



**ENVIRONMENT AND CONSERVATION ORGANISATIONS OF NZ
INC.**

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5 May 2017

Grey District Council

Email to submissions@greydc.govt.nz

“Sustainable” Harvesting on GDC Land – ECO NZ Submisison

Full name (incl Mr/Mrs/Miss)

Ms Catherine Wallace

Organisation

Environment and Conservation Organisations of NZ Inc. ECO is an organisation of about 45 member organisations and many subscribing “Friends” of ECO. Our members are throughout the country and include organisations who are environmental and conservation organisations, and others who are not primarily such groups but who share our concern for the environment. We were established in 1971-72 and are members of the NZ Forest Accord and IUCN.

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Do you wish to be heard in support of your submission?

Yes

Do you think sustainable harvesting of native forests on Council owned land should be allowed?

No

Please provide comments in support of your choice above:

Should sustainable harvesting of native forests on Council owned land be allowed?

ECO welcomes this consultation and considers it is a very sensible of the Grey District Council to consult on the broad questions raised in this consultation. We are concerned that the legal requirements for consultation have not been met.

1 ECO opposes logging of native forests, but we do support genuinely sustainable exotic plantation forestry but not in areas where there are or have been native ecosystems.

2 We consider that logging of native forest cannot be done sustainably since these are ecosystems that rely on all elements to be healthy for healthy functioning ecosystems. Logging introduces damage to waterways and water quality, soil stability, vegetation and weeds and pests. Logging opens up forest ecosystems to wind throw and damage to forests via “edge effects”. We reject the proposition that old growth native forests can be logged sustainably, event though the Forests Act amendments contemplate such an situation.

3 Native forests are important natural capital and contribute a wide range of ecosystem services including:

- a) carbon sequestration,
- b) oxygen production and cycling,
- c) biodiversity and habitat for native species;
- d) fresh water cycling,
- e) soil stability,
- f) nutrient cycling,
- g) recreational and tourism services,
- h) landscape values,
- i) bequest value (the value that people put on passing intact to the future the forests and the services that they provide),
- j) scientific values, existence values (the value people put on retaining the forests for their existence),
- k) option values (the values gained from retaining natural capital for future benefits such as medicinal and other services) and
- l) cultural values.

Every one of these is important for humans now and in the future.

In ECO's view, these should not be sacrificed or damaged. To do so would be to deprive the future and to sacrifice the ability for people and communities to pursue their economic, social and cultural wellbeing and to violate the ability of future generations to achieve their well being. Further logging would violate the requirements of s5, the Purpose of the RMA¹. According to ECO's analysis, this would violate the whole of s5, and each of the subparts, 5(1) and 5(2)a, b and c. As such, the proposal would be inconsistent with the Purpose of the Resource Management Act 1991. In our submission, any permissions to log the Reserves would also be inconsistent with the Principles of the RMA.

4 Natural capital is the foundation of the economy, our culture and human welfare. The forests are important to the local economy and to the future as well as the wider economy and society. Natural capital is an inheritance that keeps on giving and properly The forests should be protected from the threats to them (whether from weeds and predators or chainsaws in the case of forests) will keep on providing livelihoods and other benefits in perpetuity.

5 The perception that economic benefits are only from extractive uses of forests is incorrect. Extractive use of forests is short term, significantly damages native forests and their ecosystems and logging forests is the equivalent of burning your furniture to keep warm. Yes, logging provides short term benefits, but it is at the expense of the many streams of future benefits in perpetuity.

6 In New Zealand and the world, old growth forests are desperately rare and are getting rarer. They are vital to a healthy planet and are increasingly sought after for the psychological, physical, recreational and tourism benefits that they confer. We urge the Grey District Council to recognise the significance of these forests.

7 The government has already made a major payment to the West coast councils for the end of logging of native forests on public land – and to threaten to log native forests is to go back to the bad old days of conflict on the West Coast over logging of native forests. ECO predicts that should the GDC permit logging of native forests, albeit under the guise of “sustainability” which we consider to be illusory, then there will be both a national and an international outcry. The GDC will bring

¹ S5(2) of the RMA says: In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

the opprobrium of the world on its heads. We would expect that people will take to social media on the matter and that the GDC will be the centre of global petitions and other pressure. This will be off-putting to tourists and recreationalists and to settlers.

8 The three particular forests notified in the consultation are named and all are significant. The consultation document provides no information on the ecological or other values and no map is supplied. The other smaller native forest areas are not disclosed, but in our view no native forest should be logged.

Section 6 of the RMA states:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

In our submissions, any logging of native forests would be inconsistent with s6(c) and some of the areas concerned would be inconsistent with s6(a) and / or (b) as well. Given that any person exercising powers or functions under the Act “shall recognise and provide for” matters of national importance, we consider that any proposal for logging of native forests, must fail this test, because it is not credible that this could be done in a “sustainable” way.

9 The forest reserve areas that are named are of high ecological significance. To quote the consultation document these are “Mt Buckley, Mt Sewell and Cashmere Bay ...[and] other parcels of land where there are likely to be native trees growing. It is expected the main interest will be in the larger forestry blocks identified above.”

10 When we asked our members and others for comments on the Grey District proposals we received many comments. These included the following:

“Cashmere Bay on Lake Brunner is swamp kahikatea. It is one of my favorite West Coast kayaking locations, depending on water level and determination you can squeeze the kayak in between towering trees.”

“It is a wonderful example of swamp kahikatea forest. There is rimu on the drier ground. The bay is a popular holiday area with holiday homes, freedom camping, swimming, hiking and boating. I guess the area under consideration is the low swampy 'peninsula' between Iveagh Bay and Crooked River.”

“Cashmere Bay [is] alluvial podocarp forest (kahikatea, perhaps also rimu), sustainable logging has been tried in Whirinaki... Mt Buckley looks like beech-podocarp (rimu hard beech red beech). Ditto for the higher Sewell peak..”

“It is some years since I visited Sewell Peak (831 m). It is one of the southern most peaks of the Paparoas “.

“We need to have a bit more information than in the snippets proposed by the Council. A proper vegetation assessment of these areas is needed.”

- 11 ECO submits that the legal requirements for consultation have not been met by the Grey District Council’s call for submissions.

Our reasons for this concern include:

- a) that it is not apparent from the call for submissions whether this is part of a formal legal process, such as re the District Plan under the LGAAct or the RMA, or not. We must know which legislation the consultation is under to be able properly to respond.
- b) The information is inadequate. We appreciate that the consultation is about the principle of logging native forests on the three reserves, but the location of the other places that might be logged is not given.
- c) The location of the three named places is also not provided (though that can be found in other places). There is no map.
- d) There is no information in the consultation document on the nature or condition of the forests nor about affected waterways and wetlands, wildlife, nor of any possible implications for the ecosystems they support or affect if logging were allowed.
- e) We did not find in the consultation information or on the Grey District Council Website any information about the ecosystems affected, the species in the forests or wetlands and waterways.
- e) We could find no information on the Reserves or their purposes or history on the Grey District website or in the consultation information.
- f) It is apparent from the record of the Council that there is existing policy to allow logging – as per Eugenie Sage MP’s statement with the excerpt from the Council’s own meeting decisions, reproduced below the

case law legal requirements which we have summarized immediately below the next paragraph.

In summary, the information presented is insufficient and it seems that the decision is probably predetermined. As such, this falls far short of the legal requirements for consultation as outlined in the seminal court judgment in the case of **Wellington International Airport Ltd v Air New Zealand ([1993] 1 NZLR 671-684)**.

Our summary of that case includes the following on Consultation:

- The nature and objective of consultation depends on the context;
- Legal duty to consult “is never to be treated perfunctorily or as mere formality”.
- Consultation is more than telling or presenting information or intentions. It does not require reaching agreement. It “is quite different from negotiation” (though this may follow).
- **Those being consulted must be provided “with relevant information and such other information as they request” though sometimes information may validly be withheld.**
- Those being consulted must be told what is proposed before they give their views.
- They must be given a reasonable opportunity to state their views and be free to say what they think or to not say.
- **Decision makers must have a genuinely open mind but this does not mean that they cannot have a suggested option. They must be prepared to change. The decision may not be made prior to consultation.**
- **Eg, may not have let contracts etc that prejudice taking a different option or conditions etc.**

We note the following from Eugenie Sage:

“New York-owned logging company NZ Sustainable Forest Products has been the major beneficiary of National’s weakening of the Conservation Act. The company has taken out more trees than any other operator and is now pushing for native forest logging on the West Coast to restart on an even bigger scale. It is behind the Grey District Council’s request for public comment to open up Mt Buckley and possibly two other council reserves to chainsaws and logging

The council reserves on Mt Sewell and Mt Buckley in the Grey Valley are steep sites. As well as the forest damage, and the loss of older rimu and beech trees, which are critical for hole-nesting species such as kaka, there is a potential risk of significant erosion as trees are cleared and removed. The third area at scenic Lake Brunner’s Cashmere Bay involves logging podocarp forest, which is a magnificent part of the backdrop to the lake.

There is a clear agenda in the National Government’s September 2016 regional development report for the West Coast to restart native forest logging in the region on an even larger scale by further law changes to both the Conservation Act and the Forests Act. The forestry section in the “**West Coast Growth Opportunities Report**” (p 147 in PDF version) says:

“The opportunity is to amend the legislation to allow windblown timber on conservation estate to be removed by approved processors after any major weather event **or at the discretion of the Minister**. This will allow operators to extract such timber on a broader basis and post-2019.

“Aligned with this, a more significant and longer-term opportunity is to incentivise the expansion of indigenous timber forestry and processing from production plantations on the West Coast by reviewing and reducing current market barriers (e.g., export restrictions, building standards).”

The law changes allowing windblown trees to be logged from conservation land expire in 2019 and the report advocates broadening this to allow the Minister to approve logging after further windthrow events or whenever s/he chooses.”

We are struck by the dissonance between the proposal and plans to allow logging of native forests in the above and alluded to in the consultation call, and

a) the discussion of the need to give effect to s6c of the RMA in the district Plan², and with

b) Mayor Tony Kokshoorn’s address to the EDS Conference in 2016³. In that presentation, *Diversifying the Local Economy for a Sustainable Future*, the points were made vividly that logging of native forests finished in 2000, and that protecting wildlife was an important goal (Slides 39 and 54). So too was the point that diversification away from the old extractive industries is needed and that recreation and tourism are vital elements to the future of the Grey District.

Tony Kokshoorn underscored his message at the EDS conference with the statement that “we are now knocking on the bedroom door” of environmentalists.

Mr Kokshoorn seemed then to have grasped the nature of the natural jewels in the Grey District, but this understanding seems lost in the logging proposals, for all that logging is asserted to be “sustainable”.

12 It strikes us that there is also no information on the economic implications of the proposal, except for the reference to boosting economic growth and the opportunity for on-going income. We consider that this does not constitute information. It is only a “hand wave”. It is highly doubtful that logging the native forests would make genuine economic sense, with consideration of the market and non-market values lost or gained. No information to support the asserted case was

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<http://www.greyc.govt.nz/SiteCollectionDocuments/OurServices/Planning/DistrictPlan/Chapters/05%20Significant%20Indigenous%20Vegetation%20and%20Significant%20Habitats%20of%20Indigenous%20Fauna.pdf>

³ Tony Kokshoorn, 2016,

<http://www.eds.org.nz/assets/Past%20events/2016%20EDS%20Conference%20Presentations/1433%20Kokshoorn%2C%20Tony.pdf>

provided, since the goals were only stated but the case was not made. No information about any financial, economic or environmental capital and associated flows were provided. No carbon accounting (and associated financial flows), no soil (in)stability information was given, and no information on environmental or social impacts was given.

13 We were very struck by the lack of information on the Grey District Council natural environment, biodiversity and in particular, the reserves on the Council website. We searched under “reserves” and got a reference to the Parks and Reserves Council department, but though there was a list of parks, there was no list, no map and no discussion of the merits for ecology, for recreation or for tourism of the reserves. We could not find the Purpose or designation of the reserves. This, as well as robbing the public being consulted on the logging question of vital information, seemed to show that the Council does not grasp the immense value of the Reserves as living ecosystems and habitats, nor their non-extractive values. This seems in stark contrast to Tony Kokshoorn’s apparent grasp of this as provided to the EDS conference.

14 We strongly recommend to the Council that these values are portrayed and promoted on the Council Website, and are reflected in the Council’s thinking, instead of grasping once again at the idea that logging and other extractive activity is the future for the Grey District.

The Grey District Council area has so much more than extractive activities that destroy natural capital and the experience of nature. In 2017, hardly anyone thinks it is sensible to log native forests at any rate, whether it is called “sustainable or not”.

15 We find it very odd that the applicant for the logging is not named, nor is any information given about the beneficial owners of the company. We understand from Television and from Eugenie Sage’s post that the company, though posing as local and based in Reefton, is “New York owned”. Who is behind the company? Why should the Grey District permit the loss of their forests for a New York owned company?

16 We note that in the District Plan, the ownership of forests in the area is 85% the public in the form of the Department of Conservation. The Plan says that Timberlands NZ manages most of the rest of it. Is this the case still? Is Timberlands NZ a member of the NZ Forest Accord? If so, then it should not be contemplating logging native forests.

17 Employment matters. ECO is well aware that the West Coast has suffered losses of employment prospects as coal mining declines and the logging of native timber on public land was stopped. We note the paper produced by the Climate Action Network called *Jobs after Coal*. We support the Trades Union efforts to achieve a just transition from climate destabilising activities to genuinely sustainable industry and activities. We strongly urge that that transition from logging and from

coal mining is the best strategy. We urge that the Council focus on those other options. The genuineness and authenticity of West Coasters is a huge strength for visitor experience and the knowledge and capabilities of outdoors people is a huge advantage. The arts and cultural renaissance on the West Coast and the enduring glory of the forests, water ways, lakes and coasts with their wildlife is a major durable draw card. We do urge that these strengths be recognised and made the most of.

18 The iwi and hapu views of the proposals is not apparent from the information provided. We thus are unable to engage with this aspect of the proposal. We can imagine that there are mixed views.

19 ECO welcomes the opportunity to make our views known, and does wish to be heard on this proposal. We were told that the GDC only wants to have submissions from Council residents, but that would be in violation of the principle of open standing under the RMA if that is the law under which this consultation is conducted. Our members include Friends and member groups on the West Coast as well as elsewhere.

20 The forests are our common responsibility and heritage and are of National Importance. We need to maintain them for their natural services and themselves and for the future. We have every obligation to be good stewards of them for the future and for their life supporting capacity and their contribution to sustainable social, cultural and economic wellbeing and health and safety.

21 We thank you for this opportunity and urge the council to reject the logging proposals in principle and in particular and to disallow logging of native forest on Council owned (or any other) land.

To contact us regarding a hearing or for other purposes, please email eco@eco.org.nz and phone on 04 385 7545.

Yours sincerely

Catherine Wallace
ECO vice-chair for policy.

STATEMENT OF PROPOSAL

What is the issue?

Council would appreciate public feedback on whether sustainable harvesting of native trees should be allowed on Council owned land.

Why is this being proposed?

Recently Council received a request for a licence to undertake sustainable logging of native trees on one of our forest blocks. Before considering the request or any associated issues, Council is asking for public feedback on the **principle** of whether it should allow sustainable harvesting of native forests on land it owns. In doing so, clearly Council acknowledges it is a potentially controversial issue, hence the request for feedback. Council is yet to determine the request and will do so based on feedback received, amongst other things.

Council owns three major natural forests which may become the subject of logging applications. These are located at:

- Mt Buckley
- Mt Sewell
- Cashmere Bay

Council also owns other parcels of land where there are likely to be native trees growing. It is expected the main interest will be in the larger forestry blocks identified above.

If the outcome is that Council considers allowing logging in its forests, sustainability will be the key focus. It will insist on any such logging to comply with requirements imposed by the Ministry of Primary Industries. The Ministry determines the concept of sustainability and the associated practice requirements. It does so for each forest block, taking into consideration environmental and other factors pertaining to that block.

It is also important to note that any approval for harvesting will be subject to the mandatory consents and permits required by the Grey District Council, West Coast Regional Council and any other authority.

Other reasons for Council to consider allowing harvesting of its native forests include the practice:

- Being an economic stimulus measure.
- Becoming an income generating venture.

What are the options?

At this stage we are requesting feedback on the **broad principle**, rather than a specific proposal.

We would like to know your views and are particularly interested in:

1. Do you support/oppose or conditionally support logging of native trees on Council land? Please state the reasons for your position and, if conditional, the conditions that you would like to see imposed.
2. Do you support the focus on sustainability? If not, please give reasons.
3. Is there any other comment you wish to make?

How to have your say

Residents are strongly encouraged to have a say on this important, if not controversial, topic. We want to hear from as many people as possible before a decision in principle is made, so have your say today.

All submissions must be in writing. We will accept submissions in the following format:

- Council submission form - online or paper
- Email to submissions@greydc.govt.nz
- Written submissions posted to Grey District Council, PO Box 382, Greymouth or hand delivered to 105 Tainui Street, Greymouth



You are welcome to address Council in person on your submission – if you wish to do this, please clearly indicate this in your submission.

Every submission made to the Council will be acknowledged in accordance with the Local Government Act 2002, copied and made available to the public.

We want to hear from as many people as possible on this matter so have your say today.

Submissions close at **5pm on Friday 5 May 2017**.

Documents

-  [Summary of proposal](#) (PDF, 65KB)
-  [Submission form](#) (PDF, 67KB)

