Dear Paul

Not sure if this should go to you or elsewhere. Please forward to the appropriate recipient if necessary.

I have had limited time to respond to this on behalf of Fish and Game NZ, so these comments are of necessity brief.

1. Fish and Game supports an NES to achieve most of the objectives of this proposal, subject to the following concerns.
2. These concerns relate mainly to the ‘effects basis’ of the RMA and the consequences of this approach on the same activities undertaken for different purposes and the consequences of this on the permitted baseline. In particular, activities such as roading, quarrying, set backs etc, occur beyond plantation forestry and inevitably will be affected by it. There is a material difference between different players within the forestry sector over how they respond to this challenge; with even more variability beyond the forestry sector, particularly amongst individual land owners. Somehow this regulation must recognise the differing capabilities and expertise of the forest industry; the small forester and the abilities of other land owners. There is a risk that the NES may drop many activities to the lowest common denominator rather than addressing effects such as downstream effects of land disturbance, for example.
3. This process has refined the proposal and made clearer its likely consequences on the ground in different parts of the country. In particular, it is helpful to now have the erosion susceptibility maps as this enables some specificity as to the implications of the proposals. The scale does not allow detailed investigation.
4. I note that the areas noted as highly susceptible to erosion correspond largely to the most extreme situation; most of which is in land managed by the Department of Conservation and unlikely to ever be contemplated as suitable for plantation forestry. While not an expert, it seems surprising that most areas seen as highly erodible on an international scale (eg East Coast and central North Island) are not seen as highly erodible in NZ.
5. Setbacks for regionally significant water bodies. This has been retained as an option for greater stringency by regional councils, after evident lack of agreement between parties reviewing the proposal. This is probably safer as a default, as there is little national agreement, as yet, as to methods of determining significance or identifying sensitivity to different effects or activities. It may ultimately be useful to incorporate these into an NES by amendment if standard methods become available.
6. The riparian setbacks are supported as recommended.
7. In principle, audited self management is supported, provided that the nature, purpose and extent of independence of the audit is fleshed out.
8. In the Mechanical Land Preparation area, the nature of the discretion in respect of the potential effect on downstream aquatic resources is supported.
9. River crossing. This is generally supported, with the advice on the use of culvert design criteria being a pragmatic and practical recommendation.
10. It is uncertain from the text whether the temporary and portable low ‘Baigent bridges’ designed and used in the Nelson Marlborough region would be covered as permitted activities, as these are designed to be inundated in a flood (much like a low culvert or a ford). They are also modular, in that they can be used in multiples for greater than 7m spans, with temporary abutments across a wider river bed. These are a vast improvement on the earlier battery culverts in terms of fish passage; it would be desirable to encourage their use through this NES.
Thank you for the opportunity to provide these comments. I would like the opportunity to speak to them if possible. Please contact me in the first instance if you are seeking further comment.

Yours faithfully

Neil Deans
Manager
Fish and Game NZ
Nelson Marlborough Region