

## Terms of Reference for Year One Review of NES-PF

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### Purpose

1. The purpose of this review is to assess:
  - a. how the National Environmental Standards for Plantation Forestry (NES-PF) are being implemented and identify any issues that have arisen during implementation<sup>1</sup>;
  - b. whether councils are using the new charging option in the NES-PF to monitor permitted activities; and
  - c. address specific issues raised by ministers since the NES-PF was gazetted.
2. The review should also provide an initial picture of issues that have arisen during implementation, and identify gaps and barriers to implementation faced by councils and foresters so we can take steps to improve the regulatory outcomes.

### Context

3. The NES-PF is the first national environmental standard to address all the activities of a single productive sector, providing a nationally consistent set of regulations that will create greater certainty for the plantation forestry sector, while raising the bar for environmental outcomes.
4. The NES-PF sits alongside a number of other pieces of existing and proposed national direction, which have objectives and functions which overlap with the NES-PF. Aligning the NES-PF with these instruments to reduce uncertainty for those implementing national direction can be challenging.
5. The operating context for forestry has changed over the last year. The launch of the One Billion Trees programme has highlighted the role of forestry in New Zealand in regional economic development and carbon sequestration. The effects of severe weather events in Marahau and Tolaga Bay, which caused landslides, debris flows and sediment runoff, have raised questions about the practice and role of plantation forestry on erosion-prone and steep land, including slash management.
6. The Biodiversity Collaborative Group have also delivered their proposed National Policy Statement for Indigenous Biodiversity to the Government, which includes recommendations relating to plantation forestry.

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<sup>1</sup> Limited information will be available on the effect of the regulations in achieving the NES-PF objectives after one year. Te Uru Rākau is putting a programme in place to gather this information but this is a long term programme to monitor outcomes which will build a picture over time.

## Scope

7. The specific matters the review will cover are:

### *Implementation issues*

- a. the extent to which councils have aligned their plans with the NES-PF (as required by section 44A of the RMA) and where they have applied more stringent rules than those in the NES-PF, as enabled through regulation 6;
- b. the way in which charging to monitor permitted activities has been implemented and the impact (if any) this is having on councils and foresters and the objectives of the NES-PF;
- c. the issues and trends that have arisen from implementing the regulations during the first year;
- d. whether changes are required to the three decision support tools incorporated by reference in the NES-PF (the Erosion Susceptibility Classification, the Fish Spawning Indicator and the Wilding Tree Risk Calculator), including whether the Wilding Tree Risk Calculator can be made into a spatial tool.
- e. whether foresters operating under existing resource consents or who have existing use rights under section 10 of the RMA can be subject to controls under the NES-PF.

### *Specific issues that have arisen since gazettal*

- f. whether the settings in the NES-PF relating to harvesting and slash management are appropriate for controlling the environmental effects of plantation forestry on erosion-prone land, including whether the controls for ESC orange and red zone land are too narrow.
- g. whether any changes to the afforestation and replanting provisions in the NES-PF are needed to ensure it is consistent with the One Billion Trees programme;
- h. the wilding tree controls within the context of the Government's Wilding Conifer Management Strategy; and
- i. biodiversity protections in the NESPF, including protections for indigenous flora and mobile fauna like birds and fish.

## Roles and responsibilities

8. Te Uru Rākau will lead the review and in discussion with the Ministry for the Environment and the Department of Conservation agree the tasks, roles and responsibilities of each agency. The agencies will share the data collecting tasks and analysis of issues as they pertain to areas of expertise. This will include prioritising the degree of information and analysis required for each part of the Terms of Reference.
9. The NES-PF Stakeholder Working Group will be consulted as an advisory body through the review to ensure there is feedback incorporated from councils, eNGOs and the forestry industry.
10. The agencies will jointly identify what further steps are appropriate if there is a case for changes to the regulations and brief Ministers accordingly.