

Submission for national direction for plantation and exotic carbon afforestation consultation

From Bioenergy Association

28 November 2022

National direction for plantation and exotic carbon afforestation consultation

The proposals in this discussion document *National direction for plantation and exotic carbon afforestation consultation*¹ seek to amend the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. These regulations are national direction under the Resource Management Act 1991.

The Minister for the Environment must undertake several statutory, procedural steps prior to recommending the making or amending of national direction. This includes choosing a public process for developing the instrument and preparing and publishing an evaluation report that examines the extent to which the objectives of its proposals are the most appropriate way of achieving the purposes of the RMA. The Minister has chosen an officials-led process of public consultation.

Submission from Bioenergy Association

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

¹ <https://www.mpi.govt.nz/dmsdocument/53623-National-direction-for-plantation-and-exotic-carbon-afforestation>

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?

The problem is being created by people thinking of carbon forests as something different from any other exotic plantation forest. All exotic plantation forests should be managed under the same criteria. The environmental, social and economic effects of a plantation are the same regardless of whether the trees are short or long rotation, or not planned to be harvested. Trying to create carbon forests as being something different devalues the strengths of the NES-PF. Bioenergy Association relies on the integrity of the NES-PF as it is the foundation for defining sustainability of land and forest management for wood fuel from plantation forests.

Wood fuel is produced from the residues of exotic plantation forests, and we would expect that the soil management, land erosion protection and other possible adverse effects arising from land use are managed in the same way if the forest is there for 15 or 200 years.

The problem should be rewritten to be "Because the NES-PF does not include for forests which are not intended to be harvested there is a need to modify the NES-PF so that all exotic plantation forests are included and nationally consistent criteria for the management of the environmental effects of plantation forests apply equally regardless of stated intentions for harvest or non-harvest as these can change over time if forest ownership changes. "

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.

Yes. In all cases you say that the effects are the same and suggest that Current NES-PF rules should apply to all forests covered by the NES-PF. We fully agree. The NES-PF provides national guidance which is the purpose of NES, so it is to the Councils to address why they don't treat all plantations the same regardless of intentions for harvest.

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

- Yes
 No

Why?

Because they are the same. Just widen the scope of the NES-PF to cover all plantation forests.

- 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 agree with what is proposed as it appears that as a result all plantation forestry will be covered by the same rules.

- 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?

But in addition, the scope of the NES-PF should be widened to include forest establishment, management and harvest.

The Bioenergy Association has been concerned that because the NES-PF covers only harvest that this significantly lessens the value of the NES-PF as an internationally recognised tool for demonstrating sustainability of wood sourced from NZ plantation forests.

- 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?

All plantation forests may change over time and it is important that if this occurs that the environmental land use protections are robust.

- 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?

It is important that all potential risks to sound environmental management of a plantation forest is included for. Layout and planting regimes should take account of wind regardless of the type of plantation forest.

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:100

Why?

If the NES-PF applies equally to all plantation forests regardless of type and management regime then the effectiveness for managing a forest which is intended not to be harvested should be no different than one being harvested.

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

Implement a modified scope of the NES-PF as quickly as possible.

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?

All plantation forests regardless of type and intent should be required to have forest management plans. These should be consistent with non-forest land use management plans. All land regardless of land use (forestry, agriculture, horticulture) should have land management plans. The NES-PF should dovetail for requirements for such land use management plans.

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?

Interfering in landowner decisions for use of their land will result in poor environmental outcomes. What is most important is that the landowner have clear and nationally consistent guidance on the environmental conditions which apply to the land. Whether they change use by planting or removing trees, using some of the land for grass or crops, or allow reversion to indigenous vegetation should be a decision they make according to the soil and land characteristics, while meeting the environmental requirements specified by regulation. Where the land use is in a plantation forest then they must meet the requirements of the NES-PF.

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

We are not qualified to answer this question.

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:100

Why?

If all plantation forests are treated the same then the results should be the same provided the forest management plans are monitored.

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

Farm and forestry advisory services should be able to do this. They are already doing it for many farmers.

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?

The perceived problem is not specific to forestry. Changes in land use are made all the time and some have an impact on local communities, particularly farm contractors, but that all occurs without a fuss.

Land use changes from forestry are often similar to land use changes when agriculture land is converted to extensive horticulture or viticulture.

The percentage of agriculture land converted to plantation forestry is extremely small and not at a level where it should be of national concern. The conversion rate of agriculture land to forestry last year can be calculated at about 0.5% per year. At this rate it will take 20 years to convert 10% of farmland to forest.'

A large amount of new plantation forestry is being undertaken by agriculture farmers themselves, often referred to as farm forestry. That farm forestry provides an additional revenue stream for farms and can strengthen farm business resilience.

It is more critical that when land use occurs (to forestry, crops, horticulture, viticulture, or other products) that the soil management is always to best practice so that land is always sustainably used.

Any social, cultural and economic effects should apply to all land uses. Forestry should not be singled out when it is smaller than other land use changes. District and regional plans are the place for communities to manage specific social, cultural, and economic effects from land use change.

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.

These effects can apply to any land use change and can be managed by wise district planning. If a community is losing residents because of a land use change then effort needs to be made by the community to encourage other new businesses to come to the area.

With the policies being developed to gain greater value from wood as set out in the Forestry and Wood Processing Transformation Plan, and the emerging work on new business from extending the bioeconomy, Government has set up the framework for communities to expand.

The treating of plantation forestry as if it creates the problem of resilience for rural communities is a neoliberal response where analysis of cause and effect is undertaken in silos. The transition for forestry, land use and the bioeconomy requires collective action. This is a role of local government and individual communities.

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?

The RMA is about effects and the issues identified as arising from land use change often arise because of a lack of leadership by communities to establish the desired community. This is more about assisting the transition of communities over time so that they are well placed to create the desired social and cultural outcomes.

Under the traditional neoliberal approach the communities have been left alone to sort themselves out. If the effects of land use are managed collectively and assistance is provided to say attract new business, the desired social and community outcomes can be achieved.

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?

The social, cultural and economic effects of land use change are not specific to forestry. Policies and action for addressing any issues should be addressed collectively by local government within a holistic land use framework.

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: 0

Why?

It may make a few people think that they have done something but it doesn't address the issues when there is any land use change.

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?

It would result in overall poor land use decisions and outcomes and over time we would continue unsustainable land use practices.

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

There are no benefits, only encouraging poor land use decision making.

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

It will make transition to integrated land use harder to achieve because of interference by outsiders who have no responsibility for achieving long term sustainable land use. It would be yet another cost barrier to landowners and inhibit their transition to achieving long term sustainable land use

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: 0

Why?

Changes in land use in my rural community are embraced and encouraged. Having to ask permission of people who have no responsibility for decisions on farmland use will be costly and they are not accountable for any decisions they make.

We are transitioning to make landowners accountable for achieving long term sustainable land use, so we don't want to put barriers in the way of that being achieved because of populism.

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

Support should be available to all rural communities to make the best of opportunities from new land uses and the creation of employment and wellbeing deriving from the implementation of the Forestry and Wood processing ITP and the emerging encouragement of a bioeconomy. The land uses from forestry should be presented as an opportunity for communities and not a problem.

A response to those few concerned about land use change from forestry should be addressed in the Implementation plan for the ITP by focusing on opportunities.

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?

Issues for a land use consent for forestry should be similar to any requirement for other land use consents.

As we encourage integrated land use any specific requirements for forestry that don't apply to other land uses will distort decision making and lead to farmers not having the tools and opportunities to adopt best practice land use initiatives.

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).

None should require specific consent. Afforestation proposals should be included within farm land management plans.

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: 0

Why?

Requiring a specific consent for forestry will just add to even more confusion and we have already seen in some regions where perverse outcomes are achieved where councils have dictated land uses.

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.

The assessed cost would put a halt to significant areas of new planting, particularly for small plantations and small investors.

We need policies which encourage sustainable planting so that we have more biomass available for the wide range of bio-products which will derive from a transformed forestry and wood processing sector. Biomass for biofuels alone require significant new integrated land use of agriculture, horticulture and forestry.

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

There are none. There would just be another cost barrier to achievement of the forestry and Wood Processing ITP.

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)?

Getting a consent would be extremely costly as the evidence of adverse effects will be hard to measure and the outcomes will depend on the whim of the consenting authority on that day.

A national prescription on land use ignores the specific land protection initiatives that can be used on a specific area of land. Depending on the location of that land and the operation of the farm different solutions are likely to be made by each specific landowner. The NES-PF should ensure that were a plantation solution is used that the appropriate environmental processes are followed.

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?

All the social, cultural and economic effects are integrated with wider discussions on integrated farm land use and are not specific to forestry. Forestry can be a tool for achieving sustainable long term land use.

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

It should be done later and included in the development of the National Planning Framework.

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

Yes

No

Why?

Standards and regulations are two very different things and should be kept separate. Regulations will call up standards but a standard should not include regulatory matters.

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)?

Access to a mental institution as its application would be such chaos.

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?

The NES-PF should address all environmental risks including fire

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?

Please enter text here.

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

Yes

No

Why?

Please enter text here.

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.

We should provide as many tools to farmers as we can identify.

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

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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

- Yes
- No

Why?

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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

Please enter text here.

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.

Please enter text here.

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

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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?

Please enter text here.

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?

Please enter text here.

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

Please enter text here.

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

Please enter text here.

General comments

Do you have any further comments or feedback to add?

Please enter text here.