

NATIVE LOG RECOVERY POLICY

Background:

Large areas of natural forest in NZ were felled by European settlers for timber or for pasture, and more recently reverting farmland was cleared under Government incentives for pasture, with some then converted to plantations. Some areas within Ernslaw One's forest estate were historically under native (indigenous) forest, and given NZ's history of land use change, it is not uncommon for durable native logs to be uncovered during harvesting operations and general forest management activities.

Ernslaw One Ltd is required to conduct all operations in accordance with legislation, including Regional and District council Plan provisions. Market imperatives dictate that we maintain Forest Stewardship Council (FSC) certification requirements. Further, as members of the NZ Forest Owners Association (FOA), Ernslaw One Ltd commits to be bound by the NZ Forest Accord and has volunteered to meet best practice standards established by the NZFOA Environmental Code of Practice. This document outlines the policy to be followed when native logs are encountered, in order to ensure that Ernslaw One Ltd. meets its legal and voluntary practice requirements.

This policy applies to anyone (staff, contractors and visitors) who enters any area of the Ernslaw One Ltd forest estate.

Policy Directives:

*Removal of native logs from Crown Forestry License land is **prohibited**.*

Removal of native logs from Leasehold land is permitted where the intended use is for Maori cultural purposes. Prior to the removal of any log, the express permission is required from the Regional Manager.

Removal of native logs from Freehold land is permitted where the intended use is for the following purposes:

- 1 The log will be used for cultural purposes by local Iwi or Hapu^a, noting that where the intended cultural use requires the log to be milled, the Forest Act requires that they apply for and obtain a "consent for milling" from a MAF office. Prior to the removal of any log, the express permission is required from the Regional Manager.*
- 2. The logs will be used for firewood^b. Any removal of native logs for firewood is limited to the personal use of staff and contractors.*

^a Refer www.tpk.govt.nz/en/consultation/iwi-directory/

The removal of any native log will only be sourced in the following situations – where it is dead, wind thrown, salvaged or derived from the construction of forest infrastructure.

If native logs must be moved for safety or operational reasons, the logs must remain in the forest, but should be placed in a safe location.

Legal Requirements:

- 1) The 1949 Forests Act (Amendment 1993, Part 34) prohibits the milling of native timber, unless processed at a registered mill. The Forests Act prohibit the felling of native trees, except for the construction or maintenance of an access way or for water impoundment.
- 2) Council Plans produced under the Resource Management Act (RMA) generally permit the clearance of native understory (but not canopy trees) and regeneration in areas of failed planting during harvest, but not during land preparation for afforestation of previously unplanted land. In many regions it is illegal to undertake spraying, roller crushing, or burning of areas manuka or kanuka or other indigenous vegetation or Native Trees without a resource consent.

Other Plan provisions or resource consent conditions generally require that the effects of harvesting and road construction on streams and wetlands to be minimised and adverse effects on the stability of adjacent slopes to be mitigated. Felling of crop trees should be conducted in a manner which minimizes disturbance of indigenous vegetation and native trees in riparian areas or on stream bank and must avoid the damming or diversion of the watercourse, in order to minimize the need for subsequent slash removal and further damage to native riparian vegetation.

Our Voluntary Obligations:

1) New Zealand Forest Accord (1991)

Plantation managers agreed that when establishing plantations, any area of 5 hectares or greater which has an actual or emerging predominance of naturally occurring indigenous tree species of any height that attains a diameter at breast height of 30cm or greater shall be excluded from land clearing.

Plantation managers agreed that when establishing plantations, any natural indigenous forest vegetation, of between 1 and 5 hectares in area with an average canopy height of at least 6 m which is practical to protect shall be excluded from land clearing.

Thus the Forest Accord created a working definition of a “Native Tree”.

^b If the situation arises where an entity is to sell firewood, then any regulatory requirements will be met, and Ernslaw One Ltd will negotiate a royalty.

2) Principles for Commercial Plantation Forest Management in New Zealand (1995)

The Parties to the 1991 NZ Forest Accord further agreed that plantation forests shall not replace Natural Forest and other Natural Areas, as agreed under the instruments of the New Zealand Forest Accord.

Plantation managers further agreed to take all practical steps to protect indigenous vegetation along the margins of water bodies where appropriate.

Plantation managers further agreed to take all practical steps to safeguard designated reserved natural areas within or adjoining plantation forest boundaries from any adverse effects of forest operations.

3) New Zealand Forest Owners Association Environmental Code of Practice

Forest Managers are to ensure indigenous biodiversity will be protected and provided for where appropriate and shall take all practical steps to protect indigenous vegetation along the margins of water bodies where appropriate.

4) Forest Stewardship Council Principals and Criteria

Forest managers certified by FSC must demonstrate that their operations conserve biological diversity and associated values, maintain ecological functions and forest integrity, that management plans explicitly state management objectives regarding natural forest conservation, and harvest design and layout promote conservation of natural forests.

The NZ FSC National Standard (2012) makes clear that conversion^c of indigenous forest to plantations is only allowed in very limited circumstances and areas. FSC Criterion 6.10 states that forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:

- Entails a very limited portion of the forest; and
- Does not occur on high conservation value forest areas;
- Will enable clear, substantial, additional, secure long-term conservation benefits across the forest.
- NZ FSC Indicator 6.10.1 embodies the agreed NZ Forest Accord definitions for Native trees, and RMA concept of Protected Natural Areas.

^c FSC International Policy ADV 30 602 EN Conversion of plantation to non forest land

Definitions:

Dead:	Trees (standing or otherwise) that have died as a result of natural causes.
Infrastructure:	fence lines, road lines, landings, firebreaks, fire ponds and other constructed facilities or cleared areas. In regards this policy, alternative routes or locations should be investigate as a part of planning before native trees are removed for establishment of access, etc.
Native tree:	A tree that forms part of the canopy and has the ability to attain a diameter at breast height (1.4m) of 30 cm or greater ^d . The definition includes manuka, kanuka ^e , and tree fern trunks ^f .
Natural Forest	Areas of land which are predominantly covered in indigenous tree species that are naturally established, including managed indigenous forest areas where regeneration is supplemented by planting of indigenous species. ^g MAF (2009) specifically include manuka and kanuka in their definition of native trees ^h
Natural Areas	Areas of land with a predominant cover of indigenous vegetation, including natural forests as defined above, and also naturally occurring water bodies.
Plantation Forest	Areas of land predominantly covered in trees grown for cropping and managed primarily for commercial purposes and excluding natural forests as defined here.
Salvage	Trees felled to waste before 3 July 1989 (Source: MAF, 2009) ⁱ .
Windthrown:	Trees that have become windthrown as a result of natural causes (Source: MAF, 2009).

^d NZ Forest Accord, 1991

^e MAF Standards and Guidelines Part IIIA Forests Act 1949

^f Forests Act, 1949

^g Principles for Commercial Plantation Forest Management in New Zealand 1995

^h MAF Standards and Guidelines for the Sustainable Management of Indigenous Forests (01/09/2009)

First Issued: May 2010 Version 1.0 (North Island Policy, derived from Whangapoua Forest Policy)
Updated: 08/08/2011 Version 1.1 (National Policy)
 14/11/2013 Version 1.b (National Policy) acknowledges NZ National FSC Standard now in effect

Location of Master Document

The master electronic document control policy is located on the Auckland computer server in drive M:\CorpSup\Policy.

Responsibilities

The responsibilities for the Policy are list in the follow table

Activity	Controller	Approver
Major revisions	Manager Corporate Support	Regional Managers
Maintenance	Manager Corporate Support	Regional Managers
Version Control	Manager Corporate Support	

Associated Documents

The documents associated with the document control policy are listed in the following table.

Principles for Commercial Plantation Forest Management in New Zealand 1995
www.nzfoa.org.nz/file-libraries-a-resources/doc_download/9-principles-for-commercial-plantation-forest-management-in-new-zealand-