# Template for comments on the proposed NES for Plantation Forestry

If you wish to make a comment, please complete the following form and forward your comments to the Ministry for the Environment, PO Box 10-362, Wellington 6143, or by email to standards@mfe.govt.nz, in time to be received no later than 5 pm on Monday 13 June 2011.

- You do not need to remake points made in your original submission.

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## Q1: Do you agree with the changes to the afforestation section?  

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**Comment**

No – restricted discretionary in orange areas is a significant change to the status quo. Most afforestation is likely to be in orange areas, i.e. Manawatu and requiring consent will be a major deterrent to afforestation.

The country already has examples where such consent requirements translated into no forestry being undertaken. The western side of Lake Taupo when it was under Taumaranui CC treated plantation forestry as a conditional activity (these days discretionary). Taupo CC permitted plantation forestry and the eastern side of Lake Taupo was afforested. This came to light during the Variation 5 concerning nitrogen and phosphorous runoff into Lake Taupo.

Afforestation should be a permitted activity in all zones except red and those that can’t meet wilding trees risk conditions.

We do not agree with the change to formed road regarding shading. Paved has been used originally due to icing and potential for accidents. It was developed for any impact on formation of a road. Nuisance for vehicle movements and road damage is outside the scope of the NES and therefore the reasons for this change are not justified. This would be a major change to status quo and if was bought in should be effects based dealing with any vegetation.

## Q2: Do you agree with the changes to the replanting section?  

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**Comment**

No – Not being able to re-plant red areas presents an ETS liability risk, where in the case of Kaingaroa the liability would rest with iwi landowners for land that was returned with a price that said the land was for forestry purposes. This will devalue the land value which should be taken into account in a cost benefit analysis.

A number of the areas are secured by contracts that legally require re-planting.

The accuracy of the erosion maps means that some areas that are suitable for re-plant are in red areas.
and some areas that may not be are in permitted areas. This creates situations where consent will be required for low risk areas.

Totally agree that orange areas should be able to be re-planted. Some very flat and low risk parts of Kaingaroa are in orange areas. A major consideration is the loss of land value if orange areas cannot be re-planted. This would also constitute a significant change to the status quo. Also the permitted baseline would be pasture! Also note that we are not aware of anywhere in NZ where pasture is not permitted on red areas.

We are also concerned that large setbacks would result in ETS liability and land devaluation to the landowning iwi.

Q3: Do you agree with the changes to the mechanical land preparation section?  

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<th>Yes</th>
<th>No</th>
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Comment

No – In Kaingaroa (with very porous and stable pumice soils) around 80% of the land (180,000 ha – of which around 4 – 5,000 ha is mechanically prepared annually) is currently prepared by cultivating machines, with no known effect (we have never been required to obtain consent or received any Council actions). A key component of this is to rip through a hard pan below the top soil. The machines basically dig a hole and create a hump of soil to plant into. This loosens soil for root penetration and lifts the seedling out of the cooler frosting zone. This practice has been undertaken at various intensities for at least 25 years. The proposed rules would be a major change to the status quo. Under the proposed rules we would need to obtain consent for all land preparation, whereas we do not require any consent currently. Furthermore we have never required land preparation consent. Also note that annual cultivation on farmland is a permitted activity.

Land preparation should be permitted in all zones except red and have no restriction on depth.

The following photo is of a land preparation (slash raking) operation in an orange area of Kaingaroa! Note that spot cultivation will follow where the depth will be greater than the topsoil.
The following also shows areas of orange where land preparation has been undertaken without environmental effects.
Q4: Do you agree with the changes to the harvesting section?  

Comment

No – harvesting should be permitted in all zones. This is the permitted baseline within the 3 councils that cover the Kaingaroa estate. Any change would affect land and rental values for the iwi land owners.

Attached is our map of erosion classes demonstrating that some areas are in orange that are flat – highlighted is an area of about 6km by 6km that is being considered as high risk (see mounding photo). Some members suggesting that harvesting should be controlled in such areas would result in a major change to the status quo in what is essentially a very low risk area.

The accuracy of the erosion maps means that some areas that are suitable for harvest are in red areas and some areas that may not be are in permitted areas. This creates situations where consent will be required for low risk areas or very small portions of a forest block.

We totally oppose the group members that wish to have harvesting controlled in orange zones. This would be a major move beyond the status quo. The only areas we are aware of with partial catchment restrictions are in the Coromandel and parts of Gisborne where the environment has high risks. Areas of Kaingaroa in orange are flat with porous stable soils and few streams. The catchments are large, but risks very low.

WE have always considered that harvesting should be a separate activity from other activities undertaken in forests. However the case law on bundling puts this in doubt. Given the suggestion for dealing with earthworks in orange zones and crossings this suggestion concerning the status of harvesting has the very real potential of shifting harvesting into a discretionary regime. If you plant trees there must be a clear indication that you can harvest those trees. Any change to our existing regime of being permitted to harvest will alter how value of our forests along with land values and the renal values.

We agree with the addition of vegetation overgrowing a pre-existing access way.

Harvest plans should follow the template or be in general accordance. There needs to be a recognition that a harvest plan will include general practices (i.e. BEPs) that are forest manager or forest wide and also specific assessment/practices for the site. These could be covered in several general and specific documents and GIS layers. We agree that plans should be in place, and available, but not sent systematically to Council. Councils should not require a systematic delivery of plans. For Kaingaroa this would be at least 200 plans per year.

The same applies for completion statements, in particular as in Kaingaroa there are likely to be well over 1,000 operations (planting to harvest) that this applies to. This represents a significant change over status quo and potentially considerable additional paperwork. Also note the form has a requirement to lodge – this needs to be removed.

Some of the suggested harvest plan requirements are also onerous, i.e. a maximum of 5m contours. In Kaingaroa we use 10m or 20m and this is appropriate for the terrain in this forest.

The requirement for plan changes to be ready 20 days in advance is not practical. For example many changes occur during the operation as new information or situations arise. There needs to be flexibility to make sensible plan changes while operating rather than being held to less optimal. An example is windthrow or safety hazards to arise during the operation, or discovery of an archaeological site. The practical effect is we would have to stop operating for 20 days while the change is made – at significant cost and disruption. This is a significant issue.

The members concerns regarding soil disturbance are dealt with by way of conditions and the greater
limiting factor of direct discharge to water is not permitted.

We support the removal of the stabilisation condition as it was unpractical, particularly when land preparation (mechanical or desiccation) is undertaken. The potential effects are covered by not permitting direct discharge to water. Wording could be added as follows: “stabilisation against erosion by vegetative cover or other methods being undertaken as soon as practical to avoid the adverse effects of sediment on waterbodies”.

We agree with the operational changes. An issue has arisen with NRC with the regard to the word diversion and their interpretation than any piece of wood in water is diverting the water. This condition needs to be clarified to ensure that diversion means diversion of the stream itself. We are unclear on the difference between the terms slash and debris and why this clause sits outside of slash and debris management.

We support the slash management operational planning, management on processing sites, avoiding slash reaching water bodies changes and removing slash. This reflect status quo.

The water sediment concentration condition from the conditions has been removed. The regional plans that deal with land activities under their functions on water quality control also add a provision to allow associated discharges. These discharges are treated as minor ones DIRECT and INDIRECT.

WE are concerned that the changes to the conditions have now given away associated discharges. This is a major change from the status quo. It means that are land use activities and activities in beds of rivers cannot legally allow for any discharges. Rules permitting discharges are governed by section 70. Accordingly permitted discharge rules are designed to ensure they meet section 70 and are minor in their effects.

With regard to indirect discharges they would not be permitted.

With regard to direct discharges the NES now states that these are not covered by the NES so we would have to rely on what will be legally messy situation, on the provisions of the existing plans. So for the councils that advised they not want an instream sediment concentration condition still regulate us by their existing conditions.

With the removal of instream concentration of suspended solids there appears to be no recognition that the land use controls on harvesting will also have associated discharge activities. There needs to be clear recognition that harvesting includes any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants onto land or air (see 5.1.4.11 rule of Waikato Regional Plan). This is critical.

Q5: Do you agree with the changes to the pruning and thinning to waste section?

- [ ] Yes
- [x] No

Comment

We agree with the changes. Note that some members want additional conditions. We do not agree with this as it is for thinning to waste and pruning which are very low impact activities.

Q6: Do you agree with the changes to the earthworks section?

- [ ] Yes
- [x] No

Comment
NO – The inclusion of maintenance and upgrade is a considerable change to the status quo. For example we have several graders systematically maintaining roads, also we systematically clean our water controls, etc which would be caught by this provision. The reporting plus activity status for orange areas would require considerably greater paperwork. Maintenance is permitted in each of the councils we operate under and there is no notification for permitted activities.

Maintenance could be dealt with as per stream crossings where it is not subject to terms and conditions.

The plan requirements for operating any maintenance or upgrade are hugely onerous. Councils could expect 200 – 500 plans submitted for Kaingaroa each year.

Controlled activity in orange is also extremely restrictive, particularly as many areas in Kaingaroa fall into orange even though the slope is flat and risk minimal.

The slope requirements for green and yellow are also restrictive and a significant change to the status quo.

The above rules would likely result in many consents for Kaingaroa, when none are currently required. This will go to land and rent value for iwi land owners.

The 5,000 maximums for yellow are also onerous as there is no reference to activity site. For Kaingaroa this could be 180,000 ha and the cumulative earthworks would easily be exceeded. Even if reduced to title these are mostly areas of more than 6,000ha.

With the removal of instream concentration of suspended solids there appears to be no for non-point discharge will also have associated discharge activities. There needs to be clear recognition that harvesting includes any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants onto land or air (see 5.1.4.11 rule of Waikato Regional Plan).

This is critical.

Q7: Do you agree with the changes to the quarrying section?  ❑ Yes ❑ No

Comment

Yes - Nil

Q8: Do you agree with the changes to the river crossings section?  ❑ Yes ❑ No

Comment
NO – We do not agree with the engineering consultant advice. This seems to be an urban based approach where subdivisions are intensive and in flat terrain populated areas. There is a considerable change to the status quo. The conditions should revert to the pre-engineering report status.

The erosion mapping has placed some low risk areas into orange for Kaingaroa.

We agree with the notification changes to provide information on request, but question the need to do so for iwi or Fish and Game. This would be another change to the status quo.

The 100ha trigger does not reflect risk and he engineering assumption that porous pumice lands will not have flowing water is erroneous. Many streams in these areas are spring fed and can start early in a catchment through a difference “underground” catchment. Crossing design should be a factor of soils, slope rainfall, morphology as per the BOPRC system that uses HIRDS to calculate appropriate culvert size, etc.

The provision to divert around he works during construction is impractical as the streams are often incised and diversion would create more earthworks and exposed area. It is better to construct and place culverts quickly with minimal disturbance.

The 2% limit on grade for fish passage is impractical as fish can climb though greater slopes and many forest streams have beds greater than 2%. It is better to ensure the culvert is laid on the existing bed and there is no fall at the outlet. A 2% restriction would likely lead to large half buried culverts (more bed disturbance) or drops at the exit. 2% may be appropriate for flat sub-divisions, but not forestry hill country.

Culvert size of 600mm for permanent does not take into account the conditions of the site. There are small upper catchments where a 300mm culvert would be appropriate due to low flows and area – also our aim is to place roads on or near tops of ridges where catchments and flows will be small. Kiwi Rail’s voluntary standards are irrelevant as rail is generally on low flat land and is not a legal requirement.

Battery culverts are a reasonable solution in some situations, particularly where the stream has a large width to depth (i.e. braided stream).

The requirement to align with the subject waterbody is a conflict with the 2% grade restriction for the reasons provided earlier.

Q9: Do you have comments on the detail of the ROAR system?

Comment

Our view is that the proposed rules will collectively be a significant increase in rules over the status quo.

Q10: Where the working group could not reach consensus, the areas in table 4 were highlighted blue. Do you have any comments about these issues?

Comment

We have comments on these in the previous sections.