



Who owns the rain?

The 'ownership' of rain is the focus of the latest disagreement between the commercial forestry industry, other potential users of rainwater, and sections of local government.

The Executive Director of the New Zealand Forest Owners' Association, Mr Ken Shirley, says in terms of the Resource Management Act (RMA), some parties are seeking to restrict forestry on the grounds that it uses too much rainwater, to the detriment of themselves and other downstream users.

He says one of the more recent cases about the issue was the proposed afforestation of the Mackenzie Basin. The application was accepted and transported into Plan 21 by the Mackenzie District Council.

The application was opposed by ECNZ, which contended afforestation within the basin (or more specifically, the subsequent 'use' of rainwater by the trees) would reduce the generating capability of its hydro power stations on the Waitaki river.

ECNZ lodged an appeal based on Section 32 of the RMA – claiming the Mackenzie District Council had not followed correct procedures before accepting Plan 21. The Council, said ECNZ, had not provided for interested parties an opportunity to comment on the afforestation proposal.

Mr Shirley says another example of the rain 'ownership' issue involves the Tasman District Council (near Nelson). It is

seeking to restrict land owners from planting trees in a 'recharge zone'. This is an area which absorbs rainfall and feeds it to an underground 'aquifer'. The Council says afforestation of this area will impact negatively on the irrigation requirements of potential horticultural land downstream.

Tasman Forestry has concerns about this view. Says the company's Environment Manager, Dave Evans: "In effect, the Council is laying claim to the rain falling on land. The RMA does not give it the right to favour one land user over another."

Tasman Forestry has lodged an appeal with the Planning Tribunal against the District Council's restriction.

Ken Shirley said that since the Act's introduction in 1991, forest owners and councils have often been at loggerheads over its implementation.

"Sometimes the implementation process became unmanageable and costly, and discourages potential investors. But of course, the councils in turn want to ensure they develop regional and district plans which take into account frequently-conflicting community and local interests."

Environmental auditing – Forestry tunes in

New Zealand's forestry industry has experienced a steady increase in environmental auditing since the beginning of the decade, but the industry still has a long way to go in using this management tool.

That is the finding of a recent survey carried out by the Logging Industry Research Organisation (LIRO).

The LIRO survey showed that 74% of participating organisations had never carried out an environmental audit. Only 13% carried out audits routinely, while 6% had done so once and 7% had done so more than once.

Environmental auditing in the forestry industry is a relatively recent development: the survey shows some companies carried out audits as early as 1989, but most started in the early 90s – a development which coincides with the introduction of the Resource Management Act (RMA).

The survey questionnaire was sent to 165 individuals representing forest industry owners, managers and consultants as well as all local authorities (regional, district and city councils). The sample included 24 forestry companies, of which 18 responded.

LIRO's environmental researcher Pieter Fransen says the forestry industry is in its infancy in terms of environmental audit practices, but predicts that there will

be radical growth: "Some 85% of forestry respondents said they would be conducting environmental audits in future".

A further 60% of regional councils would also be conducting audits in future (the remaining 40% said "they might"). Territorial authorities were less decisive (69% said they "might" conduct environmental audits, and 20% said they "would not").

Fransen says these decisions may reflect a lack of significant forestry in the councils' areas, or that they don't see environmental auditing as a regulatory requirement under the RMA.

Major Weakness

One of the major weaknesses highlighted by the survey is the fact that there is no standard approach or methodology for environmental auditing which is accepted by the forest industry. Fransen says the survey will identify and prioritise specific areas to begin the development of guidelines for environmental auditing protocols.

Some of the benefits of environmental auditing, as detailed by the respondents, include: an improved environmental awareness; proof of compliance to regulatory and company environmental policies, standards, and guidelines; and the ability to assess the development of management policies and programmes.

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