



MINISTRY OF AGRICULTURE AND FORESTRY

SILNA FORESTS

REVIEW OF THE 2002 SILNA POLICY AND THE
IMPLEMENTATION PACKAGE

DISCUSSION DOCUMENT 2009



Ministry of Agriculture and Forestry
Te Manatū Ahuwhenua, Ngāherehere

MAF POLICY



SILNA FORESTS

REVIEW OF THE 2002 POLICY AND THE IMPLEMENTATION PACKAGE

A DISCUSSION DOCUMENT

2009



ACKNOWLEDGEMENTS

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ENQUIRIES

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INTRODUCTION

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PURPOSE OF THIS DOCUMENT

The purpose of this discussion document is to support the review of the South Island Landless Natives Act 1906 (SILNA) forests policy. The document provides information about the policy and its implementation. It also seeks your views on how the current policy is working and the future approach. This is a part of the engagement with the SILNA forest owners and key stakeholders in the SILNA policy review process.

This section of the document describes the purpose of the review and the review process. Chapter 2 provides background information on SILNA forests, while Chapter 3 describes the current SILNA policy package. Chapter 4 discusses the implementation aspects of the policy and Chapter 5 envisages a framework of future policy options and seeks your view on future policy options. Chapter 6 describes the engagement and submission processes, including guidance for submissions. The questions in Chapter 4 may be useful in formulating your feedback. For easy reference, these questions have also been listed together in Appendix A.

PURPOSE OF THE REVIEW

The purpose of the review is to comprehensively assess the 2002 SILNA policy and to recommend future policy options. The review will enable SILNA owners and key stakeholders to comment on the policy, the initiatives that have been implemented and future policy options.

The current SILNA forests policy was introduced in 2002 to address concerns over the clearfelling of SILNA forests. This policy was developed in consultation with Rau Murihiku Whenua Māori, an organisation originally formed in 1989 to represent SILNA forest owners, and the then Member of Parliament for Te Tai Tonga.

The policy brought together the existing voluntary moratorium programme and a range of new initiatives, including the protection of SILNA forests with a high conservation value and assistance for preparing sustainable forest management (SFM) plans (under the Forests Act 1949). A sum of \$19.691 million (including GST) was allocated over a seven-year period for implementing the policy package.

In 2006, the Government considered a progress report on the 2002 SILNA policy implementation package and directed the Ministry of Agriculture and Forestry (MAF) to undertake a review of the policy and to report back on its achievements and future policy options.

REVIEW PROCESS

As a part of the review process, MAF has commissioned two external reviewers to independently assess the SILNA policy and to recommend future policy options. The terms of reference for the independent reviewers are set out in Appendix B.

The review process also includes:

- › engagement with SILNA forest owners and key stakeholders;

- › an analysis of the recommendations of the independent reviewers; and
- › a report-back to the Government.

MAF will provide SILNA owners and key stakeholders with an update on the SILNA policy implementation package (through this document), and then will seek their contribution to the review by:

- › inviting their submissions on the policy and implementation package; and
- › seeking their views on future policy options.

A series of hui (with an independent facilitator) will be held in August/September 2009 in conjunction with the submission process, to encourage engagement by SILNA owners. The details of the hui are in Chapter 6.

The hui will enable SILNA owners to raise any issues of concern and to express their views on SILNA policy. Detailed minutes of each hui will be recorded. The minuted record of oral contributions by hui attendees can be treated as oral submissions for the review, if the relevant contributors so wish.

MAF will also organise meetings with key stakeholders.

THE SILNA LANDS

2

BACKGROUND

The history of the SILNA lands dates back to the land purchases in the South Island during the 1840s and 1850s, and subsequent calls by South Island Māori for economic redress over land purchase agreements that left sections of the Māori population with insufficient land, or no land, to support themselves. A series of commissions enquired into this issue leading to the passage of the South Island Landless Natives Act 1906. Under this Act the Crown transferred 57 500 hectares of land to approximately 4000 individuals of Māori descent.

The SILNA lands are currently held in multiple ownership and are registered with the Māori Land Court.

This estate is managed primarily through incorporations and trusts. A portion of the SILNA land holdings is managed by the Māori Trustee on behalf of the landowners.

THE SILNA FORESTS

According to a 1999 survey approximately 17 300 hectares of the SILNA lands have some form of indigenous forest cover, excluding forests on Stewart Island and the Waitutu and Whakapoai blocks. Of that area, about 8300 hectares remain unlogged, and 9000 hectares have been modified to varying degrees by logging. The majority of the SILNA forests are located in the lower South Island. The Rowallan Alton and West Rowallan blocks (in western Southland) and the Tautuku-Waikawa blocks (in the Catlins) have areas of unlogged forest.

The Hokonui-Waimumu blocks (near Gore) also have areas of unlogged forest and there are forest remnants in Southland's Waitutu forest, South Westland, the Heaphy River area (near Karamaea) and the outer Marlborough Sounds.

TABLE 1: REMAINING SILNA LANDS UNDER FORESTS

Second Growth / modified Forests	Unlogged Forests
9000 hectares	8300 hectares (5000 hectares identified as high priority forests)

About 5000 hectares of the high conservation value forests were identified by the Crown as priority areas for conservation protection (referred to as "high-priority forests").

FIGURE 1: MAP SHOWING LOCATION OF SILNA FORESTS



SILNA IN A NATIONAL CONTEXT

The SILNA forests makeup 1.6 percent of all privately owned indigenous forests in New Zealand, and account for approximately 4 percent of Māori-owned indigenous forests. Some of these forests have high conservation values. The Waitutu, West Rowallan, and Tautuku-Waikawa blocks represent the unprotected areas of lowland and coastal forest in Southland and Otago. They are high conservation value lowland indigenous ecosystems.

SILNA, INDIGENOUS FORESTS AND THE FORESTS ACT

From 1993 to 2004, SILNA forests held certain exemptions under the Forests Act 1949. The 1993 amendment to the Forests Act 1949 introduced a new Part IIIA that, among other things, controlled the milling and export of produce from indigenous forests. It also required that timber production be sustainably managed on the basis of an approved management plan or permit.

In the 1993 amendment, the SILNA forests were the only privately owned forests exempted from all the provisions relating to sustainable forest management. Private landowners (including non-SILNA Māori land owners) were given a phase-in transitional period to comply with the regulatory regime introduced by Part IIIA of the Forests Act.

The exemption reflected SILNA owners' concerns about the impact on their ownership rights, and a recognition that time would be

required to work through the issues. The exemption for SILNA forests recognised earlier policy that considered that there were historical and legal reasons for treating SILNA lands differently from other Māori and general land.

In light of historical research commissioned by the Crown Law Office, the Crown considered that the position was not soundly based and accordingly the Government amended the Forests Act in 2004 to partially remove the exemption granted to SILNA forests.

The legislation still distinguishes between SILNA and other privately owned indigenous forest land. SILNA owners can harvest their forests without any SFM plan or permit (subject to the provisions of the Resource Management Act 1991), and sell the resulting timber in the domestic market. However, in the case of exports, SILNA forests are treated as any other privately owned indigenous forests, and are subject to Part IIIA of the Forests Act 1949.

SILNA AND THE TREATY OF WAITANGI CLAIMS

Government indigenous forest policy in the 1990s resulted in several claims by SILNA owners to the Waitangi Tribunal. The first claim was WAI 158, which was lodged with the Waitangi Tribunal in 1990 on behalf of SILNA owners. The claim asserted that the Crown's indigenous forest policy breached the Treaty of Waitangi. At the time the claim was lodged, it appeared that the Government would legislate to ban indigenous log and chip exports and

prevent SILNA owners clearfelling their indigenous forests. However, SILNA forests were exempted from the export ban and sustainability requirements introduced in 1993, and the claim has not advanced.

In 2003, the Waimumu Trust, which owns SILNA forests in the Hokonui Hills in central Southland, lodged the WAI 1090 claim with the Waitangi Tribunal. The Trust claimed that the Forests Amendment Bill 1999 (passed as the Forests Amendment Act 2004) would cause economic losses, because the Act removed the SILNA exemption from exports controls, granted earlier under the Forests Amendment Act 1993.

In the May 2005 report (WAI 1090: Waitangi Tribunal Report 2005, www.waitangi-tribunal.govt.nz/reports/view.sp?ReportID=E00A5A61-1CE0-476F-80AC-69A4911A6E2A), the Tribunal concluded that the Trust's claim of potential financial losses due to the Forests Amendment Act 2004 enactment was not well founded. It considered that there was no breach of the Treaty of Waitangi or prejudice to the claimants arising from the enactment of the Forests Amendment Act 2004.

The Tribunal considered, however, that there had been breaches of Treaty principles that affected the Waimumu Trust's forests. The breaches resulted from the Crown:

- › unilaterally abandoning negotiations for compensation for economic loss; and
- › offering conservation settlement under the Nature Heritage Fund (NHF) instead of negotiated compensation, which could have led to a more favourable assessment based on commercial timber value.

The Tribunal noted that, despite the Treaty breach, the Waimumu Trust had not suffered any prejudice. The option of applying to the NHF was still open to them. The Trust has since approached the NHF seeking a conservation settlement for its SILNA forests, which are not considered by the Crown to be high-priority forests, for the purpose of conservation protection under the 2002 policy.

There are currently four other SILNA claims before the Waitangi Tribunal. The WAI 783 claim was lodged in 1999 and WAI 994 in 2002. Both concern sections in the Tautuku-Waikawa blocks in eastern Southland. The WAI 709 claim, concerning another Tautuku section, was lodged in 1998 and was grouped for enquiry with WAI 158.

THE SILNA MORATORIUM PROCESS AND KEY FEATURES OF THE 2002 POLICY PACKAGE

VOLUNTARY MORATORIUM ON LOGGING

In May 1999, the Government introduced a system of goodwill payments in exchange for a voluntary moratorium on logging SILNA forests. The initiative was an interim measure to protect high-priority forests from harvesting while longer-term solutions could be found. A Crown negotiator worked with SILNA owners to negotiate the moratorium agreements. Approximately 50 percent of the remaining SILNA forests were covered by moratorium agreements.

The moratorium arrangement was carried forward into the 2002 SILNA policy package. This was to provide interim protection for high-priority forests from clearfelling/unsustainable logging, while conservation protections were negotiated or SFM plans developed.

The voluntary moratorium on logging was extended to provide opportunities for SILNA owners to consider future options for their forests. The moratorium agreements ran until September 2006, and the owners refrained from logging their forests during this period.

In exchange for the moratorium agreements, the SILNA owners received annual goodwill payments at the rate of \$34 per hectare.

THE 2002 SILNA POLICY PACKAGE

In 2002 the Government initiated a policy package to address unsustainable management of SILNA forests. The policy reflected a balance between a need to protect high-priority forests and to recognise the history of the SILNA issue. The policy package was developed following

consultation with Rau Murihiku Whenua Māori, an overarching group representing many SILNA forest owners, the then Member of Parliament for Te Tai Tonga, SILNA owners and other affected parties. The policy package applied to the remaining SILNA forests, as indicated in Table 1.

The 2002 policy combined incentives for sustainably managing or conserving the SILNA forests, along with legislative changes to remove the general exemption held by SILNA forests under the Forests Act 1949.

The SILNA policy package had seven initiatives, which are summarised below:

- › Extending the voluntary moratorium on logging (initially for a three-year period).
- › Providing funding for high-priority conservation protection.
- › Assisting SILNA forest owners prepare SFM plans.
- › Improving the application and enforcement of the Resource Management Act through district plans, as it relates to indigenous forest logging.
- › Providing SILNA owners with the option of voluntary inclusion in the Part IIIA provisions of the Forests Act.
- › Introducing controls on the export of unsustainably harvested timber from SILNA forests, through an amendment to the Forests Act.
- › A consultation and communications programme.

The Government allocated \$19.691 million (including GST) over seven years to implement the policy package.

The funding has since been extended until 30 June 2010.

The policy package did not apply to the Toi Toi and Port Adventure blocks on Stewart Island, or to the Whakapoai block on the Heaphy River, which were subject to processes set out in the Ngai Tahu Claims Settlement Act 1998. Areas of forest at Waitutu and Lords River (on Stewart Island) were also dealt with under separate agreements and legislation.

HIGH-PRIORITY CONSERVATION PROTECTION

Under the 2002 policy, voluntary conservation protection was offered to SILNA owners of high-priority forests as one of the options to address unsustainable management of the forests.

Other SILNA forest blocks were to be considered in a second phase after the initial offers were completed or rejected, subject to funding availability.

The conservation protection takes the form of covenants in perpetuity under section 77 of the Reserves Act 1977 through a voluntary process. The owners are required to manage the land for conservation purposes and allow public access. They retain all ownership rights and interests in any income generated from commercial uses of the land, including tourism operations undertaken in accordance with the purposes and objectives of the covenant.

SUSTAINABLE FOREST MANAGEMENT PLANS

This policy option provided for assistance to those SILNA owners who wished to develop SFM plans to manage their forests sustainably, including some timber production.

The SFM option enables landowners to receive an ongoing income stream, while the natural values within the block are maintained. One of the hurdles in landowners moving to sustainable harvesting is the cost in assessing the timber resources and preparing SFM plans. Significant technical expertise is required to assess the sustainable volumes that a block can produce, and in preparing forest management and monitoring prescriptions. To overcome this hurdle, SILNA owners have been provided with financial assistance to cover the cost of preparing an SFM plan.

A condition of this assistance has been that landowners would voluntarily bring these blocks under the SFM provisions of the Forests Act.

EXTENSION OF THE VOLUNTARY MORATORIUM ARRANGEMENTS

The SILNA package extended the moratorium arrangements for a further four years (to September 2006). This was to provide landowners with financial assistance to enable them to consider their options while conservation protection settlements were negotiated or SFM plans were developed.

IMPROVING THE APPLICATION OF THE RESOURCE MANAGEMENT ACT 1991

This policy component provided for improving the use and effectiveness of the existing Resource Management Act mechanisms to promote sustainable management of SILNA forests. The focus of this initiative has been on the Clutha and Southland District Councils and included assisting councils with information on areas of significance, ecological sustainability and the potential impacts of timber extraction. This information was intended to help councils to improve their district plans and provide a consistent basis for evaluating resource consent applications.

LEGISLATIVE AMENDMENTS TO THE FORESTS ACT 1949

The SILNA package gave priority to enacting legislative changes to the Forests Act 1949 that would remove the general exemption held by SILNA forests under the Part IIIA provisions of the Act and replacing it with a specific exemption for domestic sales.

The principal changes proposed in the 2002 package were to extend the generic export controls on indigenous logs, wood chips and sawn timber to include SILNA forests, and to clarify that logging from all forestry blocks is subject to council plan and consent requirements under the Resource Management Act 1991.

It also provided for a mechanism for SILNA sections to voluntarily come under the Part IIIA provisions of the Forests Act.

CONSULTATION AND COMMUNICATIONS PROGRAMME

The policy also provided for a consultation and communications programme to inform SILNA owners, district councils and other key stakeholders of the Government's revised policy and options available to SILNA owners.

4

WHAT HAS BEEN ACHIEVED, WHAT ARE THE LIMITATIONS, AND WHAT IS YOUR FEEDBACK?

This section provides a summary of the achievements of the policy and discusses why uptake in certain areas has not been as anticipated in 2002. This section also includes questions that may be useful in formulating your feedback.

Table 2 summarises the allocation of SILNA funding across the policy components, the targets under each component and the achievements to date (as at 11 May 2009).

The review would like to find out how SILNA owners and their representatives view the policy package, and the progress that has been made over the past seven years.

What initiatives have worked?

What could be improved and what alternatives might exist?

TABLE 2: ALLOCATION OF SILNA FUNDING, TARGETS AND ACHIEVEMENTS (AS AT 11 MAY 2009)

Policy component	Amount initially allocated ¹ (in \$mil)	Target	Actual expenditure (in \$mil)	Achievement	Remaining funding available ² (in \$mil)
Moratorium payment	1.577 ²	...	2.291 ³	Approximately 10 000 hectares annually until September 2006	0.000
High-priority conservation protection (including other areas)	16.414 ²	5000 hectares of high-priority forests plus other areas if funding available	7.166 (the NHF is currently negotiating with a number of SILNA owners and \$8.128 million has been committed for these negotiations)	808 hectares of high-priority forests	1.436 ³
SFM plans	1.500	5 plans per year	0.383	16 plans covering an area of 1 900 hectares	0.179 ³
Application and enforcement of the Resource Management Act 1991	0.200	...	0.041	...	0.000
Forests Act amendments	...	Introduction of - voluntary inclusion and - export controls provisions for SILNA forests in the Forests Act		The Forests Amendment Act 2004 contained these provisions for SILNA forests	...

Symbol:

... not applicable

Notes:

¹ does not include subsequent transfers of funding within policy components, but includes GST where applicable.

² includes establishment costs.

³ includes subsequent transfers of funding within policy components.

EXTENSION OF VOLUNTARY MORATORIUM ON LOGGING

The original one-year 1999 moratorium was extended on four occasions to assist SILNA owners. This initiative ended on 30 September 2006.

MAF implemented this initiative. Moratoriums covered approximately 10 500 hectares of SILNA forests and the owners received goodwill payments at the rate of \$34 per hectare per annum through annual renewals of deeds. The cost of moratorium payments was approximately \$350 000 per annum.

The moratorium payments have enabled some SILNA owners to consider their options by meeting the costs of bringing owners together to talk or to employ consultants to assist decision-making. Since April 2002, four moratorium recipients have signed conservation covenants. A further three covenants were signed with owners not participating in the moratorium.

HIGH-PRIORITY CONSERVATION PROTECTION

The NHF on behalf of the Crown has been implementing the high-priority conservation protection component of the SILNA policy package. The policy package provided \$16.074 million (including GST) to achieve this outcome under a voluntary process within seven years. The SILNA blocks considered to be a priority for protection were the Tautuku-Waikawa blocks on the south-east Otago coast and the West Rowallan and Waitutu independent blocks on the Southland Coast.

The blocks total approximately 5000 hectares.

In 2003, the first conservation protection covenant was signed. The covenant arrangements are aimed at protecting the forests in perpetuity and preserving their Māori identity.

The NHF has negotiated agreements on seven sections (totalling 808 hectares) for \$7.166 million (including GST). The sections are located in the Hokonui, Rowallan and Waitutu blocks, and are protected through perpetual conservation covenants.

Currently the NHF is negotiating conservation protection with a number of SILNA owners and has committed \$8.128 million for these negotiations.

What are your views about the conservation protection initiative?

Is this initiative viewed by landowners as a worthwhile negotiating tool?

Does the initiative protect the interests of landowners and conservation?

What sort of information would owners and trustees like on conservation covenants?

What other provisions could be written into agreements?

Are there alternatives?

Substantive negotiations are proceeding on approximately one-fifth of the remaining high priority conservation areas.

The NHF considers that the uptake of conservation covenants has been slow because:

- › landowner expectations have increased in recent years, with the strong growth in rural land prices;
- › the payment offered for conservation protection under the SILNA package is viewed as insufficient compared with the potential returns from clearfelling;
- › owners wish to examine the full range of options for their land before agreeing to a particular course of action; and
- › uncertainties remain about giving up direct control of traditional lands (even where rights are preserved in a covenant).

Do you agree with the assessment?

Are there further reasons for the slow uptake of conservation covenants?

What measures could be put in place to speed up negotiations?

OTHER CONSERVATION PROTECTION

While the focus for the NHF has been on protecting the areas of high-priority conservation, negotiations have also been held with SILNA owners of other forests (this includes modified and cut-over land). Voluntary uptake for high-priority conservation protection was low and the NHF was receiving expressions of interest from

SILNA owners of other forests. Therefore the Government authorised the NHF to consider expressions of interest from SILNA owners of other forests.

The NHF has received expressions of interest in regard to 101 sections covering 9777 hectares. Currently the NHF is negotiating conservation protection with a number of SILNA owners of other forests. The current amount available for negotiations is \$1.436 million.

ASSISTANCE WITH DEVELOPING SUSTAINABLE FOREST MANAGEMENT PLANS

In 2002, 8700 hectares of SILNA forests were estimated to be suitable for sustainable forest management¹. The SILNA package provided \$1.5 million (including GST) to assist owners develop SFM plans. This funding was allocated to MAF to prepare the plans.

When the implementation package was finalised, it was envisaged that a SFM plan would cost about \$50 000 per plan. However, the cost of preparing SFM plans has been significantly less because no additional resource inventory of SILNA forests was required. The data for preparing SFM plans for the sections were available from other fieldwork that MAF had already carried out. Interest in the SFM option has been lower than anticipated. Sixteen plans have been prepared since the implementation of the package costing \$383 000. These plans cover approximately 1900 hectares. However, none of the SILNA owners have registered the plans under the Forests Act 1949.

¹The area estimates for high-priority forests and SFM land are not mutually exclusive.

What are your views on the SFM plan initiative?

Is this initiative viewed by landowners as a worthwhile option to pursue?

The reasons for the slow uptake include:

- › the state of the indigenous timber industry (where returns have been under pressure from imported timbers and the high dollar);
- › the cost and uncertainty associated with the resource consent process under the Resource Management Act 1991 to sustainable forest management; and
- › owners taking time to weigh up options of sustainable forest management versus a negotiated settlement with the NHF.

Do you agree with the assessment?

Are there further reasons for the slow uptake of SFM plans?

What measures could be put in place to encourage the registration of plans?

IMPROVING THE APPLICATION AND ENFORCEMENT OF THE RESOURCE MANAGEMENT ACT 1991

The Clutha and Southland District Councils were helped to gather information on areas of natural significance, ecological sustainability and the impacts of timber extraction.

Funding of \$200 000 was allocated to this initiative (over a four-year period). The funds were administered by the Ministry for the Environment (MfE).

MfE supported three projects through this funding initiative:

- › The initial stage of an ecological assessment of indigenous vegetation was undertaken in Clutha and Southland districts.
- › Assistance was provided to the Clutha District Council in taking a case to the Environment Court to resolve a rural/coastal zone boundary issue that affected a number of SILNA blocks.
- › Ecological information was exchanged among government agencies and the Clutha and Southland District Councils.

MfE funding for SILNA-related activities ceased in 2005/06. The unspent funding of \$159 000 has lapsed. There has been no further call on MfE to assist on SILNA related Resource Management Act issues since funding ceased.

What are your views on this policy initiative?

LEGISLATIVE AMENDMENTS TO THE FORESTS ACT

The Forests Amendment Act 2004 provided an option to SILNA owners for voluntary inclusion in the Part IIIA provisions of the Forests Act. It also introduced controls on the export of unsustainably harvested timber from SILNA forests.

5

FUTURE

POLICY OPTIONS

The review is seeking a way forward that is fair and equitable to all parties and would lead to a speedy resolution of the issue.

Your views on future policy options are welcome.

What are your suggestions for fair, equitable and speedy future policy options?

6

ENGAGEMENT AND SUBMISSION PROCESSES

ENGAGEMENT PROCESS

MAF will be holding five hui during August/September 2009. The hui will provide opportunities for SILNA owners to consider what has, and has not, worked with the 2002 policy package and to debate the options for moving forward.

The hui, with an independent facilitator, are intended to encourage as much discussion as possible.

THE LOCATION OF HUI ARE DETAILED BELOW

Region	Location
Southland	Invercargill
Otago	Dunedin
Nelson Marlborough	Nelson
Canterbury	Christchurch
Wellington	Wellington

Hui may also be held in other centres if enough SILNA owners are interested.
MAF will also organise meetings with key stakeholders.

Detailed minutes of each hui will be recorded. The minuted record of oral contributions by hui attendees can be treated as oral submissions for the review, if the relevant contributors so wish.

SUBMISSION PROCESS

Please use the form in Appendix A to make a postal submission on the SILNA policy review. The submission form can also be downloaded from: www.maf.govt.nz/forestry/silnareview and submitted electronically.

When preparing your submissions, please comment on the points raised in the discussion document, as well as drawing on your own experience.

All submissions are subject to the Official Information Act 1982, which specifies that information is to be made available unless there are grounds for withholding it. If you wish your submission or any part of it to be withheld, please indicate the grounds in the Official Information Act that apply.

MAF will take your request into account when determining whether or not to release information. Please note that any decision by MAF to withhold information under the Official Information Act is reviewable by the Ombudsman.

CLOSING DATE FOR SUBMISSIONS

The closing date for submissions is Friday 25 September 2009.

Please send your submissions to:

SILNA Review

MAF Policy

Ministry of Agriculture and Forestry

PO Box 2526

Wellington 6140

Email: silnareview@maf.govt.nz

GUIDANCE FOR SUBMITTERS

The following points may be useful in preparing your comments:

- › Clear and concise comments will help ensure that the significance of your comments is understood.
- › Wherever possible, comments should be specific to a particular section of the discussion paper.
- › Comments should be to the point and, where possible, supported by reasons and data.
- › Use of examples to illustrate particular points, where possible.



APPENDIX A

SUBMISSION FORM

OFFICE USE ONLY

Submission number:

CONTACT DETAILS

Name:

Position:

Organisation:

Address:

Email:

Do you have an ownership interest in SILNA forest land?

YES / NO



ISSUES RAISED IN THE DISCUSSION PAPER

1. *How do you view the overall policy package and the progress that has been made over the past seven years?*

2. *What are your views about the conservation protection initiative?*

Is this initiative viewed by landowners as a worthwhile negotiating tool?

Does the initiative protect the interests of landowners and conservation?

3. *What sort of information would owners and trustees like on conservation covenants?*



4. *What other provisions could be written into agreements?*

5. *Are there alternatives?*

6. *Do you agree with the assessment for the slow uptake of conservation covenants?*

7. *Are there further reasons for the slow uptake of conservation covenants?*



8. *What measures could be put in place to speed up negotiations on conservation protection?*
9. *What are your views on the SFM plans initiative?*
10. *Is the SFM plans initiative viewed by landowners as a worthwhile option to pursue?*
11. *Do you agree with the assessment for the slow uptake of the SFM plans?*
12. *Are there further reasons for the slow uptake of SFM plans?*



13. What measures could be put in place to encourage the registration of SFM plans?

14. What is your view on the policy initiative to improve the application and enforcement of the Resource Management Act 1991?



FUTURE POLICY OPTIONS

15. *What are your suggestions for a fair, equitable and speedy resolution of this issue?*



ADDITIONAL FEEDBACK ON THE SILNA REVIEW

APPENDIX B

TERMS OF REFERENCE FOR INDEPENDENT REVIEWERS OF SILNA POLICY

OBJECTIVE

To undertake a comprehensive independent review of the 2002 SILNA policy package and to recommend future policy options for SILNA forests.

BACKGROUND

The Ministry of Agriculture and Forestry (MAF) has commenced a review of the SILNA policy package, focusing on the effectiveness of the package. SILNA forests refer to indigenous forests on land allocated to Māori under the South Island Landless Natives Act 1906. SILNA forests originally covered approximately 57 000 hectares scattered throughout the South Island. A 1999 survey indicated that approximately 17 300 hectares remained under indigenous forest cover.

In 2002 the Government announced a policy initiative to encourage the sustainable management and protection of SILNA forests. The key elements of the implementation package included:

- › high-priority conservation protection; and
- › assistance to SILNA forest owners for sustainable forest management plans.

ROLE OF INDEPENDENT REVIEWERS

MAF has engaged two external reviewers, as an essential part of the review process, to comprehensively assess the SILNA policy package and to recommend future policy options.

The independent reviewers will:

- › critically examine performance of the 2002 SILNA policy against its objectives set by Cabinet;
- › identify the strengths and weaknesses of the initiatives set out in the 2002 policy implementation package including:
 - review the objectives of the policy implementation package;
 - efficiency and effectiveness of the policy implementation package including expenditure against budget and its achievements;
 - efficacy of the current implementation arrangement;
 - administrative processes and resources;
- › document key issues raised by SILNA owners and key stakeholders during the engagement process, and identify their expectations and priorities;
- › take appropriate account of the cultural, environmental and economic significance of the SILNA forests for the current and future owners;
- › assess potential opportunities for SILNA forests;
- › recommend future policy options for SILNA forests.

The reviewers will then produce a report on:

- › the achievements and limitations of the current policy; and
- › recommendations for future policy options.

The reviewers will report back to MAF by November 2009 on their findings and recommendations.

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