



Proposed National Environmental Standard for Plantation Forestry

Key Issues and concerns from Public Consultation Workshops - September 2010

The Ministry for the Environment held public consultation workshops on the proposed National Environmental Standard (NES) on Plantation Forestry. The workshops were held in Palmerston North, Gisborne, Balcutha, Nelson, Whangarei and Nelson between 13-24 September 2010.

The following is a summary of the key issues and concerns that were raised at the workshops.

Scope

Much of the proposal is focussed on solving consistency issues that have been raised by the large scale forestry companies. There was concern from some smaller farm forestry operators that the current proposal may not be appropriate for them and it needs to be modified to also suit farm forestry.

Activity based vs. Effects based NES

Some workshop attendees (attendees) commented about the appropriateness of the proposal addressing a land use activity rather than focussing on environmental effects. Comments included whether it would be more appropriate to address the plantation forestry activity that has the most adverse effects (earthworks) and form a proposal for all rural earthworks.

Front-loading the NES

The proposed NES suggests 'front-loading' so future replanting, earthworks and harvesting are considered at an early stage, when plantation forests are first established (at the afforestation stage). There were comments that this was very important as certainty about future harvesting is fundamental for investment in the sector. There were also many comments about the NES potentially impacting afforestation. This was a particular concern raised at the Gisborne workshop.

Precedent

The precedent effect is of concern for several reasons.

The precedent the NES could generate for other landuses

The precedent the NES could generate for other land uses was raised, particularly the agricultural sector. Questions were raised about sector equity and why the focus on forestry.

The precedent the NES could generate for generic activities

The proposal includes a number of activities that are not limited to plantation forestry. These include earthworks, quarrying and river crossings. The rules for these activities under this proposed NES may set a precedent for similar controls in different land uses.

Permitted baseline

The "permitted baseline" can be used to assess the effects of proposals against the types of land use that are already allowed under the NES. Attendees (especially councils) raised this concern about the implications of the permitted baseline.

Bundling

The forestry sector is concerned about bundling effects under the NES. Bundling is where different resource consent applications for an activity are considered under the most restrictive activity status. This is particularly relevant for earthworks under the proposed NES.

Bundling is a concept that applies to an NES as it does to resource consents under local authority plan rules.

An example is of where bundling could occur is earthworks for a road that runs through red, orange and green areas (erosion susceptibility classified areas). The consent for the whole road could be considered under the most restrictive status.

Climate Change Response Act/ NES interface

The proposed NES has links with the Climate Change Response Act 2002 (the Act). It was highlighted that this area needs further analysis as part of the process of developing the NES.

Under the Act, liabilities for deforestation currently fall with the landowner. Any rules within the proposed NES that limit the ability to replant trees could be considered deforestation and trigger these liabilities. This is particularly relevant to proposed setback requirements from water bodies or residential boundaries but would also apply to setbacks from wahi tapu sites and any other rules which restrict replanting.

The Ministry for the Environment and the Ministry of Agriculture and Forestry will be forming a working group to determine the scale of the problem and to look at options.

Policy detail and timing

There were concerns from attendees that the proposed policy was not detailed enough to be able to comment on. Particular concerns were that some rules were ambiguous and too open to interpretation by councils. Examples include, 'what is the definition of a setback' and what does 'to achieve 80% ground cover within 18 months of the operation' actually mean? A second round of consultation was requested to hear the final policy detail, particularly to hear the erosion-mapping detail, if this option is progressed.

Some attendees also felt that the proposal was too prescriptive and there would be a danger here in not being able to incorporate new ideas, methods and technologies in the future.

Ability to be more stringent

One of the objectives of the proposal is to ensure that the approach is appropriate meaning :

- does not significantly tighten or loosen the regulation for forestry overall (fits with the way plans currently function)
- recognises and accommodates different receiving environments and local values where warranted
- promotes best practice.

To achieve this objective, the proposed NES aims to take a middle ground approach and then allow for areas where councils can be more stringent. This recognises that it is difficult to create national rules for particular receiving environments and local values. Therefore local control is maintained in some instances.

The majority of these areas/features (in the 'ability to be more stringent' list) must be listed in the plan schedule. Some councils were concerned about the cost implications to amend plans to include these features. Councils were concerned about implementation problems in general, especially where plans would have to be amended for the NES policy to slot into the plan.

There is some concern in regions that the proposed NES raises the bar too much and may unfairly impact on companies operating in areas that are currently not strongly regulated. For some areas, the bar will be raised to bring them up to the average level. Then councils could also be more stringent in some cases, causing a level of uncertainty for forestry provisions. In other regions there was concern that the bar will be lowered and there may be negative environmental impacts as a consequence.

Again, there was concern about the lack of detail in the 'ability to be more stringent' and the inclusion of some features like wahi tapu sites.

Regional effects

Receiving environments differ significantly around the country. Creating a NES that caters for all these environments nationally is difficult. Some regions noted that the NES will not be beneficial to their region and will mean a significant tightening of rules while others noted that rules will be loosened.

Some councils noted that they maintain good relationships with the forestry sector. They were concerned that the NES will make the council reactive and create more costs that could impact on their relationships with the forestry sector.

Riparian setbacks:

The proposed riparian setbacks were discussed at most of the workshops.

Some regions felt that the objective of the setbacks (to establish a protective riparian buffer of indigenous vegetation) would not happen as there is no seed source. Only pest species like broom and gorse may establish in these setbacks, which would not count as regeneration under the NZ Emissions Trading Scheme and would create more problems for regional pest management.

Other regions wanted plantation forestry planted within the riparian zone to help with stream bank stabilisation.

One region noted that the 3m threshold for channel width is too low and it should be extended to 5m.

Erosion Susceptibility Classification

The NES proposes an erosion susceptibility classification.

Some attendees were concerned that as the mapping exercise had not been done, they could not understand and comment on it.

Many other questions that the Ministry are unable to answer at this point include, what scale will the classification system be, what databases will be used, how will it affect the afforestation schemes? The Ministry will be forming a working group to work through these issues and decide whether to pursue this classification system.

The NES development process and next steps

There were a number of questions and comments regarding the process of developing the proposal, including timeframes. The submission period was restricted to six weeks. People noted that this coincided with the Local Government elections. Submissions close 5pm Monday 18th October.

After the workshops the Ministry will be forming a working group to look at the submissions and draft a final policy, should the option of an NES be pursued. Areas of focus are likely to be

- the Climate Change Response Act/NES interface
- the erosion susceptibility classification
- pest issues, including wilding trees
- water issues.

A full cost benefit analysis will also be completed as part of the next step.

Many attendees stated that a second round of consultation should occur to consult on the final policy, especially if it changes significantly and the erosion susceptibility classification system is advanced.

The Ministry staff will continue to be available to answer questions and hear feedback after the submission period.

Further information is available at <http://www.mfe.govt.nz/laws/standards/forestry/index.html>