

View Submitter Details

Submitter No.	S111
Submitter Name	Forest Enterprises
Online submitter	Yes
Raw submission lodged	Yes

Raw submission points

These are submission points that were lodged as part of an online submission. They have not been summarised.

Raw sub point number	Provision	Support/oppose	Decision sought	Reasons
S111.1	Rule R104: Vegetation clearance on erosion prone land – permitted activity.	Oppose	see attached submission	see attached submission
S111.2	Rule R107: Earthworks and vegetation clearance – discretionary activity.	Oppose	see attached submission	see attached submission

Raw submission documents

These are files that were uploaded as part of an online submission.

Document name 	File	Description	Upload date
Forest Enterprises PC1 submission	forestenterprisespc1submission.pdf		15/12/2023 08:54

15 December 2023

Greater Wellington Regional Council
Environmental Policy
PO Box 11646
Manners Street
Wellington 6142

Attn: Hearings Adviser
By email: regionalplan@gw.govt.nz

Subject: **Submission - Forest Enterprises - Natural Resources Plan – Plan Change 1**

Summary

- The National Environmental Standards have justified controls in place.
- The requirement of increased stringency has yet to be justified.
- There is a lack of justification and definition for erosion prone land.
- GWRC has ignored the statements made by Easton, Nation, and Blyth.
- The NESCF has controls in place regarding discharge to water.
- Winter doesn't account for climate cycles and rainfall events.
- There are no recommendations from the Whaitua committees or the forestry industry which reflect the proposed rules for plantation forestry.

Introduction

Forest Enterprises manages 20,000 hectares in the North Island regions of Wairarapa, Gisborne and Hawke's Bay, on behalf of 6,500 individual retail investors in our forestry Managed Investment Schemes. We are also the property manager for 12,000 hectares of forest estate in New Zealand owned by an institutional investment fund with a focus on impact investing.

We hold Forest Stewardship Council Forest Management Certification for most of the estate we manage. This means that we manage the forests in accordance with FSC's high international standards for responsible forest management – environmentally appropriate, socially beneficial and economically viable.

In total, we have over NZ\$650 million in assets under management. We operate a large-scale harvesting, road construction, log marketing and consequent re-establishment and tending programme. Harvest volume has reached one million tonnes per annum from across our estate, and we are currently the largest harvesting company in Wairarapa, meaning our replanting and silviculture programmes in the region are also among the largest.

Forest Enterprises is a member of the New Zealand Forest Owners Association, New Zealand Farm Forestry Association, and the Wood Councils in our regions of operation (Southern North Island Wood Council, Eastland Wood Council and Hawke's Bay Forestry Group). We support industry-good initiatives, particularly to promote forestry career pathways, and the regional forestry awards programmes that celebrate excellence in our sector. We are also a member of the Forest Industry Contractors Association.

NRP rules of concern

- Te Awarua-o-Porirua Whaitua Rule P.R16 to P.R21
- Whaitua Te Whanganui-a-Tara Rule WH.R17 to WH.R22

Context of concerns

There are many proposed rule changes that concern the forestry industry as referred to in China National Forestry Group, John Turkington Limited, NZ Farm Forestry Association and Juken New Zealand Limited submissions. Forest Enterprises supports these submissions.

National Environmental Standards

The National Environmental Standards have justified controls in place.

Rule WH.R17 to WH.R22 and rule P.R16 to P.R21 neglect to acknowledge the precedence of the National Environmental Standards of Plantation Forestry (NESPF) and National Environmental Standards of

Commercial Forestry (NESCOF). The NESPF was developed over many years and several technical experts contributed to the foundation document that took effect in 2018. The Year One Review of the NESPF that was published in April 2021 (due to covid) recognises that environmental outcomes could be improved regarding wilding tree risk, slash management and biodiversity provisions, all of which have been included in the NESCOF. The NESCOF was gazetted the 3rd of October 2023 and considering the short operative duration, the improvements are not yet evident. The NESCOF recognises the need for flexibility to protect sensitive local environments and that Regional and District Council can be more stringent or more lenient, but however this is to be done, it needs to be based on assessments of science and encompasses all environmental, social, and economic factors including those that are already in place.

Stringency

The requirement of increased stringency has yet to be justified.

Where councils are proposing a new rule that is more stringent than the NES-PF there is a requirement to demonstrate that the more stringent rule is justified in the context of the region/district in accordance with section 32(4) of the RMA. This section of the RMA states:

“(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.”

MPI published the NES-PF Plan Alignment Guidance, which includes specific guidance on where plan rules may be more stringent than the NES-PF under Regulation 6. This guidance is intended to assist with consistent interpretation and to help minimise implementation inconsistency and risk stating, “It is also important to ensure that more stringent rules only prevail over the NES-PF in appropriate circumstances to ensure the underlying policy objectives of the NES-PF to achieve consistency and certainty in the management of plantation forestry activities are not compromised”.

As noted above, section 32(4) of the RMA also requires councils to demonstrate that proposed rules (including rules being rolled over as part of a plan review) are justified in the context of the region/district. This is important as the circumstances provided for in Regulation 6 are not in of themselves justification for more stringent rules – they simply allow more stringent rules in certain circumstances when site-specific factors warrant this. The starting point when assessing the need for a more stringent rule under Regulation 6(1)(a) is firstly to demonstrate the NES-PF controls are not sufficient to achieve a plan objective that gives effect to the NPS-FM. The next step is to then demonstrate how a more stringent rule will achieve that objective in a more effective and efficient way than the NES-PF and that the more stringent rule is justified in the context of the region. Simply proving a link between a proposed rule and a plan objective that gives effect to the NPS-FM is not sufficient.

Vegetation clearance and Erosion prone land

There is a lack of justification and definition for erosion prone land.

As we have seen with Cyclone Hale and Gabrielle, catchment management is critical for positive environmental outcomes, however this is a dynamic assessment that is based off more than just slope and surface soils. The report Good Practise Guideline for Catchment Management report produced by Eastland Wood Council reflects this. Geology is a significant contributing factor to land stability (or instability) as well as aspect, rainfall, waterways, vegetation type and age, land use and management practices. During harvest and earthworks planning, all these elements are considered to achieve alignment with industry Best Practice Guides and Manuals. Land Use Capability (LUC) and Erosion Susceptibility Classification (ESC) were produced from dynamic assessments that provide guidance to sustainable land management at all landscape levels; the LUC has done this since 1952.

The erosion risk land maps, for pasture, woody vegetation, and plantation forestry, ignore geology and other elements which provide land stability. The erosion risk land includes areas in green, yellow, and orange ESC zones and mostly LUC 6 and 7 (see graph one and two). There is lower landslide susceptibility than Easton, Nation and Blyth 2023 suggest as it shown in the low and moderate in the ESC. In the LUC, classes six and seven are recommended for forestry as soil conservation is needed in comparison to arable cropping.

In the Section 32 Report Part D page 110, erosion prone land defined as the pre-existing slope of the land exceeding 20 degrees. LUC defines a slope of greater than 20 degrees as strongly rolling to hill country and as non-arable land whereas a slope less than 20 degrees is arable and appropriate for cropping and intensive farming. By making afforestation or planting a prohibited activity on slope greater than 20 degrees, pastoral farming will be encouraged on land which it is not suitable for (where grass has a much shallower root profile in comparison to plantation tree species) causing further erosion and sediment



discharge. If land over 20 degrees is retired into native, due to slow growth rates and difficult establishment, native vegetation will likely not be an effective stabilisation method. Retiring the land will also have significant impacts on achieving climate change commission goals (and New Zealand’s International Obligations under the Paris Agreement) due to slower sequestration of carbon and the economy of rural communities due to reduced employment opportunities and reduced contribution to GDP.

Forests are often located on land steeper than 20 degrees and are a productive land use on such sites, with adverse effects regulated by the NESCF. For reference, forests can be harvested safely using mechanised harvesting equipment (felling machines) up to a slope up to 42 degrees if tethered (SafeTree Winch-Assisted Harvesting BPG, May 2022) – that’s more than twice the restriction that the GWRC NRP is proposing.

Slope (degrees)	Slope (%)	Consideration
17°	30%	This is considered a limit for when a wheeled ground-based machine can start to slide under poor conditions.
22°	40%	This is considered a limit for a tracked ground-based machine. It can start to slide under poor conditions.
28°	50%	Most purpose built forestry machines, with good operators in good conditions can work up to this limit. Beyond this slope it is wise to consider using winch-assist.
35°	70%	This is considered the absolute upper limit for ground-based machines without winch-assist. Only under very favorable soil strength condition, with a purpose built steep slope harvesting machine and a very experienced operator, and then only traversing directly up or down the slope.
42°	90%	A realistic upper limit for all winch-assist operations.
45°	100%	Considered the absolute upper limit for any winch-assist operation. If any part of the rigging fails, a machine roll-over would be difficult to avoid.

Easton, Nation and Blyth, Erosion Risk Mapping for Te-Awarua-o-Porirua and Te-Whanganui-a-Tara 2023

GWRC has ignored the statements made by Easton, Nation, and Blyth.

Easton, Nation and Blyth make the following statements:

Forestry erosion risk is based on potential erosion risk on land currently in forestry should that land be converted to pasture. Forestry area is derived from the LCDB categorisation of “Exotic Forest” and “Forest – Harvested”. The layer does not account for the harvest status or tree-age profile of forestry land, nor does it account for or attempt to model forestry harvest or harvest activities.

This technical memorandum does not consider land that is replanted back into plantation forestry. It does not consider the stability that plantation forestry provides by its root structures, wind protection, provided wildlife habitat that is not found in pastoral landscapes as well as rainfall uptake, all of which reduce erosion and landslides.

The methodology to identify landslide risk is simple in comparison to the multi-factor methods for surficial and streambank erosion due to the lack of local information and general difficulty in predicting landslides. Improvements may be made by accounting for underlying geology in the risk layer, or by mapping active landslides (e.g. through imagery classification methods) to build risk-associations with other factors, such as slope, aspect, and soil attributes.

The method used was over simplified and there is a lack of local information. Geology was not accounted for, and neither was aspect. This therefore makes the analysis and recommendations unjustified.

It is expected that PC1 will require sediment mitigations on the identified erosion risk areas. Appropriate mitigation type and extent will vary depending on physical factors such as slope, aspect, site access and pest-control, and non-physical factors such as cost and landowner cooperation. The produced maps are intended to guide general mitigation placement but do not preclude site specific assessment.



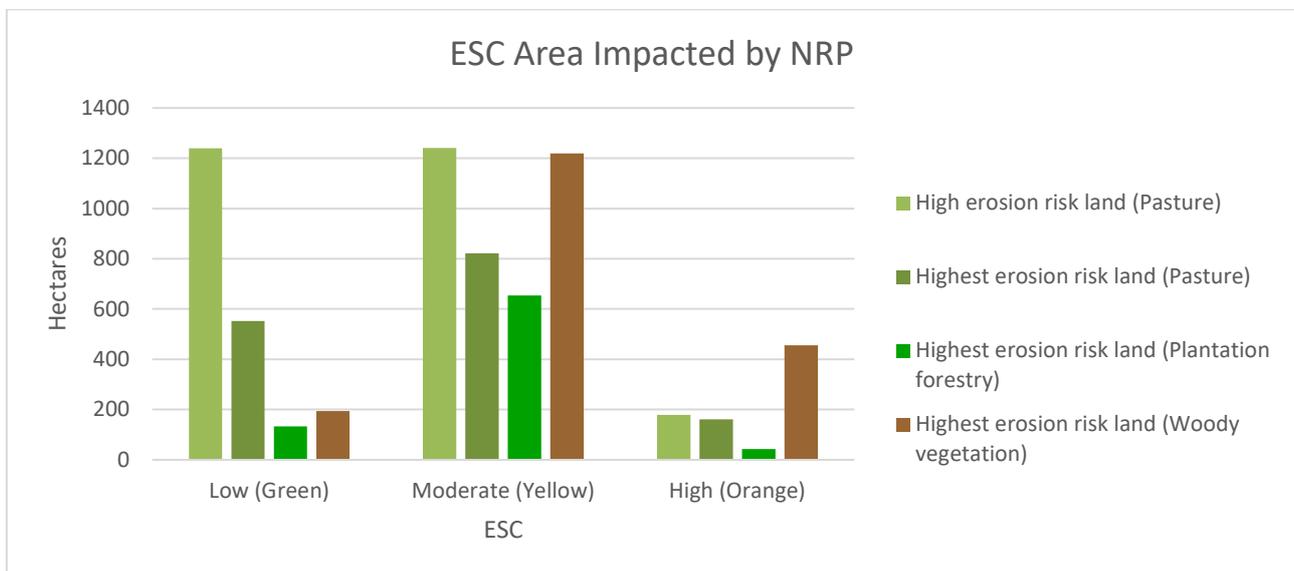
A site-specific assessment, which has the same purpose as the required Harvest and Earthworks plans (schedule 4 & 6) of the NESCF, provides more appropriate mitigation measures than the generalised PC1.

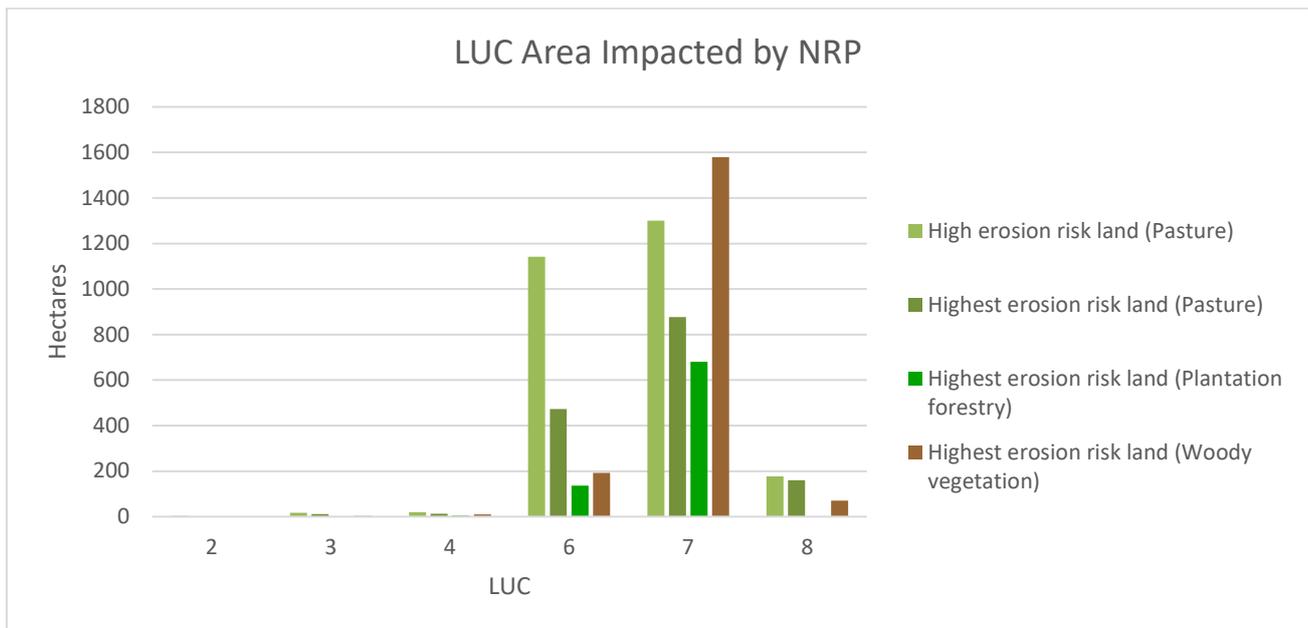
For surficial erosion, mitigations may include directly targeting erodible terrain through measures such as land use change or intercepting eroded sediment before reaching waterways through measures such as wetland or bund construction. For landslides, mitigations are generally limited to those that can stabilise slopes (e.g. re-vegetation or pole planting). Streambank erosion mitigations are likely to include fencing and revegetation, with possible bank engineering works. Mitigations targeting hillslope erosion such as retirement or re-vegetation will also reduce streambank erosion risk as the establishment of woody vegetation (once mature) will reduce runoff rates. Within the mapped risk areas, site specific assessment is likely to be necessary to inform mitigation choice and placement – for example bund placement on flow paths or pole planting on steeper slopes.

For surficial erosion, forestry earthworks use silt fences, sediment traps, soak holes, berms, water tables and retention ponds, all which intercept eroded sediment before reaching waterways. Vegetation methods such as grass seeding, hydroseeding, mulching and slash on the hillside also slow down eroded sediment and provide stability. For landslides, Easton, Nation, and Blyth often suggest 're-vegetation' in order to reduce runoff rates which is what replanting and plantation forestry provides.

The limitations that Easton, Nation, and Blyth list do not consider land-disturbing activities. It is unjustified to propose rules that impact land-disturbing activities if they were ignored. The intention of Easton, Nation and Blyth technical memorandum has been misused by Greater Wellington Regional Council as a forementioned, a site-specific field assessment and expert advice prevails. The NESCF already requires this.

- *Earthworks, forestry harvest, or other land-disturbing activities are not considered. Similarly, already-implemented erosion control measures such as established pole planting or sediment retention bunds are not accounted for in the current iteration of the risk layers.*
- *The mapped risk areas should not be used exclusively as the basis for management and investment decisions. They are intended to identify high erosion risk areas but do not replace the need for site specific field assessment and expert advice.*





Total suspended solids and plantation forestry discharge

The NESCF has controls in place regarding discharge to water.

The NESCF already has rules about earthworks, discharge, and intercepting suspended solids before reaching waterways (clarity). How the proposed rules have a greater positive environmental outcome has not yet been justified by GWRC.

Practical measures such as clarity and MCI are indictive measures of stream health rather than total suspended solids considering the dispersed and open environment. Using total suspended solids is transitory and does not look at the many contributing factors of discharge or stream health. Measuring total suspended solids would also require testing from a lab.

Winter earthworks shutdown

Winter doesn't account for climate cycles and rainfall events and the effects are appropriately managed by the NESCF.

Winter does not always account for rainfall events or wet seasons. For the East Coast and Lower North Island, it is common to have summer storms due to La Niña. An example of this is Cyclone Hale and Gabrielle. Both of which occurred during summer which was wetter than most typical winters so therefore a winter timeframe is irrelevant. Rainfall events and periods of rainfall are possible at any time of the year. The NESCF appropriately regulates effects of these activities. A requirement for greater stringency has not been demonstrated.

Whaitua committee and industry consultation.

There are no recommendations from the Whaitua committees or the forestry industry which reflect the proposed rules for plantation forestry.

As acknowledged in the Whaitua Committee reports, Regional Councils need to work with forestry groups (New Zealand Farm Forestry Association, New Zealand Forest Owners Association) and contractors to provide proactive advisory support that includes ensuring all forestry operators are aware of relevant regulatory requirements and good practice. There is a lack of evidence that Greater Wellington Regional Council has engaged forestry groups. Implementing new compliance roles does not achieve this recommendation.

Conclusion

The environmental outcomes that Te-Awarua-o-Porirua and Te-Whanganui-a-Tara have recommend have not been reflected by the proposed NRP rules. The oversimplifying of slope and not factoring forestry activities, yet proposing rules on this basis, is scientifically and logically inconsistent.

The Whaitua recommendations are consistent with what the National Environmental Standards of Commercial Forestry and provide the site-specific assessments needed.

Forest Enterprises invite GWRC to consult with the forestry industry and evaluate the level of stringency that the NESCF already provides.



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Provision No. & Title	Type of Change	Stance
8.3.4 Land uses	New	
Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity.	New	Oppose
Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity.	New	Oppose
Rule WH.R19: Vegetation clearance – discretionary activity.	New	Oppose
Rule WH.R20: Plantation forestry – controlled activity.	New	Oppose
Rule WH.R21: Plantation forestry – discretionary activity.	New	Oppose
Rule WH.R22: Plantation forestry on highest erosion risk land – prohibited activity.	New	Oppose
9.3.4 Land uses	New	
Rule P.R16: Vegetation clearance on highest erosion risk land– permitted activity.	New	Oppose
Rule P.R17: Vegetation clearance on highest erosion risk land – controlled activity.	New	Oppose
Rule P.R18: Vegetation clearance – discretionary activity.	New	Oppose
Rule P.R19: Plantation forestry – controlled activity.	New	Oppose
Rule P.R20: Plantation forestry – discretionary activity.	New	Oppose
Rule P.R21: Plantation Forestry on highest erosion risk land – prohibited activity.	New	Oppose

