The RMA and the Business Growth Agenda

by Cath Wallace

The government is ploughing on with its agenda to promote economic growth, to centralise power to ministers and the Cabinet, demote consideration of the environment and sideline social and community matters, all in the name of efficiency and “balance”. We reported in the last ECOlink how the government is amending a raft of laws including the Conservation and Reserves Acts, to enable the Cabinet to alter the conservation designations on land.

Readers will have heard also about the Simon Bridges’ Supplementary Order Paper to the Crown Minerals Bill imposing vicious penalties on anyone protesting against oil and gas and other mining at sea - with no Select Committee consideration. (see article inside)

The Resource Management Reform Bill 2012 and Discussion paper for 2013 Bill

The Resource Management Act changes foreshadowed in the Government’s discussion document, “Improving (sic) our Resource Management” would very severely weaken environmental protection by removing requirements to protect the environment and giving Ministers powers to dictate to local government what should be in policies and plans.

The government is now responding to over 10,000 submissions, the vast majority against the proposals. The proposed changes to the Principles of the Resource Management Act (sections 6 and 7) would remove the focus on the environment and give greater priority to the benefits (but not costs!) of economic activity.

The discussion paper proposes to delete the requirements in section 7, “other matters” for decision makers to give “particular regard to” the ethic of stewardship, the consideration of intrinsic values of
ecosystems and amenity values, and the maintenance
and enhancement of the quality of the environment,
and the finite characteristics of natural and physical
resources.

These changes alone represent a body blow to the
environmental core of the RMA, but that’s not all.
The paper also proposes to put all the matters of na-
tional importance and other matters together, so that
there is no hierarchy of importance of the Principles in
sections 6 and 7. This will further weaken the force of
environmental considerations, but several sly textual
changes to remaining principles weaken these further,
such as the insertion of the words “specified” into
the section 6 requirements for the protection of areas
of significant indigenous vegetation and significant
habitats of indigenous fauna and for the protection of
outstanding natural features and landscapes. Thus,
councils would have to specifically mention and desig-
nate such vegetation, habitats, features and landscapes
for these to be protected. Since such specification has
not been required previously, it will mean that many
important areas cease to be protected.

If adopted, this proposal would also vastly
increase the time and debates connected with
developing and agreeing on Regional and District
Plans and Rules.

Consideration of the benefits (but not costs) of the use
and development of resources, and of energy use is
added, as are natural hazards and “the efficient provi-
sion of infrastructure”. These principles will provide a
basis for over-riding environmental and social con-
cerns and we predict that the term “infrastructure” will
expand from roads and power lines to include all man-
ner of other things from cell phone towers to quarries,
and much more.

The government presents these and other changes as
being to provide “balance”, to “streamline”, to provide
efficiency, and to lead to an “overall broad judge-
ment”, not a process of protecting bottom lines. The
changes are designed to make all considerations trade-
able against each other, so removing the sense that we
must live within the limits of the environment. It is
would remove from the RMA some measure of strong
sustainability to very weak protections that can be

swept aside when there are “infrastructure” or eco-
nomic matters in the mix.

There are many other changes foreshadowed in the
discussion paper – some helpful, but many will limit
the scope and time for public submissions.

Some of the worst provisions would allow Ministers
to direct councils to provide for objectives and activi-
ties the government wants to foster - we suggest such
changes will include making activities such as miner-
als exploration or even mining permitted uses.

Resource Management Reform Bill 2012

Submissions on the Resource Management Reform
Bill 2012 closed 28 February, the day that the discus-
sion paper foreshadowing the proposals for the 2013
Bill was issued by Environment Minister Amy Adams.
The crush of work is one reason this ECOlink is late
appearing, as we were busy with analysis and submis-
sions on these RMA proposals.

The less far-reaching Resource Management Reform
Bill 2012 limits to six months the time for Councils to
process medium sized resource consent applications
and makes it easier for major regional project applica-
tions to bypass councils and go directly to the Environ-
ment Court.

The 2012 Bill alters several laws. It alters aspects of
the RMA, the application of the Local Government
Official Information and Meetings Act and seeks to
fast-track a whole range of decisions including the
Auckland planning process. You can see ECO’s sub-
mission on this 2012 Bill on the ECO website.

ECO understands that the Cabinet intends to decide
on the final content of the 2013 Bill mid-year, while
the legislation is planned for introduction in late 2013.
The government intends water policy and law to be
developed in tandem with the very significant changes
to the RMA.

The further changes to the RMA to be drafted into
the RM Reform Bill 2013 are accompanied by other
changes which are outlined in the Ministry for the
Environment’s discussion paper.

Despite the emphasis on “streamlining” RMA process-
es, this Bill will also require much more quantitative
The ECO Annual Conference and AGM will be held at Kauaeranga Valley Christian Camp, Kauaeranga Valley, Thames from 30 August - 1 September 2013.

PLEASE DIARY THIS NOW!

The Conference theme will be “Which Way New Zealand?” - focusing on choices we can make to improve our environment and decision making. Topics range across the sea and land, and include marine spatial planning, mining - both on land and at sea, and local vs national decision making and planning. Conservation, including local successes in protecting ecosystems and species and recent changes at DOC will be considered. Good decision making and policies for the future will also be worked on at the conference which will also be a celebration of ECO, its members, and other community efforts. The place of the environment in a possible constitution and due process will also be discussed.

The long weekend’s programme will be held at Kauaeranga Valley Christian Camp, at 304 Kauaeranga Valley Road, Thames.

The ECO conference planning committee welcomes comments or suggestions as we develop the programme.

Early bird rates and discounted rates for all members and friends of ECO will be available. You can register your interest now by emailing eco@eco.org.nz

We look forward to seeing you in August.

cost benefit analysis for decisions affected by Section 32, such as policies and plans, rules and so on. When the RMA was originally introduced, such formal quantitative consideration of costs and benefits was rejected as being likely to bog down RMA processes and to be make-work for economists while missing important but less quantifiable implications of decisions. The government appears to be determined to pursue this despite its potential to slow down considerations.

Related Government Workplans

Chapter 2 of the RM Reform Discussion paper lists related work plans that the government is pursuing. There is also a Cabinet Paper of 1/3/2012 which lists as Annexe One, the Government’s 120 goals that they say they must achieve as part of their Business Growth Agenda. This Cabinet Paper is at http://www.mbie.govt.nz/pdf-library/what-we-do/business-growth-agenda/Cabinet-paper-governments-bga.pdf. You can read more, in more detail at the Ministry of Business, Innovation and Employment web site at http://www.mbie.govt.nz/what-we-do/business-growth-agenda

“Environmental and other Reporting”

Under the heading of “improving Environmental Reporting” the government plans a work stream to introduce performance monitoring of economic and environmental outcomes – and the times for processing consent applications. There is still lip-service to social, cultural and environmental indicators as well as economic indicators, but since social and cultural well being have been excised from the Local Government Act considerations, and economic matters are being elevated above other considerations in a number of areas by this government, ECO will only believe it when we see it.

Water

The government plans changes to freshwater management but it is not clear whether all the recommendations of the Land and Water Forum (LAWF) will be implemented. The RMA and Freshwater proposals were consulted on in March and are designed to be coordinated together. Most of the changes follow LAWF recommendations apart from a major attack on water conservation orders by the government.

Enabling Economic Growth

The government has a long agenda under this heading – and of particular concern is the list under “Building Natural Resources” which might be better titled “Using Natural Resources”. There is little in the
government’s thinking that hints at any understanding of ecosystem services or the maintenance of natural processes, which are known elsewhere as “Natural Capital”. For more detail on this agenda see www.mbie.govt.nz/what-we-do/business-growth-agenda. At that site you will also find the Cabinet Paper which has a list of the 120 “must do’s” of the government. An update on the government’s “progress” on the Natural Resources section can be found at http://www.mbie.govt.nz/what-we-do/business-growth-agenda/pdf-folder/BGA-Natural-Resources-report-December-2012.pdf.

Local Government

The government’s “Better Local Government Programme” relates to a programme of work to limit the scope of local government, hence the removal of the obligation to provide sustainability and to pursue the four well beings from the Local Government Act, time limits and other controls under the Resource Management Reforms, controls on consultation, planning and financial reporting, and measures relating to the purchase, provision and maintenance of local government infrastructure. More details on this can be seen at www.dia.govt.nz/better-local-government.

Improving Housing Affordability

This work programme could properly be called, “Helping our Land Developer Friends”. Like much of the document and the work of government, it largely fails to make its case that land and regulatory controls are driving up the price of housing, particularly in Auckland. The prices are rising, but this may be much more to do with the business immigration policy than to do with development controls.

Modernising Heritage Management

In line with much of the government’s self-congratulatory rhetoric and spin, this set of work is described as “improving” and “modernising” heritage management. The Heritage New Zealand Pouhere Taonga Bill is designed to replace the Historic Places Act, particularly in relation to archaeological rules and policies. See the Ministry of Cultural Heritage site for more information on this work area at www.mch.govt.nz/what-we-do/our-projects/current/review-historic-places-act-1993.

Dealing with earthquake-prone buildings

An outcome of the Canterbury earthquakes and the Canterbury Earthquakes Royal Commission of Inquiry is that the government has proposals for works that would require a resource consent for demolition or fixing of earthquake prone-buildings. More information is at http://www.dbh.govt.nz/consultingon-epbp, though consultation on these matters closed in early March 2013.

Throughout the government documents there is an onslaught of “spin”. For “streamlining” read “restricting the public and non-economic interest opportunities to be involved”. A similar meaning attaches to the use of the term “improve” which translates to ”over ride other non-economic interests”.

We see in this suite of changes are some that are perfectly reasonable, but many that are simply designed to sweep from the path of economic interests environmental and regulatory controls.

Even the rural press is getting nervous about the extent of the dismantling of environmental protection provisions. Straight Furrow, in its April 9th 2013 issue editorial, quoted Dr Jan Wright, Parliamentary Commissioner for the Environment, as saying, “These changes are far more radical than any previous amendments to the RMA. The RMA’s focus is, and should remain, on the protection of New Zealand’s natural and physical environment”. Straight Furrow then declared, “We wholeheartedly agree”. ECO too supports the position of the Parliamentary Commissioner, and we join Straight Furrow in calling for a cessation to the attack on environmental controls in the RMA.
Environmental Action and the RMA

You might be puzzled to find the TPPA coming up in an article on the changes to the Resource Management Act. How are these two linked? While the RMA is of obvious importance to ECO, how does this relate to the TPPA? Are decisions about New Zealand’s international trade negotiations our concern? And how can we be involved in complex international negotiations?

Groups who are meeting to work out the implications of the TPPA suggest that it will be helpful to show how a TPPA might affect different sectors, such as health and environment. The first thing is to see is what changes are ahead for managing the natural environment.

Democratic participation is a core value for environmental organisations, and there is a consensus amongst environmental organisations that proposed changes to the RMA will weaken community engagement. Community participation is a core mechanism for influencing decision-making about natural resources, land use, water management and coastal-marine activities. Ensuring that the ecological and environmental safeguards of the RMA, and Maori interest in decisions about water, minerals and land use, has been a prime responsibility of NGOs and of Maori and Iwi engagement.

A theme that emerged in the RMA public consultations is the intention to speed up consents and reduce costs. So, in brief:

**Improvements**
- A standardised structure for resource management plans and consistent meaning of planning terms
- More central Government responsibility for National Policy Statements and environmental standards
- Inclusion of provisions to manage natural hazards
- Having single resource plans, instead of local, district & regional plans, is realistic for NZ
- Provisions for linking land management with water use and management

**Concerns**
- That public participation in formulating National Policy Statements and environmental standards will be lost in the streamlining process
- Opening up land for housing does not address the complexity of housing needs, especially low cost and social housing

**Unacceptable**
- In matters of National Importance, replacing environmental principles with economic principles based on facilitating development
- Deleting social and environmental principles, such as stewardship and ecological integrity. These provide guidelines to decision-makers to ensure environmental principles are taken into account along with economic interests
- Ministers will be empowered to intervene in local decision-making
- Introducing a consent authority and reducing the role of the Environment Court
- Opportunities for submissions and appeals will be reduced

A big concern is that the environmental principles in the RMA are being supplanted by economic drivers. This is not easy to see in any one part of the discussion document, but principles of stewardship and ecological integrity are to be deleted, and this indicates the orientation of the changes. These principles provide guidelines to decision-makers to ensure environmental principles are taken into account along with economic interests, and should not be done away with

Community contributions to decisions about resources, land use, water and development will be reduced because consents are to be speeded up and streamlined. Again – a subtle effect from improvements such as streamlining may be that the opportunities to be involved are reduced.

Submissions to this consultation closed on 2nd April. ECO’s submission can be found on our website at http://www.eco.org.nz/what-we-do/submissions.html
An RMA Amendment Bill will be another opportunity for submissions.
The environment will be a major loser under the TPP

by Simon Terry

In Canada the State of Ontario has outlawed fracking on environmental grounds. Ontario is being sued for the loss of commercial profits to prospective mining companies. It is expected that the TPP could undermine NZ environmental standards and prevent improvements in standards, such as water quality in rivers.

We need to be greatly concerned by the history of such agreements and the secrecy of current negotiations, as Simon Terry explains:

The environment will be a major loser under terms put forward for the latest free trade deal. The Trans Pacific Partnership (TPP) is a proposed arrangement between New Zealand, the US and nine other Pacific Rim countries, with Japan soon to join. Its main focus is not trade: it concentrates on limiting how governments can regulate “behind the border” in ways that affect foreign investors.

Of the TPP’s nearly thirty chapters of secret text, the greatest impact on the environment will come from the Investor State Dispute Settlement (ISDS) provisions. Simply put, this mechanism would give foreign companies the ability to sue a government in an offshore tribunal if that company believed its reasonable investment expectations (such as its profits or asset values) had been breached. That tribunal can force the host government to pay damages to the foreign investor and there is no appeal process. It ends up privileging foreign companies over local communities and local companies who do not have such rights to sue.

These new rights could be used by a foreign entity to seek compensation from a government or local council if it, for example:

- Change the conditions of a mining licence
- Set higher minimum flows for a river
- Raised the charge on greenhouse gas emissions
- Set stricter rules on logging of forests
- Established national legal standards for the environmental protection of water and soil (New Zealand has essentially none).

The promise is that there will also be provisions to allow a government to raise environmental standards in a non-discriminatory fashion, but such clauses have proven unreliable when it comes to interpretation by the tribunals. This risk - that a government could be successfully sued – means the ISDS provisions have a “chilling effect” on a government’s willingness to take progressive action. It will tend to freeze low standards when these need to rise markedly. Other chapters that put pressure on environmental standards include those on: border procedures, transparency, and “regulatory coherence”, while the environment chapter seems likely to offer little, if any, net gains.

Environmental issues are the biggest area for claims: Over 85% of the money paid out to date by governments under free trade deals with the US has involved claims over resources and the environment.

ISDS provisions are not needed: The Australian Government’s policy is not to enter into any new ISDS arrangements. Only one Australian firm has ever used existing ISDS provisions and no New Zealand firm has.

Bottom line: New Zealand should reject ISDS provisions in the TPP, as the Australian government has.

3. “The Government does not support provisions that would confer greater legal rights on foreign businesses than those available to domestic businesses. Nor will the Government support provisions that would constrain the ability of Australian governments to make laws on social, environmental and economic matters in circumstances where those laws do not discriminate between domestic and foreign businesses.” Australian Government Trade Policy Statement, April 2011.
Schedule 4 conservation land again at risk from the miners

Over the last four months, ECO member bodies have been involved in efforts to stop mining on sensitive conservation land and in our oceans.

Coromandel:

ECO member Coromandel Watchdog of Hauraki has been campaigning over the summer to make locals and holidaymakers aware of the threats posed to the area from mining.

“Despite the widespread perception that the Coromandel is safe from mining due to a massive campaign win in 2010 over Schedule 4, many areas are still under exploration or prospecting license, including Schedule 4 land,” said Watchdog coordinator Renee Annan.

“There are over 80,000ha of land in the Coromandel under permit, including forestry, conservation and private land.”

The Minister of Energy and Resources, Simon Bridges, has been happy to allow prospecting to take place on Schedule Four land which includes the Coromandel Peninsula north of the Kopu-Hikuai Road and surrounding marine areas and offshore islands.

“Our favourite holiday destinations including Coromandel town, Whangamata, Onemana, Opoutere, Mercury Bay and the Kauaeranga Valley are inundated with permits granted to corporations allowing them to search for gold and silver,” said Ms Annan.

“The most recent one was granted over McGregor’s Bay in Coromandel Harbour”

Watchdog organised a regatta in May to highlight a proposal to prospect the harbour for minerals.

“The economy in the Coromandel is based on a clean environment and visitors spending money in the region. A boom and bust industry with high environmental risks such as industrial scale gold mining would not benefit the local communities of Hauraki Coromandel.”

Legislation Changes

The Crown Minerals (Permitting and Crown Land) Bill divided into five bills in mid-April makes it easier for conservation land to be opened up for mining. The legislation removes the primary role of the Minister of Conservation and places it with Cabinet and introduces wider economic issues in the decision to open conservation land.

It also allows the Coromandel conservation land, surrounding waters, and islands to be removed from the fourth schedule decision by a Cabinet order in council.

The legislation does not protect World Heritage Areas and the Government has currently embarked on an survey of mineral areas on the West Coast of the South Island which includes part of Te Waahi Pounamu World Heritage Area.

Restrictions on Public Protest

This legislation also introduced the draconian measures to limit protests in the coastal marine area. ECO joined with Greenpeace and other conservation groups and prominent individuals in opposing this measure. The change was not open to public consultation, was not vetted for breaches of the Bill of Rights, and was rushed through Parliament, without Select Committee scrutiny.

A joint statement included:

New Zealanders have a rich history of protesting at sea. It is a part of who we are. The boats that set sail to stop French nuclear testing led to a proud legacy that defines us, and our country.

The proposed amendments breach international law, and attack our democratic freedoms.

The Bill was passed by Parliament by 61 votes to 60 with the support of National, ACT and United Future.


PM urged to make protecting the Ross Sea a personal mission

Antarctic conservation organisations including ECO, are calling on New Zealand Prime Minister John Key to make a personal commitment to securing a marine reserve in the Ross Sea this year, and to increase the level of protection.

This follows the development of a joint New Zealand and United States proposal to protect parts of the Ross Sea. The proposal will be discussed at a special meeting in July of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Another proposal by Australia and the EU will also be discussed. This proposes protection of a range of important marine areas of Eastern Antarctica.

“Success will depend on a strong political commitment from proponent countries,” said the Antarctic Oceans Alliance (AOA) NZ Coordinator Geoff Keey.

“New Zealand should be leading marine protection in our region and the Ross Sea is one of the most important places where they can do that. New Zealand needs to redouble its efforts to ensure problems raised by resistant countries such as Russia and China are recognised and resolved.”

ECO believes that there is significant room to improve the proposal to ensure conservation success. Although it proposes that 1.6 million square kilometres of the Ross Sea region will be fully no-take, compromises to satisfy domestic fishing interests mean that two critical ecosystems in the Ross Sea region won’t get the protection they deserve.

A Special Research Zone in the heart of the Ross Sea and a Spawning Protection Zone in the North will need greater thought and protection.

Antarctic conservation groups will be monitoring progress at the upcoming meeting and the regular CCAMLR meeting at the end of the year.

Marine reserve protection advances

The Minister of Conservation, Nick Smith, announced in April approval for a marine reserve in part of the Akaroa Harbour.

The proposal which was developed by the Akaroa Marine Protection Society goes back 17 years. The Society had to go to court to overturn a decision by the previous Minister of Conservation, Kate Wilkinson, to turn down the proposal.

Minister Smith has removed 55ha from the northern area of the proposal thus reducing the reserve to 475ha. In March the Minister agreed to five new marine reserves on the West Coast of the South Island. The reserves Kahurangi (8466ha), Punakaiki (3558ha), Okarito (4641ha), Gorge (847ha) and a minute educational site at Ship Creek near Haast (16ha), total 17,528ha in all.

The reserves are relatively small, covering only 1.3% of the West Coast and 6.7% of the coastline and are much less than was originally consulted on. The proposals missed key areas but are the first to be declared on the West Coast north of Fiordland.

All these proposals still need the concurrence of the Minister of Fisheries, Nathan Guy, and the Minister of Transport, Gerry Brownlee, due to the onerous provisions in the Marine Reserves Act. Let’s hope their concurrence doesn’t take another 17 years before these reserves are gazetted.

ECO Exec members also appeared before the Local Government and Environment Select Committee in support of marine reserves around three sub-Antarctic Islands – Campbell, Bounty and Antipodes. Only the proposal for Antipodes covers all the territorial sea around the island groups which is also World Heritage Area. The proposals for Campbell and Bounty covers only part of the World Heritage Area after the Ministers agreed to proposals from the fishing industry that there be a reduction in size. ECO wanted to see all the territorial sea included in the reserves and acknowledge the world heritage status of these areas.
South Pacific fisheries makes little progress on Jack mackerel

by Barry Weeber

Major decisions were taken earlier this year to set catch limits for the heavily depleted South Pacific Jack mackerel stock but again the limits were very permissive. Bottom fishing impacts and aspects of the protection of the marine environment of the South Pacific were parked for future meetings.

The first meeting of the South Pacific Regional Fisheries Management Organisation (SPFRMO) was held in Auckland in late January. Cath Wallace attended the meeting on behalf of ECO.

“Jack mackerel fish stocks and their associated ecosystems are still at risk,” says Mauricio Galvez, Regional Fishery Officer at WWF Chile. “The permissive catch limits on the catch and fishing effort of the once enormous stock of Jack mackerel in the South Eastern Pacific disappointed those with environmental concerns.”

The week-long meeting was dominated by recriminations for previous overfishing and by wrangling on what the catch limits should be for Jack mackerel and how the total catch limit should be shared between countries. Said Galvez, “In the past, countries have allowed too much fishing, and have been unable to prevent vessels to overshoot even these high limits”.

“The Jack mackerel fishery was once a huge stock but in the run up to the formation of SPRFMO and more permanent fishing rules and allocations, vessels from around the world have hammered the stocks,”

Environmental organisations urged governments to reduce the catch limits substantially in 2014, and to move discussions on to the controls of impacts of fishing on the ecosystem and affected species.

Cath Wallace said “the question of new rules for the deep water bottom fishing was parked, with New Zealand promising to develop draft rules during 2013 for later consideration. New Zealand vessels do more than 90% of the bottom trawling in the South Pacific. There are some interim measures for protection of Vulnerable Marine Ecosystems, but these have yet to be converted into more permanent rules”

New Zealand and Australia notified the Commission that they would develop joint proposals on the management of bottom fishing ready for the next meeting. ECO and the Deep Sea Conservation Coalition will be looking to engage in these discussions.

Karen Baird of Birdlife International noted that ways to reduce bycatch of seabirds, marine mammals and turtles will be considered at the first formal meeting of the Scientific Committee when it meets later this year. “It is imperative that this information is collected and then reported to enable scientists to adequately analyse risks to seabirds in these fisheries,” said Baird.

For background on SPRFMO see: www.southpacificrfmo.org

Shark Protection

ECO is part of the NZ Shark Alliance which is a coalition of conservation groups and shark experts who are trying to put an end to the practice of finning sharks at sea which is being outlawed by countries around the world.

The alliance is calling for a “fins naturally attached” (FNA) policy change from the government. Alliance members are working to get a revised National Plan of Action for Sharks (NPOA-sharks), which is currently under review and includes this obligation. ECO’s Barry Weeber is part of the NPOA joint working group.

The review NPOA is likely to be released for public consultation later in July.
Climate Change – New Zealand trends keep getting worse

New Zealand’s greenhouse gas emissions continue to rise and the liability it is placing on current and future generations should be a concern for any Government.

The Ministry for the Environment announced in April that emissions for 2011 (72.8 million tonnes of carbon dioxide equivalent (Mt CO2-e)) were now 22.1 percent higher than 1990 levels (59.6 Mt CO2-e).

New Zealand’s total emissions peaked in 2005, decreased from 2006 to 2009, and then increased from 2009 to 2011 – the opposite direction to what is required to reduce emissions. The Government commitment to reduce emissions by 50% by 2050 has no strategy to go with it and the Emission Trading Scheme is so deficient and full of loopholes that it will deliver next to nothing to reduce greenhouse gas emissions.

The results showed that agriculture was the largest contributor to New Zealand’s emissions in 2011 (47.2 per cent) closely followed by the energy sector (42.6 per cent).

While New Zealand may be on track to meet its first Kyoto Protocol commitment period (2008-2012), it failed to commit to any future legally binding commitments prior to 2020.

While net emissions will save New Zealand from first period Kyoto cost, the trend in emissions and forest felling means in four or five years we will be negative on both tracks.

A survey by the Ministry of Primary Industry of forest owners’ intentions predicts an increase in deforestation. “Total forecast deforestation by large-scale owners for 2008 to 2020 is 62,000 hectares. This is substantially greater than the total of 17,000 hectares in the 2011 survey.”

The low Emissions Trading Scheme carbon price of under $2.50/tonne has increased the incentive on forest owners towards deforestation.

The MFE report states that “Net removals from land use, land-use change and forestry (LULUCF) decreased by 24 percent (4.3 Mt CO2-e). This was largely due to a greater proportion of forest being harvested as more of New Zealand’s planted forests reached harvest age in 2011. There were also increased emissions in grassland due to larger areas of forest being converted to grassland.”

Since 2010, New Zealand’s total greenhouse gas emissions increased by 1.4% (987.2 Gg CO-e). While emissions from the industrial processes and agriculture sectors rose, there was a decrease in emissions from the energy sector.

New Zealand’s per capita greenhouse emissions are high internationally being much higher that the UK or Japan or the average of Annex 1 Kyoto parties.

Globally, carbon dioxide levels have gone over 400ppm. The first time this level has been reached for over 3 million years. Monitoring from Hawai’i Mauna Loa observatory has shown CO2 levels have risen from 320ppm to 400ppm in just 50 years.

Meanwhile other trends show an increase in Antarctic summer melt which is now at its highest level in 1000/ year. Research by Australian and British scientists has provided new evidence of the impact of global warming on sensitive Antarctic glaciers and ice shelves.

Researchers found that summer ice melt has been 10 times more intense over the past 50 years compared with 600 years ago.

New Zealand needs a major rethink on climate policy so there is a clear carbon price and strategy to move us to a low carbon future.

Monthly Carbon Dioxide Concentration
Solid Energy: Poor government ETS policies and unwise fossil fuel investments require rethink

State coal miner Solid Energy has really got itself into a pickle over the last year. It has gone from promoting massive lignite mining to being hugely in debt, closing down mines and selling farmland in Southland that it had bought for lignite. Now there are ongoing revelations of its extravagant spending including on private investigators but the real issue is how do we respond to climate change and phase out coal mining.

Solid Energy has done the right thing to abandon plans to dig and process lignite, but suggestions that the coal market will return to normal is unlikely and a re-think is long over-due.

The assumptions that the coal market will return to its normal cyclical price patterns need to be tempered by three fundamental changes in the market.

Long term, the coal energy market is changing. Consumer awareness of coal’s damage to the climate, increased supplies of fracked gas, and renewable alternatives are changing the dynamics of the coal price.

The slow-down of the world economy and the Chinese economy has dampened the market for metallurgical coal, and that may recover, but the coal for energy market is grappling with the impact of fracked gas elsewhere and reduced demand.

Solid Energy management made a lot of very optimistic assumptions, embarked on costly mis-directed fossil fuel investments, but markets have changed too.

The lignite plans were amongst the worst of their ideas, so it is good for Solid Energy that they have backed out of these plans, and even better for the climate.

In the long run there are more jobs from farming the land than from mining it, so it is a win for the Southland community as well.

In January ECO Exec Members joined with the Coal Action Network (CAN) to call for the continued mothballing of the coal briquette plant near Gore.

“Solid Energy has spent $29 million on a lignite briquetting plant that isn’t yet operating properly, has provided very few jobs, and there isn’t even a market for the briquettes - even Fonterra doesn’t want them,” CAN spokesperson Rosemary Penwarden said. “They should give up on this project now.”

“Putting the plant into mothballs would be the best way to stop wasting money on this climate-changing white elephant.”

Solid Energy’s investments in renewable energy were small compared to the disastrous lignite and Spring Creek mine investments, and in many ways the investment in renewables was a good strategy.

The problem is that the government shot itself and the company in the foot by killing off the biofuels market and then refusing to allow the Emissions Trading System (ETS) to send accurate signals about the climate cost of fossil fuels.

By not allowing the carbon price to take effect, the government has killed off many renewable initiatives, and thus removed the opportunities for a gradual transition to low-carbon jobs and energy sources such as wood pellets.

As markets world-wide increasingly regard coal as unacceptably damaging to the climate, New Zealand has been left with stranded lignite and other coal assets, and severely damaged prospects for transition to low carbon alternatives due to poor ETS policies.

The leadership of Solid Energy misjudged both the market and the government, made some mistakes, but many of the problems were the result of poor government decisions and oversight.
An open participatory democracy with freedom of expression and dissent is a critical element of a healthy democratic society, and has long been a core goal of ECO. In such a society information is freely accessible, democratic values and participation are upheld, and people have equal standing and “voice” in decision making and planning. Decisions are made by open due process according to specified criteria. ECO has long championed the Open Society and campaigned for open government.

There has been, under this government, a relentless erosion of our Open Society: the reduction in public notification and processes under the RMA, the summary dismissal of the Canterbury Regional Council, the labour-law-for-sale to Warner Brothers and its murky, lie-ridden fake crisis.

There is a long list of violations of participatory rights, transparency and due process. Due process was suspended in the amendment to the Aquaculture Act, with ministers able to override regional decision making and suspension of the Marlborough and Waikato Regional Coastal Plan provisions in relation to aquaculture planning. Ministers also now plan to have direct intervention powers under the RMA Bill 2013.

Applications for the release of information under the Official Information Act have been delayed by Ministers long after their agencies have supplied the information requested to the Ministers for release.

Solid Energy has been allowed to corrode public trust by using private spy organisations in Happy Valley and elsewhere to monitor and infiltrate dissenting groups to protect Solid Energy’s economic interests.

A further strangling of dissent is embodied in Simon Bridges’, Minister of Resources, unheralded and unscruftinised Supplementary Order Paper to the Crown Minerals Bill with its punitive prison terms and penalties for individuals and organisations obstructing the activities of the off-shore oil and gas industry. Such privileging the pursuit of economic interests over other interests is a hallmark of this government.

Security Intelligence Laws widened

ECO has previously submitted to different governments on the powers of the Government Communications and Security Bureau (GCSB), and the Security Intelligence Service (SIS). The powers and scope have widened from genuine security threats to include such vague notions as New Zealand’s international and economic well being: terms that can be invoked to object to all manner of dissent be it environmental or other. The Government intends changes to further widen the scope and powers of the GCSB and to amend the Telecommunications (Interception Capability) Act 2004 to make interception capability the norm.


Changes to the Telecommunications (Interception Capability) Act 2004 require internet and other providers to cooperate with directions and security measures required by the GCSB. The Telecommunications (Interception Capability and Security) Bill has been sent to the Law and Order Select Committee, to report back by 20 September. Submissions are also due by 13 June. It can be found at http://www.legislation.govt.nz/bill/government/2013/0108/latest/DLM5177923.html?src=qs.

Targets

The original GCSB Act provides that it must only focus on threats from foreign organisations, individuals or communications. Some of the references to “foreign” have been dropped, and the definition of foreign organisation has been changed to be “primarily” foreigners, rather than exclusively so. The functions of the GCSB in part remains to focus on foreign organisations and individuals, but in one subsection, functions are left unqualified, so could involve domestic activities.
Section 14 protects New Zealand citizens or permanent residents against intelligence gathering, unless the people concerned come within the (widened) definition of a foreign person or foreign organisation.

The original Act debars the GCSB from spying on personal communications where people expect privacy – but not where one might expect interception to occur. Now the government is requiring all internet providers to provide interception capability, all email and electronic communications can be expected to be intercepted.

Objectives & Functions

The Objectives of the GSCB are in part reasonable in the pursuit of national security, but the scope is already too wide. Protecting New Zealand’s economic well being is given privileged status that may lead to spying on environmental organisations and their members.

In the new Bill the functions of the GCSB widen: “the Bureau may co-operate with, and provide advice and assistance to, any public authority (whether in New Zealand or overseas) and any other entity authorised by the Minister for the purposes of this subsection.” Thus, the Minister may choose to authorise some “other entity” such as a company to receive advice from spying and interception!

ECO objected in 2002-03 to the inclusion of “economic well being” since environmental groups such as WWF, Greenpeace or the Antarctic and Southern Ocean Coalition could be caught by these provisions and regarded as foreign organisations dangerous to New Zealand economic interests or New Zealand’s foreign relations. We remain concerned.

The SIS does internal surveillance beyond the intelligence work of the Police but the GCSB can now do work for both agencies. A crucial distinction for the Open Society is that the work of the Police is eventually open to scrutiny in the courts, whereas that of the SIS and the GCSB are not.

More resources are to be provided to the pitifully inadequate oversight by the Inspector-General of Intelligence and Security. The Intelligence and Security Committee will have greater powers of oversight, but the Minister controls the GCSB. Readers will recall the difficulties the Prime Minister, John Key, had in remembering his briefings from the GCSB in relation to the illegal spying on Kim Dotcom and that he has not taken responsibility for the illegal surveillance of over 80 New Zealanders.

Who were the over 80 people who were illegally spied on by the GSCB? Was it Greenpeace? ECO and others campaigning to protect the Ross Sea from the damage wrought by fishing there? Was it the Coal Action groups trying to protect the climate and local environments?

Spying on peaceful dissenters is intrinsically wrong in a democratic society. This is all the more so when the issues are some peoples economic interests versus the environment or communities. John Key invokes the threat of Weapons of Mass Destruction or terrorism. These are respectable reasons for spying, but economic interests are not.

Van Diemen’s Land – now required to undertake comprehensive environmental assessment

Proposals by the New Plymouth District Council owned Van Diemen’s Land (VDL) to clear 1818 ha of forests in North-West Tasmania will not go ahead until a review is carried out under the Australian Environment Protection and Biodiversity Conservation Act (EPBC).

As reported in the December ECOlink the company is proposing to clear habitat of the endangered Tasmanian devil and threatened spotted-tailed quoll at VDL’s Woolnorth property.

In February the Australian Government Department of Sustainability, Environment, Water, Population and Communities decided that the VDL dairy farm expansion proposal is a controlled action under the EPBC Act and will go through an environment impact assessment which could take six to 12 months.

ECO hopes that the clearance proposal will be withdrawn and that all the land not cleared will be protected and instead VDL look at alternative expansion options proposed by the Tasmanian Conservation Trust.
The West Coast Blue Penguin Trust is a charitable trust formed in 2006 by local residents concerned by the decline in blue penguin populations. The aim of the Trust is to conserve the South Island West Coast blue penguins and their habitat. While our initial focus was restricted to blue penguins we are expanding our activities to include other West Coast seabirds. We have sponsored a survey of Fiordland Crested Penguins in the remote Gorge River area and contribute to work on sooty shearwaters and Westland petrels.

The Trust acknowledges that effective conservation must be underpinned by robust research yet our efforts to conserve penguins are dependent on the support of the local community. To this end education and advocacy are equally as important as research and population monitoring. The Trust undertakes problem solving research into the ecology of West Coast blue penguins and monitors colonies subjected to differing types and degrees of threat. Research has shown that, on the West Coast, the major threats to blue penguins are road kill and uncontrolled dogs. Papers in scientific journals are important in maintaining our credibility, but to achieve effective conservation our messages must reach the community within which we work. The Trust has a media liaison officer who takes the Trust’s messages to the wider West Coast community.

We have visited local schools and are currently developing an education package for use in primary schools and youth groups. We regularly give public talks and workshops, and attend local events. ‘Penguinville’ at the annual Hokitika Driftwood & Sand Festival has become one of our signature events. Children ‘purchase’ sections and build ‘dwellings’ that would provide penguins with all they need to breed and moult safely; about 200 children took part in the 2013 event.

In 2011, with financial support from the New Zealand Transport Agency (NZTA), a trial fence was erected to prevent penguins at one colony straying onto the highway. We are currently working with NZTA to build a 2.5km fence along that stretch of highway where most road-kills have occurred.

We also have projects close to each of the main coastal towns. At Cape Foulwind, near Westport, we are working to enhance blue penguin and sooty shearwater colonies adjacent to the popular Fur Seal Colony Walkway. We hope that in future there will be free public viewing of penguins and shearwaters as they return to their nests in the evening. At Greymouth the Trust is working with the Grey District Council and a local group, The Paroa Guardians, to protect penguins as part of their larger conservation projects. At Hokitika we work with youth groups to improve penguin habitat and protect penguins that breed on the northern edge of the town. The West Coast extends along 500 km of coast; it has a small population and much of the area is remote with limited access. This is a particular challenge for us.

For more information visit our website http://www.bluepenguin.org.nz/ or follow us on facebook. http://www.facebook.com/pages/West-Coast-Blue-Penguin-Trust/

Kerry-Jayne is the chairperson for the West Coast Blue Penguin Trust.
Here at Sustainable Otautahi – Christchurch (SOC to our friends) we have been working for a number of years to promote the ideas of Strong Sustainability. That’s much bigger than just “green” or “environmentally friendly” and involves thinking about the long term resilience of the total system. It includes the mental and physical health of the people who make up the community, and how well linked and supported people are. Strong Sustainability recognises that the economy is dependent on (and subservient to) society and that society is dependent on a healthy natural environment.

You can learn more about Strong Sustainability at [www.nz.phase2.org](http://www.nz.phase2.org)

Recently, the earthquakes have given all of us in Christchurch a shake-up, but our core message hasn’t changed. The blank slate that is our city at the moment gives us all a tremendous opportunity to act on the ideas that make most sense:

- plan for people;
- plan for the future;
- plan for minimum energy use;
- plan for water conservation;
- plan for waste and pollution minimisation;
- plan realistically knowing that “business as usual” isn’t giving us the results we want.

Our hopes were raised when the City Council held a Share-An-Idea programme that encouraged citizens to suggest the sort of future they wanted to see. It was green-cycle-park-trees-gardens that came to the fore from the public. There were plans for centralised energy management schemes, grey water use and medium density co-housing to revitalise neighbourhoods and the connections between them.

Perhaps inevitably, those hopes and ambitions from a year or so ago have been steadily watered down. Perhaps we can’t afford a cycle way if we’re to have a convention centre. Perhaps we should encourage industry instead of enhancing liveability. Most tellingly, the Council was removed from all meaningful decision making, and CERA (the Government department) took on all responsibility and moved away from community input.

So sustainability took a backward step.

But, of course, neither SOC nor the general public gave up. SOC is active in groups that do have the ear of the Minister and in promoting Strong Sustainability to the wider community. Two key SOC members were selected for the CERA Community Forum that was intended to advise the Minister. And a new grouping of NGOs, One Voice Te Reo Kotahi was set up to represent the views of non-profit and community groups around the city with SOC as an early and strong supporter. Now, at last, One Voice has people on the CERA Community Wellbeing Planning Group. And SOC is a prominent member of Healthy Christchurch, an initiative that unites multiple organisations valuing the health of people and communities.

SOC members spoke at a meeting of Healthy Christchurch recently to explain and expand on the links between sustainability, environment and health. Our “Total System” thinking was well received by those who work for the health of the whole community.

You can learn more about SOC on our website: [www.soc.org.nz](http://www.soc.org.nz)


Learn about One Voice Te Reo Kotahi at: [http://onevoicetereokotahi.blogspot.co.nz](http://onevoicetereokotahi.blogspot.co.nz)


**SUSTAINABLE OTAUTAHI - CHRISTCHURCH**

Exploring the best options for future wellbeing

SOC works by:

- Producing newsletters and web resources to share information
- Running events and workshops
- Planning for the future
- Networking widely across our community

**Our logo reminds us of our vision of people / families / generations in a pleasant and sustainable environment.**

**contact:**

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Christchurch

info@soc.org.nz
Department of Conservation – more funding cuts and restructuring

The Department of Conservation is made up of many highly dedicated staff members. A combination of Government funding cuts and restructuring is undermining confidence in the Department.

The February 2013 minutes of the New Zealand Conservation Authority record without detail that the Minister of Conservation, Hon Nick Smith, intends to amend the Conservation Act, including the Conservation Management Planning system which involves the public in being able to contribute to Conservation planning.

ECO would welcome further information on these moves, which come in the wake of savage budget cuts to DOC which is embarking on a process of prioritisation of conservation effort, taking into account the values, threats, response costs and community contribution in relation to ecosystems and species at risk.

DOC has had $54 million cut from its budget between 2009-2013 over four years. It is currently undergoing a major restructure which initially would have been 140 jobs cut as part of a bid to find $8.7 million dollars in savings.

ECO has joined the chorus of opposition to the changes and supports the “Love DOC days” which have been organised by Forest & Bird. In response the Minister of Conservation announced an extra $20m in Government funding over four years, saving 68 jobs but 72 jobs will still go.

Meanwhile in an example of things to come Fonterra in providing DOC with $2m per year for a waterway restoration plan. While this is a useful start it is only 0.32% of last year’s profit for Fonterra and 0.01% of their turnover. Much greater funding is needed to clean up waterways especially given the proportion affected by dairying?

The Fonterra-DOC funding agreement is controlled by Fonterra. Fonterra gets to Chair the process and have the casting vote on the two crucial committees that will determine what projects the money gets spent on. DoC staff get to work on the projects.

DOC’s Director-General is leading the Department away from working with community groups who are committed to and working on restoration projects, towards corporate entities who have mixed agendas and often have only short-term commitments to funding. Last year the Office of the Auditor-General, commenting on DOC’S job of protecting biodiversity identified the task that the Department faces. “DOC is able to actively manage only a small proportion (about one-eighth) of New Zealand’s conservation land and about 200 of the 2800 threatened species.”

As the Auditor-General reported: “The Government’s business growth goals of economic prosperity and well-being are underpinned by the health of New Zealand’s ecosystems and the “services” they provide - for which the state of biodiversity is a major indicator.”

The Government often forgets the uncounted services that biodiversity and the Department’s areas provide. As the Auditor-General reported, staff are vital to the work of the Department. DOC’s new business model is to shift work away from its staff.

DOC will know it is succeeding, when something like:

- 60% of all conservation work is carried out by local partners on and off conservation land;
- 40% of all conservation work is carried out by DOC field staff.

In addition the Department has inadequate information to monitor these changes which leads to greater risks to the Department and to biodiversity.

Meanwhile the Government is giving $158 million to tourism while continuing to starve the Department of Conservation. It is surprising that the Minister of Tourism (who is the Prime Minister) has failed to realise the importance of the Department to tourism, in looking after an essential part of why tourists come to New Zealand.

The current Director-General of DOC, Al Morrison, is now going to a job at the State Service Commission after ignoring staff suggestions.

The new DOC will focus on partnerships but it is unclear who these partnerships will be with as restoration groups around the country are already strapped for cash and volunteers.
IUCN Oceania resources

Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas

The primary purpose of these supplementary guidelines is to increase the accuracy and consistency of assignment and reporting of the IUCN categories when applied to marine and coastal protected areas. More information can be found on the IUCN resources section here: http://tinyurl.com/aauc6of

Economics of coastal zone management in the Pacific

This publication can be found on the IUCN Oceania resources section at: http://tinyurl.com/d4n36qs

Greenpeace launches Clean Economy Report

In February, onboard the new Rainbow Warrior moored in Wellington, Greenpeace launched its latest report ‘The Future is Here: New Jobs, New Prosperity and a New Clean Economy’.

The report is based on scientific modelling carried out by experts in Europe, Australia and New Zealand and shows how almost 30,000 jobs could be created in NZ’s energy sector. The analysis shows that the geothermal industry alone could be worth over NZ $4billion to the economy every year.

The aim of the 30 page report is to spark a discussion, and it shows that investment in clean green technologies can increase job opportunities and help New Zealand to move forward.

It can be downloaded from the Greenpeace website at: http://www.greenpeace.org/new-zealand/en/campaigns/climate-change/The-Future-is-Here/
Update on the Old Ghost Road Cycleway

The Old Ghost Road is part of the National Cycleway Trail Project, a major initiative of the Prime Minister as Minister of Tourism. It is managed by the Moki-hinui-Lyell Backcountry Trust which has political, local and business support. But the project is not without a high level of local concern, even from keen cyclists.

The cycleway is formed as a benched narrow-gauge road over what was largely a winding unobtrusive walking track following an ancient route. It cuts across the landscape, for many km diverting from the historic route.

No road development is mentioned in the Conservation Management Strategy (CMS) and locals had suggested alternative routes including those which would have benefited them more. Yet with numerous cycleway opportunities outside the Conservation estate (many that would support farmers and others seeking to diversify their operations) this highly-valued conservation area has been severely compromised instead. From reports elsewhere, this is not the only cycleway with troubling issues.

The Old Ghost Road now significantly changes the nature of the near-pristine, Lyell-Radiant Range Conservation Area. It is routed through the protected Mokihinui Forks Ecological Area and the Mokihinui Priority site for Biodiversity. All the land over which the route lies has high conservation value supporting abundant biodiversity including great spotted kiwi, whio, two species of Powelliphantas snail and a rare matai forest.

The cycleway requirements have resulted in excavation, blasting of rocks, felling or removing the limbs or roots of large trees. Sometimes the cycleway must follow along dangerous narrow tracks, as under unstable rock cliffs over the Mokihinui River or over precipitous terrain, and costly safety measures will be required if the post-Cave Creek safety measures are to avoid the risks to cyclists. The track will require continuous upkeep, large sections which will be undertaken by DOC, or the Buller District Council. The most difficult, 30 km middle section is planned but incomplete.

It appears the CMS has been seriously overridden, the Management Agreement has not been implemented or monitored, the AEE has proved drastically lacking, and that no overall responsibility has been taken to monitor, avoid or remedy damage, including in designated ecological areas. At least one dog has accompanied track workers through kiwi habitat.

And yes, the magnificent ancient kahikatea, long-standing over the Mokihinui Forks Hut had been cut down because it was meant to present a risk to cycleway users. This was despite the fact the hut could have been moved, and anyway, a new spacious alternative hut at Specimen Creek was but a short distance away. That this felling had been ordered by DOC, the very organisation we trust to act as kaitiaki for our precious natural heritage, shocked me to the core.

For some reason DOC is rationalising destruction of what we generally understand it has a statutory responsibility to protect. What else can explain the dereliction of duty? If this is the future with Public-Private partnerships on conservation land, the Old Ghost Road is an abject lesson how, with such, DOC will fail us in “protecting and restoring the country’s natural and historic heritage.”
EVENTS:

Go-Green Expo:
Dates: Saturday 12 and Sunday 13 October 2013
Venue: Wellington TSB Arena
Sustainability, Efficiency, Organics, Natural and Green Products & Services Expo
For more info: http://www.gogreenexpo.co.nz/about/

Conservation Inc:
Organised by the Yellow-eyed Penguin Trust
Dates: Thursday 17 and Friday 18 October 2013
Venue: Dunedin Centre, Octagon, Dunedin
Theme: “Conservation Inc - What’s Ahead for community-based conservation in New Zealand?”
Workshops will be held on Wednesday 16 October from 1pm.
Early bird registration starts from 1 June - for more info check: http://yellow-eyedpenguin.org.nz/wordpress/conservationinc/

Disclaimer: While every effort is made to ensure the accuracy of information contained in this publication, ECO, its executive and editorial staff accept no liability for any errors or omissions. Views and opinions expressed in this publication do not necessarily represent the policy options and views of ECO, its executive or its member organisations.
## ECO MEMBER ORGANISATIONS

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JOIN US!!!

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Sent by ECO
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ECOlink May 2013
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