the moment only relates to probability, not to the significance of the consequences should the species in fact be there.

To solve this problem, we suggest that there be a methodology both for ecological assessent, and for the assessment of the significance of the consequences for the environment and ecosystem and species. An informed decision process could then follow.

Koura and culturally and ecologically significant species, including invertebrates should be the subject of such assessments.

6.B. 8 River crossings: General conditions (p86)

a) The NES refers to "permitted activity conditions 2, 3, 4, and 7 below". However *there are no permitted activity conditions below numbered 2, 3, 4 or 7.*

b) River crossings: Permitted, Placement (p88)

c) The NES requires the placement of a permanent crossing in a wetland of >2,500m^2 to have a consent (it cannot be a permitted activity) but allows for the placement of a permanent crossing in a wetland of <2,500m^2 to be a permitted activity. As noted in 4.2 above, the *assumption seems to be that wetlands of <0.25ha will not have significant value. We question what the evidence is for this assumption.*

d) **River crossings: Crossing-specific conditions, Ford (p89)**

Item 2. does not appear to be related to fords (unless forestry operators have a practice of washing their trucks in fords). *Item 2. needs clarifying.*

e) River crossings: Controlled (p90)

The current two sentences do not make sense. We suspect that they should be run together thus:

…. or contaminant discharge, is a controlled activity if it cannot meet one or more of the applicable permitted activity conditions, ….

f) River crossings: Restricted discretionary (p92)

References under Item 2. to "permitted activity conditions 2 and 3 above" and under Item 3. to "permitted activity conditions 1 and 2 above" are not identifiable.

6.B.9. p96; Matters where councils can apply more stringent rules:

Add: where there is a need for terrestrial indigenous ecosystem restoration to maintain and restore biodiversity as in most situations the existing remnants of indigenous vegetation are insufficient.
Add: where GM trees are proposed for planting.
Add: where local erosion and sedimentation risk is not reflected in the Erosion Susceptibility Classification.
Add: Social and Cultural matters
Add: Protection of the coastal and marine environment.

6.B.10 In some places, misusage of 'must" instead of "may" leads to unintended meaning.

In several sections of Appendix 3, the language used seems to mean something other than what was intended. In some places, "must" is used correctly, but in others it is not.

For instance on p72 Mechanical Land Preparation, /Regional/ Methods, bullet point 3, says: "No downhill ripping in soils must be undertaken where there is evidence of gully erosion and tunnel gully erosion."

This original version simply means that it is not compulsory to down hill rip. This is not the intended meaning, as far as we can discern. The grammatical solution is:

Either:
"Downhill ripping in soils must NOT be undertaken where there is evidence of …"

OR
"No downhill ripping in soils MAY be undertaken where there is evidence of.."

The 19 sets of comments in Section A and Section B above relate to Consultation Qu 6. We now move on to Consultation Qu 7.

Q 7 Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)? [Please give us the page reference.]

As noted above, the governing legislation is the RMA, so the first order test should be the Purpose of the Act (s5), the second order test should be the Principles of the Act (s6-8). The criteria listed in Box 13 are **fourth and fifth order criteria, not first and second**. The third order criteria should be environmental effectivenss, then those you have listed in Bullet point 2/1; then 2/2, then 1, then the rest.

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

No comment, except that there has been no consideration of costs relating to trade, health and for other land uses of the proposal to allow GE trees.

Q 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)?**

We have covered many of these matters above.

The include:
compliance with the RMA requirements;

the funding and political will of the councils;

the confidence of the community in the forestry industry;

the precedent effect – and the concommittant risks to the New Zealand environment if the permitted baseline is too weak for good environmental effects control.

Non-notification and non-disclosure causing poorer decision making, loss of quality oversight by the publlic and loss of trust in both the forestry industry and the central and local government agencies, with a consequential removal of social licence.

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

a) Risks to the environment from biosecurity threats,

b) The opportunity to insert minimum standards into the NES for engagement with the community and for engagement with Maori and with cultural values;

c)The opportunity to rasie environmental standards significantly

d)The risk that the over-ruling of local democracy presents.

Q11 Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

a) With the provision in the proposed NES-PF for councils to adopt more stringent rules if that is necessary to implement the NPS-FM, the NES-PF should not prevent or obstruct regional councils in implementing the NPS-FM.

b) The absence of performance standards in the proposed NES-PF may be helpful to regional councils in that they will be free to impose on forestry activities whatever limits they deem necessary and equitable to achieve the objectives of the NPS-FM. But we do not see that the proposed NES-PF would actively support regional councils to implement the NPS-FM.

Q 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)?

We suggest that ecological assessments be required (using suitably qualified personnel) and that training in this be made available and a requirement prior to the conduct of the key damaging activities. We do not suggest that all people do this, but that it be done as a condition prior to the issue of any consent.

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

1. Please put protection of the environment central to your decision making.

2 The forestry industry should not the be only subject of your consideration.

3 Certainty is not a free good – especially over long time periods.

4 Some discussion of the effects of climate change on rainfall and other relevant matters should be included.

5 So too should the greenhouse gas effects of plantations and of deforestation.

6 Please, when you put out documents for comments:
a) number points, do not just use bullet points, that way submitters can more easily reference text.
b) Give us page references.
c) Avoid incorporating formating in the template so that we waste time getting them to behave on our computers – or simply remove them, where we can.

7 Thankyou for the opportunity to make this submission, and for the work that was put into the consultation and the paper.

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD - PLANTATION FORESTRY

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1. BACKGROUND

1.1 *National Environmental Standards*

1.1.1 The preparation of National Environmental Standards (**NES**) (and National Policy Statements[1] (**NPS**)) is a function of the Minister for the Environment.[2] A NES contains specific standards, methods or requirements relating to land use, subdivision, water, contaminants and the Coastal Marine Area (**CMA**). It includes qualitative or quantitative standards and methods, which drive the rules in lower order planning instruments. A NES creates uniform rules to be applied across New Zealand. It can prohibit, restrict or allow an activity; however it must not permit activities that have significant environmental effects[3]. Lower order planning instruments and resource consents must comply with its standards.[4]

[1] With the exception of the NZCPS.

[2] Section 24 RMA.

[3] Section 43A93) RMA.

[4] See sections 43-44A

1.2 *National Environmental Standard for Plantation Forestry*

1.2.1 The proposed National Environmental Standard for Plantation Forestry (**NESPF**) sets out rules governing the management of forestry activities. It consists of a set of draft rules underpinned by three environmental risk assessment tools (**ERAT**):

a. Erosion Susceptibility Calculator (**ESC**).

b. Fish Spawning Indicator (**FSI**).

c. Wilding Spread Risk Calculator (**WSRC**).

1.2.2 How the rules in the NESPF apply across different parts of New Zealand is determined by the level of risk of adverse environmental effects in the particular area, as determined using the ERATs. The objectives of the NESPF are to remove unwarranted variation between planning controls for plantation forestry nationally, improve process certainty, improve environmental outcomes, and create a cost-effective resource management system for forestry operations.[5]

1.3 *EDS Position – General Comments*

1.3.1 EDS supports the preparation of the NESPF in principle because:

a. It is an important tool to ensure national consistency in managing the environmental effects of forestry activities.

b. As a national level policy instrument it will improve certainty of RMA process for stakeholders which will reduce repeat litigation.

1.3.2 Notwithstanding our support of the NESPF as a regulatory mechanism EDS holds a number of significant concerns relating to:

a. The matters where councils can apply more stringent rules than those in the NESPF, in particular:

i. Implementation of the New Zealand Coastal Policy Statement 2010 (**NZCPS**) and protection of the coastal environment.

ii. Implementation of the National Policy Statement Freshwater Management 2014 (**NPSFM**) and protection of freshwater.

iii. Protection of high value areas.

b. The adequacy of the ERATs to appropriately manage environmental effects.

c. The adequacy of the draft rules to appropriately manage environmental effects.

[5] Section 2 NESPF.

1.3.3 In light of these concerns EDS submits that in its current form the NESPF is contrary to Part 2 RMA. EDS seeks that:

a. The NESPF be withdrawn and rewritten; or

b. The NESPF be substantially amended to respond to the concerns raised and the relief sought in this submission.

2. SUBMISSION

2.1 Matters where councils can apply more stringent rules

2.1.1. The NESPF lists a number of specific matters where council's may apply more stringent rules in lower order planning documents than those in the NESPF.[6] The matters identified are generally supported. However, there are significant gaps which render them inadequate to ensure that councils will have the ability to include rules necessary to give effect to[7] the NZCPS and NSPFM[8] because:

a. More stringent rules should be able to be applied in relation to the coastal environment, not just the CMA. The first goal of the NZCPS is to safeguard the integrity, form, function and resilience of the coastal environment.[9] The extent of the coastal environment varies between regions, and between individual localities within regions. It includes but is not limited to the CMA.[10] Forestry activities have the potential to have significant adverse effects on the coastal environment outside the CMA, for example on indigenous biodiversity and natural character.

b. There is no provision for the ability to apply more stringent rules relating to Outstanding Natural Character Areas (**ONC**). The preservation of natural character is a matter of national importance.[11] Natural character is not the same as natural features or landscapes. It is made up of the elements, patterns, and processes that are the products of nature and the natural landforms these create.[12] (See paragraph 2.3.1.5 below).

c. The NESPF consultation document expressly identifies that greater stringency will be provided for in relation to the significant values of wetlands.[13] This has not been carried through into the Appendix 3 table. (The importance of wetlands is discussed below at paragraph 2.3.1.1(c)).

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[6] Appendix 3 draft rules at page 98 NESPF document.

[7] See sections 62(2), 67(3), 75(3) RMA.

[8] The NESPF identifies the ability to apply more stringent rules as the key mechanism through which councils can ensure that the NPSFM and NZCPS are implemented (see Section 6 proposed NESPF).

[9] Objective 1 NZCPS.

[10] Policy 1 NZCPS.

[11] Section 6(a) RMA.

[12] Policy 13 NZCPS and MfE Guidance Document Policy 13 NZCPS.

[13] Section 6 NESPF Consultation Document.

d. Local decision-making is provided for where sites such as significant natural areas (**SNA**) and outstanding natural landscapes (**ONL**) are identified and mapped. This will not capture those sites that have not yet been identified, mapped or even discovered. Many regions/districts have not mapped these areas, and instead provide criteria to be used to identify them on a case by case basis. Local authorities should have the ability to include more stringent rules in relation to high value areas, irrespective of whether they have been mapped in the relevant plan.

2.1.2 There is also no clear process as to how members of the community can seek the inclusion of more stringent rules in local plans. Local authorities must amend plans to remove duplication of conflict with the NESPF without using the Schedule 1 RMA plan change process[14]. As a result the NESPF's rules will be incorporated into the relevant plan without notification. This provides the public with no opportunity to seek more restrictive provisions for high value areas. Forestry activities can and do have adverse environmental effects. In some instances more stringent rules will be required. It is critical that should local authorities choose not to include more stringent rules that there is opportunity for the local community to seek their inclusion.

Relief sought

2.1.3. EDS seeks that:

a. The NESPF provides councils with the ability to include more stringent rules relating to the coastal environment and the NZCPS as a whole, the NSPFM, ONCs, significant values of wetlands, and ONL and SNA areas irrespective of whether they have been mapped.

b. Direction is provided regarding the process for the public to seek more stringent rules in local plans.

2.2 Adequacy of the Environment Risk Assessment Tools to manage environmental effects

2.2.1 *Erosion Susceptibility Calculator*

2.2.1.1 The ESC is based on land use activities and does not take into account the sensitivity of receiving environments. A particular receiving environment may be significantly adversely affected by a small amount of sediment off a small slope, whereas a different receiving environment may be less effected by a larger amount of sediment off steeper slopes. This is of particular relevance to the coastal environment and the CMA, and wetland areas. For this reason it is critical these are included as matters where more stringent rules can be included in lower order plans.

[14] Section 44A RMA.

2.2.2 *Fish Spawning Indicator*

2.2.2.1 EDS has serious concerns about the protection for freshwater fish under the NESPF. These concerns relate to the veracity of the underlying data, exclusion of multiple fish species, the narrow provision for spawning activities and insufficient setbacks.

2.2.2.2 The underlying data for the FSI is incomplete. The supporting technical paper (Smith 2014) [15] does not use the best available scientific evidence[16].

2.2.2.3 Smith (2014) provides an assessment data sheet for each fish species assessed in the appendix of the report. This assessment is based on some cited literature, but misses key references and also the author's lack of knowledge of unpublished events leads to some incorrect assessment.[17] The use of McDowall (2000) as a key reference for much of the distributional data has led to a number of species having incorrect ranges as much of this article is out of date due to revision of the taxonomy of galaxiid fishes and discoveries since the book was published.[18]

2.2.2.4 Smith (2014) assesses the risks to spawning and fish migration for 41 fish species; 34 native and 7 introduced fish. It utilises the most recent Department of Conservation threat rankings (Goodman et al 2014) as part of its risk assessment. Goodman et al (2014) includes threat rankings for 77 freshwater fish taxa including indeterminate taxa, recent colonisers and vagrant taxa, and ranks 54 resident native fish and 23 introduced species.[19] Therefore, Smith (2014) has not considered 36 freshwater taxa that were assessed in the Goodman et al (014) paper upon which it relies.

2.2.2.5 The majority of the excluded native taxa are indeterminate taxa (taxa without formal scientific descriptions). DOC (Bowie, et al 2014) is collaborating with NIWA taxonomist (Dr Shannon Crow) to describe a number of these species. Therefore, while these taxa are not currently named, that expert workshop has set out the taxa to be formally named and this process is underway.[20] With this in mind there is no reason to exclude these taxa from the analysis, report, or the NESPF.

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[15] Smith, J. (2014). Freshwater Fish Spawning and Migration Periods. MPI Technical Paper No: 2015/17

[16] Se age 38, Table 8 of the NESPF Consultation Document.

[17] Missed references include: Allibone, R. M., & Townsend, C. R. (1997). Reproductive biology, species status, and taxonomic relationships of four recently discovered galaxiid fishes in a New Zealand river. Journal of Fish Biology, 51, 1247-1261; Allibone, R. M., & McDowall, R. M. (1997). Conservation ecology of the dusky galaxias, Galaxias pullus (Teleostei: Galaxiidae) (pp. 48). Wellington: Department of Conservation and Moore, S. J., Allibone, R. M., & Townsend, C. R. (1999). Spawning site selection by two galaxiid fishes, Galaxias anomalus and G. depressiceps, in tributaries of the Taieri River, South Island, New Zealand. New Zealand Journal of Marine and Freshwater Research, 33(1), 129-139.

[18] McDowall, R. M. (2000). The Reed field guide to New Zealand freshwater fishes. Auckland: Reed Publishing (NZ) Ltd.

[19] Goodman, J.M., Dunn, N., Ravenscroft, P., Allibone, R.M., Boubeé, J.A.T., David, B.O., Griffiths, M., Ling, N., Hitchmough, R., Rolfe, J.R. (2014). Conservation status of New Zealand freshwater fish, 2013. New Zealand Threat Classification Series 7. Department of Conservation, Wellington.

[20] Bowie, S., Pham, L., Dunn, N., Allibone, R. M., Crow, S. K. (eds). (2014). Freshwater fish taxonomic workshop: Focussing on New Zealand non-migratory galaxiid issues: Department of Conservation

2.2.2.6 The NESPF excludes multiple species assessed in the NIWA report from the list on page 86[21] including inanga, banded kokopu, short-jaw kokopu, lamprey, bluegill bully, giant bully, common bully, upland bully, Crans bully, alpine bully, common smelt, longfin, shortfin, Australian longfin eel, and the unique torrentfish. There is no justification for the exclusion of these species. Their exclusion is likely to result in serious impacts on their survivorship.

2.2.2.7 The risk assessment for fish takes no account of known impacts of forestry on existing populations. For example, both Galaxias pullus and G. eldoni have suffered localised extinctions due to forest harvesting activities in Otago (DOC unpublished data) and should be regarded as highly sensitive species. Collating similar data for other species and the associated forestry activities that caused their decline or extinction would then better inform the risk assessments.

2.2.2.8 The fisheries data is also used in the GIS section of the NESPF, but information on indeterminate taxa (e.g., Clutha flathead, Teviot flathead and less threatened taxa e.g., southern and northern flatheads) has been excluded.[22] The New Zealand Freshwater Fish Database (**NZFFD**) has included records of these taxa for some years, so the data on indeterminate taxa is available for use. It appears from some testing of the GIS for locations in Otago that the information for indeterminate taxa has been discarded and no information has been used in place of this data. As a result stream sections with some rare taxa do not record the presence of these rare taxa and so the GIS data does not accurately represent the values and sensitivity of some streams.

2.2.2.9 A predictive fish distribution algorithm has been used to provide a prediction of fish that could be present for river reaches where no NZFFD records exist. If the predictive algorithm indicates a species may be present with a greater than 50% probability this is displayed in the GIS. Testing this predictive mapping there are obvious errors. For example, for some Otago sites it predicts brown trout are present in some stream reaches where they are known to be absent. The algorithm also fails to predict the presence of native fish in some areas they are known to be present (but no NZFFD records are available). The GIS data needs to be revised to include indeterminate taxa. Ground truthing of the predictive method should be conducted to remove many errors.

Relief sought

2.2.2.10 EDS seeks that:

a. The underlying GIS data be revised to include all fish taxa, including indeterminate taxa, and especially threatened/at risk species.

b. That the fish calculator takes into account the threat posed to native freshwater fish by forestry activities.

[21] General Permitted Activity Conditions – Fish Spawning.

[22] http://mpi.maps.arcgis.com/apps/webappviewer/index.html?id=3a5fb023b6354b63b70df4710495679c

2.3 Adequacy of the draft rules to appropriately manage environmental effects

2.3.1 *Activity Status*

2.3.1.1 EDS is concerned with the predominant use of permitted activity status, and the reliance on permitted activity standards to control adverse effects on the environment for the following reasons:

a. Permitted activity standards are difficult to enforce. The permitted activity standards in the NESPF include the provision of various operational plans. Although EDS supports this requirement in principle, without clear contents requirements councils will have no ability to refuse consent based on an operational plans being inadequate to meet the permitted standard because councils have no ability to reserve discretion to finally approve a permitted activity.[23] As a result the use of Erosion and Sediment Control Plans and Harvest Plans to demonstrate compliance is inappropriate. Such plans are purely operational and councils are not given the opportunity to have input, make suggestions or to approve activities before they proceed.

b. Permitted activity standards provide no mechanism for local government to recover monitoring costs. This will cause unnecessary and unreasonable burden on agencies.

c. A NES must not allocate permitted activity status to an activity that will have significant adverse effects on the environment.[24] The NESPF applies permitted activity status to the majority of activities in areas zoned orange under the ESC. Orange zoned land includes many steep and erosion prone areas. These are the two critical elements contributing to adverse effects on water quality as a result of forestry activities. There is a real risk of significant adverse effects on the environment from harvesting, afforestation, earthworks and mechanical land preparation in these areas. It is appropriate that consent is required. Orange zoned land encompasses only 18% of plantation forestry in New Zealand. It is not an unreasonable burden on forestry operators to have to seek consent in these areas and that process would give the council some ability to assess and respond to likely impacts.

2.3.1.2 The highest activity status utilised in the NESPF is restricted discretionary. In considering an application for resource consent for a restricted discretionary activity, councils can only consider the specific matters to which discretion is reserved. A restricted discretionary activity status is too inflexible in red zone areas. These areas are classified as high risk and it is appropriate that councils have the ability to consider all matters relevant to an application.

Relief sought

2.3.1.3 EDS seeks that:

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[23] ***Boanas v Oliver*** C07/94.

[24] Section 43A(3) RMA.

a. The activity status for each activity in orange zoned areas be reassessed. A controlled or restricted discretionary status is more appropriate.

b. The activity status for each activity in red zoned areas be reassessed. A discretionary status is more appropriate.

c. That erosion and sediment control, and harvest plan templates are developed that include clear requirements and expectations regarding appropriate methods and practises. Templates should be coupled with a review process to ensure they do not become outdated.

2.3.1 *Permitted standards*

Riparian set backs

2.3.1.1 The setbacks proposed as permitted activity standards relating to afforestation, earthworks, mechanical land disturbance, harvesting, and replanting are insufficient for the following reasons:

a. Setbacks are only required in respect of perennial rivers and streams. No protection is provided for ephemeral streams. It is not clear whether protection is provided for intermittent streams. The RMA and the NPSFM do not distinguish between ephemeral and permanent (including continuous flow or permanent pockets of water) streams. The NESPF should not make such a distinction.

b. The setback sizes for rivers and streams are inadequate. For perennial rivers and streams of less than 3 metres width a setback of only 5 metres is required. Setbacks should take into account threat status of indigenous flora and fauna (especially fish), not just the size of the stream. Many of the nationally critical threatened fish live in extremely small streams – less than 1 m wide (for example, the threatened galaxiid). These streams are vulnerable to sedimentation and some populations have already become locally extinct as a result of forestry impacts. Small streams cannot flush themselves and sediment can also deplete food resources as it smothers the bugs on the stream bed. Setbacks as large as possible are required to adequately safeguard them (c.30 metres).

c. Setbacks are only required for wetlands greater than 0.25 hectares, and the designated setback distance is 5 metres. The setbacks for wetlands are inadequate for two reasons. First, limiting the setback requirement to wetlands of 0.25 hectares is unacceptable. New Zealand's wetlands are generally accepted to have reduced nationally by 90% since European settlement[25], covering less than 1% of New Zealand[26]. Many of the remaining wetlands are being further reduced in size and are small in extent. For example, in the

[25] ***Historical and current extent of Canterbury's freshwater wetlands and recent trends in remaining wetland areas***, Environment Canterbury Regional Council, Report No R10/119 ISBN 978-1-877574-24-5, M Pompei, P Grove, June 2010, at 4.1 page 12.

[26] ***Friends of Shearer Swamp Inc v West Coast Regional Council*** [2010] NZEnvC 345 at [6].

Canterbury region 84% of wetlands are smaller than 10 hectares[27]. The RMA requires preservation of the natural character of wetlands and protection of significant indigenous vegetation as matters of national importance[28]. The NPSFM requires protection of the significant values of wetlands[29]. Neither the RMA nor the NPSFM limit this protection to wetlands of a specific size[30]. Neither should the NESPF. Secondly, a setback of 5 metres is inadequate. New Zealand's wetlands are compositionally unique with 82% of indigenous flora including many wetland species being endemic[31]. Wetland areas are under undeniable pressure and their protection is critical[32]. Plantation forestry is a known cause of wetland loss, from forestry growth, drainage changes, and the unplanned spread of wild conifers[33]. Larger setbacks are required in order to safeguard New Zealand's remaining wetlands and their unique ecosystems (c.30 metres).

d. No setbacks are required for SNAs. Forestry can affect SNAs through both operations, and through the introduction of wilding pines. In order to restrict and ideally avoid negative environmental effects on SNAs setback should be ser in relation to both afforestation and replanting.

Relief sought

2.3.1.2 EDS seeks that:

a. Setbacks are required in relation to all permanent, intermittent and ephemeral streams[34].

b. Criteria is provided to calculate the required setback distance for rivers and streams which take into account size, and indigenous flora and fauna.

c. Criteria is provided to calculate the required setback distance which take into account significant values of wetlands.

d. Setbacks are required and specified for SNAs.

[27] Ibid at fn 25.

[28] Section 6 RMA.

[29] Objectives A2 and B4 NPSFM.

[30] See ***Friends of Shearer Swamp Inc v West Coast Regional Council*** at [44].

[31] Ibid at [9].

[32] Ibid at [6]-[19].

[33] Ibid fn 25 at 5.2 page 19.

[34] EDS concerns with the limitation of controls to perennial streams applies to the NESPF in its entirety.

Afforestation

2.3.1.3 The NPSFM provides for the use of genetically modified tree stock as a permitted activity where the stock has gained the approval of the EPA. Local authorities should retain the ability to use the precautionary principle in respect of genetically modified organisms.[35]

Relief sought

2.3.1.4 EDS seeks that the NESPF provide local authorities with the ability to use the precautionary principle in respect of genetically modified organisms.

Replanting

2.3.1.5 Restrictions on replanting adjacent to SNAs are only required when the indigenous vegetation has been identified, mapped or scheduled in a district or regional plan. This limitation does not reflect the reality of New Zealand's planning documents, with only 59% of councils having mapped SNAs and with some mapping exercises acknowledged to be inaccurate or incomplete.[36] Pursuant to section 6(c) RMA the protection of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. There is no direction that protection is only afforded to those areas when they are mapped.

2.3.1.6 The NESPF fails to require consideration of other critical areas such as ONLs and ONCs when replanting. The protection and preservation of these areas are also section 6 RMA matters of national importance and should be considered.

Relief sought

2.3.1.7 EDS seeks that:

a. The NESPF be amended to remove reliance on identification processes having been carried out in relation to SNAs.

b. Provided for consideration of ONL, ONC and other high value areas when replanting.

General conditions – fish spawning

2.3.1.8 The provisions controlling stream crossings and dragging of logs through stream corridors are unreasonably permissive and are likely to result in serious adverse effects on fish spawning areas. The general conditions relating to fish spawning allow for bed disturbance unless the fish spawning area identification criteria provided is met.

2.3.1.9 The definition of 'bed disturbance' expressly excludes:

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[35] See ***Federated Farmers of New Zealand v Northland Regional Council*** [2015] NZEnvC 89, [2015] NZRMA 217.

[36] Shona C Myers, 2014, How well are District and Regional Councils in New Zealand addressing biodiversity loss? Presentation to the New Zealand Ecological Society Conference 2014, Palmerston North http://newzealandecology.org/sites/nzes.org.nz/files/NZES2014Conference_Abstracts.pdf

a. Disturbance to any intermittent or ephemeral stream.

b. Fording by vehicles across the wetted river bed where the number of axle movements is less than 20 per day.

c. Hauling of partially suspended logs across the bed of a river less than 3 metres wide.

2.3.1.10 These restrictions provide insufficient protection from environmental effects because:

a. The definition of "bed" does not include the riparian zone. This means that there is no protection afforded to the critical area for riparian spawners which include *inter alia* inanga, shortjaw kokopu and galaxias. This is compounded by the fact that bed disturbance is only restricted during spawning season. If the riparian bank and vegetation is substantially damaged outside of season and unable to recover, the ability for these species to spawn will be severely compromised.

b. There is no limit on the number of vehicle crossing points. This has the potential to render the positive effect of any restriction on the number of crossings over a particular ford redundant.

c. There is no limit on the number of partially suspended logs which can be hauled across rivers less than 3 metres wide. The protection of rivers and streams less than 3 metres width is essential to preserve critical habitat.

Relief sought:

2.3.1.11 EDS seeks that:

a. Bed and riparian corridor disturbance should not be allowed in streams where threatened fish are present. Rare fish occupy few streams (mainly in Southland, Otago and Canterbury) so this would affect few stream in total.

b. The numbers of crossing areas and log hauls should be generally restricted, and prohibited where appropriate to preserve spawning grounds of fish.

c. The definition of bed disturbance should be expanded to include riparian zones.

General Conditions – Nesting

2.3.1.12 The NESPF does not adequately safeguard indigenous birds. Provision in the NESPF is limited to rules to limit harvest near some birds at certain times:

"Where indigenous bird species with a classification of Nationally Critical or Nationally Endangered (from the Department of Conservation's Conservation Status of New Zealand

Birds, 2012 (Robertson et al, 2012[37])) are known to nest in areas where forestry operations are planned or under way, forest owners must have procedures to:

• identify nest sites and the nesting season;

• protect these sites from disturbance or undertake the activity outside of the nesting season."

2.3.1.13 The above wording relies on birds being 'known to nest' in a given area. The nesting habits of birds may not be known or well understood. The trigger should be that they are there or could be there, not that they are known to be.

2.3.1.14 Of 473 birds recognised in Robertson et al, the Nationally Endangered and Nationally Critical rankings number 18 and 25 respectively. Therefore the NESPF recognises just 9% of bird species, most of which do not occupy forest areas. Importantly, this provision does not include the Nationally Vulnerable Karearea or New Zealand Falcon.

Relief sought

2.3.1.15 EDS seeks the following wording:

"*Where indigenous bird species with a classification of Nationally Critical, or Nationally Endangered or Nationally Vulnerable (from the Department of Conservation's Conservation Status of New Zealand Birds, 2012 (Robertson et al, 2012)) ~~are known to~~ nest in areas where forestry operations are planned or under way, forest owners must have procedures to:*

• identify nest sites and the nesting season;

• protect these sites from disturbance or undertake the activity outside of the nesting season."

2.3.2 *Restricted Discretionary Criteria*

2.3.2.1 The restricted discretionary criteria in the NESPF do no provide adequate discretion for councils to consider key environmental elements necessary to ensure that the purpose of the RMA is achieved, and that the NZCPS and NSPFM are implemented. In particular:

a. Afforestation: the criteria does not include consideration of SNAs, ONLs, ONCs or ecological effects.

b. Earthworks: the criteria does not include consideration of terrestrial biodiversity, SNAs, ONLs or ONCs.

c. Harvesting: the criteria does not include terrestrial biodiversity, SNAs, ONLs, or ONCs.

[37] Hugh A. Robertson, John E. Dowding, Graeme P. Elliott, Rodney A. Hitchmough,Colin M. Miskelly, Colin F.J. O'Donnell, Ralph G. Powlesland, Paul M. Sagar, R. Paul Scofield, Graeme A. Taylor (2012) Conservation status of New Zealand birds, Department of Conservation http://www.doc.govt.nz/Documents/science-and-technical/nztcs4entire.pdf

d. Mechanical land preparation: the criteria does not include consideration of terrestrial biodiversity, SNAs, ONLs or ONCs.

e. Replanting: the criteria does not include consideration of SNAs, ONLs or ONCs.

2.3.3 ***Other concerns***

Consideration of climate change

2.3.3.1 The sequestration benefit of forestry is overstated, given the predominance of exotic species and a destructive clearfell regime that does not demonstrate international best practice.

2.3.3.2 The NESPF is an opportunity to incentivise long-term indigenous forestry and to introduce a recalibrated harvesting regime for all forestry. The opportunity to improve and to innovate has been summarily disregarded.

Lack of focus on improving industry sustainability

2.3.3.3 The NESPF is a lost opportunity to innovate and improve the environmental practices of New Zealand's forestry industry. Improvement is possible through the following methods:

a. Reducing the impact of forestry activities on indigenous biodiversity including receiving environments through comprehensive and responsible environmental standards

b. Robust provision for local decision-making where appropriate to safeguard significant resources

c. A focus on sustainable yield indigenous forestry to enhance biodiversity co-benefits, reduce associated adverse effects and improve permanence of carbon sequestration.

Ambiguous language

2.3.3.4 The NESPF contains much ambiguous language that will result in uncertainty for agencies, operators and the wider community. For example "as far as is practicable", "if unavoidable", "except where unsafe or impracticable to do so". The interpretation of these phrases is unavoidably subjective. Such language results in conditions that are litigious or unenforceable.

Scope table

2.3.3.5 The out of scope list in Table 2 of the Consultation Document is incomplete. It does not address the supporting infrastructure for forestry activities such as barges and roads. It is inappropriate to apply different tests to two different roads because one is created for forestry purposes and one for another activity as the effects are the same.

Review

2.3.3.6 EDS supports the review of the NES after a 5 year period. However, at present such a review is not mandatory. A mandatory review should be included. This would enable public consultation and input and ensure that the NESPF is achieving its objectives.

3. CONCLUSION

3.1 EDS would welcome any further opportunity to discuss the NESPF with the Ministry or answer any question the Ministry may have on this submission.

Yours sincerely

Madeleine Wright
Environmental Defence Society

11 August 2015

Contact details
Environmental Defence Society
[redacted]

Phone: [redacted]
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[redacted]

From: Lisa Er [redacted]
Sent: Monday, 3 August 2015 10:38 p.m.
To: NES PF Consultation
Subject: Re: Submission on the Proposed National Environmental Standard for Plantation Forestry NES-PF

Lisa Er and The Awareness Party

[redacted]

3/08/2015

Dear Minister Guy,
We 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 Lisa Er's background is founder of Lisa's Hummus. This business grew on the wave of concern about genetic engineering and was one of the first products labelled GE free. That concern still exists in New Zealand, and the majority of people 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 there.
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 Modificaion (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 us informed.

Regards
Lisa Elizabeth Anne Er

Lisa Er
Founder and Leader at The Awareness Party
http://www.theawarenessparty.com/
[redacted]
"Ask not what your country can do for you—ask what you can do for your country" JFK

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

To: The Ministers for the Environment and Primary Industries

Parliament Buildings

WELLINGTON

NES-PF Consultation

Spatial, Forestry and Land Management

The Ministry for Primary Industries

P O Box 2526

WELLINGTON 6140

Sent by email to NES-PFconsultation@mpi.govt.nz

Address for service: Wellington Fish and Game Council

Attn: Phil Teal

[redacted]

Dear Ministers

Please find as set out below a submission on behalf of the Wellington Fish and Game, Hawkes Bay Fish and Game, and Taranaki Fish and Game Councils on the proposed National Environmental Standards for Plantation Forestry

INTRODUCTION

1. Fish and Game councils, are statutory bodies established under the Conservation Act 1987 and wildlife Act 1953 and their associated regulations and notices. Fish and Game councils are mandated to: manage, maintain, and enhance the sports fish and game bird resources in the recreational interests of anglers and hunters (s26(a) Conservation Act 1987); to assess and monitor the condition and trend of ecosystems as habitats for sports fish and game (s26(b) Conservation Act 1987); and to represent the interests and aspirations of anglers and hunters in the statutory planning process (s26(c) Conservation Act 1987).

2. The sports fish and game bird resources of the Wellington, Taranaki, and Hawkes Bay Fish and Game regions are highly valued. On the basis of 2012/2013 licence figures, these Fish and Game regions represent over 16,343 angling and hunting licences.

3. The protection of the habitat of trout and salmon under the RMA (1991) s7(h) is in recognition of the national importance of these salmonid populations, and as salmonids have high water quality and flow requirements is in recognition of their role in ensuring that freshwater habitats are protected at a sufficient level to provide for other species.

4. The recognition and protection of wetland habitat is provided under the RMA (1991) s6[1]. Case law has been set in regards to all remaining wetland habitats being significant under s6(c) RMA irrespective of health or whether they have been specifically identified as significant in a Regional Policy Statement or Plan, due to the rarity of these habitats regionally and nationally. Since European colonisation in the mid 1800's the vast majority of New Zealands wetlands have been drained or irretrievably modified. It is estimated that only 10% of the original wetland environment remains in New Zealand, with only 4.9% in the North Island (MfE, 2007), and only approximately

[1] s6(a)(b) and (c) RMA

2.6% in the Manawatu Whanganui region. The Ministry for the Environment specifically identifies wetlands as a priority for protection as nationally important (MfE, 2007).

5. Traditionally, the main value of wetlands in New Zealand has been seen as bird habitat. In part this was because the wildlife service was the main agency administering wetlands, and partly because of the work of private groups and the acclimatisation society (now Fish and Game), which was interested in waterfowl hunting. Fish and Game New Zealand has continued its advocacy of wetland habitats, and is actively involved in purchasing, protecting and enhancing wetlands. In 1993 Fish and Game along with the Governor General and the Minister of Conservation established the "Game Bird Habitat Stamp Programme". Two dollars for every game license sale goes into the fund. To date the programme has raised almost 1million dollars, and granted $877,289.08 for wetland rehabilitation, protection and enhancement

6. Fish and Game thank you for the opportunity to provide feedback on the proposed National Environmental Standard for Plantation Forestry (NESPF). The preparation of National Policy Statements (NPS) and National Environmental Standards (NES) are important tools in giving effect to the RMA and ensuring consistency by Regional Councils in achieving the fundamental principles of sustainable management of natural resources in New Zealand. The preparation of National Environmental Standards under sections 43 to 44 of the RMA is a function of the Minister for the Environment under section 24A. Specifically as set out under section 43 RMA National Environmental Standards may prescribe any or all of the standards for the matters referred to in section 9, section 11, section 12, section 13, or section 15[2]. National Environmental Standards may include regulations which set out qualitative or quantitative standards[3]; standards for any discharge or the ambient environment[4]; methods for classifying a natural or physical resource[5]; and methods, processes, or technology to implement standards[6]; in ensuring the purpose and principals of the RMA are achieved.

7. A National Environmental Standard must ensure that the adverse effects of an activity are avoided, remedied, or mitigated, and must not permit activities that have significant adverse effects on the

[2] s43(1)(a) RMA 1991
[3] s43(2)(a) RMA 1991
[4] s43(2) (b) RMA 1991
[5] s43(2) (c) RMA 1991
[6] s43(2) (d) RMA 1991

environment[7]. In relation to permitted activities s70 of the RMA rules about discharges must be satisfied.

8. The proposed National Environmental Standard for Plantation Forestry sets a framework and regulatory approach for managing Plantation Forestry activities with the aim of: creating a consistent approach to managing plantation forestry across regions, to improve environmental outcomes, to improve process certainty and reduce costs for forestry operations. While Fish and Game support these intended outcomes, our review of the NESPF has shown that in its current form the NESPF does not promote the sustainable management of freshwater environments in New Zealand, and will not improve environmental outcomes.

9. In summary, but not limited to, the NESPF in its current form fails to:

    a. Avoid, remedy, or mitigate the adverse effects of plantation forestry on freshwater environments in New Zealand;
    b. Fails to safeguard the life supporting capacity and ecosystem health and processes of freshwater;
    c. Fails to recognise and provide for, as a matter of national importance;
        i. the preservation of natural character of freshwater and coastal environments;
        ii. The protection of outstanding natural features and landscapes
        iii. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, including protection of the remaining wetland habitats in New Zealand; and
        iv. The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
    d. Have particular regard to the
        i. The maintenance and enhancement of amenity values
        ii. Intrinsic values of ecosystems
        iii. Maintenance and enhancement of the quality of the environment
        iv. Protection of the habitat of trout and salmon
    e. Give effect to the Coastal Policy Statement and the National Policy Statement on Freshwater Management
    f. Assist regional councils to achieve their functions as set out under section 30 RMA
    g. Meet the requirements of s70 RMA Rules about discharges; and
    h. Achieve s43 to s44A RMA National Environmental Standards

[7] s43A(3)RMA 1991

10. In light of these concerns Fish and Game seeks in relief sought that the pNESPF:

    a. Be withdrawn and rewritten; or

    b. Substantially amended to address and resolve the issues outlined in this submission

11. Fish and Game wishes to be heard in the presentation of this submission

SUBMISSION

ACTIVITY STATUS

12. Fish and Game have significant concerns with the provision of permitted activity rules as put forward by the pNESPF. As currently drafted these rules do not ensure that adverse effects of plantation forestry activities including cumulative effects are avoided, remedied, or mitigated, or that significant adverse effects on freshwater environments and ecosystems do not occur. The permitted activity rules in the pNESPF fail to recognise and protect rare or threatened habitat types including wetlands, or biodiversity. The permitted activity rules fail to meet s70 RMA.

Section 70 of the RMA Rules about discharges

(1)Before a regional council includes in a regional plan a rule that allows as a permitted activity—
(a)a discharge of a contaminant or water into water; or
(b)a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water,—
the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):
(c)the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
(d)any conspicuous change in the colour or visual clarity:
(e)any emission of objectionable odour:
(f)the rendering of fresh water unsuitable for consumption by farm animals:
(g)any significant adverse effects on aquatic life....

13. The permitted activity rules fail to apply sound planning principals for permitted activities such as: be clear and certain; not contain subjective terms; be capable of consistent interpretation and implementation by lay people without reference to council officers; and not retain later discretions. Furthermore, permitted activity rules are difficult to enforce by regional councils, and monitoring and enforcement costs are generally not recoupable.

14. Fish and Game accepts that permitted activity rules can play a useful resource management purpose for authorising simple activities that are undertaken on a routine and frequent basis and where the effects of those activities are demonstrably minor and the risks to the environment if they are misused are small. However, this is not the case in regards to plantation forestry activities as these activities: can be complex; methods to avoid, remedy or mitigate the effects on the environment vary with climate. geology, and the sensitivity of habitats and receiving freshwater environments; the impacts of forestry operations including cumulative impacts can be significant including the permanent loss of rare and threatened habitat types; can cause significant adverse effects on natural character including of rivers and streams, and significant adverse effects on aquatic ecosystem health and processes. None of these issues are adequately addressed through the permitted activities proposed in the NESPF.

15. As proposed the NESPF permits the majority of forestry operations on areas zoned yellow to orange under the ESC. These activities include earthworks, harvesting, afforestation, and mechanical land preparation. When undertaken on land with a risk of erosion, or when undertaken under poor practices, these activities pose a serious risk to the environment.

16. Relief sought:

    a. Permitted activities are only applied on land with a slope under 15 degrees

    b. Permitted activities are only applied where riparian setback distances are met

        i. 30m from wetlands and lakes

        ii. 10m for rivers which have salmonid spawning and fishery values or/and native fish values

        iii. 6m as a minimum from all other waterbodies

    c. Land over 15 degrees should be covered by the requirement to seek resource consent

    d. Permitted activities are only applied where clear measureable and enforceable standards are able to be set which ensure that s70 RMA is met, and that significant adverse effects will not occur

        i. No greater than 20% change in visual clarity between upstream and downstream of the activity

        ii. No deposition of deposited sediment

iii. No activity within the active channel or bed

iv. No greater than 10% change in macroinvertebrate community health

e. Where the activity requires the preparation and implementation of harvest plan templates or best management practices that the activity should be controlled activity as a minimum

RIVERS AND STREAMS

17. As proposed the NESPF only includes provisions including setback requirements through permitted activities which apply to 'perennial rivers and streams'. Perennial river or stream is defined as "a stream that maintains water in its channel throughout the year, or maintains a series of discrete pools that provide habitats for the continuation of the aquatic ecosystem". This definition excludes the majority of 1st, 2nd, and potentially 3rd order rivers in New Zealand which may in fact be intermittent or in some cases ephemeral, depending on climate and geology. Application of the definition of river or stream in the pNESPF therefore results in a significant number of waterbodies falling outside of management requirements. Applying this description to the Manawatu catchment for example results in at least 6,000 km of stream length being excluded from management requirements. As plantation forestry operations can increase stream bank erosion, sediment deposition, and nutrient enrichment in waterways, and cause instream habitat destruction along destruction of riparian habitats, excluding intermittent and ephemeral waterbodies from management frameworks will greatly exacerbates the detrimental effects including cumulative effects of plantation forestry activities on the ecological health of freshwater habitats.

18. As water runs downhill management of small and intermittent or ephemeral streams (first and second order streams) is critical to the management of larger downstream waterways and biodiversity. If these smaller streams are not managed/protected then the sediment and nutrients entering them will flow down into the larger streams, essentially negating much of the benefit gained in managing perennial waterbodies as is proposed. A variety of studies have shown that the health of interconnected freshwater ecosystems such as rivers and streams and associated lakes and wetlands is strongly affected by the condition of the upstream environment (Storey & Cowley, 1997; Scarsbrook & Halliday, 1999; Parkyn et al., 2003; Death & Collier, 2010).

19. Furthermore, recent research has found that both intermittent (Heino et al., 2003; Clarke et al., 2008; Clarke et al., 2010) and ephemeral (Storey & Quinn, 2008) streams can have very high biodiversity values, often greater than in larger streams. For these reasons protection and

management should also be considered for smaller streams including intermittent and ephemeral systems with defined active beds.

20. The RMA and the NPSFM do not distinguish between ephemeral, intermittent, and permanent (including continuous flow or permanent pockets of water) streams. The NESPF should not make such a distinction.

21. Relief sought

    a. Broaden the definition of river and stream to include intermittent flowing waterbodies as well as perennial

RIPARIAN MARGINS FOR WATERBODIES & SIGNIFICANCE OF WETLAND HABITATS

22. One of the best ways to protect the ecological health of freshwater environments and limit inputs of nutrients and/or sediment to waterways is the use of a riparian (alongside the waterbody) buffer strip (Osborne & Kovacic, 1993; Quinn, Cooper & Williamson, 1993; Davies & Nelson, 1994; Weigel et al., 2000; Kiffney, Richardson & Bull, 2003; Parkyn et al., 2003; Yuan, Bingner & Locke, 2009; Weller, Baker & Jordan, 2011). This can range from a simple strip of vegetation from which land use activities such as soil disturbance are excluded to a completely vegetated native forest riparian strip.

23. The principal effect of the riparian buffer is to act as a barrier to nutrients, sediment, pathogens and other potential contaminants running off the land and to prevent it entering the waterway. Riparian zones will also stabilise stream banks and limit erosion and undercutting. The vegetation can also take up some of the nutrients. If a forested riparian zone exists this can also serve to limit light reaching the stream bed (which can also exacerbate periphyton growth) and help to manage water temperatures to those that provide for ecological health (most aquatic animals have an upper threshold for survival which can be comparatively low, e.g., 19°C for stoneflies).

24. The riparian buffer zone can also provide suitable habitat for the adult stages of many aquatic invertebrates (the in water life stage of many aquatic animals is the juvenile form with winged adults emerging from the water to mate and reproduce) (Collier & Scarsbrook, 2000; Collier & Winterbourn, 2000; Smith et al., 2002; Smith & Collier, 2005). Terrestrial insects and mammals

from riparian zones often form a major component of the diet for many native and sport fish at certain times of the year (Main, 1988; McDowall, 1990). Riparian buffer zones, particularly those with forested vegetation, are also important for providing instream habitat for native fish and trout by enhancing habitat diversity (e.g., overhanging branches, bank under cutting), creating pools and areas of day time and flood refuge. Grassy or forested river banks also provide spawning habitat for Inanga and other Galaxias species, respectively. Thus riparian buffer zones play a crucial role in sustaining the life stages of New Zealands native fish and salmonids, and serve to maintain the proper ecological functioning of instream ecosystems.

25. There has been considerable research over the nature and width of riparian buffer strips necessary to maintain ecological health and/or limit the effects of land use activities in the surrounding land. The actual width depends on a variety of factors such as adjoining land use practises, soil type slope and the values that require protection (Osborne & Kovacic, 1993; Quinn et al., 1993; Davies & Nelson, 1994; Weigel et al., 2000; Kiffney et al., 2003; Parkyn et al., 2003; Yuan et al., 2009; Weller et al., 2011).

26. Several international reviews of buffer width requirements to protect a cross section of instream values found widths ranged between 6 and more than 100 m (Barling & Moore, 1994; Wenger, 1999; Hickey & Doran, 2004; Lee, Smyth & Boutin, 2004; Yuan et al., 2009). In the New Zealand literature, Parkyn et al. (2000) recommended buffer widths of 10 – 20 m to manage vegetation in Auckland streams and Collier et al. (1995) presented a table to relate land slope, drainage and proportion of soil as clay to the efficiency of buffer strip widths expressed as percentage hill slope length. Yuan et al. (2009) fitted a log-linear model to compiled data from a multitude of sediment retention buffer width studies and concluded sediment trapping efficiency increases with buffer width, with around 80% sediment retention occurring with buffer widths greater than 6 m. The Natural Resources Conservation Service (NRCS) an agency of the United States Department of Agriculture that provides technical assistance to US farmers recommend minimum grass buffer widths of 8-10 m to protect water quality (Yuan et al 2009). Phosphorus removal rates increase from 53 to 98% as buffers increase from 4.6 to 27 m (Parkyn, 2004). Nitrogen removal of 70% is possible with 10 m wide strips but may need to be 20-30 m wide for 100% retention. Ecological health may require at least 10 -20 m buffers widths and often much greater (Parkyn et al., 2000).

27. To limit sediment and nutrient runoff and to factor in slope (Wenger, 1999) in the USA and (Barling & Moore, 1994) in Australia based on their reviews recommended a base width and an addition factor based on slope.

    - Buffer width = 15.2 + 0.61 per 1% of slope (m) (Wenger, 1999)
    - Buffer width = 8 + 0.65 x slope (m) (Barling & Moore, 1994).

28. All of the research (as illustrated above) highlight that the protection of riparian buffer zones of an appropriate distance provide an essential tool in protecting freshwater environments and avoiding, remedying, or mitigating the impacts of land use activities such as plantation forestry. The research also shows that as slope increases the ability of a buffer zone of a given width to offer protection to water quality declines, and therefore larger setback distances are required.

29. Wetlands are some of the most diverse, complex and productive ecosystems on earth. They are made up of an array of micro-organisms, plants, insects, and animals. In financial terms this is the earths "natural capital", and in biological terms this is called "biodiversity" (CFE, 2004). Wetlands not only provide essential habitat for biodiversity, but are also, considered to play a crucial role in environmental regulation: including flood, water quality, erosion and sediment protection; groundwater recharge; and climate regulation; as well as providing recreational and amenity values.

30. Globally wetlands account for about 6% of land area, and are considered to be among the most threatened of all environmental resources. Since European colonisation in the mid 1800's the vast majority of New Zealands wetlands have been drained or irretrievably modified. It is estimated that only 10% of the original wetland environment remains in New Zealand, with only 4.9% in the North Island (MfE, 2007), and only approximately 2.6% in the Horizons region. The Ministry for the Environment specifically identifies wetlands as a priority for protection as nationally important (MfE, 2007).

31. The remaining wetland areas are now only remnants of the original systems. Where once single systems covered thousands of hectares, there are now only small isolated patches. In the Waikato region for example since implementation of the RMA (1991) and notification of its Regional Plan (1995), which stated under Environmental Results Anticipated that *"wetland areas are protected*

and enhanced" and "*no net loss of wetland characteristics*", a further ~8% of its remaining wetlands have been lost. The majority of these wetlands were small measuring 1 - 2ha.

32. Recognition and protection of wetland environments are provided for as a matter of national importance under s6(c) RMA 1991. The case law is that all remaining wetland habitats are significant under s6(c) and as such should be protected. Sections 6(a) the preservation of natural character, section 6(b) the protection of outstanding natural features and landscapes, along with section 7 matters are also of relevance when designing frameworks for the sustainable management of wetland habitats. The pNESPF only establishes provisions including setback distances in relation to wetlands which are greater than 0.25ha in extent. This approach fails to recognise and provide for the protection of wetland habitats and as such is inconsistent with the RMA. As set out above all remaining wetland habitats are considered significant irrespective of whether or not a regional plan or policy statement explicitly identifies the habitat and lists it as significant, and irrespective of the size or health of the remaining habitat. The majority of New Zealands remaining wetland habitats are small, fragmented, and in a state of degradation. However the case law is that because of their rarity those habitats are still considered to be s6(c) habitats under the RMA.

33. The ability of a buffer to protect a wetland depends on the physical characteristics of that buffer such as slope, soil type, vegetation and width (Granger et al, 2005), the functional state of the wetland and the impact size of the adjacent land use (Castelle et al, 1994). In general, the wider a buffer width the greater the functional performance and increased wetland protection. It is important to consider the function of the buffer when determining the most appropriate buffer type and width for the adjacent land use. General buffer width recommendations range from around 10m to trap suspended soils, nitrogen and phosphorus; several hundred metres to protect fauna habitat; up to 2km to protect groundwater, with buffers of less than 10m offering little protection to aquatic resources.

34. In the united states, the most commonly prescribed measure is 30.5m (100ft) to protect aquatic resources and water quality within the stream, lake or wetland habitat (Goates et al, 2007). In western Australia a buffer width of 20-50m is recommended to maintain ecological processes and major food-webs (Water and Rivers Commisiion, 2000). A 30m buffer between logging activity and wetlands and streams removed an average of approximately 75 to 80% of the suspended sediment in storm water and reduced soluble nutrient levels.

35. As proposed the NESPF provides for setback distances from perennial rivers and streams of 5m where the stream is less than 3m wide, or 10m where the stream is greater than 3m wide, or 10m from lakes larger than 0.25ha, or 5m from wetlands, or 20m from regionally significant wetlands, rivers, or lakes, and 30m from the Coastal Marine Area. These setback distances fail to take into account slope and erosion risk and may not be sufficient to provide for sensitive receiving environments. As discussed above small streams often have higher biodiversity values and may provide habitat for sensitive and or threatened species. As currently proposed the setback distances within the NESPF do not adequately avoid, remedy or mitigate the adverse effects from the activities of plantation forestry or ensure that significant adverse effects are avoided. The setback distances fail to provide for the protection of rare of threatened habitat types such as wetland habitats.

36. Riparian buffer setbacks for Plantation Forestry of sufficient extent will assist with managing the impacts of these activities on freshwater environments including safeguarding ecological health and processes, and assist with protecting rare and threatened habitat types such as wetland environments. Integrating the information from the above reviews, an approach to setting a riparian buffer zone width that involves consideration of at least land use, soil type and catchment slope, and the goals of the set back (e.g., ecological health versus limiting contaminant runoff) would be the best approach in relation to achieving the purpose and principals of the RMA.

37. Relief Sought

    a. Wetland habitats are redefined to include wetlands habitats that are less than 0.25ha
    b. Setback distances are required for all permanent, intermittent and ephemeral waterbodies
    c. Setback distances take into account the sensitivity of the receiving environment and its instream values such as salmonid fishery and spawning and native fish values and are set accordingly
        i. 10m setback distances at a minimum should be provided for streams and rivers with native fish or/and salmonid spawning and fishery values (where the slope is under 15 degrees. Greater setback distances will be required as slope increases)
        ii. 30m for wetlands and lakes

iii. Setback distances greater than 30m for waterbodies protected under Water Conservation Order or for sites identified as Significant Natural Areas (SNA)

d. Setback distances increase with slope and risk of sedimentation and erosion

i. for areas where the land slope* is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m, whichever is the lesser

FISH SPAWNING INDICATOR & DISTRUBANCE OF BEDS OF WATERBODIES

38. As proposed the NESPF includes provisions which refer to the fish spawning indictor, and which provide for the disturbance of the beds of waterbodies as a permitted activity, including culverts, diversions, and the maintenance and upgrading of infrastructure and crossing points.

39. The Smith 2014 Freshwater fish spawning and migration periods report does not include consideration of all freshwater fish and freshwater shellfish present in New Zealand, nor take account of their threat ranking, and as such fails to provide for the recognition and protection of these species and their habitats from the adverse effects of plantation forestry.

40. The existing rules do not take into account the preservation of the natural character of freshwater environments as is required as a matter of national importance under s6(a) RMA. Activities which impact on riparian margins and which impact on the physical form and functions of waterbodies including rivers and streams can have significant impacts on the natural character of these environments as well as ecosystem health and processes and instream values. For rivers and streams activities should only be undertaken where it can be shown, or where standards are imposed to ensure, that the physical form and function of the environment is not significantly impacted, and adverse impacts are avoided, remedied or mitigated.

41. The existing rules do not take into account the migratory period for salmonids or native fish, nursery habitat requirements, or the values of the year round habitat for these species. In relation to salmonid species, habitat disturbance including inputs of sediment will adversely impacts on the health and sustainability of these populations year round. The operation of heavy machinery in the bed of the river can also have a significant impact on salmonid spawning and recruitment, and may affect adult populations depending on the frequency and duration and extent of bed disturbance.

42. Salmonids are especially sensitive to habitat changes which remove riparian vegetation, increase the risk of erosion, and which result in the discharge of contaminants including sediment and nutrients into freshwater environments. Salmonids require cold (14°-18°) well oxygenated water (>80% saturation, >7mg/L), with low sedimentation levels (5m – 3.5m, 0.5NTU – 0.7NTU), low levels of periphyton, and healthy macroinvertebrate communities. All of these parameters and values are adversely impacted by activities which disrupt riparian margins and vegetation, increase erosion, and cause inputs of contaminants. Salmonids are especially sensitive to these impacts during spawning and in the early stages of development. During the salmonid spawning period, cold (2° – 13°), well oxygenated water (>80% saturation, >9mg/L) and gravels, and minimal sedimentation (0 to less than 10% cover) are essential to spawning success and alvein survival. High sediment concentrations can harm fish directly by causing physical damage and even death, reducing growth or resistance to disease, preventing successful egg and larval development, and affecting natural migrations. Indirect effects include; reducing the abundance of their food (Alabaster & Lloyd 1982), and reduced foraging ability due to reduced visual clarity.

43. Increases in suspended sediment have the potential to adversely affect fish and micro/macro invertebrate communities in the stream, and displace and smother plant life. Suspended sediment can alter water chemistry, and cause temperature decreases and turbidity increases. Deposition of sediment may change the character of the substrate, and clog water column interstices leading to a reduction in water exchange with surface water and thereby reducing dissolved oxygen levels within the aquatic environment. Reductions in water clarity and increases in turbidity cause reductions in primary production. Sediment loadings limit invertebrate communities by altering the amount and quality of benthic food supplies (Collier & Winterbourn, 2000). Macroinvertebrate composition is altered as sedimentation and associated silt deposition, generally, cause a loss of stonefly and mayfly species, and an increase in densities of chironomids and oligochaetes that can burry into silt.

44. The spawning and recruitment periods for salmonid species (can vary depending on climate and hydrological events) are generally:

    a. Brown and Rainbow Trout

        i. migration and spawning 1 May to 30 September

        ii. juvenile development September to 31 January

    b. Brook Char

i. migration and spawning 1 May to 30 September

ii. juvenile development September to 31 January

c. Chinook Salmon

i. migration and spawning 1 April to 30 September

d. Sockeye Salmon

i. migration and spawning 1 March to 30 June

45. Relief sought

a. Riparian setback distances should be set as discussed above in relation to the sensitivity of the receiving environment and instream values

b. Salmonid migration spawning and recruitment periods are amended/ incorporated as set out above under paragraph 43

c. Plantation forestry activities which may impact on the bed of a waterbody including crossing of the active channel shall not occur during the salmonid or native fish spawning period

d. Plantation forestry activities which may impact on the bed of a waterbody including crossing of the active channel shall not occur at sites identified for native fish recruitment

e. Plantation forestry activity which may impact on the bed of a waterbody shall require a resource consent at sites which have been identified as having salmonid fishery or native fish values.

f. That the fish calculator is updated/ improved to account for all native fish and salmonid species, and their migratory and recruitment periods. In relation to native fish the fish calculator is updated/ improved to account for threat status.

g. Activities which impact on the physical form (such as pools, runs, riffles in rivers and streams) of freshwater environments are avoided, remedied or mitigated, and significant adverse impacts are avoided. This can be accomplished through ensuring that the physical habitat is not significantly altered (statistically significant) after the activity has been undertaken.

Yours faithfully

Phil Teal

Manager

Wellington Fish and Game Council

Forest & Bird
GIVING NATURE A VOICE
DUNEDIN BRANCH
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August 11th, 2015

Stuart Miller,
Ministry of Primary Industries,
WELLINGTON.

Proposed National Environmental Standard for Plantation Forestry

Dear Sir

The Dunedin Branch of the Royal Forest and Bird Protection Society has been active in both advocating for wilding pine control and in having a group which has undertaken wilding control in Otago, Southland (Mid Dome) and the Waitaki and Ohau areas accounting for at least 500,000 trees since activities began in the mid 1990s. We are particularly concerned with wilding infestation in the high country which we all too often see in the course of our tenure revue submission work..

We have observed at first hand numerous examples of inappropriate plantation plantings such as on the Glenfellan pastoral lease in Southland, in the Lake Onslow area and more recently on a Landcorp farm at Waipori very close to the Te Papanui Conservation Park boundary, and on the Lammermoors near the Loganburn reservoir again with the potential to spread to adjacent tussock grassland and Te Papanui.

We wish to endorse strongly the submissions (attached) from the Mid Dome Wilding Trees Charitable Trust, Southland District Council and Emeritus Professor Alan Mark on this matter and hope for an outcome that will help to control future plantings so that they do not destroy the environment further, especially in the high country.

Yours sincerely

Richard Reeve
Convenor, Dunedin Forest and Bird Wilding Group

Janet Ledingham
Secretary, Dunedin Branch Forest & Bird
s 9(2)(a)
s 9(2)(a)
s 9(2)(a)

Eastern Bay of Plenty Branch
Royal Forest and Bird Protection Society NZ Inc
s 9(2)(a)
s 9(2)(a)

11 August 2015

Stuart Miller
Spatial, Forestry and Land Management
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SUBMISSION ON NES FOR PLANTATION FORESTRY (NES)

1. Introduction

This Branch has been involved in RMA provisions for forestry for more than a decade. The Branch, and the Society as a whole, would benefit from a consistent national approach, where forestry provisions are not constantly relitigated. The Branch supports an NES to achieve national consistency and a standard consent application form and information requirements such as a Harvest Plan, a Forestry Quarry Management Plan and an Erosion and Sediment Control Plan but does not support the current proposal.

2. Summary of Key Points

The NES:

- should be promulgated, administered and monitored by Ministry for the Environment
- should be subject to a Board of Inquiry process
- draft is too permissive and will result in cumulative environmental damage
- draft relies on subjective assessments by forestry operators who have a vested interest
- draft is inequitable, activity-based, **not effects-based** and will result in a subversion of the permitted baseline
- has no cost recovery mechanism resulting in ratepayers subsidising industry

3. NES Process

3.1 Whilst the Branch acknowledges that the Minister can issue an NES without a Schedule 1 process, it considers that to forego a hearings process on this topic will result in a less robust outcome. The NES covers a wide range of activities and raises questions about technical tools, planning concepts (activity versus effects-based; permitted baseline) and equity.

3.2 A hearings process conducted by a Board of Inquiry could investigate these matters more fully and give the public more confidence in the outcome.

4. Environmental Impact Assessment

4.1 The study by Scion[1] is deeply flawed by the assumption that large forests are not having (and will not have) an environmental impact. Relying on the views of regional councils comparing the current regulatory regime with the draft is inappropriate and certainly not an independent study.

4.2 The report states p18 “There is no data available on the performance of a 5m riparian buffer in mitigating the effects of forestry activities on riparian areas and stream environments in New Zealand” and “A 10m buffer is therefore only likely to reduce the impacts of forestry activities to varyingdegrees and constitutes a compromise between environmental and economic considerations”p19 yet a 5m has been extensively applied.

4.3 This study was back to front – environmental impacts of existing forestry should have been undertaken and then measures developed to address those impacts, not “retrofitting” preconceived measures. Research shows that riparian buffers of an average 18m width are effective at protecting aquatic wildlife, water quality and bank stability[2].

5. Delegation of Administration

5.1 The Branch opposes MPI being the government agency promoting, administering and monitoring the NES and considers this to be ultra vires as it is the Minister with the responsibility for the RMA who has this power that cannot be delegated.

5.2 Notwithstanding this, MPI has a conflict of interest in promoting forestry as an activity. An NES should be objective and independent of any sector interest.

6. Activity Status

6.1 The Branch opposes the permissiveness of the proposed NES:
Some rationalisation of approach is accepted, but this does not mean that all forestry operations should be permitted:

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[1] Juan J. Monge, Brenda R. Baillie, Thomas S. H. Paul, Duncan R. Harrison, Richard T. Yao, Tim W. Payn. 2105. Environmental *Impact Assessment of the Proposed National Environmental Standard For Plantation Forestry*. NZ Forest research Limited.

[2] Boothroyd, I.K.G., Quinn, J.M., Langer, E.R., Costley, K. J. & Steward, G. 2004: *Riparian buffers mitigate effects of pine plantation logging on New Zealand streams 1. Riparian vegetation structure, stream geomorphology and periphyton.* Forest Ecology and Management 194: 199–213.
Meleason, M.A. & Hall, G.M.J. 2005*: Managing Plantation Forests to Provide Short- to Long-Term Supplies of Wood to Streams: A Simulation Study Using New Zealand’s Pine Plantations*. Environmental Management 36 (2):258–271.
Quinn, J.M., Boothroyd I.K.G. & Smith B.J. 2004: *Riparian buffers mitigate effects of pine plantation logging on New Zealand streams 2.* Invertebrate communities. Forest Ecology and Management 191: 129–146.

a. In the Bay of Plenty, many forestry activities are already permitted activities. Branch members are aware of several situations in recent years where poor practice has resulted in slash entering streams, causing blockages, one of which resulted in a huge washout during a storm which cleared a swathe up to 40 m wide (Taneatua), another washed out a small bridge (Awakeri), land disturbance to riparian edge (Manawahe) and there is a general lack of monitoring because activities are permitted. Generally the public do not make complaints or raise these issues with councils because they are not familiar with the rules and don't believe any notice will be taken.

b. A permitted activity status with extensive conditions will not be adhered to by operators who assume permitted means permitted and will go ahead without reference to the suite of lengthy conditions. Members of the Branch through their professional and business affairs have observed that adherence to "guidelines" and "industry standards" is tokenistic and that it is human nature to do the minimum they can get away with i.e. "business as usual". Nowhere has this been more evident than in the very high accident statistics in the forestry industry, especially at contractor level. To expect that compliance with permitted standards will be the norm is foolish.

c. The Branch is concerned that permitting an activity i.e. forestry, as opposed to an effect e.g. sedimentation, will inevitably lead to other sectors e.g. subdivision, road building and other activities seeking similar permitted status. It will create uncertainty about the application of existing rules in district and regional plans and require councils to extensively revise their plans. As a result expensive regulatory reviews will be required at the ratepayers' expense.

d. Funding of monitoring - Permitted activities do not require resource consent therefore local authorities do not have powers to charge monitoring fees. The process of assessing notifications and carrying out any monitoring will require staff time and travel costs. Without being able to recoup these costs ratepayers will be subsidising the forestry industry or monitoring wont be done. This is unacceptable.

6.2 For these reasons, the Branch submits that forestry operations should at the very least be Controlled Activities unless they meet permitted activity status in district or regional plans i.e. do not trigger earthworks, vegetation clearance, stream crossing rules or any other rules applying to any other activity.

6.3 Activity Status for Very High Risk Land

It is not logical that mechanical land preparation is permitted in Very High Risk areas but actual planting, harvesting and earthworks require consent. Whilst on the one hand encouraging tree planting on highly erodible land is positive, when it comes to establishing roading access including stream crossings and soil disturbance during harvesting, commercial forestry may be inappropriate and re-vegetation for permanent forest cover may be the most appropriate land-use. This situation requires an effective system for recognising the benefits of carbon sequestration as well as the risks of extraction and central government should ensure integrated policy and implementation.

6.4 In High and Very High Risk Areas, Restricted Discretionary status should be applied. This would apply to only 24% of the afforested area.

6.5 Specific changes sought:

6.5.1 REVISED TABLE 1

	Green	Yellow	Orange	Red	Notes
Mechanical Land preparation	C	C	RD	RD	
Afforestation	C*	C	C	RD	*Subject to species and location for wilding threat. May be permitted outside any specified, ecological, cultural, landscape or other overlay in district plans except for Red Zone.
Earthworks	C	C	RD	RD	
Forest Quarrying	C	C	RD	RD	
River Crossings	RD	RD	D	D	
Pruning and Thinning to Waste	P	P	P	RD	
Harvesting	C	C	RD	RD	Scale and timing Erosion and Sedimentation Plan Approved
Replanting	P*	P	P	RD	*Provided there are setbacks from waterbodies and SNAs, archaeological/cultural sites and does not trigger other rules

7. Notification

An activity that is Restricted Discretionary should be subject to the notification provisions in the Act. In many situations, downstream landowners and communities should have the opportunity to make submissions on activities that might have adverse effects on them in the future.

8. Definitions

8.1 Forestry

Subparagraph (b)"including all associated internal infrastructure" is opposed. This is far too open. This would mean that any infrastructure within a forested area is permitted e.g. roading, transmission lines, pipelines, canals etc. Most district and regional plans now include definitions of infrastructure and this forestry definition would be in conflict.

8.2 For clarification it should be reworded for the purposes of this NES only, forestry includes the core forestry activities *within a defined area of rural land*:

- afforestation;
- mechanical land preparation;
- earthworks;
- pruning and thinning-to-waste
- harvesting;
- forestry quarrying;
- river crossings;
- replanting.

8.3 The definition should specifically exclude processing (Table 2 matters out of scope) including chippers and de-barkers. Although these activities could be permitted in some places, if they are close to any residential area, should be subject to strict noise provisions. This has been an issue in the past in our Branch area.

8.4 Geothermal Area

This definition is deficient. Past forestry has compromised geothermal areas in the Bay of Plenty by encroachment. The definition should include steaming ground which is a fundamental indicator of geothermal activity. However the Branch considers a much more detailed definition is required and recommends the definition included in the Bay of Plenty Regional Policy Statement.

8.5 Infrastructure

Infrastructure as defined in the RMA should not be incorporated into the definition of forestry as discussed above. Infrastructure as defined in the Act should be subject to district and regional rules and should be excluded form the NES.

8.6 Soil disturbance

As for mechanical land preparation, the scale and location of soil disturbance e.g. close to water courses or where road run-off is not controlled, can have cumulative adverse effects on aquatic habitats, especially in estuaries and sensitive marine environments such as the Marlborough Sounds, where recent reports confirm the adverse effects of forestry on marine habitats.

8.7 Soil disturbance should have its own set of standards e.g. dragging of logs, off-road vehicle use and the like.

9. National Policy Statement Freshwater (NPS FW)

9.1 Although the NES proposes to allow councils to make more stringent rules in some cases, there is a risk that forest owners and operators will focus solely on the NES as "their" regulatory framework and overlook other RMA requirements.

9.2 It is highly likely that the NES standards, for example for setbacks, wetland management and river crossings, may not achieve the limits established under the NPS FW. Councils are likely to be met with a strong pushback from the forestry industry when seeking to impose higher standards than the NES, especially if councils seek to limit forestry in dry catchments to protect water yield.

9.3 At a time when the pastoral sector is increasingly being required to account for and limit its nutrient emissions including through resource consent, it is inequitable (and unbelievable) that the forestry sector should be given permitted status for their activities.

9.4 Contrary to the claim in the discussion document, the Branch considers that it is highly unlikely that the NES will result in improved water quality – on the contrary water quality, particularly sedimentation, is likely to increase due to the permissiveness of the NES and lack of ability for regional councils to monitor.

9.5 The document focuses only on outstanding fresh waterbodies and significant values of wetlands, when Objective 2A of the NPS FW is actually about "the overall quality of fresh water within a region *is maintained or improved*..." [our emphasis].

9.6 Changes sought

- Require all forestry to be a minimum of Controlled Activity (see table above) and remove current references to the NPS FW and replace with "Councils may impose more stringent standards when implementing the NPS FW".
- Make other changes sought in this submission e.g. greater setbacks, which are more likely to result in improved water quality.

10. Environmental risk assessment tools

- Erosion Susceptibility Classification (ESC)
- Fish Spawning Indicator
- Wilding Spread Risk Calculator.

10.1 These tools are imperfect and in any case will have no effect if not mandatory. From the point of view of the public, these tools are not easily accessible and interpreted online and should be a guide only to the administering local authority.

10.2 Erosion Susceptibility Classification (ESC)
The Branch does not have the expertise to assess whether the mapping of erosion-proneness is accurate and the thresholds valid. However we are aware that there are serious concerns being expressed by some professionals and councils. Therefore it is very important that the measures applying to High and Very High Risk (we oppose the denotation using colours which hides the substance of the issue), are much more stringent. Accelerated sedimentation is causing unprecedented environmental change in Bay of Plenty harbours. There is considerable forestry in the catchment of the Ohiwa harbour, which has outstanding landscape and ecological values, and is subject to significant sedimentation. Much greater setbacks should be applied in very sensitive catchments such as this.

10.3 The Wilding Spread Risk Calculator (WSRC) is of concern in that it is untested and therefore uncertain as to its effect. The Branch has no confidence that the number '11' is the right one to avoid, remedy or mitigate adverse effects of wilding spread. The calculator cannot possibly take into account all situations. This information should be provided to the council for confirmation as to whether the risk is acceptable or not.

10.4 The Branch does not consider that the WSRC sufficiently provides for avoidance of wilding spread in sensitive areas such as the central North Island e.g. surrounding Tongariro National Park, and Mt Tarawera. Members of this Branch have spent many hours in the past volunteering to remove wildings from these special areas. This is not sustainable in the longterm and regulation of the plantation industry is necessary to prevent any further proliferation and assign responsibility for it to the forest owners.

10.5 Such issues should be part of the consenting process with conditions to require removal of wildings from beyond forest boundaries. This is another reason why forestry should be a Controlled Activity with species planted and location being a matter of control.

10.6 However there are other implications as some regional councils include potential plantation species in their Regional Pest Management Strategies and it appears that an NES would override such provisions. More work needs to be done on the issue of pest management applying to plantation forests and how it will be regulated and biosecurity issues generally.

10.7 Fish Spawning Indicator

This tool is incomplete and unclear. Only some indigenous fish species are included, and reference is only made to spawning, with migration excluded e.g .on some Bay of Plenty Streams koaro is shown in the upper catchment however there is nothing to protect this species in its migration upstream during the 'whitebait' season as only its spawning time is included. The long-finned eel, a species of great concern, is not included. There is also no apparent consideration of the significance of habitat disturbance during forestry operations. However it is not clear exactly how or when this indicator is supposed to be used.

10.8 3.5.2. states that restrictions on activities occur "only when they are *absolutely needed*" [our emphasis]. This approach suggests allowing sub-optimal stream conditions. The Branch is totally opposed to this approach. A large number of indigenous fish species are threatened, and already face barriers to migration from structures or discharges as well as introduced fish pests. The draft NES proposes to provide for a raft of permitted structures in upper catchments of our waterways that will increase barriers. The Bay of Plenty Regional Water and Land Plan includes restrictions on timing of activities in ecologically significant catchments. Much more needs to be done to ensure that forestry operations do not cause adverse effects on our native fish species.

10.9 Changes sought

- All forestry activity should require consent so that councils can apply site-specific conditions on timing of operations in regard to freshwater fish and the location and species being planted to prevent wilding spread.
- Forestry in High and Very High Erosion Risk areas should require a Restricted Discretionary consent.

Core Activity Rules

NB A numbering system is required for ease of reference.

11. Afforestation

11.1 This rule is superficial and overly permissive. Afforestation should not be permitted in the following areas:

- In the coastal environment
- In an SNA or within 10m of an SNA if forested, or 50m if open habitats such as dune, wetland, tussockland or shrubland
- Within 10m of an archaeological site
- In an ONFL unless specifically permitted in a district plan
- Where there is a risk of wildings outside of the forested area
- Where GMOs are involved

11.2 Setbacks do not take into account slope e.g. in the Marlborough Sounds, much of the afforested land is steep, and a setback greater than 30m is necessary to avoid run-off. Provision should be made so that felled trees do not land in waterbodies including the coastal marine area.

11.3 Larger setbacks of at least 20m are also needed from wetlands and outstanding waterbodies if the objectives of the NPS FW are to be achieved.

11.4 A 5m setback is not sufficient to allow a permanent vegetated strip to establish along watercourses, as mature trees will extend their branches out to the stream edges. A permanent vegetated riparian buffer should be the objective of forestry management to protect the values of the waterways.

11.5 Genetically Modified Organisms (GMOs)

The Branch strongly opposes the planting of genetically modified trees as a permitted activity including for indigenous forests. This has major implications for ecological integrity of our indigenous flora.

11.6 Communities should have the ability to make decisions as to if, where, and under what conditions, GMOS should be allowed in open environments. A recent Environment Court decision (*Federated Farmers vs Northland Regional Council*, 2015 EnvC 89) confirmed that local councils have the right to make planning decisions about the outdoor use of GMOs in their region. Principal Environment Court Judge Newhook's decision stressed that regional councils can make provisions regarding GMOs through Regional Policy Statements and plans. Other councils can also use the RMA to create local protection against the risks of outdoor use of GMOs (considered necessary given serious deficiencies in the HSNO Act).

11.7 There is also considerable uncertainty regarding the wilding risk of GMO trees therefore a precautionary approach is justified. The Branch is advised that some GE pine tree experiments have shown that supposedly sterile GE pines have in fact produced reproductive structures.

11.8 We note that GE trees are prohibited by both international certification bodies (Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC), international bodies who certify sustainable forests.

11.9 Changes sought

- Require information on wilding risk to be provided to councils with an application, Erosion Control, Harvesting Plans etc.
- Revise setbacks so that they take into account slope, the establishment of a permanent vegetated riparian buffer, and the risks of earthworks and harvesting.
- Delete reference to GMOs and specify as a matter out of scope.

12 Earthworks

12.1 Roading is the primary source of sedimentation run-off from forestry areas. This activity should be described as Earthworks and Roading to ensure roading standards apply even if no earthworks are contemplated to ensure that any *existing* roading is formed to a standard which contains run-off.

12.2 Earthworks should not be a permitted activity in High Risk areas and criteria such as thresholds or areal extent and slope considered as part of the assessment process in all zones.

12.3 The standard conditions for road widening and realignment for safety purposes are unclear:
3rd bullet "road widening and realignment is on slopes over 35 degrees, fill material must be end hauled, in accordance with the NZFOA road engineering manual, section 4.3.1-3" should be prefaced by the word "If".

12.4 However roading on slopes over 35 degrees should not be a permitted activity (in High Risk Zone it is only permitted up to 25 degrees).

12.5 Similarly, bullet 5
"the volume moved is more than 5 000 m3 per activity area" implies that if less than that volume is moved, the activity is not permitted.
This begs the question as to why there is a threshold for road widening for safety purposes but not otherwise.

12.6 Erosion and Sedimentation Plans must be lodged and approved prior to works beginning. The Draft appears to give councils no powers to amend these plans or for consent to be required if they are not satisfactory. This is a major flaw. If a forestry business cannot produce a satisfactory plan prior to works, the council and the community can have no confidence that the business will carry out the works as specified, and close monitoring will be required.

12.7 Change sought

- The NES should require council approval of these plans before any works commence therefore consent is necessary.
- Significant changes would require application for change of conditions.
- Change the Activity Status as indicated in the Revised Table p3 above.
- Include a threshold for permitted earthworks and criteria for scale and slope.

13. Setbacks

13.1 See comments above. Many streams in New Zealand forestry areas are <3m wide therefore minimal setbacks would be required over vast areas, even though small headwater streams are the most important for fish habitat. The exception provided in the Table is unacceptable. If topographical constraints do not allow for the setback, alternative routes are required or consent must be sought, otherwise the standard has no validity.

13.2 A major flaw is that there is no relationship between setbacks and slope. The slope of the adjoining land is possibly more relevant than the width of the waterway to the risk of sedimentation from earthworks.

13.3 Whilst provision is made for greater setbacks under the NZCPS, it would be more efficient if the NES established a greater setback – it should be at least 50m from the CMA. 30m from the CMA is insufficient. In many cases this would mean planting on natural dunes. Planting forestry on dunes should be a discretionary activity, as dunes are a nationally threatened habitat type. Replanting on such areas should also be a discretionary consent. In other coastal areas, plantations are on steep slopes that drop directly into the sea (e.g. Marlborough Sounds). Even greater setbacks may be more appropriate in such areas.

13.4 Changes sought

- Delete the exceptions in the table and cross-reference to river crossing rules.
- Relate setbacks to the slope of the adjoining land.
- Increase the setback form the CMA to 50m and make forestry on dunelands a Discretionary activity.

14 Harvesting

14.1 It is not reasonable to permit damage to indigenous vegetation that has been identified as significant. This simply leads to cumulative edge effects. If a crop has been planted where its harvesting adversely affects another resource, the planted crop may have to be foregone. There are already situations in Waikato and Bay of Plenty where harvesting of a few trees has been foregone because of potential damage to archaeological sites, especially pa sites. Activities which damage indigenous vegetation should be subject to existing district plan rules which in our experience allow for incidental damage to non-significant indigenous vegetation. In addition, the wording “is likely to recover within 5 years” is subjective.

14.2 Harvesting in High and Very High risk areas should require consent relating to the area being clear-felled at any one time with discretion restricted to the timing and area to be harvested,

14.3 Harvesting Plans must be lodged and approved prior to works beginning. The Draft appears to give councils no powers to amend these plans or for consent to be required if they are not satisfactory. This is a major flaw. If a forestry business cannot produce a satisfactory plan prior to works, the council and the community can have no confidence that the business will carry out the works as specified, and close monitoring will be required.

14.4 Butt suspension

Rather than stating “This condition does not apply to riparian zones” there should be a cross-reference to the appropriate rule “Operations within riparian zones are subject to stricter controls.”

14.5 Dragging through waterbodies should be discouraged as this can completely destroy the margins of a waterbody, and is unlikely to meet the objectives of the NPS FW. A consent process is the vehicle for assessing the most environmentally sensitive method of harvesting.

14.6 Slash and Debris management

Slash is known to be a common problem and should always be removed from waterways. Having this requirement would incentivise operators to avoid it entering in the first place. Operators’ assessment of risk is subjective and is likely to take the position that there is no risk, to avoid the time and costs of removal. This puts the environment (and downstream users) at risk.

14.7 Effect on Aquatic Ecosystems

Notwithstanding the Fish Spawning Tool and its inadequacies, there does not seem to be any provision in the Harvesting rules that harvesting can only be undertaken outside the periods specified in the tool.

14.8 Changes sought

- The NES should require council approval of Harvesting Plans before any works commence. Consent is required.
- Significant changes would require application for change of conditions.
- Bullet 6 provides for damage within the plantation area.
- Bullet 4 needs should be deleted.
- Harvesting in High and Very High risk areas should require consent relating to the area being clear-felled at any one time with discretion restricted to the timing and area to be harvested.
- Cross reference to riparian rules and prohibit dragging of logs through riparian areas.
- Require slash and debris to be removed. If this cannot be done consent is required so that there can be independent verification that it is unsafe to do so.
- Rectify the deficiencies in the Fish Spawning Tool (apply to migration and critical habitat) and specify as a matter for control/discretion.
- Specify that harvesting can only occur outside of specified times where native fish species are spawning and/or migrating.

15 Mechanical Land Preparation

15.1 Depending on the scale of activities such as mounding, the risks of sedimentation may be similar to earthworks. The definition of mounding “encompasses a variety of site-preparation treatments involving mechanical disturbance of soil or subsoil.” In this respect it is no different from earthworks and if on a large scale, should be more precisely managed.

15.2 Changes sought

- Mechanical land preparation should not be permitted in the High and Very High Zones.
- Thresholds relating to scale and location should be a matter for discretion.

16 Pruning and Thinning to Waste

16.1 Slash

The draft wording is not sufficiently comprehensive or precise and leaves too much discretion to the operator.

16.2 Changes sought

- Reword: "Debris from pruning and thinning-to-waste must not be deposited in a perennial water body or where it may enter a perennial water body, or in an ephemeral flow path or dry gully where water flows during rainfall events"

17 Forest Quarrying

17.1 As above this activity should require consent and the Permitted Activity conditions be matters subject to control and Restricted Discretionary on High and Very High Erosion Risk Sites. Councils should have to approve the Quarry Management Plan.

17.2 The setback standard for waterbodies is inadequate because of the high volume of material being disturbed at one site.

17.3 Provisions relating to quarry depth need clarifying.

17.4 Changes sought

- Forest Quarrying should be Restricted Discretionary on High and Very High Erosion Risk Sites and require an approved Quarry Management Plan and changes require amended conditions.
- The permitted setback distance from a waterbody should be 50 metres including for placing of overburden.
- Quarry floor excavation must not penetrate the water table.
- Matters for Discretion should include effects on neighbouring land including public areas.

18 Replanting

18.1 In some cases, replanting should be further set back from previous planting adjacent to an SNA. The writer has seen examples when forestry has encroached on the SNA, and edge effects from harvesting have reduced the size of the SNA. Overtime, this leads to a reduction in area of the SNA and compromising of its ecological values.

18.2 Changes sought

- Add setbacks from terrestrial SNAs of a minimum of 5 metres of the dripline of an SNA.
- Delete reference to GMOs (as above).

19 River Crossings

19.1 The Branch is particularly concerned that river crossings are proposed to be permitted. Several of our members have personal experience with crossings on small streams.

19.2 Construction of crossings, especially the approaches, can create significant sedimentation, which cumulatively is clogging our estuaries.

19.3 Crossings also are potentially lethal to fish passage. In the forestry environment, once the planting and logging have ceased, crossings can become blocked by debris, forming weirs. The draft standard is an additional threat to New Zealand's already threatened native fish species. Before permitted activity status for stream crossings is applied nationally, there should be an independent assessment by region of existing crossings to establish how many there are, cumulative effects and whether lack of maintenance is indeed an issue. Without these data the community cannot have confidence that the NES may not be entrenching a series of obstacles for native fish. Crossings should be minimised and inspected after every storm event. This can only be achieved through a consented activity.

19.4 Although temporary crossings may be preferable if they are installed for harvest only and then removed, the potential for sedimentation effects is increased. We are aware of a practice of putting logs into a waterbody and filling in the gaps with soil to create a temporary crossing. This is unacceptable. Under no circumstances should soil be placed in a waterbody. Discharge of sediment for up to 8 hours also constitutes a significant sediment effect and should not be provided for.

19.5 It is unclear who "the relevant statutory fisheries manager" refers to. In the case of introduced sportsfish that is probably Fish and Game but the Branch opposes operators seeking "dispensations" from the Department of Conservation who have a statutory function "to preserve as far as practicable all indigenous freshwater fisheries" (Conservation Act s 6(ab)). The exemption for fish barriers to be retained where they have been placed to protect native fish from predatory introduced species should be part of the rule.

19.6 Crossings in wetlands should be avoided as they are likely to result in draining the wetland, therefore there should be no permitted activity.

19.7 Finally, the ongoing effects of river crossings and the need for ongoing monitoring means that they simply should not be permitted activities.

19.8 Changes sought

- Fords, culverts, drift decks and other structures on the beds of rivers to be Restricted Discretionary Activities.
- Remove standard allowing sediment discharge for 8 hours.
- A standard condition is included to ensure that water exiting a culvert is not free-falling.
- Draft conditions for sediment discharge need to be tightened and the placing of soil in waterbodies prohibited.
- Matters of Discretion include the cumulative effect of the number of structures in a particular catchment and alternative routes.

20 General Conditions

20.1 The statement "Notwithstanding specific activity rules, all forestry activities are permitted, provided the following conditions are met" is erroneous as it implies that the Activity status rules are irrelevant. This should be deleted.

20.2 Indigenous vegetation

As above, damage to SNAs should not be permitted under this NES. There is also a problem in that not all districts have identified SNAs – some use criteria so this cannot be relied upon. Edge damage of adjacent indigenous vegetation is problematical as this can result in cumulative effects e.g. a rotation causes some edge damage. Likely the next rotation is planted in the damage zone. The next rotation causes more edge damage and so on. In many forestry areas of New Zealand there are small pockets of indigenous vegetation which are important refuges for flora and fauna, and in some areas, may the last remnants of their type. This is definitely the case in the Bay of Plenty on the Kaingaroa plateau where there are rare forest types, shrublands and wetlands within the plantation forests.

20.3 The most appropriate way to address this issue is to require a setback from indigenous vegetation at afforestation and replanting.

20.4 Noise (See definition of forestry).

Noise limits should apply at the notional boundary *including from machinery*.

20.5 Nesting times

By limiting the conditions to Nationally Critical and Nationally Endangered[3], the NES has deliberately excluded consideration of kiwi (Nationally Vulnerable) which is the most likely species to be nesting in plantation forests. North island weka, (Nationally Vulnerable) are also likely to be nesting in plantation forests in the Eastern Bay of Plenty, especially the Matawai/Opotiki/Whakatane areas. Although listed under "Taxonomically Indeterminate" the NZ falcon (both subspecies) are classified as Threatened – Nationally Vulnerable. This species is well known to nest in plantation forests and clear guidelines are available for co-existence[4].

20.6 Spatial bundling

This may be acceptable if the activity status of the core activities are changed as requested in the Revised Table on p3 above, so that special conditions can be placed on the higher risk area.

20.7 Fish spawning

This condition is flawed. It gives forestry an exemption from disturbance of the bed of a river that would not be granted to other activities. Claiming that up to 20 (probably heavy) vehicle crossings per day is not bed disturbance and allowing an unlimited number of hauls across small streams is unsupported. This is no different to frequent dairy herd crossings. It also assumes that fish are only going to be disturbed during spawning. This assumption is not supported. Also it only includes some indigenous fish species.

20.8 Slash traps

These should not be a permitted activity. Debris will accumulate overtime and continual maintenance is unlikely over an 18-25 year rotation.

20.9 These devices are an additional risk to fish passage on waterways which are creating cumulative adverse effects – fords, culverts, drift decks etc. There is no control over how many such structures may occur in a waterbody, nor is there adequate monitoring to ensure they are kept clear. The phrase "that is likely to mobilise debris" once again allows for operators to state "unlikely" and do nothing.

20.10 Changes sought

- Changes to activity status as outlined above.
- Delete opening statement.

[3] Robertson, H A; Dowding, J E; Elliott, G P; Hitchmough, R A; Miskelly, C M; O'Donnell, C F J; Powlesland, R G; Sagar, P M; Scofield, R P; Taylor, G A (2013) Conservation status of New Zealand Birds, 2012. New Zealand Threat Classification Series 4. Wellington, NZ

[4] Seaton, R; Holland, J D; Minot, E O; Springett, B P (2009) *Breeding success of New Zealand falcons (Falconovaeseelandiae) in a pine plantation.* New Zealand Journal of Ecology 33: 32–39.

- Delete bullet 6 on p84.
- Do not allow afforestation in areas of indigenous vegetation and require setbacks from indigenous vegetation
- Include a statement that district plan provisions for protection of indigenous vegetation, landscape and amenity values override the NES
- Delete exceptions from noise standards
- Include Nationally Vulnerable Species in the Nesting Times Condition and make non-compliance a Discretionary Activity.
- Develop a more acceptable regime for addressing effects on aquatic ecosystems.
- Slash traps should be Restricted Discretionary activities.

21 Other Matters

It is not clear what the transitional arrangements would be if the NES is introduced. What effect would it have on existing consents, and would most existing forestry operations have existing use rights which mean that an NES would have limited effect because it only applies to new operations?

22 Conclusion

22.1 The principle of a national and more efficient set of regulations for plantation forestry is not opposed, but such regulations should result in consistent and improved environmental as well as administrative and economic outcomes.

22.2 The implementation of the NPS FW is the most significant development in resource management since the introduction of the RMA, and any other changes must complement and not conflict with that exercise. The Branch cannot see how integrated management, a fundamental underlying principle of the RMA, is being exercised by central government.

22.3 With so many 'exceptions' being necessary to the standard e.g. allowance for more stringent standards in many important areas, the need to move to catchment-based planning for water and soil activities, the escalation of unintended effects through the permitted baseline. It is hard to see how this proposed standard can be justified, or how the savings will be as extensive as claimed.

22.4 Much more work needs to be done before this NES could result in improved environmental outcomes and in many cases it will result in poorer outcomes.

22.5 The Branch seeks a Board of Inquiry process to guide this work and wishes to be heard in support of this submission.

Yours sincerely,

Linda Conning
MRP (1st Class Hons)
For and on behalf of the Eastern Bay of Plenty Branch committee
Royal Forest and Bird Protection Society NZ Inc

s 9(2)(a)

From: Forest & Bird, Gisborne Branch s 9(2)(a)
Sent: Tuesday, 11 August 2015 12:51 p.m.
To: NES PF Consultation
Subject: Submission on A National Environmental Standard for Plantation Forestry

To whom it may concern

I have not had the time to submit using the submission template but basically the Gisborne Branch of Forest & Bird wants to support the issues and points made in the submission of the Gisborne District Council.

Bearing in mind that any submission from Forest & Bird Central Office is our primary and substantive submission, there are many issues raised in the NES-PF that are of particular concern to us in Te Tairawhiti/Gisborne District.

For example we have spent a lot of time and effort on the "Draft Freshwater Plan for the Gisborne Region" and we would like to see stronger controls in the NES-PF regarding riparian setbacks, Orange Zone harvesting (should not be a permitted activity) and consideration of receiving environments, so that our Freshwater Plan is not compromised.

The Gisborne District Council needs to retain its current consenting abilities. Also it is worth noting that some slopes less than 25degrees in the Gisborne District are susceptible to erosion, root raking should not be allowed.

There are issues with the Overlay3A land which is dealt with in the GDC submission and we support this GDC view.

That's all I have time for unfortunately, hope that this is of some assistance, we want you to be aware of our local conservation concerns, time to go to work!

Grant Vincent
Chair
Foprest & Bird Gisborne Branch

Mercury Bay Branch
Royal Forest and Bird Protection Society NZ Inc
[redacted]

11 August 2015

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Submission of the National Environmental Standard (NES) for Plantation Forestry

This is the submission of the Mercury Bay branch of the Royal Forest & Bird Protection Society Inc. on the consultation document for A National Environmental Standard for Plantation Forestry. We **oppose** the standard in its current form.

Q1 - The Issue

Section 2.1 and 2.2 discuss operation uncertainty and uncertain environmental outcomes.

While ongoing changes to planning controls through plan reviews is an operational uncertainty it is a situation the forestry industry needs to live with. Our society is changing all the time and attitudes, new knowledge and technology need to be reflected in our local plans.

It is agreed that providing a common baseline for activities that have similar environmental effects across the country, and that we know can be addressed with best practice, is a good idea (e.g. stream crossings).

However, trying to standardise resource consents for activities that vary greatly with their potential environmental effects is where difficulties arise. We still do not know the best way to conduct harvesting on steep erodible land. Our current practices are producing unacceptable ecological effects in certain parts of NZ where forestry is being clear-felled on high risk erosion areas.

The idea of the NES is sound but it fails by trying to standardise all forestry activities without enough safeguards around the activities with the highest potential for severe adverse effects (e.g. harvesting).

The **benefits** are that you get consistency and avoid unnecessary expense and time on individual consent applications.

- Community participation relies on individuals providing their own time and resources for community and environmental good. This is at considerable individual expense. This input is heavily outweighed by commercially funded interests. Good regulation should enable appropriate commercial activity whilst protecting the public interest. Standardisation is only effective where it is based on reliable information and is seeking clear outcomes that include protecting the wider public interest.

The **risk** is that set the bottom line too low and you lose the opportunities to gain in individual cases.

- For example the Whangapoua Forest (Coromandel) resource consents were publically notified and the community involved. The outcome was improved environmental gains for wildlife/stream corridors and wildlife protection. Under the current version of the draft NES these protections would not be required and the permitted status of the resource consents would mean no opportunity for them to be achieved. i.e. the environmental outcome would be worse under the current draft NES.

- Past plantation forestry planting did not take into account effects from future harvesting which has resulted in sometime severe environmental effects. The NES does not adequately address or encourage plantation forestry to avoid such effects when undertaking afforestation or replanting.

We support the principle of using a NES provided it improves the environmental outcomes from plantation forestry. If forestry companies want the benefits of a standardised approach and to take away the opportunity for public input they must be able to show that it will actually achieve better outcomes. This is not the case as the current NES draft sets the permitted bottom line too low and therefore ***we oppose the NES as proposed***.

Q2 –Will permitted activities conditions manage adverse effects?

This is a very broad question and is best broken down into the activity sections.

Generally all activities need to be a minimum of Controlled status (see amended Table below). Also a Forestry Plan must be submitted to Regional Councils identifying significant values within, adjacent or downstream of the forestry and how forestry managers are going to avoid adverse effects to these significant values. Such plans are required to be approved by council prior to any harvesting or afforestation/replanting.

All Restricted Discretionary activities need to be **publically notified** to ensure open public participation and reflecting the potential significant and wide spread adverse effects that can occur from poorly sited or planned plantation forestry.

Requested changes:

- Require all forestry owners to submit a Forestry Plan identifying significant values, within, adjacent and downstream of the plantation forestry; and measures planned to avoid adverse effects to those significant values. The Forestry Plan must be approved before any associated harvesting, afforestation or replanting occurs. Evidence of how significant values were survey for must be provided and shown to include all available information.
- Require all Restricted Discretionary activities to be publically notified.

- Amend Table 1 as follows -

	Green	Yellow	Orange	Red	Notes
Mechanical Land preparation	C	C	RD	RD	
Afforestation	C	C	RD	RD	Outside any specified, ecological, cultural, landscape or other overlay in district plans.
Earthworks	C	C	RD	RD	
Forest Quarrying	C	C	RD	RD	
River Crossings	C	C	RD	RD	
Pruning and Thinning to Waste	P	P	P	C	
Harvesting	C	C	RD	RD	Scale and timing Erosion and Sedimentation Plan Approved
Replanting*	P	P	RD	RD	Provided there are setbacks from waterbodies and SNAs/archaeological/cultural sites

<u>Afforestation:</u>

The main goals for afforestation should be to achieve a greater amount of tree planting with a focus of getting the right trees in the right places. Historically planting of pine forests has not included consideration of harvesting effects.

Permitted afforestation should not be promoting the planting of plantation trees that require clear-fell harvesting on high risk erosion areas. Therefore, from a sedimentation point of view, the permitted status of afforestation on green and yellow zone land is supported but the permitted status of afforestation on **orange (and red) zone** land is **not acceptable**. It needs to be clearly stated that the planting of low value timber species such as *Pinus radiata* is only acceptable if it is not intended to clear fell the trees (e.g. planted for a carbon sink and soil stability). Afforestation consent should be 'front loading' the associated future effects. Therefore afforestation on orange and red zone land needs consent to ensure harvesting restrictions are clearly outlined and documented for future reference.

Any riparian setback incorporates the growth of the nearest plantation tree so that roughly 3-5m of a setback will be directly affected by the harvesting of the plantation tree. Riparian setbacks can provide habitat and shade to streams. They can also help filter land run off from low angle slopes however they have limited filtration value on slopes > 20-25 degrees unless they are **very wide**. So to be effective either the riparian setbacks for smaller streams (as found in steep headwaters) need to much wider e.g. 20m+ width either side, or forestry harvesting needs to be in small coupes or continuous cover forestry to minimize sedimentation effects.

Riparian setbacks around wetlands need to be **20m+** to protect a wetland edge and achieve NPS Freshwater objective A2b not the suggested 5m. Even small wetlands need to be identified as they provide disproportionately high ecosystem services (to their size) and need

to be particularly protected. Similarly an outstanding freshwater body will not be adequately protected with a 10m wide setback. This needs to be increased to 20m width.

Research shows that riparian buffers of an average 18m width are effective at protecting aquatic wildlife, water quality and bank stability (Boothroyd et al 2004, Quinn et al 2004, Meleason et al 2005). Therefore a minimum requirement within each main catchment is the establishment of a stream 'corridor' with riparian buffers of >20m. This will mean that at least one main stem stream has wide (>20m) buffers from the downstream forestry boundary to an upstream forestry boundary. The aim of the stream corridor is to provide a permanent and viable vegetated link through plantation forestry land to a headwater. This will not only provide an aquatic corridor but also a terrestrial wildlife corridor assisting species movement throughout the plantation forest. A stream corridor is determined by starting at a main stream mouth and mapping out a continuous reach up the catchment to at least one headwater branch. For further information on these stream corridors refer to the Ernslaw Whangapoua Forest resource consent conditions.

Afforestation should not occur on steep land (orange or red zone) that is naturally revegetating and would be protected from clearance under the Forest Accord. If forestry managers are not going to comply with the Forest Accord then the activity should automatically move to the Restricted Discretionary status. This is particularly important for areas such as the East Cape where erosion is a huge issue. Naturally regenerating slopes should not be cleared of kanuka and manuka which are good stabilizing vegetation. It makes little sense to encourage the continuation of the accelerated erosion cycle by clearing this highly valuable indigenous vegetation and planting pine trees that will be harvested. This needs to be strongly discouraged.

Afforestation should also not be allowed to occur on land with predominantly indigenous ground cover in the subalpine and alpine environments. There have been some poor examples of tussockland being converted to plantation pine blocks with associated adverse effects on biodiversity and landscapes.

Notification of Restricted Discretionary afforestation needs to be **publically notified** to ensure open and free public participation for activities that can potentially have wide and/or severe adverse effects (as per the RMA).

For example; a lot of public effort went into developing the resource consent conditions for the Whangapoua Forest (Coromandel). This reflected the local geology and climatic conditions, the sensitive downstream receiving environments and a desire to amend forestry practices to minimize past adverse effects. Under the proposed NES this community input would be denied and the additional benefits from the negotiated forestry consents such as biodiversity corridors connecting the harbour environs up to the headwater forests would not be achieved.

Requested changes:

- See activity status change under Q2 above.
- Forestry Plans (as outlined in Q2 above) document intended harvesting methods.
- Riparian setbacks minimum 20m wide for streams with surrounding slopes >20 degrees.
- Riparian setbacks minimum 20m wide around ALL wetlands.

- Establishment of one main stem 'stream corridor' in each catchment with riparian setbacks >20m wide from the downstream forestry boundary to the upstream forestry boundary.
- Restricted Discretionary afforestation is publically notified.
- Include specific reference under General Conditions - Vegetation Clearance and Disturbance (pg 82) permitted activities that any vegetation clearance must comply with Forest Accord conditions.
- Also include under General Conditions - Vegetation Clearance and Disturbance (pg 82) permitted activities that afforestation shall not occur on subalpine or alpine land with a predominant indigenous vegetation cover.
- Amend the Jurisdiction of Vegetation Clearance and Disturbance from District to Regional (biodiversity and soil erosion).

Earthworks:

Best practice for earthworks has come a long way since the disasters seen in the 1970s and 80s. However earthworks in the green, yellow and orange zones needs to be a **Controlled activity** to ensure councils are able to monitor the best practice is being followed and recoup the cost of monitoring from the land user. The limitation of <25 degrees for orange zone land needs to be **amended to <20 degrees**. This will then encompass nationwide limits of slope instability (e.g. for Coromandel soils).

Roading setbacks should be the same as outlined under 'Afforestation' above (i.e. **20m from small or outstanding streams and wetlands).**

Requested changes:

- See activity status change under Q2.
- Amend the slope limitation for orange zone land to <20 degrees.
- Roading set back >20m from stream and wetlands.

Harvesting –

Harvesting should not be permitted in the orange zone (as it is mapped to date). The orange zone includes land that is too susceptible to erosion to allow for harvesting to be a permitted activity without greater input from councils and the public. For example, this would include all of the Whangapoua Forest in the Coromandel which is a significant contributor to the elevated sedimentation in Whangapoua Harbour (Gibbs 2006,Roddy 2010). Earlier studies by Marden & Rowan (1995) had shown that the majority of the sedimentation of the harbour was sourced from certain land use classes. These land use classes have been included with less erosion prone land together in the orange zone. Further refinement of the ESC is needed to identify and separate out more susceptible soils/slope angles etc in particular geographically erosion-prone regions that experience 'weather bombs'. Until such time as the ESC is revised as indicated, orange zone land should be treated with precaution and in a similar manner as the red zone.

The Harvest Plan (as part of the Forestry Plan required in Q2) must be prepared and provided to council for sign off prior to any harvesting activities. This needs to be for all harvesting areas/zones and should already be generally approved via the development and agreement of the overall Forestry Plan.

Butt suspension over streams and importantly over riparian zones that provide the protective mitigation to streams is a necessary requirement. Riparian zones are already a mitigation measure for the adverse effects of harvesting and these zones should not be damaged where-ever possible. **Delete** the sentence "*This condition does not apply to riparian zones.*" under Ground Disturbance outside riparian zones.
Amend Riparian disturbance by adding a sentence as follows: "*Disturbance to riparian zones must be kept to a minimum and limited to a maximum of 10m disturbance per 100m stream reach.*" This will require any harvesting across streams to pull logs to a common point before suspending them through the riparian zone so as to minimise disturbance of riparian vegetation. Amend the last sentence as follows: "*Must have full suspension if pulling across streams ~~greater than 3m in width~~.*" The restriction to only have full suspension for larger streams does not seem to be based on an ecological rationale. There is more justification to avoiding riparian and bank damage to small streams than large streams from a shade and sediment perspective.

Until such time when the ESC is revised to better separate out the more highly erodible land in the orange zone, the **orange zone needs to be a Restricted Discretionary activity** together with the red zone. Harvesting on steep erodible land is too risky an activity to leave in the controlled activity status. Public input is essential as it the downstream public that have to bear the cost of potential adverse effects.

Nowhere does the NES state a maximum area allowed to be cleared per catchment per year. This is critical to harvesting on erosion prone land. The more land exposed at any one point of time to erosion, the greater the likely chance of a weather bomb creating elevated erosion.

Requested changes –

- See activity status change under Q2.
- Reword sentence: "• The Harvest Plan must be made available to the regional council *for sign off* ~~at least 20 working days~~ before harvesting operations start, ~~either on request or provided annually on agreement with the relevant council~~."
- Delete the sentence: "~~*This condition does not apply to riparian zones.*~~" under Ground Disturbance outside riparian zones.
- Amend Riparian disturbance by adding a sentence as follows: "*Disturbance to riparian zones must be kept to a minimum and limited to a maximum of 10m disturbance per 100m stream reach.*"
- Amend the last Riparian Disturbance sentence as follows: "*Must have full suspension if pulling across streams ~~greater than 3m in width~~.*"
- Add as a point of discretion – *percent of catchment allowed to be harvest per year.*

Mechanical land preparation –

The bolded summary needs editing to reflect the intent of the conditions that follow it. Mechanical land preparation needs to be strictly controlled on erosion prone land. The degree of erosion risk around the country varies and in some areas (e.g. Coromandel) the risk becomes high over 20 degrees, not 25 degrees.

Requested changes:

- See activity status change under Q2.
- Reword "• *in Orange and Red zones where the slope is greater than **20~~5~~** degrees but the technique used **doesn't** affect~~s~~ the subsoil*"
- Mechanical land preparation needs to be setback from streams and wetlands as outlined in Afforestation above.

Pruning and thinning to waste:

No comment

Forestry quarrying:

Quarrying in the red zone needs to be moved from the Permitted activity status to the Controlled zone and Restricted Discretionary activity status.

Requested changes:

- See activity status change under Q2.
- Under 'Matters to which discretion is reserved' – remove the last bullet point '*~~effects on traffic and roading infrastructure~~.*' as this issue is not covered by the scope of the NES.

Replanting –

Historically planting of pine forests has not included consideration of harvesting effects with sometimes severe effects (see Phillips et al 2012). The intent should be to ensure the right forestry practice is established on steep erodible land, not permitting the ongoing replanting of inappropriate species/harvesting methods.
Therefore the same standards as required by Afforestation (and amended as above) need to be applied to Replanting so that minimum set backs are implemented, wilding spread risk calculator is used to ensure suitable species are used and activity status reflects the erosion risk of the land.

Requested changes:

- See activity status change under Q1.
- Require the establishment of stream 'corridors' in each main catchment as outline in Q2 Afforestation.

General conditions:

Nesting Times – reword to allow for updates of the Threatened species lists and to include all species classified as Threatened (i.e. Nationally Critical, Nationally Endangered, Nationally Vulnerable). Suggest the following new wording to address this.

Requested changes:

- Reworded as follows - "… classification of ~~Nationally Critical or Nationally Endangered~~ *Threatened* (*as identified and updated by* ~~from~~ the Department of Conservation's *Threat Classification System* ~~Conservation Status of New Zealand Birds, 2012 (Robertson et al, 2012))~~ are known to nest in areas where …"

Fish spawning – reword 1.a. to reflect that fish are mobile and also migrate up and down streams.

Requested changes:

- Reword as follows - 'a. the NZFFD indicates that one of the following species is present within ~~1 km of the reach of~~ the stream where the disturbance is made; or'

River crossings:

River crossings need to be a controlled activity to allow Councils to monitor their effectiveness and upkeep.

Requested changes:

- See activity status change under Q1.

Q3 – Are conditions for permitted activities clear and enforceable?

The issue of cost recovery is a large disincentive for councils to monitor and enforce permitted activity conditions effectively. In general all forestry activities need to be Controlled as a minimum.

Q4 – Are the matters where local authorities can retain local decision-making appropriate?

No as it does not specifically allow for more stringent rules where sensitive downstream environments are impacted (or potentially impacted). This could be covered by including a statement on 'Sensitive Downstream Environments' or specifically word the SNA point to include 'off-site SNAs potentially affected by forestry activities'.

The science is poor around these matters as the plantation forest is viewed in isolation rather than as part of a wider ecosystem. A catchment based approach must be taken to recognise that a forest in the headwaters of a waterway leading out to the CMA will impact on all the downstream waterbodies including streams, rivers, wetlands, estuaries and open coasts.

More stringent rules are not mandatory for areas with more important values. If areas are identified as significant it should trigger a requirement to implement conditions that protect that significance rather than it being optional. This leaves it up to councils being open to industry pressure with no balancing public interest voice. The outcome is likely to be worse

than the current situation (e.g. Whangapoua Forest - Ernslaw) as the community is permitted to be involved in the consent decision making.

Requested changes:

- Pg 96 '**Matters where councils ~~can~~ *must* apply more stringent rules'**
- Required rewording: *"Matters where councils can **must** apply more stringent rules."*
- Add a new 'matter': *"**Sensitive downstream receiving environments**: Estuaries with plantation forestry upstream."*

Q5 – Will the environmental risk assessment tools appropriately manage environmental effects as intended?

The Wilding Spread Risk calculator appears sound however this will need feedback from stakeholders with local wilding issues. It is particularly important that the planting of shade-tolerant Douglas fir is highly restricted.

The Fish Spawning Indicator is rather limited and does not adequately encompass aquatic biodiversity values including frogs and other stream invertebrates. There is no representative stream corridor system to ensure a spread of resilient stream arms (i.e. with wider sustainable riparian buffers) able to support representative aquatic biodiversity.

The Erosion Susceptability Classification (ESC) is still too coarse to provide selective guidance for high risk activities such as harvesting. Until such time when the ESC is revised to better separate out the more highly erodible land in the orange zone, the **orange zone needs to be a Restricted Discretionary activity** together with the red zone.

Biosecurity issues are not dealt with. For example how is the spread of the kauri die-back phytophora to be managed?

Q6 – Do you have any comments about any particular activity or draft rule?

Genetically modified tree stock should only be a permitted activity where approval has been gained from the EPA **AND** from local authorities so that local communities have a say about the introduction of genetically modified material entering their environment. The NES is not the appropriate place to address the use of GMOs.

Requested change:

- Remove reference to genetically modified tree stock from the NES.

Q7 – Is the NES-PF the best option to meet the assessment criteria?

In the present draft form, no the NES_PF is not the best option to meet the assessment criteria.

Q8 – Have the expected costs and benefits of the NES-PF been adequately identified?

No the environmental costs have been woefully under-studied and considered within the cost-benefit analysis.

Q9 – Are there any issues that may affect the successful implementation of the NES-PF?

The ability of territorial authorities to recoup monitoring costs for permitted activities which have a high risk of producing adverse effects. It is likely that the local ratepayers are going to have to pay for the monitoring of private companies activities. This is not appropriate.

Unless the permitted bottom lines are significantly lifted the NES PF will cause increased environmental adverse effects. This will be contrary to the RMA.

Q10 – Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

The risk from biosecurity threats such as phytophora spread has not been addressed.

The opportunity for wider biodiversity benefits from plantations forests is not encouraged or addressed. The resilience of aquatic ecosystems needs to be encompassed within the policy framework. Invertebrates, water plants as well as fish populations require protection to ensure their survival in the face of climate change and ongoing forestry disruption. It is suggested that general wider minimum riparian setbacks are implemented and specific stream 'corridors' as discussed in Q2 are required.

Requested changes:

- Require the establishment of stream 'corridors' in each main catchment as outline in Q2 Afforestation.

Q 11 – Will the proposed NES-PF support regional councils to implement the NPS-FM?

No as there is a disincentive to ensure locally and nationally significant values are enhanced.

There is also a disincentive to monitor forestry activities as it will produce a cost burden on the public and there is no incentive to ensure councils do monitor forestry activities. This is a poor, likely unintended, result from the proposed NES as there is potential for severe environmental effects from poor forestry practices.

Q12 – What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF?

No comment - more relevant to forestry companies.

Q13 – Are there any other issues that you would like to raise?

It needs to clarified that plantation forestry does not necessarily protect water quality. In fact, the reality is that when a plantation forest is clearfelled on steep erodible land it can have severe long lasting effects on communities and downstream ecosystems. It may be the case that sedimentation from clearfelled plantation forestry land is slightly less than that from similar grassed land but it is still a significant contributor to accelerated sedimentation in our waterways. Also the sedimentation events from clearfelled forestry land are concentrated in time. We need to be reducing elevated sedimentation levels from all land uses.

The establishment of a 'permitted' level of activity that does not meet local expectations for potentially highly damaging land use (e.g. harvesting of steep erodible land) will not allow for the fair and equitable participation of local communities in the decision making process.

We urgently need forestry practices that can -

- Protect steepland soils (this does not occur with clear fell harvesting)
- Reduce sedimentation of estuarine/coastal ecosystems
- Reduce lost farm income through flooding and siltation of farmland
- Reduce flooding of downstream settlements
- Increase biodiversity values through 'continuous cover' forests or small coupe forests
- Increase carbon absorption;

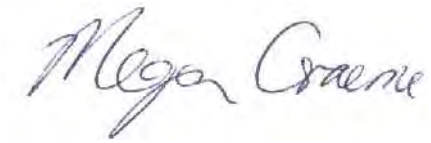
while also strengthening the forestry sector through diversification of products and employment.

In summary:

We support the principle of using a NES provided it improves the environmental outcomes from plantation forestry. If forestry companies want the benefits of a standardised approach and to take away the opportunity for public input they must be able to show that it will actually achieve better environmental outcomes. This is not the case as the current NES draft sets the permitted bottom line too low and therefore ***we oppose the NES as proposed and request the Ministers reject it***.

We hope these comments are useful and look forward to a revised and much more robust outcome for plantation forestry following further consultation with the public.

Yours sincerely



Meg Graeme

On behalf of the Mercury Bay branch committee
Royal Forest & Bird Protection Society Inc

References:

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Royal Forest and Bird Protection Society
of New Zealand Inc.
Nelson/Tasman Branch

s 9(2)(a)

7 August 2015

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

Submission on National Environmental Standard for Plantation Forestry

- The Nelson/Tasman district has experienced serious damage by rainfall washing forestry debris down the hillsides below logging sites. Conditions must be tightened to prevent this with councils being given greater powers to enforce compliance.

- We do not agree with the risk assessment for the Nelson/Tasman area which has been listed as 'low risk'. All the fresh waterways and estuaries have been severely degraded by siltation through inappropriate use of the hinterland and this includes forestry activities.

- The government, in planning to issue a national standard, appears not to appreciate that soil types and weather effects vary enormously throughout the country. Councils must have the power to improve on a national standard if this doesn't meet the requirements of local conditions – soil types, gradients, extreme weather events and proximity of fresh waterways and coastal water bodies.

- New Zealand is highly diverse and we believe it is simplistic to think that one Plantation Standard will do for all areas in view of the huge variety of land forms and habitats that make up the country. Forestry managers should plant and harvest in the best interests of the environment in each locality.

- We ask that streams in plantation areas should be identified and mapped by council freshwater ecologists. Riparian planting should be planted ahead of initial pine planting and protected from damage when pines are harvested. These need to be 20m wide each side of smaller streams and 30 to 50m wide for larger streams and rivers.

- The heads of catchments, which are the source of most streams and any springs in the area should be protected by the planting of natives ahead of the planting of pines.

- Compliance costs should hardly be a consideration when the cost of restoring a damaged ecological system may take centuries.

- Waterways and estuaries throughout the country continue to be degraded by inappropriate land-use and this must be reversed.

- We ask that local bodies have the final say on the standards required to ensure good water quality and protection for the ecology in their area.

- It is essential that forestry companies do not destroy any more regenerating native bushland or shrub land. These places provide essential habitat for lizards, insects and birds such as the fern bird which do not live in older forest.

We wish to see greatly decreased siltation, control of wildings, no movement of forestry debris into valleys and gullies and respect for habitats and the natural environment.

Signed: Gillian Pollock,
Branch secretary

SUBMISSION ON NES FOR PLANTATION FORESTRY

SUBMISSION MADE BY

Northern Branch
Royal Forest and Bird Protection Society NZ Incorporated

Secretary:
Email: s 9(2)(a)

Submission contacts:
Names of specific Northern Branch persons to contact are also listed at the end of this submission:

Dr Benjamin Pittman:
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Zelka Linda Grammer:
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David Lourie:
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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
NES-PFConsultation@mpi.govt.nz

Introduction

Quite apart from any involvement as a branch in matters of concern to do with the RMA; GMOs/GE; forest and bird issues; environmental concerns; forestry and land use; mining impacts; climate change; land, estuarine, harbour, ocean and general waterways degradation, our branch membership includes much specific expertise in areas including:

- RMA-based resource consents
- mining impacts
- GMOs/GE
- pest control - plants and animals
- native forest and waterways/wetlands management and restoration
- manawhenua - cultural impacts assessments
- significant cultural site management
- tikanga
- Local and regional Maori heritage and history
- Te Tiriti o Waitangi
- TPPA impacts.

The Northern Branch acknowledges that there are good intentions within the proposed NES-PF to achieve national consistency in areas such as erosion and sedimentation; wilding spread; impacts on cultural sites; river crossings; disposal of forest debris; riparian vegetation disturbance, however, with particular reference to GE trees provisions, it rejects the entire package as, the real intention related to GE trees is hidden within the larger consultation document and not even mentioned in the summary consultation document. Along with allied branches and other organisations with whom we consult and co-operate on diverse matters related to the wider and all-inclusive environment, we consider the overall plan - given its hidden intentions related to GE trees - to be both seriously underhand, flawed and also *ultra vires*.

Summary of Key Concerns

Flawed thinking underpinning the MPI assumptions contained with the consultation documentation which also suggests it has been written by vested planation forestry interests and totally in exclusion of valid local council and community concerns and rights:

- Remove unwarranted variation between local councils' planning controls for plantation forestry: loaded language designed to invalidate perfectly valid local community and council desires, rights and obligations. It suggests that there can be no community say in the matter and also implies that there are blanket climatic, geographic and typographical features and conditions which apply across the whole country in relation to plantation forestry. Good and clear variations occur in areas such as building and planning requirements, for example and, we see no difference with the NES-FPF.
- improve certainty of RMA processes and outcomes for plantation forestry stakeholders, while maintaining consistency with the purpose of the RMA: this is nonsense, an excuse to give plantation forestry stakeholders exactly what they want. Ministerial and government views on the RMA are already well known and in their views, the less the better.
- improve certainty about environmental outcomes from planation forestry activities for forestry stakeholders, including communities, nationally: totally flawed again: this is about removal of any local say and community concerns and rights.
- contribute to the cost-effectiveness of the resource management system by providing appropriate and fit-for-purpose planning rules to manage the effects of planation forestry: this is purely about appeasing the forestry planation industry and removing all local community say.
- Where possible, activities should be permitted (that is, not need a resource consent) provided robust permitted activity conditions are met: this is totally vague and meaningless and tantamount to allowing anything as we believe the "permitted activity conditions" are far too permissive and open.

- As the risk of adverse environmental effects at the location of the activity increases, the requirement for consent becomes more likely and conditions become more stringent: again, this is far too vague and permissive and guarantees nothing since it is based on interpretative data and assessments which can be manipulated through interpretation.

Our Core Beliefs and Stand

As members of Forest & Bird, Northern, our interests and concerns are about the total environment in which we live believing that the environment is a totally inter-linked system with nothing standing apart.

We have an absolute obligation to protect our biosecurity, unique biodiversity, existing non GM primary producers including foresters, quality kai/food sovereignty, finite resources like soils and waterways and above all support the strong precautionary and prohibitive GE policies of Tai Tokerau iwi/hapu authorities holding manawhenua and our local councils. We are all guardians of what we have remaining. These resource assets have suffered enough already and, we have an obligation to preserve what remains and where possible to turn back the damage already inflicted.

We fully support both global certification bodies for truly sustainable forestry (FSC and PEFC) who prohibit GE trees in certified forests, due to the serious ecological risks.

We deplore any attempt to introduce any watered-down regulations which have not had the fullest scrutiny and sanction of the fullest parliamentary process, however fancy their wording and however they might be dressed up, allowing the introduction of GE trees. We also feel that if MPI are so confident about the benign effects of their plans and intentions, they will have no problem whatever in instituting very clear requirements and liability for all to be made good at the total cost of perpetrators in the event of any unanticipated or unintended consequence, especially in relation to the GE trees matter.

We also wish to note that references and assertions about "best forestry production practices" are all well and good for forestry production but above all we are concerned about "best forestry environmental protection" not forestry production. This means that in the event of a conflict between "best environmental practices" and "best forestry production practices" then it is the production side which has precedence while still complying with the NES-PF. So, the key danger is the capacity for forestry production and related interests to override environmental and community interests. It is therefore a bad deal for the environment and communities since it is they who bear all the risks.

Our Key Objectives

Remove the GM clauses 6.4 on p. 43,64,82 as they appear in the electronic version of the proposed NES–PF. (**NB:** In the hard copy the points referred to are on pages 41,62, 80).

1. These clauses do not meet the objectives of environmental protection for communities, nor do they take into account the inherent dangers and liabilities associated with novel genetic technology contamination on soils, indigenous and exotic flora and fauna, pruning debris, waterways, trophic ecosystems and waterways.

2. The proposed NES-PF - GM trees inappropriately treats the management dangers of GM trees as if they were the same as conventionally-bred ones, which is not the case.

3. Local Bodies have an obligation to manage natural and physical resources in a sustainable

manner. They are required under the Resource Management Act (RMA) to manage activities that may endanger their district or region's biosecurity, unique biodiversity, environment, existing primary producers, local economy, Maori ancestral lands, cultural wellbeing and the public health for the present and future generations, this should not be removed.

4. Councils' ability under the RMA to create a much needed additional tier of local protection against the risks of outdoor use of GE/GMOs must not be undermined by any clause in the new NES-PF.

5. The removal of the right for local bodies to manage their natural and physical resources endangers foresters ability to maintain their certification with global certification bodies like the Forest Stewardship Council (FSC), Standards New Zealand –Sustainable Forest Management (NZS AS 4708:2014) and The Programme for the Endorsement of Forest Certification (PEFC), where GE trees are prohibited.

6. The EPA responsibilities (under the HSNO Act) do not have the mandate, scope or expertise to regulate long-term management activities after GMOs have been fully released.

The decisions we would like the Minister to make:

1. All wording in the electronic version of the NES-PF on pages **43, 64 & 82,** referring to genetically modified trees and rootstock must be removed from the NES-PF**.**

2. To place an added condition in the proposed NES-PF stating that Local Bodies can set more stringent rules, objectives and policies on GMOs as part of their land use planning function, under the RMA, when addressing the environmental, economic, social and cultural wellbeing of their communities.

3. **Delete 5.2** What changes will mean to existing plans and

   Delete 5.3 What changes mean for existing consents

   5.2 Reason already given
   5.3 Reason Resource consents may be active for 35 years.

   If the Ministers and forest owners will allow the review of existing consents to soften the conditions then they must also accept that the review of existing consent conditions must allow the 'applying of greater stringency' to 'matters' not covered by table 4.

   A consent may remain in effect for longer than one rotation so may allow a replanting. The resource consent and rules must give effect to rules restricting the use of GM trees or regulating other new technologies not yet available.

4. **3.4 Applying greater stringency**

   The ability for councils to apply greater stringency may include (insert) **include but not limited to**

5. Table 4 Summary matters where council may apply more stringent rules **include but not limited to**

Reason
It is important that local government protects the interests of those that they represent. Local democratic government should not be limited in the 'matters' for which they can provide greater protection. This creates greater uncertainty for people represented by local government, as it would require plans and resources consents that would have to met being approved by higher authorities. We note that this is another way to keep GMOs from being a 'matter'.

We do wish to be heard. Please keep us informed.

Contact Northern Branch People for this Submission:

Dr Benjamin Pittman:
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Mobile: s 9(2)(a)

Zelka Linda Grammer:
Email: s 9(2)(a)
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David Lourie:
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Mobile: s 9(2)(a)

Ministry for Primary Industries
Manatū Ahu Matua

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:

Richard James, Chair, Tauranga Branch Forest and Bird

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

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

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

Tauranga Branch, Royal Forest and Bird Protection Society

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.

The consultation document states the main issue facing forestry sector participants is unwanted variation, which it describes as variation not justified by environmental, economic, social or cultural benefits. Providing certainty and consistency is a good thing for all involved in the sector if it can be demonstrated that it will result in improved outcomes.

Any standardisation will improve the outcomes for the forestry industry by reducing their costs to undertake an activity – through more operating certainties, reduced more standardised application costs, time and cost savings through reduced public input. This will be so even if there are situations where they have higher requirements imposed.

For the NES to fully address the problem stated in the consultation document however it must also address the issue of unwarranted variation where it does not meet environmental benefits i.e. show that there will also be environmental benefits from more consistency, as well as economic benefits.

To do this a NES must provide enough safeguards around the most damaging forestry activites. If inadequate protections are provided for then a standardised NES approach will have detrimental environmental outcomes.

If the opportunity for public input is going to be taken away by allowing more permitted activities, it must be demonstrted that this will also be better for the public interest, as well as the private commercial interest.

Tauranga F&B support a NES only if it provides better environmental outcomes from the plantation forestry industry. The current form of the NES does not do this.

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. One of the key negative impacts of forestry is from harvesting up to or near waterways. The impacts should be mitigated by the requirement that a 20 metre or bigger buffer either side of a waterway be provided. Buffers around headwaters and wetlands should be greater than 20 metres either side. There should be no disturbance in riparian buffers as this negates the beneficial effect they are providing. Buffers provide habitat, shade and mitigate some of the eorsion and sediment effects from harvesting and earthworks.

The permitted activity conditions will enable some forestry activities to have a worse enviornmental outcome than under the current regime where public input has seen better mitigation measures negotiated. An example of this is Whngapoua, Coromandel, where the NES would not allow for the public input which occurred in the past and resulted in better conditions being agreed to.

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.

Compliance with conditions generally is already an issue in NZ. As is enforcement. If the Councils do not have a means of recovering the cost of enforcing permitted activity conditions then they are not incentivised to either monitor or enforce compliance. Generally forestry activities would therefore be more appropriately treated as controlled activities.

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. It does not provide for better controls where there are sensitive downstream receiving enviornments. This doesn not recognise the ipact that plantation forestry has in headwaters.

Where areas have more important values there are not mandatory requirements to provide for the protection of those important values. This could lead to worse environmental outcomes than under teh current regime where public input may see mitigation measures agreed to.

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 effectiveness of the tools will depend on how they are implemented i.e. whether they trigger appropriate enviornmental controls/protection measures.

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.

Not in its current form. It will not provide for better enviornmental outcomes and will potentially deliver worse environmental outcomes than those able to be achieved through the current public input process.

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

   Please provide comments to support your views.

The environmental costs have not been properly identified in the cost-benefit analysis.

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

   Please provide comments to support your views.

The permitted conditions are too weak – they will not enable better environmental outcomes.

How will the enforcing councils recover the cost of monitoring compliance of conditions, and enforcement in the case of non-enforcement? It is not appropriate that Councils/ratepayers carry this cost for commercial operations.

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

The risk of forestry in headwaters has not been properly addressed, and its impact on waterways, haarbours and the coast.

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. It does not properly take into account the impact of forestry in headwaters. It also does not consider the issue of the cost of compliance and enforcement of conditions which is vital if the identified outcomes are to be achieved.

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 ...

Friends of Nelson Haven & Tasman Bay Inc. P.O. Box 365, Nelson 7040

www.nelsonhaven.org.nz, s 9(2)(a)

Submission to Ministry for Primary Industries August 2015

National **Environmental** Standards (NES) – Plantation Forestry.

Friends of Nelson Haven & Tasman Bay is a coastal conservation group started in 1973, which successfully stopped a major in-filling of the Maitai River estuary, Nelson Haven. Due to popular concerns over numerous coastal issues, the organisation has evolved into a coastal watchdog for the Top of the South Island (TOS) three unitary Council areas of Tasman, Nelson and Marlborough. Our website www.nelsonhaven.org.nz contains our history, recent annual reports and research reports.

This submission is concerned with coastal impacts of planting and harvesting of plantation forestry on TOS steep slopes, on fishing and aquaculture with flow on effects to recreation and tourism.

The most important focus of National **Environmental** Standards is to ensure the long-term health and well-being of the environment. The present NES statement puts emphasis on "consistency", which is a nice add-on, but will never recover eroded soil and degraded rivers and coastal waters which result from bad forestry locations and practices. The flow-on effects of forestry practices on coastal water is a prime concern of our group, and the New Zealand Coastal Policy Statement 2010 (NZCPS) must be a central consideration incorporated into this NES. Present forestry practices in the TOS have often not taken the objectives of the NZCPS into account.

Selected statements, relevant directly to forestry practices, in the NZCPS 2010 are:

"Objective 1. To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas estuaries, dunes and land, by…

Maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be the natural condition with significant adverse effects on ecology and habitat, because of discharges associated with human activity. ..

Objective 2 To preserve the natural character of the coastal environment and protect natural features and landscape values through:…

Identifying those areas where various forms of subdivision. ***use,*** *and development would be inappropriate and protecting them from such activities,…*

Virtually all human TOS terrestrial activities, including forestry, dairy, horticulture, urban development, roading, industry, tourism and recreation impact on our coast. This has resulted in accelerated erosion with a huge suspended sedimentation in our coastal waters. This statement is supported by several major studies, with forestry planting and harvesting being an important contributing factor. Much of the TOS topography is very steep and heavy rainfall events have a devastating effect. Huge plumes of beige sediment are a common sight where river mouths enter

the sea after a moderate rain. When 900 mm of rain fall in a few days entire slopes are sent seaward. Average rainfall data is meaningless. It is the high energy, high rainfall events which must be planned for. These occur in the TOS area. Due to introduced grazing and browsing mammals e.g. possums, deer, goats and pigs, which consume the protective undergrowth, even native forests are vulnerable. Plantation forests, with their periods of open soil, are even more problematic. It is essential that steep slopes in areas with high rainfall events are given the highest protection from plantation forestry. The loss of topsoil degrades the land and the silt degrades the receiving stream, rivers, estuaries and coastal waters.

The effect of these sediment flows on the coast is the subject of several recent studies, which are quoted below. The sediment clouds the water so that the primary productivity of planktonic algae – the base of the ocean food chain – is reduced due to reduced light necessary for photosynthesis. Next the filter feeders, including shellfish mussels, scallops, as well as numerous invertebrates have their filtering organs clogged. These invertebrates are an essential link between plankton and all the animal sea life up the food chain including fish, birds and mammals. The nutrient transfer from land to sea can have eutrophication effects which can eventually negatively impact coastal biodiversity described below. It is essential that plantation forestry and harvesting be banned from all vulnerable stream, river and coastal waters, with the precautionary principle practiced since, thanks to gravity, it is not possible to reverse the sedimentation process.

New Zealand studies which state concerns about sedimentation of our coast are listed below.

1. "A review of land-based effects on coastal fisheries and supporting biodiversity in New Zealand" by Morrison, M.A.; Lowe,M.L.; Parsons,D.M.; Usmar,N.R.; McLeod,I.M.; -five NIWA and Leigh Marine Lab scientists. (2009). New Zealand Aquatic Environment and Biodiversity Report No. 37. 100p. (bold lettering added)

"Land-based effects on coastal fisheries may occur through a diversity of mechanisms. Changing inputs from the land have included large volumes of suspended sediments and nutrients into the coastal zone, following large-scale clearances of New Zealand's forests, and the expansion of land-based industries such as pastoral livestock farming, dairying, and exotic ***plantation forestry****."*

"In New Zealand, arguably the most important land-based stressor is sedimentation, including both suspended sediment and deposition effects, and associated decreases in water clarity…Impacts may be direct on the species themselves, such as clogging of the gills of filter feeders and decreases in filtering efficiencies with increasing suspended sediment loads (e.g. cockles, pipi, scallops), reduction in settlement success and survival of larval and juvenile phases (e.g. paua, kina), and reductions in the foraging abilities of finfish (e.g. juvenile snapper). Indirect effects include the modification or loss of important nursery habitats, especially those composed of habitat-forming (biogenic) species (e.g. green-lipped and horse mussel beds, seagrass meadows, bryozoan and tubeworm mounds, sponge gardens, kelps/seaweeds, and a range of other 'structurally complex' species)."

"International work has shown that eutrophication has the potential to initially increase primary productivity (phytoplankton and marcrophytes), and then to create profound cascades of effects into marine ecosystems, including loss of seagrasses, and eventually macrophytes, increases in

phytoplankton blooms that reduce light levels reaching the sea-floor, and subsequent oxygen depletions as blooms die and increase detrital levels on the seafloor, and large-scale losses of benthic prey assemblages that support finfish fisheries…With climate change predicted to increase both the frequency and intensity of storms and rainfall events, and intensification of land use, the relevance of addressing such issues is likely to increase.""

A specific study of the TOS bryozoan beds between Golden and Tasman Bays, off the Abel Tasman National Park, in this paper describes the importance of these beds as nursery grounds for snapper, terakihi and John dory finfish. The beds were impacted and declined with the introduction of pair trawling and dredging and reduction in the numbers of juvenile snapper and terakihi was observed. In 1980, a 156 km^2 area of seafloor was closed to power-fishing methods and a 2003 study of the area showed many bryozoan "*colonies appeared to be growing only from the distal tips, and were covered by a film of silt, suggesting the community may be stressed by sedimentation…with the lower portions being devoid of living tissue"…Bryozoan mounds are rare in silty environments… Most of the suspended sediments inputs to the bays occur during storm events…The loss of areas of these biogenic structures has almost certainly reduced overall finfish productivities in the surrounding regional ecosystem…"*

2. Assessment of anthropogenic threats to New Zealand marine habitats. MacDiarmid, A.; McKenzie,A.; Sturman,J.; Beaumont, J..; Mikaloff-Fletcher, S.; Dunne, J. (2012). Published by Ministry of Agriculture and Forestry and NIWA. New Zealand Aquatic Environment and Biodiversity Report No.93. 255 p.

This paper assessed the relative impact of sixty-five potentially hazardous human activities that may affect marine habitats in New Zealand's territorial seas. River inputs with increased sediment loading was 4th highest after ocean acidification, climate change altering sea temperature and fishing bottom trawling.

3. "Ecosystems being destroyed" headline in the Marlborough Express, 27 July 2015. Article based on a report by marine biologist Rob Davidson presented to the Marlborough District Council's environment committee. (bold lettering added)

   "*Significant marine eco-systems in the Marlborough Sounds are being degraded or lost at an alarming rate, a new report shows. Marine biologist Rob Davidson said more than 1431 hectares of sea bed ecosystems…had disappeared in the Sounds since the later 1980s. Nine sites, ranked as significant because of their biological values had decreased by 70 per cent. Five sites at Port Gore, Ship Cove to Cannibal Cove and Hitaua Bay Estuary showed a decline in size because of trawling, dredging and* ***sedimentation from forestry*** *activities.* ***Sedimentation from logging*** *was smothering some ecosystems…If council did not move to protect offshore soft-bottom habitats that support medium and high biological values they would continue to disappear, he said…****Sedimentation caused by forestry activities*** *saw large volumes of fine sediment smother and clog low-lying estuaries, reducing their productivity…Oyster wraps in Kaiuma Bay had gathered up to 0.7 metres of sediment in four years…there is a poor record of marine protection in Marlborough… Council coastal scientist Dr. Steve Urlich said the report had pulled back the aquatic curtain in Marlborough for the first time. Because sites are unseen we are unaware our collective impact is causing severe disturbance and decline of our most significant habitats, of which there are relatively few*

remaining…they need protection and restoration…The council did have powers under the Resource Management Act to control seabed disturbance and it was considering that in the review of the Marlborough Resource Management Plan, Urlich said. Environment committee chairman Peter Jerram said the speed of deterioration was startling. We have 19 percent of New Zealand's coastline and one marine reserve. That's a national and regional disgrace."

This article raises an important point and that is the importance of local knowledge in making decisions. Few people can know an area as well as those who are living there. National guidelines, especially if they include a precautionary approach, are helpful. The Coastal Policy Statement is a good guide in this matter. It is essential that forestry practices incorporate consideration of flow-on effects.

4. "Assessing impacts to Ecosystem Services from Global and Cross-System Stressors in a Regional Context Through Process Based Analysis'' 2015. (Draft, not published yet). By Singh, G.; Sinner, J.; Ellis, J.E.; Miland, K.; Kai, C. – 4 scientists from Univ. of British Columbia, Canada and Cawthron Institute, Nelson, N.Z. 27 p.

   Tasman and Golden Bays were studied, using an expert elicitation procedure, in which ecosystem services and stressors were ranked. The services focused on were fisheries, shellfish aquaculture, marine recreation and existence value of biodiversity. The four most important threats to these services identified were climate change, commercial fishing, sedimentation and pollution. Sedimentation was seen as a prominent stressor across three of the four ecosystem services with agriculture and forestry the most often cited sources of sediment. Sedimentation is described as an illustrative example of how this approach can lead to targeted management action. Agriculture, forestry, dredging and commercial fishing were all suggested by many experts to contribute to sedimentation, which was one of the most important stressors across ecosystem services by rank and impact scores.

Fire as a factor in placement of plantation forests.

Plantation forests of pine eucalyptus and other fire supporting species should not be placed near areas of high alternative value, such as homes. Nelson has experienced at least three major fires of planted pine forests in the past decades, one on the Grampions, one in the Port hills and one in the Maitai Valley. All three threatened, or actually destroyed, homes. The one in the Maitai skipped the gullies containing native forests. In Tasman, a huge, widespread fire leaped over irrigated orchards to inflame places with pines. Pines and eucalypts have gas emissions, which we can smell, which attract flames over several 100 metres distance. Laying land bare, can result in accelerated erosion when it rains and this, in turn, will cause sediment loading of streams, rivers and finally coastal waters.

8th 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 CONSULTATION DOCUMENT - JUNE 2015

Submission from:

Friends of the Maitai

Contact details for this submission are:

Submitter: Friends of the Maitai
Prepared by: Tom Kennedy
Contact address: s 9(2)(a) s 9(2)(a)

phone: s 9(2)(a)

Submitter's Background:

This submission is supported by over 130 members of a community based group in Nelson known as "The Friends of the Maitai" (FoM). It has been prepared by the Forestry Group of FoM with main contributors being Tom Kennedy, Joe Hay and Steven Gray.

Support for other Submissions:

We would like to register our **full support** of the submissions presented by:

1. Nelson City Council
2. Roger May, Strachan Road , Motueka

1. Overview

This submission opposes the NES-PF in its current form. There are many areas of concern to our group and we have little faith that the new standard will stop the further deterioration of our rivers in terms of decreasing biodiversity, sediment deposition and increased levels of nitrogen.

We can appreciate the desire for Forestry Companies to have consistent rules throughout the country but New Zealand has a complex and varied geology so that many regions have issues unique to their area. As it stands at present the NES-PF does not have the detail in its rules, and reclassification of ESC, to adequately cope with these regional variations so that having an inadequate set of albeit consistent rules will be at the expense of the environment.

In Nelson this broad brush approach of reclassifying all of the 'high' ESC land in the plantation forestry areas of the Maitai catchment to 'moderate' will make it extremely difficult to ensure adequate monitoring and protection for what is now already a fragile area.

Riparian setbacks are also inadequate under the permitted rules and there has been a history of ignoring the requirement for setbacks, so that many streams (e.g. Packer, Groom and Sharland) have had them removed or damaged over the past years of forestry operations.

We have little faith that the rules as they now exist will allow any improvement in the state of our river.

2. Toxic Algae

In Nelson the alarm bells were ringing about two years ago when there was an algal bloom of Phormidium (cyanobacteria) in the Maitai River. The local council advised the public not to swim in the river because of the severe health hazard presented by the toxic algae. In particular dog owners were strongly advised to keep their dogs out of the river as ingestion of the algae could kill a dog within hours.

Past and subsequent research by Cawthron scientists (see references and summaries below) have drawn a relationship between very fine sediment in the river and the ability of the algae to extract phosphorus from the sediment to enhanced its accelerated growth.

Relief sought:

1. Provide more detailed mapping and sub-class division in the 'moderate zone' to show areas where slope is less than 25 degrees and greater than 25 degrees, and allow councils to manage as consented activities with more stringent conditions. Councils should also have the facility to impose consented conditions in areas where 'moderate' zones are adjacent to the above sensitive areas and may require more stringent rules than those listed under permitted activities.

3. Sedimentation

The major land use in the Maitai catchment is plantation forestry and sediment loading is markedly increased during weather events where rainfall is equal to or exceeds the annual return period.

Major contributors of sediment are the tributaries: Sharland and Packer Creeks and Brook Stream (all of which have plantation forestry within their catchments). Please refer to references below for scientific reports.

Rules as they stand will not identify these sensitive areas and ensure an improvement.

Relief sought:

1. Same as number one above.
2. Implementation of a **threshold regime** to ensure sediment levels remain at an acceptable level. Councils and land user (Forestry) would share in the cost of placing turbidity probes and recorders in main stem and tributary streams to ensure the turbidity of tributaries remained no greater than 10% of the turbidity of the main stem. Eg. Turbidity of Sharland Creek would not exceed 10% of the turbidity of Maitai River 50 meters above confluence with Sharland. (See attached maps)
3. If thresholds are exceeded then land use activities such as harvesting and earthworks would cease until the problems were identified and rectified by land user.

4. Riparian Setbacks

There has been a history of many land users ignoring the requirement for riparian setbacks in forestry operations. Plantation forests have been logged and replanted to within only 1-2 meters of many streams and rivers. The existing rules in the NES-PF do not address this problem and how it will be monitored and dealt with if breaches occur.

Relief sought:

1. Redefine streams where setbacks are required to include all 1st, 2nd, 3rd, order and greater streams and rivers which flow for more than 75% of the year.
2. Redefine setbacks to 10m either side of streams less than 3m wide and 20m either side of streams greater than 3m wide.
3. Where setbacks have been removed, damaged or replanted in plantation forestry they will be replanted in native species by the land user.
4. Extra funding should be made available to councils (sourced from the forestry industry) to monitor and enforce breaches of rules as set out in Permitted and Consented areas.

5. Impact on Councils

1. With the reclassification of over 94% of plantation forestry now being a Permitted activity, the workload and cost for councils to monitor and insure the rules are being adhered to is totally unacceptable.

Relief Sought:
Councils must have the ability to charge for administering and monitoring 'Permitted' activities as well as 'Consented' activities in higher risk areas.

2. We are concerned that the 'Erosion and Sediment Control Plan' requirement of lodging with Councils is too loose and open to abuse and lack of proper management.

Relief Sought: It should be mandatory for companies to lodge these plans with Councils before operations commence (in particular; harvesting and earthworks) and that Councils have the right to request more information, alterations and detailed plans if they are not happy with the initial plans.

3. We are concerned that as the NES-PF stands, Councils are unable to act on any adverse effects until after they have occurred. This will lead to a degradation of the environment, increased costs for rectifying the problem and extra work for Councils and Foresters.

Relief Sought: Councils must be able to set thresholds for any activities (Permitted and Consented) which could lead to a degradation of the environment. Monitoring of these thresholds would be at the expense of the Forest Companies.

6. Erosion Susceptibility Classification

1. We are very concerned about the revised ESC (2015) and the fact that 94% of all plantation forestry land is now classified as low, moderate and high (under 25 degrees) and is a Permitted Activity with conditions which do not reflect the increased risks from low to high (<25 deg.)

2. Also 1.5 million hectares have been downgraded from high to moderate and 1.6 million hectares downgraded from moderate to low.

3. Scale of ESC maps does not show enough detail at a local level to ensure Harvesting and Sediment plans are effective.

Relief sought: Either go back to 2015 version of ESC or change to more up to date slope stability software.

7. GM Forest Species

1. We are totally opposed to the introduction of any Genetically Modified(GM) forest species.

Relief sought: Remove all references to GM species from NES-PF.

References:

1. Reports covering sedimentation and other environmental concerns in the Maitai/Sharlands/Groom Ck/Brook catchments.

1. *Review of forestry impacts upon sediment yield and aquatic ecosystems*: Niwa report for Auckland Regional Council., May 2004 .

   Summary: " Forest roads are a key source of sediment through the processes of surface runoff and mass movement. Sediment loss from roads due to surface runoff alone can exceed 300 tons/km²/yr during harvesting. However , mass movements associated with forest roads typically yield 1=2 orders of magnitude more sediment than that attributed to surface runoff. Similarly, mass movements associated with other forestry activities (e.g., the failure of log landings) have been shown to markedly increase suspended sediment concentrations……'

2. *Review of Forestry – Nelson City Council , October 2014*

   "….Permitted activities in the Nelson Region are not currently monitored to determine the level of compliance. Undertaking this would provide NCC with a stronger argument should a rule change need to be considered in the future……..

   The big issues within forestry appear still to be coming from a combination of poor storm water control from tracking/roading or landings and debris avalanches from poorly sited 'birds nests'. Often sites are not well maintained following the completion of harvesting and any problems can occur for years following until the new crop takes hold. All forestry companies can still improve on storm water control from landings and tracking/roading. The big issues within forestry appear still to be coming from a combination of poor storm water control from tracking/roading or landings and debris avalanches from poorly sited 'birds nests'. Often sites are not well maintained following the completion of harvesting and any problems can occur for years following until the new crop takes hold. All forestry companies can still improve on storm water control from landings and tracking/roading."

3. *Maitai River Gravel Management Study: May 2015. By* Niwa for NCC

   Summary:

"……

Fine sediment sources and issues

Observations from this study indicated that the main sources of fine sediment to the lower Maitai are from Packer Creek, Groom Creek, and The Brook. The sources in these areas appear to be largely associated with forest harvesting, but riparian slips are also a significant contributor in The Brook. This confirms the general appreciation gained from interviews that forestry activities are a major control on the fine sediment load of the river and the primary source of issues relating to fine sediment, including embedding the riverbed substrate and fine-sediment re-suspension during gravel extraction work. The fine sediment problem could potentially be mitigated by land use change (e.g. forest retirement), improved erosion control and sediment management during forest harvesting activities, and measures to reduce sediment delivery from the hillslopes to the river (e.g. valley-floor wetlands)……."

4. *The Impact of the Maitai Dam on River Health Relative to Other Catchment Pressures: A Review , 2013. Cawthron Report #2371 for* NCC

Summary:

"…….Plantation forestry and urban storm water runoff appear to be the dominant pressures facing the Maitai catchment. Forestry is the main land use in the mid-catchment. Macroinvertebrate community health indicators are sensitive to changes in nutrient and deposited fine-sediment levels. High levels of both of these contaminants have been associated with tributaries in parts of the catchment dominated by Forestry. Therefore, the observed declines in macroinvertebrate community indicators throughout the mid-catchment suggest that forestry works are negatively impacting upon stream biota downstream through increased fine sediment and / or nutrient levels. Benthic cyanobacteria blooms may be an emerging issue due to increased input of nitrogen from forestry activities. Toxins produced by benthic cyanobacteria mats can restrict recreational activities…….

Based on data assessed in this review, the impact of the Maitai Reservoir on the mid and lower Maitai River is likely to be comparatively minor when considered in the context of the magnitude and extent of other pressures facing the catchment. Habitat degradation in the lower catchment is largely attributable to forestry and urbanisation, more specifically, sediment and nutrient loading from Sharland and Groom Creeks ……. ……."

Recommendations:

"……..

5.2 Improving ecosystem health

We have identified that fine sediment associated with forestry activity in the mid catchment may be degrading ecosystem health in the mid and lower Maitai River. With this in mind, we suggest including sediment assessment protocols into the NCC River health monitoring programme as a minimum step to further monitor this issue. Specifically, the 'in-stream visual % cover' and 'suspended inorganic sediment quorer' protocols, as described in Clapcott *et al*. (2011) ought to be used. More intensive investigations into fine-sediment loading in the catchment should be considered (*e.g.* continuous turbidity monitoring in forested and reference sites). Significant resources have been devoted to identifying point source contaminant discharges in the Maitai River. However, less is known about the diffuse sediment and nutrient input from forestry activities in the mid-catchment. Spatial habitat

mapping and ground surveys could identify areas of the catchment where remedial actions, such as installing wider riparian buffers or sediment traps, could reduce fine-sediment loading in the Maitai River and tributaries……..”

7. References

Collins RP 2004. Review of forestry impacts upon sediment yield and aquatic ecosystems. NIWA Client Report: HAM2004-043. Hamilton, New Zealand.

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.

Crowe A, Young R 2005. Sharland and Packer Creek Study: Water Chemistry and Microbiology. Prepared for Nelson City Council. Cawthron Report No. 1048. 28
Philips C, Marden M, Basher L 2012. Plantation forest harvesting and landscape response - What we know and what we need to know. New Zealand Journal of Forestry 56: 4-12.

Sneddon R, Elvines D 2012. Sediment contaminant levels in Nelson area catchments: 2012. Prepared for Nelson City Council. Cawthron Report No. 2116. 46p.

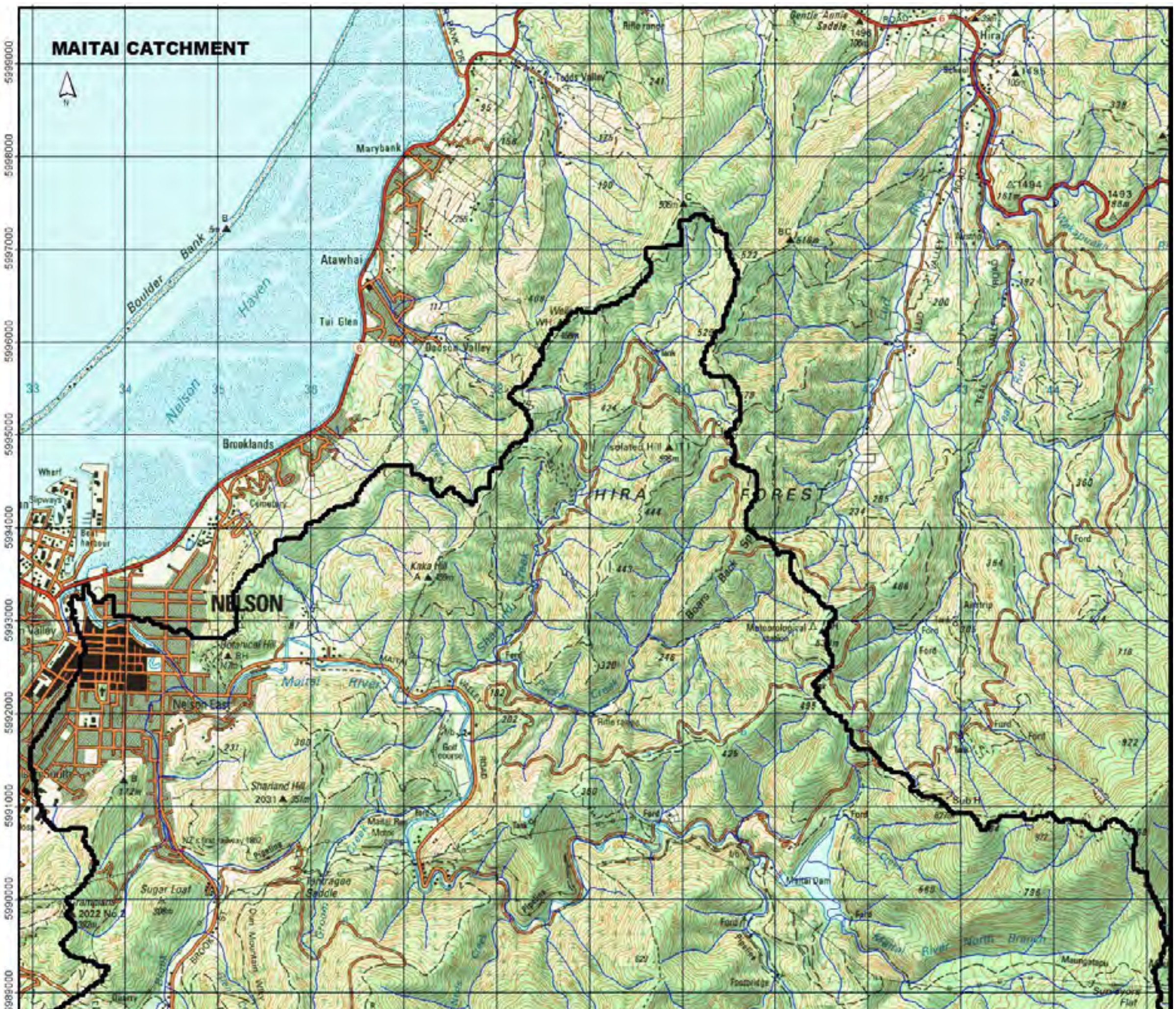
Wilkinson J 2007c. Some Impacts of Plantation Forest Felling on Stream Health and Mitigating Practices. Prepared for Nelson City Council. Cawthron Report No. 1252. 24 p.

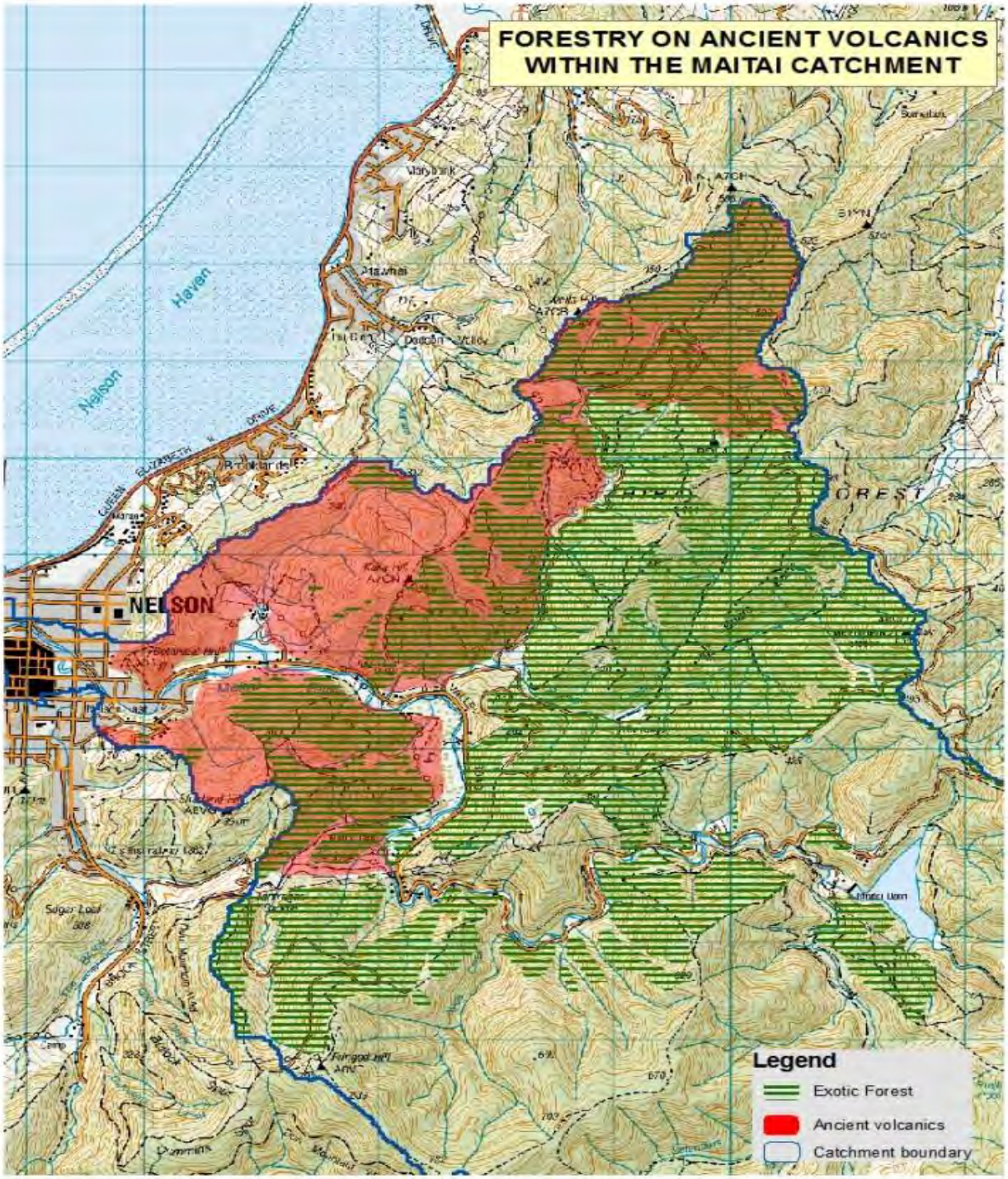
5. *Phormidium Blooms – relationships with flow, nutrients and fine sediment in the Maitai river*. 2015 - Wood, Wanenhoff and Kelly; Cawthron Report #2723 prepared for NCC .

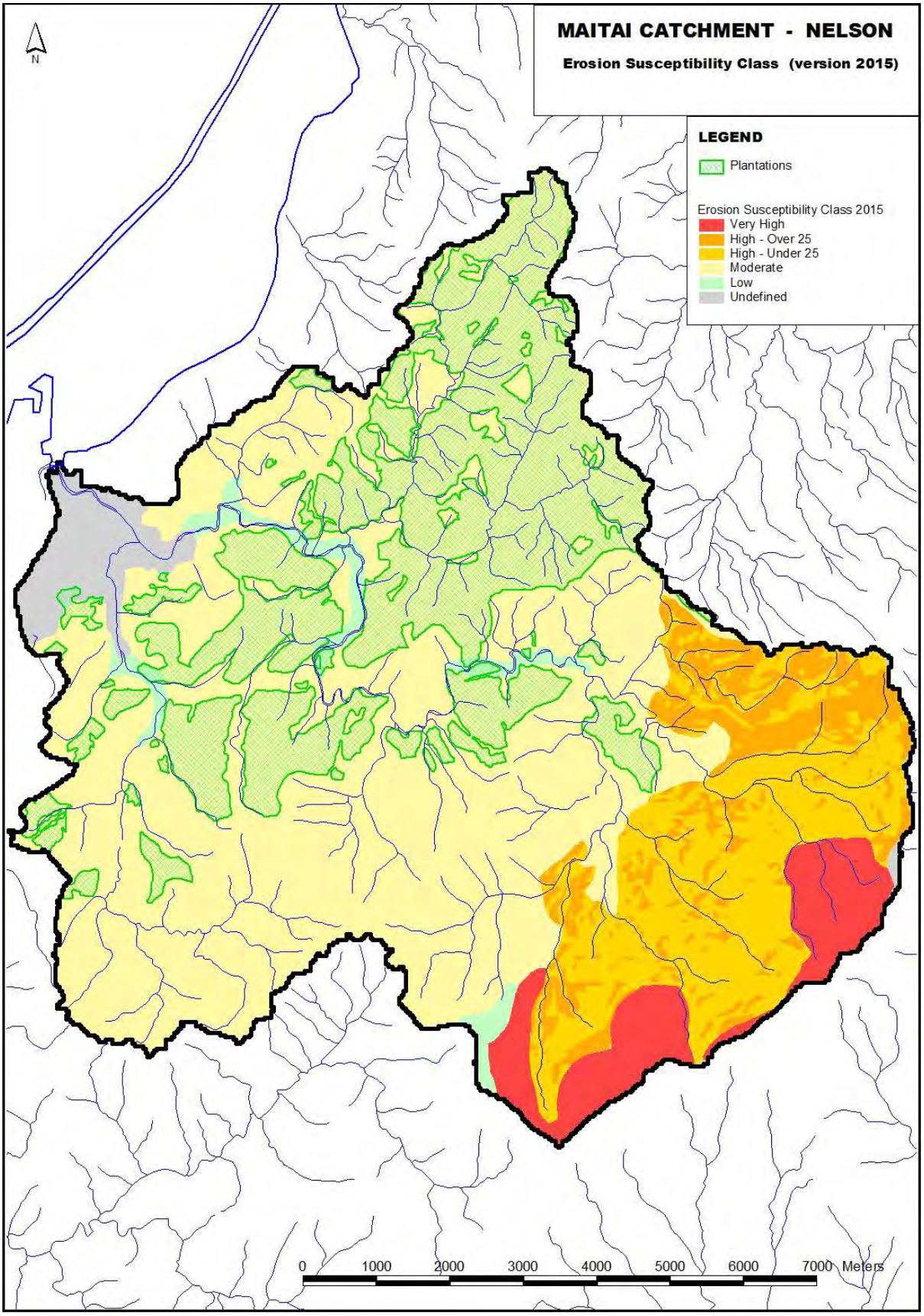
Refers to the role fine sediment plays in Phormidium Blooms by providing sediment-bound phosphorus. Sediment studies at specific sites “…….. demonstrated that the Brook Stream and Sharlands Creek increased sedimentation rates in the river by up to 25%. Reasons for the increased sedimentation and higher concentration of biologically available phosphorus require further investigation, but are most likely due to land management practise.”

Recommendations include:
“ Identify and investigate sources of sediment and nutrient inputs in the major tributaries, in particular the Brook Stream and Sharlands and Packer Creeks.

MAPS:


MAITAI CATCHMENT
Marybank
Atawhai
Tai Glen
Boulder Bank
Nelson Haven
Brooklands
NELSON
Maitai River
HIRA FOREST
Maitai Dam
Sugar Loaf
Fringed Hill
Cummins Spur
Third House Hut
Jenkins Hill
Wooded Peak
Little Twin
BRYANT RANGE
Dun Mountain
Dun Saddle
Windy Point
Blue Knob
Mt Claude


FORESTRY ON ANCIENT VOLCANICS
WITHIN THE MAITAI CATCHMENT
Haven
Nelson
NELSON
Legend
Exotic Forest
Ancient volcanics
Catchment boundary


MAITAI CATCHMENT - NELSON
Erosion Susceptibility Class (version 2015)
LEGEND
Plantations
Erosion Susceptibility Class 2015
Very High
High - Over 25
High - Under 25
Moderate
Low
Undefined
N
0
1000
2000
3000
4000
5000
6000
7000 Meters

Submission to the proposed NES- PF

GE free Kaipara, c/o s 9(2)(a)

s 9(2)(a)

We would like to be heard

GE free Kaipara represents a loose group of about 40 people who are strongly opposed to GMO's outside the lab. Quite a few of us grow fruit and vegetables along organic principles for our own use and/or to sell at local farmers markets. I have been asked to submit on behalf of the group.

We particularly take offence with **Point 4** of the proposal- Can local authorities retain local decision making? The answer is clearly NO. We would like to see the release of GMO's either a discretionary activity or even better a prohibited one. There has been a long process of councils and individuals working together to come to an agreement which should be honoured. The documentation provided suggests that the EPA alone decides about GMO's and that is wrong because of the far reaching consequences for organic growers in this country for example.

With regards to the **environmental risk assessment tool**: Pollen from conifers can apparently travel for thousands of kilometres and will inadvertently land on non GE trees with unforeseen consequences. We would like to know if the study related to the NES- PF proposal has looked at numbers and genetic qualities of pine seedlings in existing GE pine plantations and adjacent non GE pine forests.

GE Free New Zealand
In Food and Environment Inc.
[redacted]

11 August 2015

Re: Proposed National Environmental Standards on Plantation Forestry (NES-PF)

Dear Minister Guy,

We **oppose** the Proposed Standard **– NES and 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 contamination on soils, indigenous and exotic flora & fauna, pruning debris, waterways, trophic ecosystems and waterways. This orphan clause (NES-PF, 6.4) is open to confusion and is not within the scope of the NES-PF, which inappropriately treats the management dangers of GE trees as if they were the same as conventionally bred ones, which is not the case. We ask that you delete 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).

There are no protections for the environment or existing forestry owners in the proposed National Environmental Standards on Plantation forestry (NES-PF) once the EPA has given approval to release a genetically modified (GM) tree/stock. This endangers existing foresters and landowner's who follow certification standards under; Organic (BioGro, OFNZ, Asure Quality etc.), the Forest Stewardship Council (FSC), Standards New Zealand –Sustainable Forest Management (NZS AS 4708:2014), which has been adopted from the Australian Standard, and The Programme for the Endorsement of Forest Certification (PEFC), where GM trees are prohibited (FSC Criterion 6.8, NZAS4708: 2014 Criterion 3.8).

The most expert people who have the scope and mandate to maintain a regulated and responsible management of the activities for Plantation Forestry in their regions are Local Body Councils. They are required under the RMA to avoid, mitigate or manage activities that may

endanger their district or region's biosecurity, unique biodiversity, environment, existing primary producers, local economy, Maori ancestral lands, cultural wellbeing and the public health for the present and future generations. The NES-PF, clause 6.4, does not take into account Local Body expertise and removes the precautionary management functions around GMOs that Councils might need to maintain a vibrant economy. The NES-PF 6.4 clause potentially threatens the regions existing primary production activities and removes any ability to protect the areas of special cultural and ecosystem significance, especially as there is growing scientific uncertainty around GMO safety and their adverse effects are still unknown, in the long term. It is therefore imperative that Councils are allowed to designate precautionary objectives, rules and policies around the continuing management of any GM activity. The 6.4 clause and related sections on p.43, 64, 82, remove that right.

We ask that you specify as part of the decision making provisions the ability for Regional and District Councils to place objectives, policies and rules on the management of the environmental effects of land use activities in their regions, under the Resource Management Act (RMA).

We believe that the standardization of the proposed NES-PF weakens the ability of Councils to manage their special regional differences. With the proposed NES –PF standards, it is difficult to understand what the changes will add to the already existing Council standards. We were told that the NES-PF will be a guide for good practice for those involved with management of their plantations, not force unacceptable compliance cost on Councils and ratepayers for consents and monitoring.

As stated at the Wellington meeting – the standards regarding fish spawning would be difficult to establish as each region has different water temperatures that relate to spawning seasons. This would also apply to GM trees in regions across New Zealand; their growth is dependent on temperature, which also influences the biodiversity of bird and insect life that all support the trophic ecosystem. It appears that the NES-PF is socializing the cost and removing all liability for damage. It must be left to Local Bodies to decide how their regions / district land use activities are managed.

We believe that the insertion of the clauses 6.4, relating to the EPA and HSNO are out of place and do not belong in the NES-PF as they have nothing to do with "good practice" or give greater certainty about environmental outcomes for all stakeholders.

The EPA, under HSNO, does not have the mandate or expertise to place any land use conditions on GMO activity in Council district or regions once it has undergone trialing and is fully released (HSNO 2A (2)(b)). The ongoing long term monitoring and inspection of GM contamination through aerosols, soil ecosystems, water degradation, pollen and wilding spread or new disease

previously unexpected, would no longer be the responsibility of the EPA. This is the jurisdiction of Councils, so they need to be able to rule on the land use of GMOs.

HSNO and RMA have different purposes and different jurisdictions. HSNO's purpose and jurisdiction is to assess new organisms, including the trials by setting containment conditions on outdoor developments, field trials, conditional release of GMOs, before full release can be granted or declined for their introduction into NZ. Once released they are no longer considered new organisms and are no longer regulated under HSNO (HSNO 2A (2)(b)). HSNO is in effect a licensing regime for the introduction and testing of new organisms. That is where its jurisdiction ends.

The RMA, on the other hand, is a comprehensive statute that regulates the use of all natural and physical resources (unless expressly exempt) in an integrated manner so as to achieve the sustainable management of those resources. Such integrated management must include GMOs. The NES-PF sets up a situation where GMOs are excluded from any form of environmental management both by the EPA, under HSNO, and Councils, under the 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 and this calls into question whether it is ultra vires to override the Councils' responsibilities under the RMA in such a way that will endanger the environment, especially as there is no "duplication" between the HSNO or RMA once a GMO is released.

We were given the understanding, at the Wellington meeting, that the NES-PF 6.4 clause on GMO's and EPA/HSNO provision was a late addition after consultation with Scion. However, this could be construed as mischievous as Scion and Federated Farmers took a challenge to the Environment Court on the Councils right to follow a GM precautionary approach by placing policies in their plans after the appropriate community consultation. 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 -

1. 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

2. 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).

3. 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.

4. Ensure that the Local Bodies 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. All wording in the NES-PF on pages **43, 64 & 82,** referring to genetically modified trees and rootstock must be deleted from the NES-PF**.**

2. To 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.

We wish to be heard. Please keep us informed.

Sincerely,
Jon Muller
Secretary GE Free NZ

Cc: Claire Bleakley
Susie Lees
Jon Carapiet

s 9(2)(a)

From: s 9(2)(a) s 9(2)(a)
Sent: Tuesday, 11 August 2015 12:22 p.m.
To: NES PF Consultation
Cc: Anna Murphy
Subject: GE Free NZ Tai Tokerau submission to MPI proposed new NES-PF

10 August 2015

GE Free NZ Tai Tokerau submission to Ministry for Primary Industries proposed new National Environmental Standard for Plantation Forestry

To: Ministry for Primary Industries
Minister for Primary Industries Nathan Guy

Submitter: GE FREE NZ Tai Tokerau

Address for service):

Secretary, Anna Murphy
s 9(2)(a)
Te Tai Tokerau

Further contact details:

Telephone: s 9(2)(a)
Email: s 9(2)(a)

Thank you for the opportunity to make a submission so that together we can achieve sound environmental and economic outcomes.

We support genuinely sustainable, environmentally sound forestry in NZ, that produces valuable GM free timber in forests that provide safe habitat for native species and that support and protect the life giving force of soils and waterways, as well as beneficial insects.

Who we are: GE Free NZ Tai Tokerau (in food & environment) works constructively with local authorities including Tai Tokerau iwi authorities (and other mana whenua) to protect our biosecurity, unique biodiversity, environment, economy, existing non GM primary producers, food sovereignty, cultural and other values...as well as the public health ...from the risks of outdoor use of Genetically Modified Organisms (GMOs).

We also support local, domestic, and global forestry standards that prohibit the use of outdoor GMOs, including GE trees.

We note that both global certification bodies, the FSC and PEFC, prohibit the use of outdoor use of GMOs/ GE trees in FSC and PEFC certified sustainable forests. This is due to the serious ecological risks of GE trees and the importance of retaining access to key markets/ premiums for non GE trees.

We make this submission in support of certain aspects of the MPI proposed new NES for PF, and in strong opposition to MPI specific proposal 6.4 (to allow GE trees in NZ as long as "rubber stamped" by the EPA, overriding NZ councils -excellent and much needed- precautionary and prohibitive GE policies/ provisions/ rules in local plans)

Support: GE FREE NZ Tai Tokerau supports the NES Plantation Forestry only insofar as it seeks to codify activity status and conditions for physical plantation forestry activities on the basis of land and plant related classifications.
In our view, the proposed erosion susceptibility classification, wilding tree spread risk calculator and fish spawning indicator are potentially useful tools capable of measurement and calculation and could enhance (if improved) forestry regulations for the benefit of both the environment and NZ primary producers.

GE FREE NZ Tai Tokerau supports a new NES Plantation Forestry only if it provides the national, minimal, baseline requirements for regulation of genuinely sustainable, environmentally friendly forestry activities in order to achieve the stated objectives of change of regulation (specifically robust environmental protection and protection of natural and physical finite resources).

However, local authorities must retain their authority and jurisdiction to exceed any NES, in order to protect particular local values (including unique indigenous biodiversity, existing non GM primary producers, local biosecurity, cultural values etc) and act in the interests of local communities including existing conventional, IPM and organic primary producers.

Opposition:

We oppose MPI specific proposal 6.4, including p. 43, Appendix 3, Afforestation, p. 64, and Replanting p. 82

We align ourselves with those New Zealanders, councils, Conservation Boards, mana whenua, primary producers and other ratepayers/ taxpayers who condemn the outrageous attempt by the National Party for Primary Industries Minister Nathan Guy and MPI's to override the good work of local councils to create a much needed additional tier of local protection against the risks of outdoor use of GMOs.

Local Government NZ, all councils from south Auckland to Cape Reinga, Bay of Plenty Regional Council, and others have been working hard with their local communities since at least 2003 to put in place local, much needed, enforceable rules/ policies and provisions in local plans..against the risks of outdoor use of GMOs.

This is necessary given serious deficiencies (identified by LGNZ and a large # of councils) in the Hazardous Substances and New Organisms (HSNO) Act. Deficiencies/ gaps in HSNO include limited liability provisions under the Act, as well as no mandatory requirement for the EPA to take a precautionary approach to outdoor GE applications.

We support the good work of local councils and the innovative Northland/ Auckland "Inter Council Working Party on GMO Risk Evaluation & Management Options" to put in place a much needed additional tier of local protection against the risks of outdoor use of GMOs (in the face of central governments failure to

properly amend the HSNO Act to provide for a genuinely strict liability regime and a mandatory requirement for the EPA to take a precautionary approach to outdoor GE applications).

We note that ERMA and the EPA have made a number of deeply flawed decisions regarding risky outdoor GE applications, and the EPA's recent appalling decision (quashed in the High Court) that would have allowed GE developers to bypass NZ's GM laws.

NZ Crown Research Institute "Scion" (involved in MPI's push to allow GE trees, as detailed in MPI's proposal 6.4 in the MPI proposed new NES-PF) has not only attempted to circumvent NZ's GM laws (by lodging the Scion "Zinc finger nuclease" application with the EPA) but this NZ CRI is responsible for a number of serious breaches of ERMA's conditions of approval regarding Scion's GE pine tree experiment at Rotorua.

This combined with MAF/ MPI's failure to adequately monitor both the Scion GE pine field trial at Sala Street, Rotorua but a number of other NZ CRI outdoor GE experiments (Crop & Food Research's inadequately contained GE brassica field trial, with illegally flowering GE brassicas out of doors, for example) has undermined public confidence in NZ's regulatory authorities, MPI itself and NZ CRI's.

The High Court found that the EPA misinterpreted the law (in 2014) when it decided that GMOs from two new breeding techniques could go into NZ fields without any formal consultation or assessment of the impacts. The EPA was also criticized for failing to act cautiously in the face of significant uncertainty.

Therefore, our community group, local councils, Northland Conservation Board, mana whenua, ratepayers and residents are extremely concerned that the Minister Nathan Guy and MPI itself are attempting to circumvent proper parliamentary process and force local councils and their communities (through extremely inappropriate and offensive rules in an NES) to allow risky GE trees in their Districts/ Regions.

This is unacceptable.

Deeply flawed thinking on the part of MPI in the MPI specific proposal 6.4 and the wider MPI proposed new NES-PF consultation document is of great concern and suggests that this document has been written not only with the National Party's pro GE agenda in mind (as detailed in the National Party's "RMA Reform Discussion Document 2013...which received no political support).

The National Party's then Minister "for" the Environment Amy Adams sought not only the removal of key environmental protection sections from the RMA... but ...the addition of a new paragraph, spelling out that central government would BLOCK the -good- work of local councils to create a -much needed- additional tier of local protection against the risks of outdoor use of GMOs).

Our community group, our councils and other local authorities see the MPI proposal 6.4 as a cynical attempt to circumvent proper parliamentary process and undermine not only our local councils authority and jurisdiction (as shown in recent case law, including Principal Environment Court Judge Newhook's 12 May 2015 decision regarding the RMA and HSNO) but local democratic process as well.

MPI proposal 6.4 was written with complete disregard for local councils authority and jurisdiction and our councils/ Tai Tokerau mana whenua/ existing non GM primary producers legitimate concerns and rights.

The sentence "remove unwarranted variation between local councils' planning controls for plantation forestry" is loaded language designed to invalidate perfectly valid local community and council desires, rights and obligations. MPI incorrectly suggests that there can be no community say in the matter and also implies that there are blanket identical climatic, geographical, geological, topographical features and conditions which apply across the whole country in relation to plantation forestry.

Good and clear variations already occur in areas such as building and planning requirements (for example) and we see no difference with an NES.

Councils must be able to put in more stringent rules (than an NES) for any aspect of forestry activity, to protect their local communities, finite resources like soils & waterways, and the environment in general. Councils like the Northland and Auckland councils must take into account and act on their obligations to local mana whenua, and the Treaty of Waitangi (including Waitangi tribunal claimants like WAI262).

In the case of Tai Tokerau, all Iwi authorities from the Bombay hills to Cape Reinga have precautionary and prohibitive GE policies for their respective rohe, which must be protected and upheld.

The MPI proposed new NES document (including MPI's specific proposal 6.4 was also prepared with no analysis whatsoever supporting or attempting to justify 6.4 and was clearly influenced by not a desire to protect NZ's biosecurity, unique biodiversity, 100% Pure brand and /or quality primary production/ forestry but the agenda of

-the National Party

- NZ CRI Scion

-Federated Farmers of NZ (whose current President Dr. William Rolleston, former Chairman of the pro GE lobby group NZ "Life" Sciences Network)

- the corporate forestry lobby group Forest Owners Association who apparently seek to fix the real problem of wilding pine and Douglas fir but in a counter productive fashion...with risky "sterile" GE trees.

Genetic contamination of forests by GE trees is inevitable and irreversible. Trees can live for centuries and have evolved to spread their seed and pollen over great distances. The impacts of contamination from GE trees would be highly unpredictable and could adversely affect NZ native species (indigenous flora and fauna) as well as beneficial insects, soils, waterways and other existing GM free primary producers including beekeepers.

In our view, if the FOA genuinely wishes to improve NZ's forestry industry, protect the environment, and deal constructively with the existing wilding tree problem and if FOA believes that the risks of GE sterile trees are low, FOA should now actively lobby for a truly strict liability regime under the HSNO Act (to ensure that existing non GM primary producers including those who have taken the time and trouble to obtain FSC or PEFC certification for their forestry blocks are protected from transgenic contamination from GE trees).

In other words, FOA should work to ensure that (in the event of unintended or unforseen adverse impacts of EPA approved outdoor GE tree experiments or releases) there should be compensation/ a truly strict liability regime to protect other primary producers and ratepayers.

Without such conviction (backing their idea/ proposed solutionto wilding tree problems in NZ), FOA's desire for sterile GE trees is frankly not credible.

We have great concerns about NZ CRI Scion continuing to appropriate public money for risky GE tree experiments out of doors and Scion's (failed) attempts to create sterile GE pine trees.

Scion's Sala St, Rotorua GE pine field trial to date has shown that GE pines continue to form reproductive structures, with Scion been found to have been in breach of ERMA's conditions of approval when dealing with transgenic pine prunings, which should have been autoclaved/ incinerated..as required by ERMA's

conditions of approval. Instead, Scion's simply mowed up the transgenic prunings and then used the mowing equipment in other areas of the Sala St property).

We have great concerns about Scion's plan to engineer GE pines to be herbicide resistant, to a herbicide owned by an overseas multinational Bayer ("Buster"). In our view, a monoculture of supposedly sterile GE pine trees, aerially sprayed with a proprietary herbicide owned by an overseas multinational, is not helping NZ move towards genuinely sustainable or safe forestry practices.

The FOA may also not be aware of the fact that both global certification bodies for truly sustainable forestry (FSC and PEFC) prohibit the use of GE trees in certified forests ...and...that NZ CRI Scion has unsavory links to overseas companies and multinationals (Arborgen and Bayer).

Bayer would like their proprietary herbicide "Buster" used to aerially spray a monoculture of herbicide tolerant GE pine trees.

GE trees, especially those "engineered" to continually produce insecticides, would directly and indirectly cause adverse impacts on beneficial non target insects, birds and other living creatures.

GE FREE NZ Tai Tokerau strongly opposes

a) the proposal that planting or replanting using genetically modified tree stock (GMO) be a permitted activity, or be provided for under the NES Plantation Forestry at all.

b) Limiting the pre-requisite approval for permitted activity use of a GMO to EPA approval under the Hazardous Substances and New Organisms Act 1996 (HSNO).

c) The statement in 6.4 of the consultation document that GMOs are regulated by the EPA under the HSNO, without any mention of the role of territorial authorities under the Resource Management Act, 1991.

d) The absence in the consultation document of any information or discussion about the risks of outdoor use of GMOs. Although the objectives of the change (see executive summary) 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 GMOs to underpin the provision for use of GM tree stock as permitted activities. Given the controversial nature of this topic and potential adverse effects, this shows a serious lack of balanced consideration.

The absence of any analysis whatsoever by government/ MPI to justify it's case (ie. the inclusion of MPI specific proposal 6.4) is of great concern to our members and supporters (Maori and Pakeha).

GE FREE NZ Tai Tokerau strongly opposes the provision for the use of any GMO material under the NES Plantation Forestry. The government's proposal to strip the regions of the ability to regulate GE tree

field trials or releases in the MPI proposed new NES is unacceptable. We urge the Government to drop this unconstructive proposal to make GM forestry exempt from Regional/ Unitary, District and City Plans.

Relief sought

GE FREE NZ Tai Tokerau requests the following changes to the proposed NES:

Remove all provision for the use of GM tree stock (any GE trees) from the NES.

We strongly support the more substantive submissions by the Whangarei District Council, Tai Tokerau mana whenua, the Soil & Health Association Aotearoa NZ, and the Sustainability Council of NZ.

We wish to be heard. We wish to present supplementary evidence. Please keep us informed.

GE Free Northland, Naturally :)

From: Tom Macrae
Sent: Friday, 31 July 2015 12:19 p.m.
To: NES PF Consultation
Subject: Submission to Proposed National Environment standard for Plantation Forestry

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

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

Name/Organisation :- Mischele Rhodes, Vice President Hamilton Residents & Ratepayers Assn Inc

Postal:-

Phone

Email :-

Re: **Submission Proposed National Environmental Standard for Plantation Forestry**

Submission

We **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, 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 cares, under the RMA, to the existing foresters and primary producers 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. 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 must be removed from the NES-PF**.**

2. To 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.

Our Association is very concerned that GMO's are actually entertained at all. There are NO benefits and a huge threat to contaminate our environment, especially our soils, air and waterways which maintain the health of our communities. The health in our communities is already compromised in many ways and health authorities struggling to meet the needs now.

Allowing GMO's into our country is a serious issue by all accounts and also in relation to our exports. Once New Zealand's good name for great produce is tainted with GMO's it can never be regained.

Our firm view is to cease and desist on all GMO's now and into the future as our coming generations are relying on us for protection from this threat.

We wish to be heard.

Please keep us informed.

Sincerely,

Mischele Rhodes,

Vice President

Hamilton Residents & Ratepayers Assn. Inc.,

HAMILTON.

Attn: Stuart Miller

Submission to Ministry for Primary Industries
PO Box 2526. Wellington 6140

Title: National Environmental Standard for Plantation Forestry.

From: Hawke's Bay Environmental Water Group
David **W**. Renouf. Secretary and Researcher of HBEWG
[redacted] Telephone [redacted]

HBEWG request a rule/condition for the setback widths from freshwater waterways to have adequate undisturbed vegetation with established trees capable of retaining forestry/logging slash, debris and **sediment** from entering waterways.

Reasons:
If there is no adequate undisturbed vegetation with established trees capable of retaining forestry/logging slash, debris and sediment from entering waterways there will be no reduction from these setbacks widths of slash, debris and sediment entering waterways.

Quote "Leaving a buffer of about 10-20 metres width of undisturbed riparian vegetation on either side of the stream does three key things:

- It maintains the forest shade and stabilises the stream banks,
- It reduces the disturbance in the area closest to the stream, where eroded sediment and tree branches are most likely to make it into the stream, and
- Undisturbed litter layers within the buffer can filter out sediment carried by runoff from the clear-cut area.

New Zealand studies have shown that retention of forest riparian buffers can greatly reduce the impacts of pine logging on stream bank erosion, stream light levels, periphyton, invertebrate communities and native fish (Harding *et al.* 2000; Rowe *et al.* 2002; Quinn *et al.* 2004)". Un Quote
Ref: 33.10 Freshwaters of New Zealand 2004.

There is no doubt that there will be continuing millions of $ damage done to infrastructure, which was raised by District Council staff member at meeting 8th July 2015 Masonic Hotel Napier, if this issue is not addressed.

HBEWG request the following changes to the NES for Plantation Forestry.

Addition sought: To have rule/condition for setback widths from freshwater waterways to have adequate undisturbed vegetation with established trees capable of retaining forestry/logging slash, debris and sediment from entering waterways.

Addition sought: Recommendation - In large forests, only small areas (< 100 ha) should be harvested at any one time, so that it keeps total increases in water yield to a minimum.

D W Renouf.
David W. Renouf. Secretary and Researcher of HBEWG
10th July 2015

Copy of the report and recommendations and section 32 evaluation provided to the Minister for the Environment would be appreciated thank you.

H/r