Fonterra the 2nd biggest coal user in NZ

Fonterra is New Zealand’s second biggest coal user – and this dairy farmer cooperative milk processor plans a further major expansion of its coal use. At a time when Antarctic ice sheets are thinning and melting from climate change, that’s profoundly irresponsible.

The Coal Action Network aims to persuade Fonterra not to increase its coal use. The company’s custom is keeping Bathurst coal mining company alive as it continues to destroy the Denniston plateau. The mining is not now profitable.

Fonterra has an alternative: it could use wood waste instead of coal in its new plants, then progressively switch its existing coal plants to use wood waste. So far, Fonterra has refused to take up that alternative. Fonterra burns coal to dry milk powder. Its use of coal has already expanded 38% since 2008 and now these plans for further major expansion and coal burning – with its impacts on the climate.

CANA and Action Station are calling for no new coal boilers, with a progressive switch from coal to wood waste when old boilers need to be refurbished.

There are many things wrong with Fonterra’s unsustainable model. On coal and climate change they could do so much better. So it would be great if you could go to http://www.actionstation.org.nz/nonew-coal and sign and share with your friends and networks.

You can also find more on CANA’s blogsite at https://coalactionnetworkaotearoa.wordpress.com/2015/09/27/no-alternative-to-coal-fonterra-really/

Join the People’s Climate March

On 28 November to coincide with the start of final climate negotiations in Paris.

Marches are being organised around New Zealand and globally millions will take to the streets to call for real climate action. Further information can be found on via peoplesclimatemarch.org.nz or look at the ECO website for links and details.
Open Government, Participative Democracy

The organisation, Public Good, in partnership with the St Andrews Trust in Wellington, provided a timely platform in its conference and workshops Information, Ethics and the Public Good. Jan Rivers, who leads the ECO Open Government, Democracy and Participative Society Working Group organized the conference with others.

The quality of the event, with very penetrating analyses and research was great. The timeliness was apt: it was inside the very short window for public input into the Government’s National Action Plan mid-term Review under the multilateral Open Government Partnership. Public Good will be posting as many as they can of the presentations to their web site, and these are well worth a look. There are video and audio recordings and copies of the presentations.

These will be available at http://www.publicgood.org.nz/

A meeting of interested parties in Wellington separately discussed the NZ National Action Plan and the government’s self-congratulatory self review. Some of the key points made are noted below.

The Law Commission review and recommendations of the Official Information Act and of its implementation, have not been adopted by the Government.

In contrast, the Government has adopted some of the recommendations of Transparency International’s review and recommendations.

The Government’s National Action Plan under the Open Government Partnership is largely not about open government.

It is mostly existing work dressed up as four Challenges for the National Action Plan occasion. Existing programmes are allowed to be included under the National Action Plan so long as governments “stretch” their goals.

The Government has chosen four “challenges”. These are:

1. Better Public Services Results programme
3. Kia Tūtahi Relationship Accord; and

The Government’s report outlines the partnership requirements, reports on each Challenge, and provides carefully selected case studies. The Mid-term report also covers consultation, minimal as it was. Feedback from stakeholders (including from a government-appointed stakeholder group), are recorded. Notable in this section is that though many requests for change were made, the government is doing little on a great many of them. The government is more responsive to Transparency International NZ’s report, but general and unspecific commitments lacking in timeframe commitments are far too common.

The self-review records actions many of which are really about improving government service delivery – and private service delivery is part of the subtext. It does not report the many actions of government that have undercut open government, open society, due process and democracy.

The irony is not lost that the government should give the community just two weeks to respond to its poorly advertised self-review, indeed the whole process has lacked effective engagement with the community.

ECO is exploring developing a much more robust process for gathering NGO ideas about what NGOs want in the next National Action Plan. We are also exploring documenting the practices and activities that undercut democracy, open government, and a free and open society.

The Open Government Partnership, the NZ Government’s Self Assessment Report, and other related documents can be found here:

• OGP http://www.ssc.govt.nz/open-government-partnership
• Public Good’s website is http://www.publicgood.org.nz/

ECO’s submission will be placed on the ECO website.

The Government is yet to engage seriously with the open government partnership.
Kermadecs protection – Success at last

The Government has (at last) agreed to establish the Kermadecs Oceans Sanctuary far to the north of Northland. This includes the marine area from 12 to 200 nautical miles around the Kermadec Islands – the area within 12 nautical miles is already a marine reserve.

The proposed Sanctuary is to be implemented by special legislation. It will cover 620,000 km² which is 15% of the New Zealand Exclusive Economic Zone. Most of the area is rarely fished since it is very deep, where the Kermadec Ridge and Trench mark the subduction zone between two colliding continental plates. Some interest in potential minerals in the area has been shown, but the biota there is particularly important.

The establishment of the Sanctuary results from a campaign over many years by the Pew Environment Group and New Zealand conservation groups. ECO was involved in the initial campaign and supported this proposal. All credit to Bronwyn Golder and the team.

ECO is now waiting to see what the Government releases in its proposed marine protected areas legislation. This legislation should include the ability to establish marine reserves within the New Zealand EEZ.

Auckland Region State of the Environment Report

The Auckland Council has released its latest state of the environment report. It is 5 years since the last one was released in 2010. The report reviews the natural environment, with the latest results for Climate, Air, Land, and Water. The full report is available on the Auckland Council website.

The report indicates lots of challenges ahead – indifferent water quality, polluted beaches, loss of urban parkland, intensification of dairying, and air quality. One example, of “water quality for swimming at popular beaches, lakes and lagoons... 28% as C or D (moderate to high risk of becoming sick).” shows how much needs to be done.

“Most poor marine water quality sites are in harbours...31% are poor, 44% are fair, 17% are good and 8% are classified as excellent.” Not a great record, but at least they are getting informed so that more to be done to clean up Auckland harbours.

ECO will be interested to see what the response of the Auckland Council and government agencies are to these results and what moves are taken to improve the state of the Auckland region’s environment.

ECO Update

ECO successful Conference and follow-up from the conference has occupied the ECO Executive. The ECO website has copies of the presentations.

ECO Executive welcomes suggestions from members and friends for issues to be covered in the next ECO Conference.

ECO was also involved in a workshop on Biodiversity Offsets - the presentation from this can also be found on the ECO website.

ECO welcomes the new supporters.

The weekly e-newsletter, Tieke, continues to grow. It contains listings for environment-related events around New Zealand, news of ECO activities, and of the activities of our members. We welcome suggestions for content from our members and friends.

Tieke also reports on matters of wider public interest relating to environmental stewardship, and potential impacts to New Zealand’s ability to regulate for environmental and social interests. As an example we publicised the various Regional Council Long Term Plan consultations, and issues relating to the Trans Pacific Partnership.

If you want to subscribe to Tieke please send an email to the ECO Office at eco@eco.org.nz.

ECOLink will continue to be a more in-depth policy and issues analysis while Tieke is a means of more active communication with updates and ready access to information on a weekly basis.

ECO is also in the process of developing a blog with longer articles to cover issues of the moment and between ECOLinks.

More information will be put on the ECO Website - www.eco.org.nz

Around New Zealand: Conservation Week

Conservation Week this year is 1-8 November.

Of course here at at ECO every week is Conservation Week, as it ought to be everywhere, but to help spread the message, DOC has organised Conservation Week to get people outdoors and valuing what is around them.

A number of activities are organised for the week.
Fossil fuel industry and dairying: an unholy alliance

In July, the Ministry of Primary Industry (MPI) released a Landcare Research report on the food safety implications of spreading oil and gas wastes on farms. The report concluded that the practice “pose no attributable risk to food safety or animal welfare, particularly when … stock are excluded and crops are not harvested until agreed endpoints for soil quality are reached” (Cavanagh, May 2015). Based on the findings of this report, MPI issued its guidance on the practice (MPI, July 2015).

MPI assured us, “This isn't about fracking or pouring oil on land. It’s about ground up rocks, mud and minerals left over from drilling very deep holes in the ground. … This process allows the rocks and minerals to be recycled to improve the productivity of some soils… We have set standards in the guidelines where we can be assured that there is no risk.” The industry proclaimed that it’s “a happy ending to the landfarm debate.”

But is this really the end of the story? Are we happy with the continuation and likely expansion of using farmland for petroleum waste disposal? Our answer is No.

Having reviewed the Landcare report, the MPI guidance and overseas literature, we are not convinced that the risks on food safety and animal welfare from the wide ranging contaminants involved are adequately addressed.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (MFE, 2011) is referred to only briefly by the MPI. This legislation directly affects oil and gas activities including landfarming. The legislation overrides the MPI guidance and is effectively triggered when there is a change of land use such as when a landfarm is used to graze stock on or produce food from.

The soil endpoints (1.1-5.7mg/kg) for benzene recommended by Landcare and MPI are orders of magnitude higher than those (0.046-0.073 mg/kg) required for landfarming in Alberta (ERCB, 2012), directives also referenced by both Landcare and Taranaki Regional Council (TRC).

We question the safety of growing crops on such land before acceptable contaminant endpoints are reached. Canada’s detailed Protocol for the Derivation of Environmental and Human Health Soil Quality Guidelines (CCME, 2006) explained the multiple, direct and indirect exposure pathways of soil contaminants and their implications, notably: “Root uptake and accumulation of contaminants by crops grown on-site and used as feed, or native flora used as pasture, must also be examined when they relate to livestock and wildlife ingestion scenarios”. On at least one Taranaki landfarm, maize was planted before consent limits were met (TRC, 2015).

MPI repeatedly claimed that “the risk from hydrocarbons is extremely low, even immediately after rocks and minerals are applied to land …” But this clearly contradicts a number of reports which documented multiple cases where hydrocarbon consent limits were exceeded (Edmeades, 2013; TRC, 2014).

MPI’s guidance includes no acceptable loading and endpoint values for metals and salts concentrations. McFarland et al (2009) referenced in the Landcare research states, “The heavy metals most commonly found in drilling fluids include arsenic, barium, chromium, copper, lead, nickel and zinc. The amounts present will depend on the formulation of the drilling fluid and the geologic formations encountered during the drilling process”. It appears that MPI has dismissed the risks of heavy metal contamination, based on the low concentration readings from a few Taranaki Regional Council environmental monitoring reports. Can these few readings be extrapolated to imply that all wastes from Taranaki or other parts of the

TAG Oil’s Cheal C well site and New Zealand Energy Corporation’s Copper-Moki well site.

Photo: Sarah Roberts
country will be equally low in metals?

In response to the Landcare report, Dr Mariann Lloyd-Smith of International Persistent Organic Pollutants Network wrote, “Any review of the toxic component in the report (Appendix 2) is based on a simplistic approach of individual components rather than the mixture of metals, salts, hydrocarbons and other toxic components. The EU has long expressed concerns about organic bromides and chlorocarbon mixtures from drilling and fracking wastes. There is also no discussion in the report about low-level endocrine impacts of individual components or the mixtures.” Indeed the non-disclosure of many chemicals used by the O&G industry has made the assessment of such complex toxicology nearly impossible.

Importantly, the Taranaki Regional Council has generally insisted on single (no repeat) waste application. However MPI has legitimized multiple applications by stating that land with wastes spread on it more than once would follow exactly the same guidance, despite the known issues concerning the accumulation of persistent contaminants.

MPI has also downplayed the potential of groundwater contamination from the practice of mix-bury-cover where drilling wastes are buried below the root zone. In Alberta, this practice must follow stringent guidelines which are lacking here.

The Landcare report stated, “if sufficient beneficial effects of land application of O&G wastes could be demonstrated then the land application of O&G waste could be excluded from category G5 of the HAIL [Hazardous Activities and Industry List] in the same manner that biosolids have been excluded when used as a soil conditioner.” Such an idea that supposed ‘benefits’ would outweigh the environmental and health risks of disposing contaminated waste on food-producing land is extremely concerning.

In Taranaki, the dairy and O&G industries are often described as the two pillars of economy that co-exist happily side by side. Dairy farmers rely heavily on urea derived from natural gas, extracted and processed locally, for keeping their pastures green. However to encourage the dumping of petroleum waste on farms and suggest that it may even be beneficial is one step too far. This is particularly relevant when the global glut of milk has meant an all-time drop in its price, and consumers such as the growing middle class Chinese are more selective in their food choices than ever.

Why not take this down time to reflect and re-invent our dairy industry; take bold steps to break our dependence on fossil fuel fertilizers and pesticides; build on our yet relatively untarnished clean green image (overseas at least); reduce stocking rate; diversity our products; and grow niche markets that benefit small farmers while looking after our soil, our waterways and our climate?

References:

Ministry for Primary Industries, July 2015. Food safety and animal welfare guidance if spreading rocks and minerals from drilling oil and gas wells on land.

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Parliamentary Legislation, Reports, and Petitions

Environmental Reporting Act 2015


The Government missed the opportunity to make this legislation independent from Ministers so that there was no question of any bias as the reports made under it.

The Bill was passed by 63 votes to 58. The Bill was supported by New Zealand National; Māori Party; ACT New Zealand; and United Future. It was opposed by New Zealand Labour; Green Party; and New Zealand First. The Government members also rejected a proposal for reporting on greenhouse gas emissions.

ECO will closely watch how the Bill is implemented by Ministers, the Ministry for the Environment and the Department of Statistics. A commentary on the Bill is in the May-June 2015 issue of ECOlink.

The purpose of this Act is to create a national-level environmental reporting system. The Parliamentary Commissioner for the Environment has an independent oversight role in reporting on environmental reports and the processes that produced the reports.

The first national State of Environment Report could be up to 3 years away – which will be over 10 years since the last NZ State of the Environment Report was produced.

Electricity Industry (Small-Scale Renewable Distributed Generation) Amendment Bill

The debate on the first reading of a Private Members Bill, the Electricity Industry (Small-Scale Renewable Distributed Generation) Amendment Bill, began on 14 October. The Bill was introduced by Green MP Gareth Hughes. The Bill is intended to break down existing barriers and to provide a fair regime for small-scale renewable electricity generators. These are defined as producing less than 10kw. The intent is to encourage more renewable distributed generation (eg photovoltaic’s, wind, biomass etc) and to help New Zealand to meet the goal of 90% renewable electricity by 2025.

Wellington Town Belt Bill

This Local Bill changes the legal framework for the Wellington Town Belt, with “the aim of strengthening the protection of, and modernising the governance arrangements for, the Town Belt”.

The Bill was amended before it was introduced to make it easier for land to be taken for infrastructure. Over a third of the land set aside in 1873 for “public recreation” has been lost to subdivision, Government uses, etc since then. Wellington guardians of the Town Belt consider that the Bill will provide less protection than the existing arrangements.

Private Members’ Bills:

Official Information (Parliamentary Under-Secretaries) Amendment Bill

The Official Information (Parliamentary Under-Secretaries) Amendment Bill was read a first time and referred to the Government Administration Committee. This Private Member’s Bill from Labour’s Adrian Rurawhe, MP for Te Tai Hauāru, is to ensure that information held by Parliamentary Under-Secretaries in their official capacity is official information, and subject to the Official Information Act 1982. This is a significant gap in OIA law – ECO considers the Act should apply to all Ministers, Associates and under-secretaries as well as to all parts of Government.

Check the Parliamentary website for closing date for submissions.

Government Bills:

Environment Canterbury (Transitional Governance Arrangements) Bill

The Government has introduced legislation which means, if passed in this form, that full democracy will not return to the Canterbury region until 2019. The Bill was introduced by the Minister for the Environment, Nick Smith. It was referred to the Local Government and Environment Select Committee, to be reported back by 15 February 2016. The Bill’s introduction was supported by National, the Maori Party and ACT. Labour; the Green Party; NZ First; and United Future opposed it. Opposition parties called for
Parliamentary business

a complete restoration of democracy in Canterbury.

The bill provides for up to six appointed and seven elected members for the Canterbury Regional Council (Environment Canterbury) during the 2016-2019 local government term. Election is by first past the post. Those appointed members serve at the pleasure of the Ministers of Local Government and the Environment. The Bill sets the ward boundaries for elected members. That gives greater weight to rural voters.

The Bill also makes changes to a range of provisions for the management of natural resources in Canterbury. This includes the restoration of the normal processes for water conservation orders under the Resource Management Act, complete with transitional arrangements. The Bill includes the “Vision and Principles of the Canterbury Water Management Strategy – Strategic Framework (Nov 2009)” as a schedule.

The closing date for submissions is Thursday, 19 November 2015

Local Government (Auckland Transitional Provisions) Amendment Bill

The Local Government (Auckland Transitional Provisions) Act 2010 is amended by this Bill. The Government’s purpose of the amendment is to provide more flexibility for the Auckland Unitary Plan Independent Hearings Panel to do its work. They want to help it to deliver its recommendations on the proposed Auckland Unitary Plan to the Auckland Council by the statutory deadline. That is 50 working days before the expiry of 3 years from the notification of the proposed plan. This Bill has yet to be debated by Parliament or referred to a Select Committee.

International Treaty Review:

International treaty examination of the Doha Amendment to the Kyoto Protocol

Foreign Affairs, Defence and Trade select committee is calling for submissions on the ratification of the International treaty examination of the Doha Amendment to the Kyoto Protocol by 30 October 2015.

These Amendments set up the second Kyoto Commitment period up to 31 December 2020. The current Government decided not to make any binding commitment to the second Kyoto period. In contrast Australia made an initial commitment of a 5% reduction below 2000 levels.

The official National Interest Analysis promotes New Zealand ratifying the Doha Amendment as a “signal of good faith in negotiations”. That ignores the fact that New Zealand has already acted in bad faith by not making a second period commitment. Such behaviour erodes further New Zealand’s influence in climate negotiations.

While ratification by New Zealand is welcomed, unless we accept binding second period commitments rather talking about voluntary commitments, it is empty of effect. The Government so far has taken no steps to implement voluntary emissions reductions.

Petitions

Lost opportunity - Petition 2011/0106 of Sir Alan Mark

The Finance and Expenditure Committee has reported on the Petition of 4465 people for the Wise Response Petition, promoted by Professor Alan Mark, distinguished botanist and conservationist.

The petition seeks “the House’s formal endorsement that a holistic assessment should be undertaken of the range of risks that threaten New Zealand’s future social, economic, and environmental security. The petitioner wishes to see such an assessment then used to develop policies that would address the risks and avert their potential consequences. They ask that cross-party support be given to the policies developed from the assessment.”

The majority (Government) response is only to note the petition, not to recommend action. The Report notes that there is major work being done by Treasury on infrastructure and other matters are being worked on elsewhere in government. This response is distinctly lame given that the Government has no integrated strategy to reduce greenhouse gas emissions, or to respond to the effect of sea level rise, increased storms or ocean acidification, and risks to biodiversity.

Separate minority reports were produced by Labour, the Greens and NZ First. Their reports in general supported “undertaking a national risk assessment on economic security, energy and climate security, business continuity, ecological/environmental security, and genuine well-being.”
TPPA and Official Information Act

Trade negotiations Minister, Tim Groser has been found to have acted unlawfully in an important case on use of Official Information Act. Let’s hope this changes Cabinet’s approach to the release of information including that about trade negotiations.

This decision is an important case testing the OIA. Justice Collins includes a comment on para 156:

“(1) First, the Minister’s affidavit and the Chief Ombudsman’s report reveal that there was no lawful basis for the Minister to withhold, in the way he did, some of the information requested by Professor Kelsey. It is therefore appropriate for the Minister to ensure officials assess each piece of information requested by Professor Kelsey that is in the possession of the Minister and MFAT against the criteria in the Act for withholding information.

(2) Second, the Act plays a significant role in New Zealand’s constitutional and democratic arrangements. It is essential the Act’s meaning and purpose is fully honoured by those required to consider the release of official information.”

The Judge also states:

“[131] In my assessment, a decision-maker does not discharge his or her statutory duty to provide an explanation of the “grounds” in support of his or her “reasons” for refusing a request for official information by simply reciting which of the statutory grounds set out in s 18(a)-(h) of the Act were relied upon when refusing that request. The decision-maker must give more information so as to enable the applicant to understand the bases for the decision made. This approach is consistent with the observations of the Court of Appeal in Commissioner of Police v Ombudsman where it was said a decision-maker “who alleges that good reason exists for withholding information would be expected to bring forward material to support that proposition.”

These are important issues in openness of information, engagement with the public and release of official information. ECO hopes the Minister does not appeal this decision but instead releases the information. There is a risk though, that the government will simply change the law to suit itself, as it so often has before on many issues where it is found to have acted illegally, such as the illegal spying by the government spy agency, GCSB.

This case reminds us of our request to the Minister for Foreign Affairs for correspondence and other exchanges between the New Zealand fishing industry and the Ministry of Foreign Affairs about the proposed Ross Sea marine protected areas. After many months we were given a similar “blanket” refusal with just the citation of the grounds under the Act. We then asked the Ombudsman to review the matter and urged that this be done speedily on account of policy developments. We were amazed that the chief Ombudsman took longer than two years to give us her decision – which, as in the Kelsey TPPA case, upheld the MFAT position.

Biodiversity offsets

Biodiversity continues to decline in Aotearoa and worldwide. A method that is increasingly being used by governments (including NZs) and companies to mitigate impacts from development projects is the offsetting of biodiversity losses in one area with biodiversity gains in another area. Such biodiversity offsets may enhance conservation in some area but many risks have been identified with their use.

There is urgent need for authoritative guidance that can help conservation organisations, governments and companies agree on the relevant risks, opportunities and uses of biodiversity offsets. The International Union for Conservation of Nature (IUCN) recently released a draft proposed policy on Biodiversity Offsets in order to fill this gap.

ECO assisted the NZ IUCN Committee by organising a symposium in Wellington in September on the controversial subject of Biodiversity Offsets. This is when someone is allowed to damage the environment in one place in return for biodiversity gains elsewhere. IUCN, the International Union for Nature and Natural Resources globally has developed a set of guidelines for the use of biodiversity offsets.

The symposium, ably organised by Catherine Iorns with Victoria University Law Faculty help, introduced the IUCN proposal for a Biodiversity Offsets Policy and provided expert commentary on the proposal as well as on biodiversity offsets in general.

Discussion was vigorous as to whether biodiversity should be regarded as substitutable from one kind or place to another. Toni Love pointed out that for Maori, kinship relations to the environment and kaitiaki responsibilities make biodiversity offsets culturally unacceptable.

Others pointed out that biodiversity offsets were being used already and that we should have these done well as badly. In contrast another view was that authorising biodiversity offsets had the effect of providing a passport to damage conservation values and that they could result in net losses as protected and other high conservation value areas were sacrificed in return for high quality biodiversity that was not under threat anyway and would have remained so that there was no change for those areas.

Presentation and background links can be found on the ECO website.

ECO made a submission on the IUCN policy which can also be found on the website.

How to improve water quality and the social, cultural, and economic gains to New Zealand from doing so was the focus of the ECO conference at the end of August. New approaches, ways of thinking and governing and urgent actions needed were discussed at the ECO Conference in Christchurch. Dialogues on Freshwater - Navigating impasses & new approaches.

A move from claims to “rights” to water, (back) to an ethos of “responsibility to care for water” and funding from commercial water users to help manage and protect waters of all kinds was advanced by Eminent Maori jurist Sir Edward Taihakurei Durie who opened the conference.

Sir Edward Taihakurei Durie, is the co-chair of the New Zealand Maori Council, retired High Court Judge, former Chief Judge of the Maori Land Court and former Chair of the Waitangi Tribunal. More than 100 iwi representatives, specialists, members of the public, and ECO member organisation delegates from around New Zealand attended the meeting.

The proposal he presented would give priority provision of water for ecosystems, and domestic uses over commercial uses. Commercial users of water should pay for their use and recognise the special customary use rights of hapu or iwi.

Funds from these payments would then be used to protect and restore the water quality and life in the lakes, rivers springs and and wetlands. and to help Maori youth and others to reconnect with their ancestral waters and management and cultural connections.

Dr Linda Te Aho, University of the Waikato, recognised and embraced the move from rights to interests and responsibilities as Sir Durie proposed but noted that would need a major change of mind set for all to let go of the rights discourse – including for herself. A Charter for Responsibility and a relational approach was needed with a move from “contracts” to a protective approach. We need “restitution, not reconciliation”she said. She applauded the advances through Treaty Settlements with the Waikato and Whanganui Rivers. The Whanganui River will have its own legal personality recognised and protected by legally appointed advocates but more needs to be done to redress the legacy of harm and to adopt the principle of responsibility.

The Dialogues on Fresh Water conference was organised to discuss the increasing pressure on water in Canterbury as well as in the rest of New Zealand. The topic of water comes at a crucial point in time when intensive farming practices are being encouraged to continue, putting even more pressure on waterways to meet the demands of increased irrigation, and forcing freshwater ecosystems to cope with higher levels of nutrient runoff and leaching. Today’s use of water is already degrading ecosystems, biodiversity, environmental and Māori cultural heritage, and the values of New Zealanders.

Declining lowland water quality

Freshwater scientists documented the declining trend in water quality and native water life, particularly in the lowland rivers.

Despite government claims of improvement, many rivers aren’t necessarily getting any better. Dr. Mike Joy from Massey University pointed out, that national freshwater standards have been altered to be far more permissive, allowing pollutants well above levels needed to sustain a healthy ecosystem, so that most rivers are officially considered “acceptable”, even if nothing is able to survive living in those waters. He cited nitrogen pollution as a major concern. International standards for dissolved oxygen demand prescribe concentrations of zero to four is considered healthy. He says that the Manawatu River is often over 100. The
Manawatu River score is one of the worst in world.

According to Dr Joy, the Ministry for the Environment has reclassified the tolerable limits to be much more permissive, thus changing the designation rather than insisting on a reduction of pollution. He also said that as the controversy over pollution in rivers builds, some of the worst polluted sites are being removed from the sampling regime – rather than cleaned up. Dr Joy warned, you can change classifications and “tolerable” standards, to kid the public, but “you can’t kid the ecosystem”.

High nitrogen levels also cause algal growths and some of these are toxic. Several speakers warned that not only stock and dogs are at risk from this, but that deaths, particularly of children are inevitable.

Other impacts on aquatic ecosystems include both suspended sediment, and the less attended to problem of the deposited sediment – which can smother organisms and leach contaminants.

Recent RMA decision making that ignored the science of impacts of various water pollution levels and permitted yet more intensification of dairying – such as on the Central Plains, and in the Linton-Drury case which disregarded ground water allocation limits, were examined by Professor Bryan Jenkins of the University of Waikato. Drawing down of aquifers is a growing problem.

Nitrogen leaching can vary hugely with the crop, the husbandry and the season. There is much that could be done to reduce nitrogen and other impacts.

Cultivation and irrigation practices can be vastly improved. There is a 20% increase in evapotranspiration if shelter belts are removed to accommodate long irrigation rigs. Horticulture is also a major contributor to nitrogen levels.

Of great concern to the conference is that agriculture is entirely exempt from cadmium standards. Cadmium is highly toxic in the aquatic environment.

Agricultural expert Alison Dewes, as did others, noted that phosphorous in water ways are also of great concern – because of algal growths, and as illustrated by the Ruataniwha case, it is not sound to regulate only nitrogen, or only phosphorous, both have to be managed together, and a “one nutrient” approach is inadequate. She noted that Hawkes Bay Regional Council, Dairy NZ and Fonterra all argued in the Ruataniwha case for toxic levels of pollutants and a one-nutrient approach.

She questioned the “more milk, more stock, more nitrogen dominant model of farming and showed that farm profits could be far better with fewer stock feed supplements and less fertilisers, with many environmental co-benefits.”

**Human Health risks**

Dr Alistair Humphrey, the Canterbury Medical Officer of Health, highlighted the many risks to Canterbury residents’ health. He said people do die from poor water quality. There are multiple infection pathways with the main health issues, cyanobacteria, toxic blooms, elevated nitrogen and other concerns, particularly in rural areas using untreated water. Polluted water and inadequately treated water cause deaths and harms to health from water-borne microorganisms such as toxic E. coli.

There are 35,000 reported cases per year of waterborne illnesses, and the actual number is probably higher. Many sufferers of water borne illnesses come from communities that get their water directly from rivers, which may be contaminated by toxic algal blooms caused by high nitrate levels.

Nitrate pollution causes “blue babies” who may die or suffer life-long serious health harm. Nitrate converts to nitrates which then bind with haemoglobin and new borns are particularly at risk the more so if they are given bottles with water and milk. Methaemoglobinemia can result after a few weeks of consuming nitrate-loaded water.

He documented the striking reduction of drinking water quality between 2011 and 2015 in Canterbury in nutrient overloaded waterways and poorly maintained water reticulation systems. Areas with shallow ground...
water can have very high nitrogen contamination and other areas in Canterbury are high risk and medium risk. [IS there a Map and Graph for this?]

He said that this is of serious medical concern but that many people are unaware of the hazards. The Canterbury Water Management Strategy is flawed because it uses average nitrogen levels in the region, rather than maximum limits – since that is the medically relevant standard.

The conference was told that toxic cyanobacteria blooms from nutrient overloaded waterways already killed dogs and other animals and that it is only a matter of time before a child dies from contact with toxic algal growths.

Microbiological contamination of water caused 17,000 notified cases of gastroenteritis in New Zealand per year, part of the 34,000 of water borne illnesses. Campylobacter is very high in 4 regions. E.coli is also a major concern since though some is harmless, others are very dangerous. Adults and children can die.

Outbreaks of contamination related gastroenteritis in Darefield (2012), Dunsandal (2009), Springston (2008) were examples, and in the latter, half the population there was made ill.

He called for much better controls over nutrients and pathogens.

Other eminent speakers documented the need to better manage water, settle customary interests in water, designate clear responsibilities, and restore degraded freshwater systems. A variety of options were canvassed.

Prof David Hamilton, from Waikato University, said that the nutrient levels in Waikato lakes are worse than anywhere he had seen in the world but the standards for those are reasonable measures. In contrast, the conference was told the river water standards are dangerously lax and allow pollution well in excess of international WHO standards.

**Problems with National Objectives Framework**

Dr Hamilton and Dr Joy highlighted flaws with the National Objectives Framework for Water, especially for rivers, which allow dangerous and damaging levels of pollution. Dr Hamilton stressed the need for Health Impacts Assessments but said if these are done, too often they are dismissed, and often are not funded.

Land use changes could help with reducing water consumption: he reported that 12 megalitres of water are used to produce one tonne of animal protein but blueberries, a high value crop used much less water.

Vet and agricultural specialist Dr Alison Dewes pointed out that dairy farmers are suffering from low dairy prices, high input costs and high debt levels. She showed that those “ahead of the game” are running stock at much lower cow stocking densities than many following the intensive farming model. The farms following the low input strategy are profitable and better able to withstand price falls with lower input costs and benefits of much better soil, water and health impacts. She said the cows were also better off with lower input, lower density dairying which provided fewer harmful effects on the environment.

Governance, underpinning ideas, decision making, and cases were canvassed by several speakers – and participants. Some thought collaborative mechanisms worked, others came to the conclusion that it was resource intensive, often inclusive only of those hand picked and the results not enforceable. The cherry picking by the government of results robbed the process of integrity as environmental commitments were discarded.

Linda Te Aho, Associate Professor at Waikato University examined various processes and cases of governance. Identification of core values and principles at the beginning and planning and management by iwi and the community with agency support were critical to the Te Korowai coastal planning and marine management which resulted in special legislation in 2014. Engagement, inclusion, commitment, clear ground rules and courage were required for the agreement. These, with Matauranga Maori and modern science combined with lessons from the past provided “new old ways of seeing and doing”.

Ronlyn Duncan, from Lincoln University explored transitions from government to governance but said inclusiveness, resources for participation, who is accountable and the legitimacy of the cast and the proc-
In New Zealand the discourse about water quantity and quality limits presents as environmental limits, but in reality these are outputs of negotiations, they are not biophysical limits. Uncertainty cascades through the development of standards and limits and gets lost sight of. Institutional arrangements matter too: the suspension of due process in Canterbury means that the ECAN limits cannot be appealed.

Science in governance she says is moving to the role of informer of governance and the community then sets the limits – but that can reflect power distribution.

**Challenge of Collaborative Processes**

Collaborative processes – including that in Canterbury, are fraught with untoward interventions and manipulations, according to consultant and Fish and Game environmental advisor, Scott Pearson. The public good and self interest are in contest, in these processes.

He compared the ECAN process of appointed participants, limitations to exclude national NGOs, and ECAN’s modifications to the outcomes, to the best practice Swedish collaboration model.

Swedish practice is that people from all scales can participate and are not appointed by government. The government then honours the negotiated outcomes.

Collaboration requires trust. Consensus seems good in some respects and forces compromises, but the “playing field” is uneven, the outcome is deemed to bind people just because they participated.

In Selwyn Waihora Zone, he said, there was “skin deep” consultation. The water limits were set by a group with only commercial and Ngai Tahu representatives and was chaired by the head of a major irrigation scheme. Environmental and recreation groups were excluded.

He found reckless modelling re the sustainability of nitrogen. In the Hurunui Plan limits were set and then undercut by advisory notes for decision makers. Limits too often are set, violated and the retrospective permissions and rule bending or non-implementation results.

He said minimum flows are set – but no firm commitments on irrigation companies apply and overallocation in Canterbury continues.

More open and democratically elected commissioners, good science and a rise of integrity of upholding the whole of consensus outcomes are needed, and if there is no consensus, then other processes should be used. Imbalances of money, power and ability to be part of the processes need to be addressed for good process and durable outcomes.

**Commissioner responds**

David Caygill, one of the appointed Commissioners, said the Canterbury Water Strategy to which they were bound to adhere, set 10 targets that are in tension, particularly the irrigation objective. Limits set can be litigated in the High Court on matters of law, but not of substance in the Environment Court. He suggested absolute environmental limits need to be set via National Policy Statements, the National Objectives Framework or the National Environmental Standards.

He said that the ECAN government appointed commissioners have set the first limits for the area and there is a pathway for some catchments to toughen the limits.

Alastair Fleming, from Forest and Bird in the North Island, said in some areas 80% of the sites fail the standards. Water clarity can be as poor as one metre. The macro invertebrate community index should be used but often is not.

The outlook is dismal given that there is no funding in the water framework from later 2016 and the limits set are indefensible.

**Public Trust and Responsibility**

The final session looked at the theme of public trust and responsibility.

Victoria University Senior Lecturer of Law Catherine Iorns pointed out that many states, past and present, have protected their citizens’ rights to a healthy environment and she tracked the scholarship and jurisprudence on this.

Currently, 192 countries explicitly do so, but New Zealand is not one of them. The ones that have such rights instill an attitude of responsibility for the sake of future generations, and have applied these rights to effect positive environmental change. For example, a court in Argentina used environmental rights to impose the cleanup by the government of a water catchment polluted by a wastewater treatment facility. The point Dr Iorns drove home was that there are many examples in foreign legal systems - and in the history of New Zealand law and lore, including Māori Kaitiakitanga. These could help in putting together a really good statement for law to affirm New Zealanders’ right to a healthy environment.

The Principle and law of public responsibility is important for protecting and maintaining a healthy en-
environment, especially pertaining to water. Dr. Betsan Martin, director of RESPONSE, noted how in today’s era of global interdependence many groups are drawing on their traditions to address enormous challenges, and are adopting new ways of thinking. Furthermore, in the Māori worldview of a woven universe, obligation is a strong principle, so this becomes a promising basis for partnership, collaboration and new law.

The relational aspect of responsibility is where one’s wellbeing is intimately related to that of another. Responsibility in this context is about accountability and stewardship.

**Thanks to volunteers and sponsors**

There was a strong youth and student contingent at the conference. This was helped by university staff and departments funding students, the low fee for students set by ECO, and other sponsorship. Fifteen students were supported thus and ECO for a further five students, as well as supporting student volunteers who helped during the conference. Students attended from biological sciences, law, and civil and natural resources departments.

ECO is grateful for help and subsidies from several sources and donors. MPI and the Waikato Regional Council provided posters and information booklets, and give aways to help people to practise biosecurity hygiene in relation to water-related pathogens such as didymo, and Phytophthora. University staff and departments helped to fund and engage student participants. Various people paid their own way as speakers. Lots of people helped with the conference organisation and clean up, some for weeks. We appreciate it all and thank all concerned.

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**ECO AGM and Water Remits**

Water was one of several policy areas that ECO considered at the ECO AGM on 30 August 2015.

The AGM endorsed the recommendations from the Society for Conservation Biology (Oceania) for the management of water. These include “changing legislation to adequately protect native and endemic fish species and invertebrates.”

The AGM also supported a ban on fracking in New Zealand. This resolution was passed after extensive consultation with ECO members.

Other resolutions called on the government to restore due process, to be more inclusive and to practice true open government. Particular demands also include the release of the text of economic and trade agreements, and urgent restoration of democracy to Canterbury by restoring Council elections.

The six clear priorities to protect New Zealand’s freshwater biodiversity put forward by the Society for Conservation Biology (Oceania) and endorsed by the ECO AGM are:

1. change legislation to adequately protect native and endemic fish species and invertebrates, including those harvested commercially and recreationally;
2. protect habitat critical to the survival of New Zealand’s freshwater species;
3. include river habitat to protect ecosystem health in the National Objectives Framework for the National Policy Statement on freshwater;
4. establish monitoring and recovery plans for New Zealand’s threatened freshwater invertebrate fauna;
5. develop policy and best management practices for freshwater catchments which includes wetlands, estuaries and groundwater ecosystems and;
6. establish, improve and maintain appropriately wide riparian zones that connect across entire water catchments.

MPI Review of Fisheries Management

The Ministry of Primary Industry (MPI) is embarking in a significant review of New Zealand fisheries management. In many ways a review is welcome, but ECO has difficulty both with some of the matters that have been ruled out of scope and some of the assertions that New Zealand fisheries management sustainability is not to be questioned.

Among the questions that ECO asked is whether NZ’s system of fisheries management really is world-leading and sustainable as the Ministry promotes.

Fisheries law in New Zealand still does not include an active precautionary approach. Nor does it have an Ecosystem Based Management approach, the now widely accepted framework for fisheries management elsewhere.

Fishing in New Zealand is still impacting on many non-target species and marine communities. This includes threatened endemic species – including Maui and Hector’s dolphins, many albatross and petrel species, and NZ sea lions.

Bottom fishing is still impacting on benthic biodiversity and we still in the early days of implementing the current National Plans of Action on Seabirds and Sharks. One of the major flaws of the fisheries Quota Management System is that there is little attention paid to the environmental impacts of fishing (except on the charismatic megafauna) and there are few measures in place to review or incentivise fishing methods and their impacts. For the most part, companies hold fisheries quota and there is rarely attention to the methods by which it is caught and their impacts on ecosystems and invertebrates and their communities and habitats.

MPI’s director of sector policy, Jarred Mair says there will be plenty of opportunity for people to have their say throughout this process. “The first phase of the review, beginning now, is about gathering information from stakeholders and the public about what is working and what might be priorities for change.”

“We’ll then summarise what we’ve heard and bring that back for feedback in early 2016. If it is decided that change is needed, MPI will develop proposals and there will be another opportunity to have your say.”

MPI says that it won’t be looking to make changes to core elements of the quota management system. Similarly, the existing rights and interests of recreational, customary and commercial fishers, as well as Treaty settlements, are not in scope.

MPI is also reviewing cost recovery provisions in the Fisheries Act 1996. These provisions apply to fisheries research and management, and also to impacts on protected species under conservation legislation. The provisions are in need of reform.

The current provisions have been used to restrict and limit fisheries research which is less than half of what it was, in real terms, over 20 years ago. For most of the stocks in the quota management system, little is known about sustainable yields. Perversely, the smaller the stock, the less the industry wants to spend on research. Decisions can be made on information that is many years old. Ecosystem impacts information is not routinely collected.

This could be an opportunity to achieve ecosystem based management, proper environmental impact assessments, the precautionary principle and catch limits for the ecosystem rather than for the fishing industry. We might even get recognition of the in situ values of fish in the sea and performing their ecosystem functions and providing other non-market values.

It is also likely that the fishing industry will want to gain even more control over the specification, design and conduct of fisheries research, that they will want to privatise fisheries management. The Review includes a goal of gaining “social licence” for fishing – which could be code for legitimising business as usual.

Further information on the review and a questionnaire can be found at www.mpi.govt.nz/law-and-policy

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High Country Stations of the Mackenzie

Mary Hobbs, October 2015, RRP $59.99

The Mackenzie Country has huge appeal amongst New Zealanders, and is widely recognised as one of our heartland landscapes. Laviashly illustrated.
Antarctic Marine Protection – Will Certain Countries block it again?

Monday the 19th of October kicks off the 34th meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in Hobart, Australia. CCAMLR delegates from 24 countries and the EU will gather in Hobart, Tasmania, to begin two big weeks of negotiations around conservation commitments for the Southern Ocean and which areas can be fished when.

ECO is a long standing active member of the Antarctic and Southern Ocean Coalition, ASOC. With ASOC we are committed to achieving a comprehensive network of very large marine protected areas (MPAs) in the Southern Ocean around Antarctica. Proposals for protected areas in the Ross Sea, south of New Zealand and in the East Antarctica sector of the Southern Ocean are the most advanced of those on the table but some countries notably Russia and China, have blocked these proposals at past meetings. CCAMLR makes decisions by consensus so a single dissenting country can block progress. The USA and New Zealand have pared down their Ross Sea proposal for this meeting, yet again.

It may take some time, but when achieved, this will be the most comprehensive regime of its kind on the planet. We remain hopeful that 2015 will be the year they will finally agree on lasting and significant Southern Ocean protection.

This CCAMLR meeting will begin right after the hugely successful Our Oceans conference in Chile – which generated much global excitement due to the announcement of a number of new, very large MPAs around the world. The new MPAs represent an additional 2,473,000 square kilometres of highly protected marine areas, including huge areas around New Zealand’s Kermadec Islands (though it was virtually unfished and much of it unfishable); around Chile’s Desventuradas (Unfortunate) and Easter Islands; and the United Kingdom’s Pitcairn Islands. Congratulations to these countries and everyone who was involved in these efforts.

ECO Co-chair, Barry Weeber will attend the meeting as a non-governmental representative on the New Zealand delegation.

The ASOC delegation will be hard at work during the two-week CCAMLR meeting conducting outreach with governments to share the importance of the Ross Sea and East Antarctic MPA proposals.

The coastal garden: design inspiration from Wild New Zealand

Isobel Gabites, October 2015, RRP $49.99

This gorgeous book is an essential read for New Zealand gardeners. Garden designers interested in native plants and wanting to reconnect with coastal locations will find this book useful. The author includes information not just about individual species but about communities of plants and the conditions that they respond to. There is a quick-reference species identification section too.

This book will interest all of those interested in protecting our coastlines as well as those planning small or large scale garden projects.

Kahawai: the people’s fish

Gerard Hindmarsh, October 2015, RRP $39.99

This is the first book dedicated to one of New Zealand’s most popular recreational fishes.

Long sought after by Maori, these beautiful fish are second only to snapper as New Zealand’s most caught recreational fish species. This book contains history, information on biology and behaviour, and how to catch kahawai.

The complete guide for all New Zealand fishers, foodies and anyone who cherishes our marine environment.
ECO Submission on Permanent Forest Sink Initiative

In August ECO made a submission on the government’s proposals to improve the Permanent Forest Sink Initiative (PFSI).

Carbon stored by new forests is an important part of New Zealand’s response to reducing net greenhouse gas emissions and the PFSI allows the owners of permanent forests to access the value of their forest carbon. Also, as a permanent forest cover is the most sustainable land use for large areas of erosion-prone hill country, the permanent forests of the PFSI offer more benefits than just long-term carbon storage.

Since it began in 2006 the PFSI has been successful on a relatively small scale, with 16,000 hectares of land now under permanent PFSI-registered forest. For some conservation and restoration projects, such as Hinewai Reserve on Banks Peninsula, the income from the sale of the carbon credits that they receive is an important source of funding for their ongoing work.

In its submission, ECO argued that the PFSI would be more successful if there was a higher carbon price in NZ and if a higher carbon price was coupled with payments for ecosystem services. This is so that we gain all the biodiversity services and benefits, and the cultural, recreational, aesthetic and landscape values derived from those, along with the passive values of existence value, option value and bequest value. Such passive-use values are significant and are often greater than other values. They are non-extractive values and accrue to all.

NZ Government policy has resulted in a carbon price that has been too low to provide an incentive for people to change their behavior. Fortunately for those regenerating permanent native forests, this has been mitigated a little by some buyers in the carbon market paying a price premium for high quality carbon credits from such forests.

In its submission, ECO suggested that the PFSI would be greatly improved if the regeneration of native forests and plantation forests (exotic or indigenous) were treated differently. For instance, with the exception of weedy plants such as wilding pines, it is not reasonable to remove trees from regenerating native forest but that is quite a different situation from the removal of trees (thinning) in plantation forests, exotic or indigenous. ECO suggested that there be 3 classes of forest each with their own provisions: class 1 (premium) carbon-ecosystem credits for (genuinely) regenerating forest, class 2 for indigenous plantations, and class 3 (lower) for exotic plantations. This would allow the market to more easily discriminate between these types of carbon sequestration and provide premium prices for class 1 carbon credits – which could be used for pest control and fencing to further protect forests.

ECO submitted that the felling of exotics in regenerating indigenous forest should be allowed so long as this improves the native ecosystems and that conditions for forest re-establishment and the time allowed for re-establishment should differentiate between regenerating native forest and plantations of indigenous species. The ECO submission agreed with the proposal that the ability to clear-fell harvest be removed from the PFSI to improve permanence.

ECO supported the proposal that there should be no liability if a PFSI forest is destroyed by a natural event following which it is not possible to re-establish the forest. Further, the submission suggested that a second, risk-spreading pool for non-fault, non-natural events could also be provided to help risk-averse land owners to join the scheme.

The submission supported the provision of a publicly accessible, web-based platform to facilitate promotion of the permanence and wider environmental benefits of permanent forest. In addition, some form of rural “extension” service, similar to what the QEII National Trust does, may be needed for the non-corporate land owners who may need to be assisted through the process and the scheme.

ECO’s submission emphasized that providing durable policy that can be adjusted as conditions change is vital. It noted that capricious policy changes and counter-productive policy have been the bane of New Zealand’s climate policy and needs to stop. This is not to say that certainty is a free good, or that certainty should be guaranteed (which puts greater risk and uncertainty on others and the environment), but as long as people do not trust policy to be relatively stable, they will stall taking action.

The submission concluded by affirming that the PFSI is an important policy measure, and that ECO would be very keen to see it upgraded to include support for more carbon sequestration and for ecological and biophysical co-benefits.

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ECO made a submission in August on the proposed National Environmental Standard (NES) for Plantation Forestry. ECO also had asked for changes in April. Comments made in ECO’s August submission included:

- It is clear that the plantation forest industry wants to save transactions costs and to have greater certainty. Some degree of commonality across New Zealand on minimum standards is welcomed, but the proposal pays insufficient attention to the Purpose and Principles of the Resource Management Act, and fails to test its proposals against those requirements.

- The proposed conditions are too frequently designed to “manage” some impacts of forestry rather than to “avoid, remedy or mitigate” impacts. Avoidance is rarely considered, remedies also rarely mentioned, and where mitigation is referred to, it is mostly within the terms of existing forestry practice, rather than achieving the Purpose and Principles of the RMA.

- Local councils must retain the ability to apply rules that are more stringent than those in the NES on all of the key issues identified, and in particular on erosion control and water quality, biosecurity, biodiversity protection and restoration, GMOs, wilding control, protection of the coastal and marine environment, and social and cultural matters.

Protect biodiversity

- The erosion susceptibility of land is considered, but the impacts on the receiving environment and its sensitivities mostly are not, particularly in regard to wetlands and invertebrates.

- ECO welcomed provisions for the protection of fish spawning, but would like to see comparable consideration given to invertebrates.

- ECO has concerns that the effect of the proposal concerning fish spawning is greater permissiveness with rarer species. A probability of 0.5 means that it is 50:50 whether the fish are there. But with the rarer species, this probability may be lower, but the consequences of damage may be more severe if they are there, are seriously impacted, and are rare.

- This suggests to us that there is a need for a requirement for ecological surveys, not guesses, and that there needs to be an ecological assessment done before each of the key potentially damaging activities is undertaken. The provision at the moment only relates to probability, not to the significance of the consequences should the species in fact be there. To solve this problem, ECO suggests that there be a methodology both for ecological assessment, and for the assessment of the significance of the consequences for the environment and ecosystem and species. An informed decision process could then follow. Koura and culturally and/or ecologically significant species, including invertebrates should be the subject of such assessments.

Erosion control

- The erosion control zoning seems to have a number of major problems where some areas of known high erosion risk are not classified as such e.g. parts of the Coromandel Peninsula and Marlborough Sounds.

- ECO opposes downhill ripping. Following the contour should be a core part of erosion control. If not suitable for contour preparation, the area should not be used for this form of mechanical preparation.

- There is a general lack of acknowledgement of the issue of indigenous biodiversity and that any harvesting, replanting or afforestation must consider the needs for indigenous ecosystem restoration if goals around maintenance of biodiversity are to be achieved by the RMA.

- The set-back distances for the categories of water bodies is inadequate and fails to consider the nature of the ecosystems and other sensitivities.

Biosecurity issues

- The proposed NES addresses the unintended spread of plantation species (e.g. wilding pines) but
does not appear to address other biosecurity issues such as the transfer of weeds and other unwanted organisms (e.g. didymo) on forestry machinery and equipment. Assuming that this issue is not adequately addressed elsewhere, this suggests that conditions relating to this should be added to the General Conditions rules of the NES.

- The consideration of the impacts of forestry activities on dwellings is welcome, but insufficient, since people doing things on the land, farms, orchards, gardens, schools, at marae, shops and many other places can also be impacted by forestry activities.

- ECO considers that there should be some standard minimum conditions for the inclusion of, consultation with, treatment of communities, and that minimum cultural considerations need to be included. We get the unfortunate impression that cultural attention is restricted to consideration of archeological sites, but cultural concerns, Maori and otherwise, are alive and well and should be considered for contemporary as well as past cultural sensitivities.

- A problem not mentioned in the proposal is the poor, or lack of, compliance by companies - we continue to see significant failures of erosion control during and after harvesting and land preparation. Examples are at Tairua a few years back and other parts of the Coromandel on a regular basis. ECO’s member bodies in many parts of the country report inadequate enforcement of conditions.

Community involvement

- The community will be able to engage with matters of compliance, and will feel less unfavourable to forestry if members have knowledge of consent conditions set, plans lodged by foresters and their agents, and of compliance reporting, monitoring results and so on. We urge that these matters be available to the public in a timely way, and that opportunities to comment and engage are provided to communities.

- The proposed NES is essentially a voluntary code of practice in areas where plantation forestry has ‘permitted’ status. In these areas councils cannot stop operations or require changes to Erosion and Soil Conservation Plans or Harvest Plans prior to operations commencing, and councils are unable to influence or control environmental outcomes until enforcement action is triggered by a complaint or non-compliance with the conditions.

- We have a considerable concern that the Permitted Activities approach will set too low a standard for other activities such as farming and mining. It will be essential that the bar for permitted use is moved to be less permissive, to enable closer controls and to allow community engagement.

Need to fund implementation

- If implemented effectively, the NES will have the effect of reducing costs for forest owners, and in particular those with forests in more than one council area, but increasing costs for councils because of increased levels of monitoring and possibly enforcement. With the strong pressures on councils to constrain increases in rates, it is very unlikely that councils will adequately fund this. This suggests that if the NES is to be implemented effectively, there will need to be a levy on forest owners to fund the additional costs that would be incurred by councils.

ECO looks forward to the Minister and the Ministry considering these submissions and revising its proposal.
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