

Submission on

Proposed amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

This submission is submitted by the NZ FSC Standard Development Group representatives of the Environment Chamber.

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Relationship between FSC NZ Plantation Standard 2023 and NES CF

The NES CF is a Government set of regulations under the RMA and must be complied with by **all forest owners/managers**. Local Bodies and Ministry of Primary Industries oversee the implementation and monitoring of the regulations

FSC is an international certification system that is negotiated between stakeholders involved in the Forest Industry. This includes Economic (forest owners/managers), Environmental, Social and Māori interests.

It is **voluntary for forest managers/owners to join** and they are then regularly audited by independent auditors.

Most of the major forest managers in NZ are certificated under this system covering **approximately 34% of NZ's plantation forest area**.

The FSC principles and standards are derived from the international standard and while they include compliance with NZ law (including compliance with the NES-CF) they are generally more comprehensive and stricter than the NES. Compliance with FSC would generally satisfy the conditions of the NES-CF.

Note that the rules under NZ FSC are the same throughout the country.

The NES-CF amendments proposal

A. General comments

The aim, as we understand it, is to standardize the rules of the NES-CF by having clear rules that reduce the need for Councils to specifically make more stringent rules. While this is commendable as a goal, inherent in this is the need for those standardized rules to be stringent and clear enough to control forestry activities and thus protect the environment (both Natural and Human). We will comment on what the rules will need to be, based on this premise.

If the new rules are not stringent and clear, then the ability of Council to implement new rules must remain.

We note and agree with the conclusion of Ulrich & Hanifiyani (2024) that *'The regulations need urgent amendment to require councils to develop and implement a strategic and principled approach to stringency to better protect aquatic ecosystems, human life, economic livelihoods, and public infrastructure.'*

It is unsustainable to continue to externalise adverse economic, social, cultural and environmental effects.

B. Terminology

The supporting documents use a number of words that are not defined and thus make it hard to judge or determine an outcome.

The liberal use of 'extreme' and 'severe' without defining them is confusing as they appear to be a criterion for determining whether Councils can set more stringent rules. These terms must be defined otherwise people will interpret them differently. By contrast the Erosion Susceptibility Classification (ESC) uses 'high' and 'very high' which are defined by their classification criteria.

C. Climate change

The supporting documents talk briefly about the Gisborne region and need for change based on erosion susceptibility not being solely restricted to this region. For example, the Nelson Tasman region has had no less than 8 heavy rainfall events since 2010 that have resulted in widespread or localized soil and slash movement in the region. Some of these rainfalls are recorded as 1 in 120, 1 in 100, 1 in 50 events. Not only is there slash damage downstream of the forests, there is erosion of sediment from cleared slopes. Greater focus on stopping erosion of sediment is required.

With the increase in events due to climate change, the chances of a clear-fell pine harvest area (with an elevated erosion vulnerability over a 4-7 year period) being hit by a heavy rainfall event is increasingly likely. This means that any standardised rules must be able to plan for such events.

It is clear that the NES-CF rules have not anticipated the increasing intensity of climate change effects on the risk to steep erodible land. Therefore, either the NES-CF rules for 'high' and 'very high' risk ESC land needs updating to be clearer around ceasing new clear-fell afforestation and transition existing clear-fell forestry to permanent forest cover on such risky land; or support Council's to add their own stringency.

Unfortunately, even with the changes made to the NES-CF in 2023 the designers and regulators of those changes have not prevented continued disasters where sediment and slash has damaged infrastructure, adjoining landowners properties and the downstream health of streams and coastal environments. The excuse that it was an unexpected rain event is not valid anymore.

C1 Recommended Outcome – Any rules set must be able to cope with the new norm of heavy rainfall events.

The Slash management Risk Assessment Template defaults to "further assessment ". If that assessment is being carried out in a manner similar to the present, then the unacceptable outcomes will unfortunately remain. The focus needs to be on ensuring slash (and woody debris) is not created in risky areas in the first place.

C2 Recommended Outcome – Apply more stringent conditions in relation to sediment and 'slash' that replaces "further assessment" with "not permitted".

D. Mapping

Stringent mapping – the document proposes that 1:10,000 scale is necessary if a more stringent rule is to be applied. This is back to front. The coarse 'High' (orange) and 'Very High' (red) ESC mapping

provided by the government is a prompt to forestry managers as to where they need to undertake more detailed mapping. This mapping is a responsibility of the forestry manager unless there is a suitably scaled regional risk mapping has been undertaken.

Example: The Separation Point granites in Tasman are all mapped as Orange ESC. Clearly with the worst of these soils, this is a mistake. Disastrous granite 'soil' erosion and slash movement have occurred in Ligar Bay, Marahau and Kaiterteri. A field trip held after the 2019 event in Marahau concluded that it is definitely a case of the wrong tree in the wrong place and the outcome has been to exit from pine plantation.

<https://www.stuff.co.nz/nelson-mail/news/111243450/erosionprone-land-behind-marahau-to-be-switched-from-pine-to-native-forest>

A report done in 2013 also has similar conclusions

https://www.tasman.govt.nz/document/serve/Plantation%20forestry%20on%20SPG%20land_Feb%202023%20workshops%20report.pdf?DocID=34224

If mapping is not done to 1:10,000 scale in orange ESC zones to determine the validity of the ESC mapping, the default needs to be no afforestation/replanting of species that are likely to require clearfelling harvesting (e.g. *Pinus radiata* or Douglas fir) . If future planting for clearfell harvest is to occur in orange zones then the evidence should be provided that proves that this is acceptable. (note that forests that were sold under the State Forest Assets Act only envisaged one harvest). The requirement to carry out this mapping and assessment must rest with the land user, not the Council.

D1. Recommended Outcome– *Require that the proof of the validity of ESC mapping by at least 1:10,000 mapping rests with the Forest manager if they want to harvest or plant clear-fell species such as Pinus radiata or Douglas mapped as 'High' or 'Very High' ESC land.*

D2. Recommended Outcome– *Based on historical erosion damage reassess 'High' ESC mapping to 'Very High' ESC and require a monitored transition of existing clear-fell plantations to permanent forest cover.*

E. Evidence

The document indicates that Councils will have to have evidence to set more stringent rules. The best evidence is of course historical examples which in the Gisborne/ Tirawhiti district is the basis on which the Council has developed the 3b overlay. Other regions may have to develop similar overlays if the NES is insufficient to control effects. This is best led by the local council with funding from the relevant land users e.g. forestry and agriculture industry bodies.

What evidence is the document proposing as acceptable?? Unless the rules are strong in the first place to prevent erosion then the basis of evidence become very important.

E1. Recommended Outcome – *Require the use of historical data as a basis for more stringent rules.*

F. Specific clause 6(1)(a) removal/alteration

6(1)(a) seems to being almost extinguished – ie the right of Councils to have more stringent rules to give effect to and an objective developed to give effect to the NPS Freshwater. The only remaining clause is 3(c) about extraction of drinking water.

This means all the other functions that may require more stringent conditions of water protection have been removed out of forestry. These include consultation with iwi, protection of water for ecological reasons etc. If this is removed from Council's ability to impose stricter rules, where does the liability lie in damage to downstream ecosystems?

This approach does not sufficiently account for the significant variations in geology, topography, and climate across New Zealand which the NES_CF cannot collectively manage unless it is unduly restrictive on other less risky areas.

F1. Recommended Outcome - *Either reinstate 6(1)(a) having noted the comments about the new norm and defining other judging criteria; OR make forest planners managers and regulators liable for in forest and downstream effects (much as the building act does).*

G. Slash Management

The proposals focus on slash management, however slash is not a problem if it stays on-slope. This can be achieved through avoidance of clear-fell harvesting, and hence production of local slash, on high risk erosion land and through the provision of intercepting riparian vegetation for less steep slopes. The key issue is the rotational clearing of stabilising vegetation cover every 28 or so years with a 'window of vulnerability' of approximately 7 years of this 28 year rotation with little vegetation protection and decaying roots. The basis of erosion susceptibility risk is about slope stability and soil mobilization. Slash is not the only contributing factor. In fact, the proposal document makes the argument that leaving the slash may help stabilize the soil. Tracking and machinery use are other major contributing factors.

For example, after Cyclone Bola (1988) landslide susceptibility in exotic plantations >8 years old and in intact indigenous forest cover was 16 times less than for both pasture and young (< 6 years) exotic plantations.¹

G1. Recommended Outcome - *Modify the SMRA to incorporate prohibited activities and clear guidelines for further assessment*

G2 Recommended Outcome - *Institute restrictions on replanting as listed in J below*

H. Removal of 6(4A)

There appears to be no effective rule to replace it. The reason for many of the issues we have today is a result of not following the 'right tree, right place' principle. One earlier forestry disaster carried out by the NZFS was the planting of pines and firs in the wrong place that have seeded to wildings. We are still living with that mess.

Similarly, the desire to stabilize steep hill country or just plant on "unused land" has resulted in Pines being planted without thought to the long-term effects when they mature to harvest age. Harvest of these trees is resulting in unacceptable effects and any new afforestation in red zones should be a prohibited activity. It does not make sense to continue bad policy. We need to learn from our mistakes. Equally as mentioned above in **mapping**, examination of the validity of orange zones must be assessed before afforestation.

H1. Recommended Outcome - *Prohibit afforestation in red ESC zones.*

H2. Recommended Outcome - *Require any afforestation in ESC orange zones to assess the validity of the classification before planting*

H3. Recommended Outcome - *Instigate government funding for hill stabilisation based on permanent vegetation including investigation of biodiversity/avoided erosion credits.*

¹ <https://www.mpi.govt.nz/dmsdocument/19340-plantation-forestry-erosion-susceptibility-classification-risk-assessment-for-the-national-environmental-standards-for-plantation-forestry>

H4. Recommended Outcome - Incorporate these rules in the SMRA where appropriate.

J. Harvest in ESC Red Zones (or reassessed Orange)

To continue with clear-fell harvest and replant in ESC red zones will cause further disasters. Clear-fell forestry is not a suitable land use for high risk erosion land. Transition to permanent vegetation must be undertaken. options for a transition will vary depending on the locality’s biophysical characteristics and the local community’s acceptance of risk over the short and longer term (e.g. short-term risk with final clear-fell and native revegetation vs no harvest transition to native vegetation).

J1. Recommended Outcome - Require any proposed clear-fell harvesting on ESC orange zones to assess the validity of the classification before replanting

J2. Recommended Outcome - Require harvest plans in ESC Red, or reclassified Orange zones, to specify how transition is to be implemented.

J3. Recommended Outcome - Incorporate these rules in the SMRA where appropriate.

Recommended amendments to Appendix 2: Summary Draft SMRA template (to be further refined by erosion experts)

Risk indicator	Proposed measurement	Threshold for action	Action
ESC Rating (or more detailed erosion susceptibility mapping)	Erosion Susceptibility Classification	Green (low)→ Yellow (medium) → Orange (high) → Red (very high) →	→ Low risk – No action → Low risk – No action → Higher risk - Further assess/Resource Consent → High risk – Afforestation prohibited/Forestry transitioned to permanent forest
Orange zone ESC unit LUC erosion rating	LUC dominant erosion type as recorded on the Land Use Capability Map.	Surficial erosion → Fluvial erosion → Gully erosion → Mass movement erosion →	→ Low risk – No action → Low risk – No further action → Afforestation prohibited/Forestry transitioned to permanent forest → Afforestation prohibited/Forestry transitioned to permanent forest
Mass movement erosion type	LUC dominant erosion type as recorded on the Land Use Capability Map.	Earthflow → Slump → Rock fall → Soil slip → Debris flow/avalanche →	→ Low risk – No action → Low risk – No action → Further assessment → Further assess/Resource Consent → Afforestation prohibited/Forestry transitioned to permanent forest

Gully erosion	LUC dominant erosion type as recorded on the Land Use Capability Map .	Gully erosion is not established → Gully erosion established →	→ Low risk – No further action → Afforestation prohibited/Forestry transitioned to permanent forest
Slope Predominant slope (</> X degrees from horizontal) for each part of the harvest area.	Options include: • Field measurement (app, clinometer) • GIS, topographical map or LiDAR data.	< 25 degrees → > 25 degrees → > 30 degrees →	→ Low risk – No further action → Medium risk - Further assess/Resource Consent → High risk - Further assess/Resource Consent
Direct connectivity of the erosion feature to a stream or river.	Slope is connected to a waterway and a landslide on the slope could run out into the waterway?	No → Yes →	→ Low risk but further assessment on direct proximity required → High risk - Afforestation prohibited/Forestry transitioned to permanent forest
Direct proximity to offsite infrastructure or waterbody*	Mark on harvest plan infrastructure on adjacent properties below slopes greater than 25o that would be directly affected by a landslide or debris flow.	Infrastructure or waterbody downstream of a slope > 25 degrees: No → Yes →	→ Low risk – no further assessment → High risk – Afforestation prohibited/Forestry transitioned to permanent forest
Connectivity to downstream infrastructure and sensitive areas.	Mark on the harvest plan, for sites where a high risk slope is upstream of significant infrastructure or sensitive receiving environments	Infrastructure or sensitive receiving environments downstream of high risk slope that connects to a waterbody: No → Yes →	→ Medium risk – identify mitigation measures → High risk – Afforestation prohibited/Forestry transitioned to permanent forest (Option TBC following outcome of consultation).

***Note:** This is a redundant indicator as there is always a waterbody downstream of a slope. Considering only ‘neighbouring’ land shows a lack of awareness of erosion and fluvial processes.

Thank you for the opportunity to contribute to this publication consultation.

Nga mihi,

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