

18 November 2022

Forestry and Bioeconomy Policy  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140  
New Zealand

Tēnā koe

**Submission on the national direction for plantation and exotic carbon afforestation**

Please accept Tasman District Council's submission on the national direction for plantation and exotic carbon afforestation.

Our response provides comment based on the Ministry for Primary Industries' framed questions contained within Parts A to D:

- Managing the environmental (biophysical) effects of exotic carbon forestry
- Controlling the location of plantation and exotic afforestation to manage social, cultural and economic effects
- Improving wildfire risk management in all forests
- Enabling foresters and councils to better manage the environmental effects of forestry.

Ngā mihi



**Kim Drummond**

Kaiwhakahaere Roopū – Whakaū | Te Taiao  
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# **Submission form for national direction for plantation and exotic carbon afforestation consultation**

# Submission form for national direction for plantation and exotic carbon afforestation consultation

The questions in this submission template are a guide for your feedback. Please answer those that are most important to you; **there is no need to answer them all**. Where pages, tables, options, and proposals are mentioned, these are in reference to the '*National direction for plantation and exotic carbon afforestation*' consultation document.

## Your details

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## Are you submitting on behalf of your organisation?

- Yes
- No
- N/A

## Is there any other information you would like to provide?

Please enter text here.

## Part A: Managing the environmental (biophysical) effects of exotic carbon forestry

A1. Do you agree with the problem statement set out on page 20?

- Yes  
 No

Are there other things we should consider?

Agree in general with the exception that most exotic carbon plantations should be on the transition to eventually become native forests (with multiple species that provide beneficial natural ecological function) so NZ is not left with large tracts of exotic monocultures. The long-term outcome of monocultures should be considered.

It also does not include plantations that were originally intended to be harvested, not in the ETS and instead have become permanent. Such plantations should be included in any amendment to the NES-PF.

Notification process for carbon plantation afforestation – a process is required to back capture carbon plantations that have already been planted but are not known due to no current requirement to notify council for carbon afforestation.

A2. Have we accurately described the environmental effects of exotic carbon forests (Table 2 on pages 20 to 24)?

- Yes  
 No

What other environmental effects (if any) need to be managed that are different to those of plantation forests? Please provide evidence on the impact of these effects.

The impact of wilding pines on significant natural areas (SNA's) should be addressed – TDC supports that the current rules should apply to all afforestation. This will ensure that carbon plantations are still managed for their potential spread and control of wildings (control every 5 years). The current rule is weak in that plantation forestry is currently exempt from the NPS-IB rule to 'avoid fragmentation of SNA's or the loss of buffers or connection to other important habitats or ecosystems" and they only need to maintain populations of at risk and threatened species. This essentially allows for the gradual erosion of SNA's through lack of pest control. This is already being observed in Tasman with some sites being smothered by weeds and no regeneration because of poorly maintained buffers.

Wildings – Wilding rules need to include all afforestation. Leaving a permanent plantation will allow for trees to get to coning and spread into neighbouring properties. The owners of these pine plantations must be responsible for controlling that spread. Need to move away from relying on Regional Pest Management Plans to control wildings. The Act doesn't allow councils to impose control on a neighbour, so if wildings end up on a neighbour's property the landowner can't be held responsible for controlling them. It falls to the neighbouring landowner to control the wildings that have grown. The cost of control should sit with the forester.

The evidence relied on to support the statements in Table 1/Appendix C that pine plantations have a positive effect on regulating water supply, habitat for indigenous

species and improving soil quality, minor benefits to indigenous species, and enhancing the appearance of the landscape is flawed. For example, it is an established legal principle that new plantation forestry has significant adverse effects on outstanding natural landscapes (ONLs).

Ensure any harvesting of these carbon plantations have tight controls to avoid the impacts experienced in Tolaga Bay for example, where significant volumes of slash and debris have been deposited kilometers from the plantation. If any harvesting is carried out, where appropriate, it must not be replaced with exotics and ideally replaced with natives and managed back to indigenous forest unless the landowner would like to change the land use.

A3. Do you agree that the environmental effects of exotic carbon forests should be managed through the NES-PF?

Yes

No

Why?

This provides a **nationally consistent approach** and reduces the time and cost of each council in New Zealand repeating the same exercise. Managing the environmental effects of exotic carbon forests through plans is in direct contradiction to the policy rationale for the NES-PF. The trade-off of reduced local flexibility should be considered but on balance the time and costs of implementing this through plans is significant and would lead to inconsistent outcomes and for some forests that span more than one authority, variable rules, and challenging compliance.

If there is a national level policy objective then it makes sense to regulate nationally as well.

A4. The right-hand column of Table 2 (on pages 20 to 24) sets out possible new regulatory controls. Please indicate if you disagree with any of these potential controls or feel we have missed anything and explain or provide evidence.

We consider these potential controls are inadequate. The majority of the potential controls state or imply that the current controls in the NES-PF will be sufficient to manage (avoid, remedy and mitigate) adverse effects, however there is considerable historical evidence to prove current controls have not been effective.

It would be more effective if the ESC was replaced with erosion risk and stability mapping at a suitable resolution to be applied at a risk management level. The consenting authority should have the ability to decline applications for land disturbance associated with afforestation where there is high erosion risk and stability issues.

The NES-PF rules could then be altered to align with the risk of mass movement erosion, debris floods, and debris flows produced by that model/mapping.

The NES-PF rules should either allow councils to impose more stringent and explicit conditions and discretionary controls to match the risk of mass movement erosion, debris floods, and debris flows, or the NES-PF should address this.

With regard to sedimentation:

To be effective, the current NES-PF rules relating to water quality and sedimentation need to be made more robust, objective, applicable and reference the NPS-FM.

Specifically the terminology used for regulations 26, 56 and 65 stating “sediment is to be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters ... (a) any conspicuous change in colour or clarity.”

There is no measurable definition of ‘reasonable mixing’ and ‘conspicuous’ with the use of these terms this condition can end up being ignored by some harvest managers in the hope that no one sees such a conspicuous change or challenges what clearly is an obvious decrease in water clarity.

Setting conditions that contain no metrics or standards for sampling location or monitoring frequency increase the likelihood that adverse environmental effects are likely to occur. Therefore, the regulatory conditions regarding sediment management are not as stringent as they could be, meaning some might not be held accountable for not meeting that condition(s).

A5. Do you agree with option 2 for managing the environmental effects of exotic carbon forestry (amend the NES-PF to include exotic carbon forests)?

- Yes  
 No

Why?

Provided the NES-PF is amended to address the current inadequacies within the current NES-PF.

A6. Do you agree that a National Environmental Standard should manage: [choose ONE]

- the environmental effects of exotic carbon forests only?  
 environmental effects and forest outcomes, including transitioning from predominantly exotic to predominantly indigenous species?

Why?

We agree purely because the forest or plantation outcomes affect the environmental effects therefore, if the planned forest or plantation outcomes are not achieved, adverse environmental effects will occur.

A7. Do you agree with the proposal in option 2 (amend the NES-PF to include exotic carbon forests) to add wind effects as a matter of discretion to Regulation 17, to manage potential instability as a result of wind for all forests on red zone land?

- Yes  
 No

What benefits or drawbacks would there be from adding wind effects?

Please note that the risks to any plantation are more than just wind, such as fire and disease so a management plan should be required to cover these almost inevitable risks.

Assuming the NES-PF is amended to cover permanent plantations, a management plan needs to be submitted prior to afforestation as soon as required to adequately describe the mitigation for all three of these risks (and more if identified).

- A8. How effective would option 2 (amend the NES-PF to include exotic carbon forests) be in managing the environmental effects of exotic carbon forestry? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer: 30

Why?

As mentioned above, the NES-PF currently does not effectively manage the environmental effects associated with plantations, especially on land zoned as orange on steep and/or vulnerable terrain.

The inadequate requirements in the NES-PF are **partly** responsible for creating environmental damage and financial stress to the surrounding communities, taxpayers and ratepayers, i.e. members of the public that do not profit from plantation forestry but subsidise the clean up when environmental damage from plantation forestry crosses the boundary on to public or private land.

Amending the NES-PF to include permanent plantations is more likely to spread the problem even further **unless** more meaningful changes are incorporated to properly fix the current inadequate requirements.

- A9. What implementation support would be needed for option 2 (amend the NES-PF to include exotic carbon forests)?

More staff to ensure smaller councils have the capacity in the policy, consenting and compliance areas to understand the issues and implement the regulation changes. Resources needed to engage with forestry operators/landowners over the issues.

Build capacity involved in assessing plans, this ability needs to cover all forms of plantation management. The people will need to have sufficient knowledge and experience to make judgement on risk assessments and on whether mitigation measures (such as the size and aggregation of harvested areas) will avoid environmental (and social) impacts.

- A10. Do you agree with option 3 for managing the environmental effects of exotic carbon forestry (amend the NES-PF to require forest management plans for exotic carbon forests)?

- Yes  
 No

Why?

We support the need for management plans for **all** permanent exotic plantations, not just exotic carbon plantations. Management plans need to be assessed to ensure that the management activities are sufficient to avoid future risks. These risks include all those that arise in a plantation that is established for some level of production, but also risks that can occur in a plantation that is not intended for harvest.

There are other considerations including whether the carbon plantations are insured and who deals with legacy issues down the track if owners walk away or can't be contacted.

A11. Do you agree that forest management plans should manage: [choose ONE]

- environmental effects only?
- environmental effects and forest outcomes, including transitioning from predominantly exotic to predominantly indigenous specie(s)?

Why?

These are two sides of the same coin; the forestry management outcomes are needed to provide a robust forestry management plan.

Agree, assuming here that 'forest outcomes' means more than just forest composition and structure but also the positive environmental outcomes. Both the effects and the outcomes can create adverse environmental and social/community outcomes **if** the plantation is not managed properly and does not meet the planned outcomes.

A12. Based on your answer to the previous question, what content should be required in forest management plans?

Forestry management plans will be important in the long-term management of plantations. The long-term effects of management of exotic carbon plantations are not really well known and forestry management plans help ensure that the risks are explicitly managed by the forestry owner. Perhaps FMP's could be reviewable at certain periods (5 yearly for e.g.) or when a real or potential adverse environmental effect is recognised, such as significant wind throw or other damage to infrastructure within the forest.

When felling or harvesting is planned, the most important is a comprehensive risk assessment that assists the formation of management options and operations that will mitigate those risks (including harvest method) to avoid adverse effects. The management plan also needs to explicitly describe the actions that will be taken to remedy adverse effects should they occur.

For plantations that are not intended to be harvested, the focus needs to be on stand health, plans for any change/transition in composition and structure, fire management, biosecurity, pest management, and very importantly, the benefits to and impacts on the surrounding community.

If an adequate management plan is not provided, then approval should be withheld until this requirement has been met.

A13. How effective would option 3 (amend the NES-PF to require forest management plans for exotic carbon forests) be in managing the environmental effects of exotic carbon forestry? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).



Your answer: 30

Why?

As per A8, the effectiveness depends on the extent of the changes in stringency to the requirements and how comprehensive and explicit they are. If the current version of the NES-PF is any indication, particularly with its emphasis on 'permitted activities with conditions', the effectiveness is likely to be decreased. MPI and councils together, have this very important opportunity, to improve the situation for the whole of New Zealand and ultimately planet earth.

A14. What implementation support would be needed for option 3 (amend the NES-PF to require forest management plans for exotic carbon forests)?

As per A9.

Strong guidance about the intention and purpose of the management plan and significant resourcing to build capacity of staff whose job it is to ensure the management plans are effective and result in better environmental outcomes.

Also, strong and clear guidance for forestry operators whose job it is to develop the management plans about what the intentions are, what needs to be included and how the plan should transition into on-the-ground site management.

## Part B: Controlling the location of plantation and exotic afforestation to manage social, cultural and economic effects

B1. Do you agree with the problem statement set out on page 29?

Yes

No

Are there other things we should consider?

We agree with the first two paragraphs. The third one, we consider the controls under the RMA are not fit for purpose and the RMA is not the correct legislation to be using in this case, it (the RMA) doesn't have the back up and central government are trying to get council to do something at a local level.

B2. Have we accurately described the social, cultural, and economic effects of plantation and exotic carbon afforestation at a community level (Appendix D refers)?

Yes

No

What other social, cultural or economic effects should we be aware of? Please provide evidence on the impact of these effects.

B3. Do you agree that the social, cultural and economic effects of plantation and exotic carbon forests should be managed through the resource management system?

Yes

No

Why?

It depends if by the resource management system, it is referring specifically to the RMA. If so, this is national issue, and the RMA does not have the tools to proactively manage the social cultural and economic effects of this proposal.

However, if not and it refers to the resource management system as a whole and not specifically the RMA, then yes agree as the effects are all inter-related.

B4. What is your preferred option for managing the social, cultural and economic effects of plantation and exotic carbon afforestation? [Select ONE from list]

Option 1 (a local control approach)

Option 2 (a consent requirement through national direction)

I do not support either of these options

No preference

Why?

Need to ensure national standards are clear to prevent overwhelming local consenting and advising staff. Current NES-PF allows for too much interpretation, particularly around highly productive land and SNA's (and water) putting the decision making back on local councils who don't have the local plan rules to back them up.

If Tasman District Council were to support option 2 - This approach would have to provide greater (but not total) consistency for the locating of plantations (whether permanent or not and whether in the ETS or not) provided the consenting framework is developed in consultation with the public and structured in a comprehensive and explicit way that does not put another management administration burden on councils.

- B5. How effective would option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) be in managing the social, cultural and economic effects of plantation and exotic carbon afforestation? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer:

Why?

Not supported as we consider this would not be effective.

- B6. What impact would option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) have on the rate and pattern of plantation and exotic carbon afforestation?

Not supported as we consider this would not be effective.

- B7. What are the benefits of option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

Not supported as we consider this would not be effective.

- B8. What are the costs or limitations of option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

This is similar to coastal retreat and sea-level rise. There are competing interests that will characterise consideration of the social, cultural, and economic effects associated with exotic carbon plantations and would be very challenging for local authorities to work through.

This is a national issue and councils should not have to go to the expense of working through issues multiple times across the country.

- B9. If option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) is progressed, would making plan rules to manage the social, cultural and economic effects of plantation and exotic carbon afforestation by controlling its location be a priority for your community or district? Please rank how

much of a priority this would be on a scale of 0 to 100 (with 0 being not a priority and 100 being high priority).

Your answer:

Why?

Not supported as we consider this would not be effective.

B10. What implementation support would be needed for option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

More staff who are experts in this area and the resources to go through public process and to take any appeals to Environment Court. Noting that is it unclear if the staff would get caught by the new registration for staff working in the forestry field.

***If option 2 (a consent requirement through national direction, to control the location of plantation and exotic carbon afforestation) is further developed:***

B11. Are the variables outlined on pages 32 to 33 (type of land, scale of afforestation, type of afforestation i.e., plantation, exotic carbon, transitional) the most important ones to consider?

Yes

No

What, if any, others should we consider?

B12. Which afforestation proposals should require consent? (Please consider factors such as the type of land, the scale of afforestation, the type of afforestation (plantation, exotic carbon, transitional) and other factors you consider important).

Have specific triggers that if any are met then consent is required, such as:

Land vulnerable to erosion (set by specific land type), size, location to native forest, certain species, productive land, water table protection areas.

***Based on your answers to B11 and B12 above:***

B13. How effective would option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation) be in managing the social, cultural and economic effects of plantation and exotic carbon afforestation? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer: 90

Why?

It would be effective, but it's not the effectiveness in question as it is the extra work for council without more of the correct people to do the work.

B14. What impact would option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation) have on the rate and pattern of plantation and exotic carbon afforestation? Please explain or provide evidence.

It would, at the very least, provide council with some more oversight and control of the afforestation. Consequently, it would slow the rate down, but better to get it right now than rush it and create avoidable challenges for future NZ.

B15. What are the benefits of option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

As per B14.

B16. What are the costs and limitations of option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

Lack of staff so more cost to employ more appropriate staff and the consenting cost to the person aiming to do the afforestation.

B17. What are the most important and urgent social, cultural and economic effects of plantation and exotic carbon afforestation that you would like to see managed under the resource management system? Where and at what scale do these effects need to be managed?

The degradation of cultural land and rural landscapes, mainly because in most cases, iwi and other rural landowners feel they have no other options on a lot of their land except to either have it all in *Pinus radiata* plantation forestry that will be clear-felled or plant it all (usually in exotics) and submit it into the ETS. But we are confident iwi and private landowners will provide submissions to also raise these concerns.

As per comment in A8 - Members of the public that do not profit from plantation forestry but indirectly subsidise the clean up when environmental damage from plantation forestry crosses the boundary on to public land.

Amending the NES-PF to include permanent plantations is more likely to spread the problem even further **unless** more meaningful changes are incorporated to properly fix the current inadequate requirements.

B18. Should this be done now under the RMA, or later under the proposed National Planning Framework and NBA plans?

Depends on timeframes – we would support the one that can do this the quickest but also the most effectively and accurately, hoping this can all be achieved with one of the above options. regulations developed under the RMA can be carried over through transitional provisions in the new legislation.

B19. Would standards in an amended NES-PF need the support of national policies and objectives?

- Yes  
 No

Why?

The more support standard can get at a national policy level, and the more they align with national objectives the better and more effective they will be and achieving what they have been put in place to achieve. It also supports consent decisions making specified in regulations if there is policy to aid in decision making.

B20. What implementation support would be needed for option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

Same as the other implementation support questions.

## Part C: Improving wildfire risk management in all forests

C1. Do you agree that wildfire risk management plans (WRMPs) should be included in the NES-PF?

- Yes  
 No

Why?

Tasman District Council and our community has first-hand experience of wildfire as a result of the Pigeon Valley fire in February/March 2019. This fire was caused by a spark from agricultural machinery, which quickly spread to neighbouring pine plantation. Overall, the fire burned over 2,300 hectares of land with a large area being plantation forestry. The risk to property and people was significant and included evacuation of approximately 3,000 people and 700 livestock/pets from rural residential properties and the village of Wakefield. The physical and economic damage to property and the region was considerable.

Wildfire risk management plans (WRMPs) have the potential to significantly contribute to risk reduction and readiness aspects of the '4 Rs' of wildfire hazard management, given that key aspects of the WRMPs is to identify vulnerabilities, resources, access routes and contacts.

The Council supports the development of templates and guidance on WRMPs. The consultation document sets out a range of information that WRMPs could include (page 39), and proposes that these matters are set out in a schedule of the NES-PF. The Council recommends that those matters to be address in the WRMPs should be pragmatic and within the plantation mangers/owners' control, rather than place onerous requirements to manage activities on neighbouring properties (for example, it is suggested the WRMPs could include "measures to minimise the impacts i.e., how to reduce the wider impacts of a wildfire to or from neighbouring properties.").

C2. Do you agree that the role of councils in monitoring the WRMP should be limited to ensuring that a plan has been developed?

- Yes  
 No

If not, what should the role of councils be?

Tasman District Council agrees that the role of councils should be limited to ensuring that WRMPs are developed. This is because, as stated in the consultation document, that few councils have the knowledge/systems to meaningfully audit such plans as this expertise is held by FENZ who has the statutory responsibility for fire management.

However, what is not clear from the consultation document is which organisation will have the authority and role to audit WRMPs. The Council strongly recommends that an auditing system is established with qualified and trained staff to audit the WRMPs and ensure that they are fit for purpose and achieve their objective of managing wildfire risks. In the absence of an auditing system to ensure the quality of WRMPs (particularly for small sediments and farm woodlots), the process of developing WRMPs runs the risk of simply being a tick box exercise.

C3. Do you agree that a five-year review requirement is appropriate for WRMPs?

- Yes  
 No

Why?

Tasman District Council suggests that a five-year review requirement is too long and a three-year review period could be more appropriate. This would ensure that the WRMP remains responsive to wildfire hazard risks and the changing nature of the environment and areas that they are planted on. For example, in Tasman some plantation forestry areas are located on hill country with highly erodible geologies which are vulnerable to slope instability/landslide; and some locations of forestry/adjacent to forestry are being converted into rural residential properties. Natural hazard events and changing neighbouring land uses may impact on how forestry is managed, with potential consequences for wildfire hazard management. Alternatively, the review period could remain at five years with the requirement that in certain circumstances a review is triggered sooner.

C4. Do you agree that a module for a WRMP that is consistent with farm plan templates could be used for farmers with forests to plan for managing wildfire risk?

- Yes  
 No

If no, please provide reasons.

Tasman District Council agrees that a module for a WRMP that is consistent with farm plan templates could be used for farmers with plantations to plan for managing wildfire risk. However, as raised in our answer to C2, an auditing system to ensure the quality of WRMPs (particularly for small plantation owners and farm woodlots) is required.

C5. What implementation support would be needed for this proposal?

As proposed in the consultation document, Tasman District Council supports the development of WRMP templates and guidance on how to develop WRMPs. Additionally, it is recommended that ongoing education and liaison between FENZ, small plantation and farm woodlot owners, and supporting agencies, is undertaken to ensure that forestry managers/owners have the understanding and knowledge to manage their forestry assets in a manner that reduces wildfire hazards.



# Part D: Enabling foresters and councils to better manage the environmental effects of forestry

## Wilding conifer risk management

D1. Do you agree with Proposal 1 for managing wilding risk (update the Wilding Tree Risk Calculator and guidance, and require the submission of a standardised worksheet assessment to councils at least six months prior to planting)?

- Yes
- No

If not, please explain why.

Agree by in large – extending the notice period to 60 days. Standardized work sheet assessment to six months prior to planting.

Although the wilding pine calculator is being updated, there continues to be concerns around species and wildings, plus the cost and impact on SNA's and the cost to councils of controlling wildings.

D2. Do you agree that extending the notification period for wilding conifer scores to no sooner than six months and no later than eight months before afforestation begins is an appropriate length of time?

- Yes
- No

If not, what timeframe would you suggest and why?

D3. Do you agree with Proposal 2 for managing wilding risk (require all forests to assess wilding tree risk at replanting)?

- Yes
- No

If not, please explain why.

D4. Do you agree that changes to Regulation 79(6) will clarify the intent and avoid confusion over property access rights?

- Yes
- No

Why?

As stated, this will remove any implication that the regulation is requiring landowners to enter another landowner's property and carry out wilding eradication.

## Slash management

D5. Do you agree with each of the proposed amendments to the NES-PF in relation to slash regulations, set out in Table 4 (pages 49 to 50)?

- Yes  
 No

If not, please identify any you disagree with by referencing the number in the left-hand column of Table 4 and explain why you disagree.

Harvest management plans should identify areas of windthrow where salvage is impractical, and identify risk to receiving environments from potential mobilisation, and risk of slope failure associated with depressions created by uprooting. Consider measures that might be employed to mitigate these. Definition of "slash" to be broadened or clarified to include or exclude pre-harvest storm damage.

Stronger requirements to ensure slash does not leave the boundary of the harvested area regardless of if the slash was mechanically generated or not.

There should be consideration given to mandating salvage maximisation. Access to salvage could be also mandated to ensure firms gain access to slash and find productive uses of slash for reuse. If this is left to forestry owners, then it will be deemed too difficult, and H&S used as an excuse not to better utilise slash.

Regulation could force forests over a certain size to have native boundary planting. A permanent buffer would reduce slash impact significantly and reduce some of the visual amenity loss through exotic forests.

D6. What information about slash risk and slash management do you or your organisation require? What is the best way for you to receive this information?

What risk there is to slash mobilisation and how this risk has been identified, can the slash be stored on stable/secure ground where it is unlikely to mobilise, will there be sufficient appropriate storage space and if not, what options do you have to move slash off site/have another use for it?

Risk of entering private and/or public land - mitigation measures.

This information is to be included with harvest management plan.

D7. What tools or information do you use to assess operational requirements for the 5 per cent annual exceedance probability (AEP) requirement?

Currently it is a judgement call by the Monitoring Officer using a trained eye and the available mapping.

If a dispute were to arise and the potential breach/contravention warranted it an independent expert (expert witness) could be engaged to confirm where the 5% AEP is.

## Initial alignment with NES-Freshwater

D8. Do you agree with each of the proposed changes to align the NES-PF with the NES-Freshwater, set out in Table 5 (pages 53 to 54)?

- Yes  
 No

If not, please identify any you disagree with by referencing the number in the left-hand column of Table 5 and explain why you disagree.

Provided this results in the NES-PF are moved up/improved to meet the same requirements as the NES-F.

D9. Do you anticipate any unintended consequences from this proposal to align parts of the NES-PF with the NES-Freshwater?

By requiring 25% of culvert capacity to be below bed level, we will by extension be requiring larger culverts with potentially larger excavations around stream banks and more fill material. And what requirements where a culvert is at a crossing where the stream bed is steeper that say 15 degrees and a fish ladder might be required on a hanging outfall. Or where a stream crossing is over a hard rock bed.

## Operational and technical issues

D10. Do you agree with each of the proposed changes to the NES-PF to address operational and technical issues, set out in Table 6 (pages 57 to 68)?

- Yes  
 No

If not, please identify any you disagree with by the number in the left-hand column of Table 6 and explain why you disagree.

By the most part, but there are some we do not agree with.

River Crossings:

Tasman District Councils current monitoring officer has always recognised the distinction between ford (noun – being a structure or a formed crossing place on a road/track, rather than just a convenient place to cross), and ford (verb). Are we over-thinking this?

D13a – Don't agree with this one, as this takes up council resources and if the beneficiary is not paying for it the ratepayer is.

***In some cases, we have not proposed an amendment but are seeking further information, as follows:***

D11. **Temporary structures for river crossings (row D5d of Table 6):** Do you agree that this type of river crossing could be permitted under certain conditions?

- Yes  
 No

What conditions should be applied to the crossing as a permitted activity?

Mechanical ability for the temp crossing to stay or be kept in-situ, adequate scour protection, fish passage, sediment controls around entry/exit points.

Current regulations allow for two months, so the way around that if four months were needed, is to take it out and replace it the following day. Legal, but not the best environmental outcome, but saves the hassle and cost of RC application.

D12. **Dual culverts (row D5e of Table 6):** Is there a need to include double culverts in the regulations?

- Yes  
 No

If so, what permitted activity conditions should apply to these river crossings?

As per single culverts. Numerous examples already in practice, it works well why complicate it?

D13. **Culvert diameters (row D5g of Table 6):** Is a 325mm minimum internal diameter specification for stormwater culverts for forestry roads or forestry tracks in green, yellow and orange zones with a land slope of less than 25 degrees an appropriate minimum? (Think about the availability of culverts of this size and the products you commonly use or require).

- Yes  
 No

If not, please explain why.

Provided this smaller size is only used for roadside water-table culverts.

D14. **Notice periods (row D7a of Table 6):** Do you agree that notice periods could be reduced or waived for earthworks, quarrying and harvesting in green and yellow zones?

- Yes  
 No

Please explain your answer with evidence to support your position. If you think notice periods could be reduced what would you suggest is an appropriate notice period?

Presume the 20-day requirement is to allow time for site investigation by Council, and time to assess. 14 days in any zone should be sufficient, and less has been allowed where the site and the operators are known and there is some urgency, e.g. crews/machinery needing work and the hardship that might ensue if they are forced to sit idle for 20 days.

The requirement for notice shouldn't be waived in any zone. There are examples of very erodible soils (Granite) in ESC green zone, and much of our clay soils are in ESC yellow. Clay may not be as obviously erodible, but the downstream effects are probably more serious than most other soil types in Tasman District, so time for some consideration is essential – minimum 14 days or ten working days.

D15. **Notice periods (row D7d of Table 6):** Where you have experience of annual notice periods (either positive or negative) please provide your views on whether annual notifications are working well or whether changes to the regulations are required. If you consider changes are required, please indicate what environmental risks will be better managed through change.

No opinion. Tasman District Council require a harvest plan in all cases, to assess contours, proximity to water/wetlands, harvest method etc. Foresters always have a harvest plan, so it should be no hardship to pass it on. If some small two person harvest crew does not routinely compile a harvest plan (because they never have) then here is a chance for them to think about what they are doing by documenting their intentions.

D16. **Indigenous vegetation (row D9b of Table 6):** If the definition of indigenous vegetation is changed to that used in the National Policy Statement for Indigenous Vegetation do you foresee any practical or operation issues for plantation forestry and enforcement of the regulations?

- Yes  
 No

Why?

D17. **Vegetation clearance (row D9c of Table 6):** Do you think there will be any negative consequences of amending the definition of vegetation clearance in the NES-PF to clarify that part (b) of the definition does not authorize any vegetation clearance but that a forest crop should generally be harvestable within the constraints of the regulations?

- Yes  
 No

Please provide evidence to support your views.

Vegetation clearance means...the clearing of vegetation!! Also includes the disturbance of vegetation but don't see "disturbance" defined, presumably the definition only applies to established plantations.

Accurate mapping of harvestable areas, SNA's and patches of native vegetation within the estate will be required to ensure the SNA's and areas of native vegetation don't decrease over time and, on the flip side, that buffers don't keep expanding after every rotation to significantly decrease the harvestable area.

D18. **Incidental damage (row D9d of Table 6):** Please provide any evidence you have that the definition of incidental damage is causing issues for users and the nature of those issues. Do you have suggestions for how the definition could be less subjective while still achieving the intent of allowing minor damage to indigenous vegetation under limited circumstances?

Tasman has examples of large mature wildings in SNA's where decisions were made according to best outcome based on choices: leave wildings (not an option – further wilding spread); poison and leave (not an option due to proximity to road and potential for sudden uncontrolled tree fall – health and safety issues); controlled fell within SNA and leave to rot down (this option selected on the basis that damage will recover) with subsequent small wilding control essential in any case.

Solution described here arrived at in consultation with Council staff (which should be a requirement when considering SNA's/wetlands) and in accord with the definition, but different perspectives from different interested parties who might not have a clear view of the larger picture can make these discussions protracted.

**D19. Health and safety (row D12a of Table 6):** What additional information or resources could help foresters and councils make decisions that balance environmental outcomes with worker safety when managing slash?

Environmental outcomes and worker safety should not be looked at as things that have to be balanced off each other. If an activity/practise needs to impact on the environment for the activity to not be a health and safety issue, then there should be significant questions about the sustainability and safety of that particular business practise.

## **Capacity and capability of local authorities to implement the NES-PF**

### ***Questions for councils and foresters***

D20. What sources of information or training do you currently use to inform your decisions for forestry?

Tend to refer to NES-PF and supporting documents, older heads, and available literature relating to local soil types, as well as spending time in the field and away from the desk, especially during inclement weather.

D21. What areas of forestry practice required by the NES-PF do you need more information about or training in?

Monitoring and compliance methodology and tools, monitoring/assessing the effectiveness of environmental protections and whether there needs to be stringency on any issue. Sediment controls and best practise around earthworks.

D22. What are the best forms of delivery for that information or training? This may include a range of delivery methods or forums.

In person, targeted training courses delivered by experienced experts.

How about a nationally available measuring, recording, and reporting tool that all compliance/monitoring staff will use on a national level, including in the field that is both time and cost efficient and will allow statistics required by the Ministry to be easily delivered. Surprised that one hasn't been talked about before now, given that the stated intention of the NES-PF is to achieve consistency.

Tasman DC and Marlborough DC are currently working with GeoInsight with Remote HQ who have achieved this, the solution is already available.

## General comments

Do you have any further comments or feedback to add?

Exotic plantations may not be an ideal outcome for many but without a significant reduction in agricultural methane output then New Zealand will be unlikely to meet our carbon reduction targets without plantations.

Part C - Wildfire Risks – Central government could support more research into overarching management of fire risks. The risk of fire is extreme and likely to become unable to be insured against in the future. Regulations provide minimum standards and forestry firms will meet these. A collaborative approach and industry and Government research could provide alternative solutions. For example, boundary plantings of fire-resistant species.