To: Ministry for the Environment  
PO Box 10-362  
WELLINGTON 6143

From: Ruapehu Federated Farmers

Further Submission on: Proposed National Environmental Standard for Plantation Forestry.

Date: 13 June 2011

Contacts:

Federated Farmers Ruapehu (FFR) made a full and detailed submission to the Proposed National Environmental Standards for Plantation Forestry to the Ministry for the Environment outlining concerns we saw for farmers and neighbours if the standards proceeded based on our experience as farmers and neighbours of large
forestry plantations. We were disappointed that there was no farmer representation on
the working group or subgroups and that in the main our concerns have been
completely ignored. Having read the Revised Proposal, we believe that it is even
further away from contributing to a good neighbourly outcome and we appreciate the
opportunity to highlight this with this further submission.

There appears no good reason for making the changes in the revised proposal and no
comment on why specific suggestions made by submitters (such as ours) were
ignored. We can only hope that further deliberations will give considered thought to
serious issues we see in our region when forestry is on farm boundaries.

As in our original submission, we strongly support a National Policy Statement rather
than a National Environmental Standard. New Zealand’s environment varies widely
and a ‘one size fits all’ policy will be less effective given the alternative rules local
Territorial Authorities will have to make. A National Policy Statement outlines best
environment management practices while there is strong evidence that suggests local
councils will fall back on the national practices outlined in a NES and regional
variances will have to be argued strongly by those who are adversely affected.
Ruapehu in particular is a strong hill country region, predominantly sheep and beef
breeding and finishing competing with forestry for land use. There is the potential for
large tracts of pasture to be planted in forestry and FFR want a robust and fair
environment that does not negatively impact on neighbour land use.

ASM
Federated Farmers Ruapehu supports forestry argument for an Audited Self
Management regime. We see it could reduce red tape, especially as there is such a
long time between planting and harvesting, because standards are set and activity is
obvious. But effective ASM must ensure that all lines are open to permit robust
communication between all affected parties. This must include neighbours. Forestry
owners and forestry management companies are often large, international
organisations with complex contact details. A pragmatic solution would be that
foresters provide reports or plans to Territorial Authorities and neighbours as a right,
not upon request.

Table 1 Environmental Outcomes
Social
The Montreal Process is not a sufficient basis to settle social outcomes in New
Zealand, and particularly regarding decisions over the impact of forestry on iconic
landscape, potential health problems for local communities and the loss of community
function with displacement. A local solution based on study conducted jointly by
forestry and B&L (as in the Taupo district with the Farmer Technology Transfer
Programme currently being undertaken) and local councils would be a sound base to
set benchmarks and understand social impact of large scale land use change in New
Zealand.

4.2 Afforestation
Setbacks
Federated Farmers Ruapehu’s argument for a larger setback than 10 meters was
detailed and clear, and has been attached here as Appendix 1 for your reference. We
were in support of Ruapehu District Council submission which also argued for a
larger setback, as well as other individual submissions. That the revised proposal makes no mention of any discussion of this illustrates the lack of representation in the working group. In our original submission we suggested a private arrangement could be made between individual farmers and foresters and we believed this was a positive compromise. The revised proposal does not even give effect to this issue by suggesting it could have been one of the effects that could have been given more stringent status with district councils. That this issue is not even mentioned as a Key Issue Raised by Submitters (Table 2) illustrates the mistake of not including farmer representation on the working group. That it has been completely ignored is unacceptable and illustrates a dysfunctional consultation procedure.

We note that forest sector representatives were reluctant to agree on the 35 meter setback from public roads unless the same rule was applied to new shelterbelts. In Ruapehu District Council’s rules shelterbelts must be topped at a specific height to reduce shading on roads. This would effectively eliminate concerns raised by the working group.

We acknowledge the attempt to resolve potential liabilities triggered under the Emissions Trading Scheme in Appendix 5, Scenario 1 describing good practice setbacks and ignoring any liabilities triggered under the ETS and would support this if the setback was as we describe in relief sought, below.

We support Federated Farmers New Zealand submission on setbacks regarding waterways, etc not specifically discussed here. We also support individual submissions from our local farmers and Ruapehu District Councils’ further submission that supports setbacks from dwellings. In our steep terrain we consider trees planted only 30 meters away from a dwelling would create unacceptable shading and danger issues. 30 meters from infrastructure such as yards could result in permanent mud which creates safety issues for farmers working in the yards.

 Relief Sought:
Trees not being planted within
35 meters of an adjoining property under different ownership without written approval of the adjoining owner

100 meters of dwellings and other buildings

Wilding Tree Risk
Ruapheu Federated Farmers made comment on Wildling Pines in our original submission. We applaud the revised proposal for considering the impact of wildling pines as the pest weed that they are but we think that it is appalling that the neighbour’s stocking regime is used to calculate the risk. It is not the responsibility for the neighbours stock to control forestry pest weed problem and there is no recommendation for solving the problem if circumstances do not suit control.

Federated Farmers Ruapheu made detailed comment on the problem of pest issues not being addressed, and the revised proposal has still not suggested any solutions.
Relief Sought
Accept responsibility for Wilding Trees and develop a code of practise to deal with these and other weed and animal pests that impact on neighbours’ property.

5.4 Harvesting
Edge damage of adjacent indigenous vegetation
Federated Farmers Ruapehu strongly believes that it is unacceptable to suggest that any damage should be caused to the adjacent vegetation, including pasture when harvesting. An activity should take all reasonable precaution to avoid adverse effects beyond its boundary and if our suggestion of reasonable setbacks was agreed, then this should contribute to managing effects within the forest boundary. There is no explanation to degree of edge damage that may be acceptable or how ‘edge’ is defined.

Relief Sought
Remove the permitted activity “edge damage of adjacent indigenous vegetation”

Notification
Communication with neighbours is a key issue for farmers with large scale plantation forestry on their boundary. Often these plantations are on back boundaries, not regularly visited by the farmer and damage can have occurred to fences, etc without anyone knowing about it. Forestry Owners and Managers are often large companies with overseas head offices. These forests are typically large, with only a small percentage bordering neighbours. We do not expect forestry managers to monitor all of their boundaries, but we do expect that if the farmer sees any damage then they can contact the forestry company and discuss repairs or solutions. We expect that forestry companies acknowledge that their activity can impact neighbours and have procedures in place that facilitate quick solutions.

To this end we strongly believe that Territorial Authorities can help by providing forestry companies with the addresses and contact details of neighbours but it should be the responsibility of the forestry company to advise neighbours.

For instance, 4.9 River Crossings, Notification states that river crossing plans will be provided “upon request” to appropriate local authority, iwi and Fish and Game Council”. How can any organisation request plans if they are not aware when activity is to commence?

Relief Sought
Notice of planting and harvesting activities given to relevant district councils and neighbouring land owners 20 working days prior to commencement of operations Plans should be made publicly available at local Territorial Authority offices.

Harvest Plan (template Appendix 2)
Both Appendix 2 and 3 are standard templates to be provided to councils. There should be a disputes/negotiation procedure included in the templates. The forestry company should make a signed undertaking to act in a good neighbour manner,
repairing any damage that occurs to adjoining property during the activity described in the template.

Endangered bird habitats may develop during the life of the plantation. The harvest plan should include any known habitat and if a habitat exists the harvesting plan should be provided to DOC so that they can undertake investigation and consider options for moving the birds within the 20 working days.

Relief Sought
Provide disputes resolution procedure in the Harvesting Plan. Undertake to repair any damage and act in a good neighbourly manner.
Provide the harvest plan to DOC if evidence of endangered bird habitat is discovered so long as DOC agree to make all attempts to move the birds within the 20 working days (or at an agreed time).

4.8 Quarrying
Fill or spoil
Quarrying can create a lot of dust and while the revised proposal suggests that it should be kept 500 meters back from existing dwelling, RFF think that no fill or spoil should be deposited within 500 meters of an existing dwelling either. The 20 meter setback recommended by the working group is unreasonable.

In some circumstances the owner is not the occupier and RFF believe that permission from both parties should be obtained before considering dumping any fill or spoil from forestry quarrying activity be deposited closer than 500 meters.

Relief Sought
Fill or spoil
Excavated soil regolith and overburden of the quarry product shall not be deposited within 500 m of an adjoining property (unless approval from the owner and occupier has been considered)

Glossary
Definition Forestry/Plantation Forestry
Federated Farmers New Zealand suggested that a 10 hectare minimum size forestry block be set as a definition of forestry plantation and RFF supports that. The definition set out in 3.1 (a) will capture all areas of trees that are planted for erosion control (that are not willows or poplars space planted), or in corners and gullies where grazing is uneconomic. We think it is unreasonable and onerous to expect anyone with a block of trees between 1 hectare and 10 hectares to meet the criteria set out in the revised proposal. We do not believe that the comments in 3.1 explain why the definition of plantation forestry was set at 1 hectares.

Relief Sought
Forestry/plantation forestry
(a) means at least 10 hectares of forest cover of forest species that has been planted and will be harvested and or replanted
Federated Farmers Ruapehu represents 149 farmers, which is 80% of the large farmers in our region. We are a not-for-profit membership based organisation. We work actively towards a positive outcome for farming business in our region. We acknowledge the important role forestry has in the region and the national economy and want to work constructively towards a successful outcome for all land uses. Thank you for providing us with the opportunity to further submit.
Submission on Proposed National Environmental Standard for Plantation Forestry
October 2010

To: Ministry for the Environment
PO Box 10 362
Wellington

From: Ruapehu Federated Farmers
Box 281
Taumarunui 3946

Attention:

Introduction
Ruapehu Federated Farmers would like to thank the Ministry for the Environment for the opportunity to comment on the proposed National Environmental Standard for Plantation Forestry.

We believe there are too many uncontrolled outcomes and too many detrimental effects on neighbours and agree it is time this was considered and dealt with in a fair manner.

However, Ruapehu Federated Farmers believes that a national Environmental Standard is a step too far and believes that a National Policy Statement would be more appropriate.

Ruapehu Federated Farmers is very concerned that we will lose our local voice on many issues under a NES.

As an example, we are very concerned that boundary set backs seem to have been set in an arbitrary fashion at 10 metres with no justification, no cost benefit regarding neighbours.

This seems to us to be rather “forestry centric” and ignores the concerns of neighbours, particularly around set backs and the issues of weeds and pests and the subsequent on going problems caused to neighbours.

Ruapehu Federated Farmers has put considerable effort into submissions to Ruapehu District Council in our attempt to increase local set backs from 5 metres to 35 metres (outcome as yet unknown). The prospect of any favourable result for us being overridden by NES with virtually no local input fills us with concern.

While an NPS would take time to influence and standardise, it will allow conditions to be more easily adapted to what districts and regions are saying over time.

Both pastoral farming and forestry are long term and changing industries and an NPS will allow better adaptation as we learn more.

Question 15 & 16

Ruapehu Federated Farmers sees difficulties arising around the permitted baselines and the suggestion that NES should only cover forestry specific activities. For this reason we would prefer a National Policy Statement for forestry to be adopted rather than an NES.
Question 17

Ruapehu Federated Farmers does not think that the significance of adverse effects of planting forests close to neighbouring boundaries and buildings has been adequately covered.

The proposed 10 metre set back is inadequate.

Decision requested

That a National Policy Statement be the preferred option.

Should a National Environmental Standard be selected as the preferred option we have concerns regarding limited ability for local authorities to be more stringent. In particular we are concerned that an NES would over ride any local decisions made on boundary and building separations.

We believe this is the role of local authorities in administering land use issues.

Afforestation and Replanting

Forestry Set Backs

Ruapehu Federated Farmer’s particular concern is forestry set backs from pastoral land and farm buildings and infrastructure and the consequent potential for damage and loss of production.

We are concerned about set backs from adjoining property under different ownership without written approval of the adjoining owner being obtained.

Ruapehu Federated Farmers do not believe that the 10 metres, as proposed, is an adequate set back from adjoining property.

Many of our members have trees planted closer than this and experience considerable difficulties. We do not consider an increase to 10 metres will improve the situation and have asked for an increase to 35 metres in the Ruapehu District Plan review.

There is along history of difficult relationships between pastoral farmers and foresters in this district, leading to undue stress and mistrust. This is largely due to the close proximity of trees to boundary fences and the operating model of foresters where they tend to plant and forget until harvest time. Often they do not have contact details readily available for when damage occurs. Clean up is invariably left to the adjoining land owners. Set back needs to reflect this.

Ruapehu Federated Farmers is extremely concerned to hear of instances where large blocks of land are being purchased for carbon sequestration by foreign owners with the intention to plant and leave in perpetuity with minimum management and very likely no regular contact with adjoining land owners.

These situations will require a substantial default set back. We suggest that agreement between neighbours around annual payments for fence repairs and weed control could then allow for planting closer to the boundary.

Reasons for increased set back
Ruapehu Federated Farmers believe that on a balance set back should be at least 35 metres.

In very simple terms, livestock pastoral farmers use sunlight and the nutrients from the soil to grow grass which is harvested to produce animal protein to derive income. Any disruption of this process costs farmers dollars.

Farmers do not expect to derive nutrients from across their boundaries.

Foresters also derive their income from sunlight and the nutrients available in their soil to grow timber for sale. They should not expect to harvest nutrients from across their boundary and should minimise the effects of shading to neighbours as much as practicable.

It is often said that tree roots spread as far as their branches but practical experience from farmers with trees on their boundaries suggest trees on the outside of a forest take good advantage of the open space available to them to grow their roots out as far as 35 metres.

With the advent of the Emissions Trading Scheme we are seeing large tree specimens such as redwood, douglas fir, macrocarpa and eucalypts used over longer life spans. For example 50 years rather than the 28 to 30 years for pinus radiata. These trees are going to have an even greater spread and cause greater problems.

From a practical point of view it is difficult for foresters to harvest trees only 10 metres from the boundary fence without requiring access to neighbouring property and subsequent disruption to normal farming patterns.

Foresters need to have machine access between the outside row of trees and the boundary fence to be able to prevent trees crushing the fence at harvest time. Local experience has shown the outside trees will generally want to fall over the fence because of their branch weight and growth towards the light. Foresters need to be able to physically push trees in the opposite direction to avoid this. In many cases these trees cannot be pushed or pulled into the forest and land on boundary fences and neighbours pasture.

There should be ready access to the boundary from within the forest to effect rapid fence repair at time of windfall. Even at 35 metres some windfalls will damage fences as these trees can grow well over 35 metres when mature. Foresters should not rely on free access across adjoining land, as they tend to do at present.

It is most important to the livestock farmer that boundary fence is kept absolutely stock proof and access is needed for this. Livestock gaining access to forest roads could travel many miles and cause danger to the general public by gaining access to public roads.

Not only must farmers’ livestock be kept out of the forest but feral pigs and goats are endemic inside many forests and need to be kept off the pastoral land. Pigs can cause huge damage to pasture by rooting and at lambing time kill and eat large numbers of lambs. They also may carry diseases such as leptospirosis and TB which can lead to large economic loss to the neighbouring farmer.

Livestock farmers have further animal health concerns with close proximity to boundaries of both pine needles and macrocarpa. Stock access to needles from
both these trees causes abortion of the calf in pregnant breeding cows. (New Zealand Farmers Veterinary Guide) A cow only has one calf a year and if this is lost no income is earned that year. Access to needles will mostly occur by branches falling or leaning across the fence but also from windfall. Trees in excess of 30 metres high are likely to breach the boundary fence unless a 35 metre set back is in place.

Leaf fall from eucalypts can render that land unsuitable for hay and silage as it makes the crop unpalatable to stock.

Foresters also need an access strip to enable them to deal with weeds and wilding pine problems against the boundary. Without this, in time the boundary fences will be overwhelmed with weeds which will in turn spread on to adjoining lands.

We note that there are regional rules that apply regarding boundary separation of noxious weeds of 10 metres. A 35 metre set back would allow aerial spraying of the boundary line without affecting the tree crop or adjoining pastures or crops.

When foresters are desiccating pre planting a 35 metre set back would avoid pasture damage.

Ruapehu Federated Farmers also has health and safety concerns with harvesting happening close to boundary fencing. We understand the separation protocol inside a forest for workers from a hauler wire is two tree lengths and wonder how this can be reconciled with the safety of a farmer going about his legitimate business well inside this distance, even having buildings and working and living facilities within this distance.

Ruapehu Federated Farmers believes a 35 metre set back or boundary separation will, on average, alleviate most of these problems.

We say on average because at times 35 metres will not be enough and sometimes more than enough but the alternative is a very complex set of rules pertaining to tree species, aspect, slope, etc which may be unworkable.

In conclusion we do not find it acceptable that foresters should be in any way relying on either:

1) the nutrients from under the boundary fence to assist in the growth of their trees

2) The goodwill of adjoining landowners to provide access through their pastoral land to assist with harvesting, weed control, fence repairs etc

Individual Agreements between neighbours

Ruapehu Federated Farmers recognises the right of individual property owners to make their own informed boundary agreements.

Whatever national set back agreement is put in place it will always be an average compromise. There will be boundaries that require much more, such as steep slopes rising to the north of pasture, and other boundaries requiring less such as the opposite – steep slopes falling away to the south. Such agreed compromises between neighbours are practical and we support them.
Ruapehu Federated Farmers believe that it would be best to establish a reasonable set back of 35 metres to cover average situations and to allow forest owners to negotiate closer set backs, down to 10 metres, with their neighbours. This could involve annual payments for fence repairs and weed control and the requirement for the outside rows to be pruned, for example. Such agreements should be registered on the title and not changed unless agreement is reached between the parties.

Question 34 Wilding trees
The forestry industry needs to take control of wilding trees as the majority of wildings in the Ruapehu area have originated from established plantations. Forestry could assist with funding through rates to Regional and local Councils who are already trying to attack this significant problem. Wildings on set backs from adjoining neighbours need to be controlled.

Question 35 Pest issues not addressed
Among the many pest issues that need addressing are wild pigs, goats and deer which are running rampant in a lot of forest plantations and are difficult to control. Wild pigs can cause significant damage to neighbouring farm land by digging up huge areas of pasture, particularly in autumn and late winter when the ground is soft. Pigs also eat and mis-mother large numbers of newborn lambs. Wild deer and goats eat large amounts of pasture, usually in the autumn and winter period when feed is short in the forest. At this time neighbouring farmers have pasture saved to ration to their stock over the slow growing winter period and these forest dwelling wild animals move out on to that pasture. Pigs, goats deer and possums do considerable damage to crops which they are attracted too when feed in the forest is short. Deer breakdown electric fence tapes being used to ration crops and saved pasture. Pigs, goats deer, possums, stoats, ferrets and feral cats carry TB over large distances and spread the disease out in to TB free cattle herds. Pigs carry leptospirosis and infect neighbouring sheep and cattle when passing through farmland while feral cats spread campylobacter and toxoplasmosis which cause abortion in sheep flocks. All these diseases have major financial consequences for neighbouring farmers.

Plant weeds:
Forest and forestry operations harbour and spread several weed species which are causing major problems to neighbouring grasslands. The spread is done mainly during the harvesting of the forest, by the track gear of diggers and tractors. Tutsan is one of the problems weeds in Ruapehu. It is very difficult to control and is running rampant in many forests both here and other areas of the North Island.
Request:

Ruapehu Federated Farmers request that a more serious look be taken at these issues with a strategy developed for weed and pest control within forests.

Question 37 Set backs
The ETS for the forestry industry is a capital generating business. Neighbours should not be disadvantaged in carrying out their own business because of shading, broken fences, fallen trees and the contamination of soil and water from pollen needles and cones. A 35 meter would alleviate these problems.

Question 38 Set backs
No. Replanting setbacks are to be treated the same as afforestation. Many past bad planting decisions can be rectified and the degradation of waterways mitigated.

Question 39 Set backs
Replanting setbacks for existing forests must be included in a NES or NPS but with the District Councils having the ability to be more stringent.

Question 40 Set backs
We believe there needs to be some re-adjustment of conditions for replanting to recognise some of the problem areas that have shown up. For example, boundary set backs, set backs from existing residences and on going pollen problems, both for home and other building water supplies.

Councils should be able to be more stringent on these issues.

Decision requested:

That forestry set back from boundaries with neighbours be set at 35 metres with the ability to negotiate down to 10 metres. Such agreements to be registered on the titles.

Set backs from dwellings and other buildings

Forestry has an imposing footprint on neighbouring residences in terms of affecting the light, temperature, views, water supply and security.

Ruapehu Federated Farmers does not believe a 30 metre set back from existing dwellings is in any way adequate.

Many plantation trees grow over 30 metres tall and so the risk of property damage and the insecurity that creates is stressful.

Where trees are on a northern boundary the shadow cast would be significant.

Pollen contamination of roof gathered water supplies needs consideration.

Trees planted within 30 metres could totally destroy a houses’ view and change its aspect significantly.

Other buildings need to be far enough away to avoid damage from windfalls. However, trees could be allowed considerably closer than for dwellings.

Decision Requested
Forest be set back 100 metres from a private dwelling.
Forest be set back 50 metres from other buildings.
These set backs may be over ridden with the express permission of the neighbouring property owner.

Question 44 **Right to harvest**
Yes, we agree that Councils should have the right to be more stringent on these matters.

Question 48 **Harvesting notification**
Local Councils need a long lead in time before harvest to plan around roading problems.
We suggest it should be mandatory that plantation forests be notified to Council at planting with an estimated harvest date.
Councils should then be informed at least two years before harvest to allow lead in for roading issues.

Question 50 **Harvest Plans**
Yes, definitely.

Question 66 **Forest roading**
No. Maintenance and minor upgrades should be okay but major upgrades will obviously be treated as for new earthworks.

Question 71 **Quarrying**
Yes. Councils should have the option to be more stringent in orange areas.

Question 72 **Quarrying**
Local Council should have the right of oversight on volume due to the nuisance problem that can arise, especially traffic where large forest blocks cross main highways or use local roads.

Question 75 **River crossings**
Yes

Question 84 **Working with Regional and District Plans**
We believe a NPS rather than a NES would allow for more local say. Local people are the ones who live in the environment.

Question 85, 86, 87 **Costs and benefits**
No. Costs to neighbours caused by forests too close to boundaries with the subsequent disputes, plus issues around leaf fall and pollen, weeds and pests have not been covered at all.

Question 88 **Impact of the NES**
Could allow foresters to ignore boundary issues as neighbours have no power to enforce rapid fence repairs or weed clearance, wilding and weed and pest issues.
An allowance for local authorities to set greater margins would give neighbours some ability to deal with cross boundary problems that do exist.

Question 89 Influence of NES on planting

No. This is governed by market returns just as in agriculture. Such issues are important but periphery to such investment decisions.

Perennial rivers and streams and wetlands

Set backs of 5 meters from perennial rivers and streams with a channel width of less than 3 meters plus the 5 meter setback from landward extent of wetland vegetation for wetlands are inadequate.

Many tree root systems and canopy extend beyond 30 meters. This set back needs to be extended to 35 meters.

Set back of 10 meters for perennial rivers and streams with channel greater than 3 meters is inadequate and needs to be extended to 35 metres.

Set back of 20 meters from lakes larger than 0.25 is inadequate and needs to be extended to 35 metres.

Appendix 5 .Erosion susceptibility Classification.

Ruapehu Federated Farmers agrees with Option 1, the NZLRI system.

Land use capability units are widely understood not only by district and regional councils but also many land owners and farmers throughout New Zealand.

HEL: Please note also that the terminology of the wording HEL has been submitted against through the Horizons Regional Council One Plan submission process.

Not only was this system found to be incorrect but it is also very insensitive to land owners and rural communities.

The hearing panel found in favour of the submitters and have now changed the terminology and the thresholds of the erosion areas in question to "Hill Country Erosion Management Areas".

The wording HEL is no longer in the glossary of the Mauawatu-Whanganui (Horizons) proposed One Plan.

Ruapehu Federated Farmers request the Ministry for the Environment to follow this example and remove the offensive acronym from your documents.

6.4.7 Negative environmental impacts. Pine pollen

Issues regarding the lack of research into the detrimental effects on human and animal health from pine pollen needs to be addressed. Pollen levels in the air and waterways in spring is increasing on an annual basis. Many people living in rural townships, rural areas and farming families rely on tank water collected from roofs for household and domestic drinking water.

Please find attached an excerpt from Ngati Tuwharetoa Agricultural group’s presentation to Environment Waikato Hearing for Proposed Plan Variation 5-Taupo presented by Fred Phillips, an engineer specializing in Hydrology.

Ruapehu Federated Farmers thank you for the opportunity to submit and would appreciate the opportunity to be heard in support of this submission.