NATIONAL ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY

DISCLAIMER - Please note that all information in this presentation:
1. is provided for guidance and educational purposes only
2. should not be relied on as substitute for the laws of New Zealand and/or legal advice; and
3. is written in relation to the NES-PF context only.
PART 1

INTRODUCTION AND OVERVIEW
Use, development & protection of natural & physical resources...

Forestry investment long-term

Plantations often cover multiple Regional &/or District Plan areas

Controls in rules often not proportionate to risk

Regional & district plans ("rules") change at least every 10 years

Plantations often cover multiple Regional &/or District Plan areas

Operational & economic uncertainty, & unnecessary costs

Uncertain environmental outcomes

Rules across Regional and District Plans often vary without reason

RMA PURPOSE (s 5)

...that provides for:

Economic
Social
Cultural
Wellbeing

While:

Safeguarding Ecosystems
Meeting future generation’s needs
Avoiding, mitigating, or remediying adverse effects

CASE FOR CHANGE
OBJECTIVES OF THE NES-PF

All objectives achieved by:

- Removing unwarranted variation in regional and district plan rules
- Providing fit-for-purpose forestry regulations to manage effects
- Permitting activities if efficient + no significant adverse effects
- Allowing more stringent plan rules in certain circumstances to protect locally significant and sensitive environments

ARE TO

- Maintain or improve environmental outcomes associated with plantation forestry activities
- Increase the efficiency
- Improve certainty
...in how plantation forests are managed

AND

- All objectives achieved by:
FORESTRY REGULATION REFORM: The process to date & next steps

- **PROPOSED NES-PF PREPARED**
  - With assistance from:
    - Stakeholder working group
    - Direct stakeholder engagement
    - Commissioning expert advice

- **PUBLIC CONSULTATION**
  - Feedback from consultation

- **PROPOSED NES-PF REVISED**
  - Further research & analysis
  - Expert advice commissioned

- **DRAFT NES-PF**
  - Released for review

- **EXPOSURE DRAFT**
  - Expert advice commissioned

- **FURTHER ANALYSIS AND REFINEMENT**

- **GAZETTED AUGUST 2017**

- **IMPLEMENT NES-PF**
  - Includes providing support & guidance to councils & foresters

- **NES-PF COMES INTO FORCE**
  - 1 May 2018
NES-PF OVERVIEW

SINGLE NATIONAL SET OF REGULATIONS TAILORED TO FORESTRY

NES-PF REGULATIONS APPLY TO FORESTRY THAT IS:

Planted for commercial purposes

At least 1 hectare plus

To be harvested

IT ALSO APPLIES TO ALL ASSOCIATED FORESTRY INFRASTRUCTURE

REGULATES EIGHT ACTIVITIES

Replanting

Afforestation

Prune & thin

Mech land prep

Harvesting

Forestry quarrying

Earthworks

River crossing

IT ALSO APPLIES TO ALL ASSOCIATED FORESTRY INFRASTRUCTURE

NES-PF REGULATIONS APPLY TO FORESTRY THAT IS:

Planted for commercial purposes

At least 1 hectare plus

To be harvested

THAT REPRESENT THE PLANTATION FORESTRY LIFECYCLE
NES-PF OVERVIEW: Continued

NES-PF RULES ARE BASED ON
- Regional & district plans
- Good forestry management practices

NES-PF TAKES A RISK-BASED APPROACH WHERE
- Risk assessment tools used to identify risk levels
- Foresters identify & manage high-risk activities
- Councils monitor compliance

FORESTRY ACTIVITIES CLASSIFIED AS EITHER
- Majority of activities nationally
- Permitted with conditions
- Controlled
- Restricted
- Discretionary
When the detected risk of adverse effects increases, restrictions (i.e. consent and condition requirements) get stricter.

Where an activity’s effects are not significant = ACTIVITY is PERMITTED

Thresholds at which consents are required are risk-based and informed by up-to-date science.

Aim is to provide NATIONALLY CONSISTENT APPROACH

NATIONALLY CONSISTENT APPROACH

ADEQUATELY PROTECTING

Aim is to provide ADEQUATELY PROTECTING

National & local environ needs

NES-PF OVERVIEW: Regulations based on 4 principles
PART 2

BALANCING NATIONAL CONSISTENCY WITH LOCAL PROTECTION
WHEN PLAN RULES MAY BE MORE STRINGENT: Balancing consistency & protection

- By eliminating rule variations between plans that
  - Cause operational uncertainty
  - Are not justified by local environmental, economic, social or cultural values
  - Impose an unnecessary cost

- NATIONAL CONSISTENCY

- ADEQUATE PROTECTION
  - SIGNIFICANT
  - UNIQUE
  - SENSITIVE

- By allowing more stringent plan rules in some circumstances to protect locally significant & sensitive environments
NES-PF PROVIDES CONSISTENT REGULATION

1. SINGLE NATIONAL STANDARD that operates from the starting point of NO regional/district VARIANCE

- NATIONAL CONSISTENCY

- ADEQUATE PROTECTION

MORE STRINGENT PLAN RULES MAY ONLY PREVAIL OVER THE NES-PF IN SPECIFIC CIRCUMSTANCES
NES-PF PROVIDES ADEQUATE PROTECTION

BY ALLOWING PLAN RULES TO BE MORE STRINGENT IN CERTAIN CIRCUMSTANCES

To protect matters of national importance, namely:

- "Outstanding natural features & landscapes"
- "Significant natural areas"
- FW objectives to give effect to FW-NPS
- NZCPS policies 11, 13, 15 & 22
- Separation granite point soils
- Geothermal areas and karst geology
- Certain human drinking water sources

Achieve other national instrument objectives

Protect unique and sensitive environments

National consistency

Adequate protection
NES-PF TAKES A RISK-BASED APPROACH

**FORESTRY SPECIFIC RISK ASSESSMENT TOOLS**
Measure risk of each forestry activity

**LEVEL OF IDENTIFIED RISK DETERMINES:**
Whether a forestry activity is classified as being:
- Low Risk
- Controlled
- Restricted
- Discretionary

How strict conditions set for each activity are

**REstrictions set based on risk**
- The higher the identified risk
- The more likely consent is required
- The stricter the restrictions imposed
PART 4

NES-PF RISK ASSESSMENT TOOLS
OVERVIEW OF NES-PF’S RISK ASSESSMENT TOOLS

INTRODUCES THREE RISK ASSESSMENT TOOLS

1. Erosion Susceptibility Classification
   - EROSION & SEDIMENT RISK

2. Wilding Tree Risk Calculator
   - RISK OF WILDING CONIFER SPREAD

3. Fish Spawning Indicator
   - RISK OF FISH & HABITAT DISTURBANCE

TOOLS BASED ON LOCAL GEOPHYSICAL, BIOLOGICAL AND ECOLOGICAL DATA

UPDATED AS NEW INFO AND TECHNOLOGY BECOMES AVAILABLE

TOOLS TAILORED TO IDENTIFIED FORESTRY-SPECIFIC RISKS

THUS, CAN MORE ACCURATELY DETECT & GAUGE FORESTRY EFFECTS
**EROSION SUSCEPTIBILITY CLASSIFICATION TOOL**

**DETERMINES FOREST LAND EROSION RISK**

- Low Susceptibility
- Moderate Susceptibility
- High Susceptibility
- Very High Susceptibility

**IT IS BASED ON**

- Dominant erosion process
- Rock Type
- Topography

**OTHER CONSIDERATIONS**

- **Erosion classification review process**
  Landowners/forest operators/councils can initiate review of specific land

- **Based on “potential erosion severity” data**
  Published in land use capability surveys

- **Online interactive map**
  Helps landowners easily identify erosion susceptibility of their land
  [http://www.mpi.govt.nz/growing-and-producing/forestry/overview/]
FISH SPAWNING INDICATOR TOOL

A CONSISTENT APPROACH
To managing the risk of fish and habitat disturbance caused by plantation forestry activities

TAKES TARGETED APPROACH
THAT RECOGNISES & INDICATES
33 fish species present in rivers, lakes and wetlands sensitive to forestry activities
When these fish are spawning
Where these fish are spawning

REQUIRES CONSENT
for activities that disturb spawning habitats during spawning times

BASED ON BEST SCIENTIFIC DATA
In terms of variables relevant to ascertaining risk
Mostly restricts applicable activities during:
May, June, Sep, Oct

WHILE ACCOUNTING FOR LOCALISED VARIATION
In terms of: fish species, latitude, altitude & climatic conditions

ONLINE INTERACTIVE MAP
Lets landowners identify fish species present in streams / rivers on their property
A CONSISTENT APPROACH

To managing wilding conifer spread risk associated with:
- Afforestation
- Replanting other species

HOW IT WORKS?

Calculator determines wilding conifer risk at a given site using

6 RISK INDICATORS

Points assigned to each indicator - if the score is 12 or higher consent is required

1. Spread vigour of the tree species
2. Palatability of tree species to livestock
3. Topographical placement of the site to be planted
4. Land-use characteristics of planted land
5. Surrounding vegetation
6. Wind conditions

Important, as unmanaged spread can adversely affect:
- Landscape values
- Conservation values
- Land uses
- Hydrology

This tool supports the “National Wilding Control Programme”
MPI will oversee

IMPLEMENTATION

Ensuring you have info, training & tools needed by providing

- Guidance material: for foresters & councils
- Training & Support: to foresters & councils
- Framework for evaluating how well NES-PF is meeting its objectives

ONGOING ADMIN

When NES-PF comes into force 1 MAY 2018 MPI will also oversee ongoing administration of NES-PF at a national level

This includes ongoing help & support

Monitoring

NES-PF will be subject to ongoing review of implementation and to ensure it is effective at achieving its aims

- First review after 1 year
- Second review after 3 years
- Reviewed every 5 years thereafter

Guidance material: for foresters & councils
Training & Support: to foresters & councils
Framework for evaluating how well NES-PF is meeting its objectives

Helpline 0800 008333
Email Support info@mpi.govt.nz
PART 6

IMPROVED ALIGNMENT WITH THE RMA
ECONOMIC BENEFITS OF NES-PF

- Reduced costs
- Improved regulatory certainty
- Operational efficiency over time
- Clearer & more workable rules

Makes forestry more attractive
Improves regional economic wellbeing
ENVIRONMENTAL BENEFITS OF NES-PF

Forestry-specific regulations better at

NES-PF regulations

Outcomes that promote sustainable forest management improves

(A) IDENTIFYING

(B) MEASURING

(C) MANAGING

Clearer + More certain

(A) EROSION CONTROL

(B) WATER QUALITY

(C) INDIGENOUS VEGETATION & FAUNA

(D) COASTAL ENVIRON

More consistent environmental outcomes nationally

Forestry-specific enviro effects
IMPROVED ALIGNMENT WITH RMA PURPOSE

- Clearer & more workable regulations
- Increases efficiency & reduces costs
- Making forestry more attractive
- Improves Regional economic wellbeing
- Provides:
  - Erosion control
  - Water quality
  - Indigenous veg & fauna
  - Coastal Environment
- Environmental outcomes
- More consistent nationally
- INCREASED OPERATIONAL & ECONOMIC CERTAINTY + REDUCED COSTS
- MAINTAINS OR IMPROVES ENVIRONMENTAL OUTCOMES

RMA Purpose (5)

Use, development & protection of natural & physical resources that provides for:
- Economic
- Social
- Cultural

Wellbeing

While

- Safeguarding ecosystems
- Meeting future generation’s needs
- Avoiding, mitigating or remediing adverse effects

Cultural
Economic
Social
Wellbeing
PART 7
IMPLICATIONS FOR FORESTERS
MAIN IMPLICATIONS

BENEFITS FOR FORESTERS

- Reduced need to advocate on regional and district plans
- Regulation set for plantations spanning regional & district boundaries
- Reduced costs over time
- Increased operating efficiency
- Greater regulatory and investment certainty over time

OTHER IMPLICATIONS

- Regulations risk based: low environmental risk = activity typically permitted
- Of forestry activities permitted if relevant conditions met
- Initial compliance costs increase during transition
- Understand when & how to apply risk-assessment tools
- Foresters must keep good records including:
  - Quarry Erosion & Sediment Management Plan
  - Harvest Plan
  - Forestry Earthworks Management Plan

85%
PERMITTED ACTIVITY CONDITIONS

To be permitted an activity must meet all the permitted activity (PA) conditions

NES-PF’s PA conditions are based on extensive consultation, good forestry practice and existing council rules.

All PA’s have been assessed as not having significant adverse effects when conditions are met.

If PA conditions can’t be met an activity is controlled, restricted discretionary or discretionary, so resource consent will be needed.

NOTICE CONDITION

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ENSURES COUNCILS:

1. have adequate warning of activities
2. can prioritise monitoring (based on assessed risk)

MGMT PLAN CONDITION

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PLANS MUST INCLUDE:

1. mapping
2. risk assessment
3. mgmt processes to avoid, mitigate, or remedy risks

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1. mapping
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PART 8

IMPLICATIONS FOR COUNCILS
FULL PLANTATION FORESTRY REGULATORY LANDSCAPE

1. NES-PF
2. OTHER NES & NATIONAL POLICY STATEMENTS - E.G.: NES, Contaminated Soil, NZ Coastal Policy Statement, Freshwater Management
3. LOCAL RMA PLANS
   - NES & NPS incorporated into regional & district plans
   - Activities outside of NES-PF
4. OTHER LEGISLATION
   - Wildlife Act 1953
   - Biosecurity Act 1993
   - Electricity (Hazards from Trees) Regs 2003
   - Heritage NZ Pouhere Taonga Act 2014
HOW NES-PF WORKS

1. FORESTRY ACTIVITY REGULATIONS

Provide a separate set of regulations for each of the 8 forestry activities below:

- Replanting
- Afforestation
- Prune & thin
- Earthworks
- Mech land prep
- Harvesting
- Forestry quarrying
- River crossings

2. ANCILLARY ACTIVITY REGULATIONS

Apply if any of the activities below are part of a forestry operation:

- Slash traps
- Indigenous vegetation clearance
- Non-indigenous vegetation clearance

3. GENERAL REGULATIONS

Apply if forestry or ancillary activity entails 1+ of below:

- Discharge, disturbance &/or diversion
- Noise + vibration
- Dust
- Indigenous bird nesting
- Fuel storage + refining
NES-PF specifies for each forestry activity and associated conditions, the functions, powers and duties of:

**Regional Councils (RC)**
Allocation based on RMA s 30, which specifies RC’s resource management functions

**Territorial Authorities (TA)**
Allocation based on RMA s 31 which specifies TA’s resource management functions

**CLARITY:**
This is intended to clarify responsibilities for implementing the NES-PF and avoid duplication

**SHARED FUNCTIONS:**
Note however, that in some cases, RCs and TCs will have functions in relation to the same activities
CONSENT THRESHOLDS: Harvesting regulation example

PART 2, SUB-PART 6

Permitted
[activities allowed if conditions are met]

Controlled
requires consent

Restricted
discretionary
requires consent

ANCILLARY & GENERAL RULES
apply in a similar fashion

e.g. indigenous vegetation clearance (ancillary rule)

if regulations 64-69 are complied with and harvesting is:

in green, yellow or orange zone OR in red zone (not LUC 8e) if 2ha or less harvested in any 3-month period”

or

in any ESC zone where a minimum of 75% canopy cover per ha is maintained

if the above regulations cannot be complied with

in any red zone land that is LUC 8e or ESC undefined

if regulation 93 (2), (3) or (4) governing indigenous vegetation clearance is not complied with.
NES-PF removes council’s authority to create and impose forestry specific rules.

NES-PF replaces most regional and district plan rules that apply to plantation forestry.

NES-PF removes council’s authority to create and impose forestry specific rules.

NES-PF reduces the cost of regional and district plan development and litigation.

**Exceptions**
- Limited authority to have more stringent rules
- Retain authority to regulate matters not covered by NES-PF

**Note:** There will be some initial plan alignment costs
IMPLICATIONS FOR COUNCILS

COUNCILS FORESTRY

SPECIFIC FUNCTIONS

INITIAL FUNCTIONS

IMPLEMENT NES-PF

COUNCILS DAY-TO-DAY FUNCTIONS

Administration

Processing consents

Monitoring compliance (e.g. with management plans & other permitted activity conditions)

Enforcement

Continuous improvement (includes information gathering)
IMPLICATIONS FOR COUNCILS

PRACTICAL CONSIDERATIONS

Understanding NES-PF
Councils will need to take time to understand the regulations and what they mean for them.

Plan Alignment
All rules that duplicate or conflict with NES-PF need to be removed from district and regional plans.

Consenting
Some councils may have an initial increase in consents required. This will reduce in time.

Up-Skilling Staff (Ongoing)
Provision of training and support tools needed to administer and implement.

Collaboration
Regional and district councils will need to work out what NES-PF requires of them.
QUESTIONS & DISCUSSION

If you have any questions after today please get in touch

Helpline 0800 008333

Email Support: info@mpi.govt.nz