



OIA14-144

10 NOV 2014

## OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request of 9 October 2014 requesting information relating to the harvesting, milling or export of indigenous timber from a property located directly opposite the entrance to Imms Road, Waipapakauri.

The following information is released to you under the Official Information Act 1982:

- Milling statement application 7-00-01877 and associated material.
- Email response to application 7-00-01877.
- A file note on actions undertaken in respect of application 7-00-01877.
- Aide Memoire to the Minister on actions undertaken in respect of application 7-00-01877.
- An open email informing swamp kauri operators of the status of the timber in question.

The extraction of swamp kauri does not fall under the jurisdiction of the Forests Act 1949. MPI therefore has no authority to conduct an investigation into the extraction operation. MPI have not received any notices of intention to export timber extracted from the property in question.

Some information has been withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons, including that of deceased natural persons.

You have also requested copies of all other correspondence held by MPI relating to the milling or export of indigenous timber from the property in question since 1 January 2000. Releasing this information will require substantial research and collation, and we therefore ask that you narrow the scope of your request, for example by restricting the date range of interest.

If you do not wish to narrow the scope of your request, it will be necessary for MPI to impose a charge to cover the costs associated with making this information available to you. Under the Ministry of Justice (MOJ) guidelines, it is estimated the amount charged will be \$608. This has been calculated on the basis that:

Hours spent researching, collating and reviewing material for release (estimate)	9
Charge rate/hour with the first hour being free	\$76
<b>Total</b>	<b>\$608</b>

There would also be additional charges required to copy information if it exceeds 20 pages. This would be charged at 20c per page in line with the MOJ guidelines.

No further action will be taken in relation to this official information request until you provide MPI with a request with reduced scope, or you agree to pay the above charge of \$608 in full prior to the information being provided to you.

You have the right under section 28(3) of the Official Information Act to seek an investigation and review by the Ombudsman of our decision to impose a charge or withhold information. A request must be made in writing to:

The Ombudsman  
Office of the Ombudsmen  
PO Box 10 152  
WELLINGTON

I trust this information is useful to you.

Yours sincerely,

  
Craig Trotter

Acting Director: Spatial, Forestry and Land Management

00-01877

Copy

# MILLING STATEMENT APPLICATION FORM

Ministry for Primary Industries  
Mauritius Agriculture



Landowners Name(s): 19(2)(a)

Landowners Address: 4 Kumi Road, RD, Awarui, 0486

Phone: (09) 408 7339 Fax: Email: 19(2)(a)

Applicants Name (if not the Landowner):

Applicants Address:

Phone: Fax: Email:

Category of timber to be harvested and milled (please circle): (For definitions please refer overleaf)

1 Standing dead 2 Windthrown 3 Salvage 4 Water Impoundment 5 Accessway  
6 Scientific Research 7 Mining 8 Public Work 9 SILVA 10 Planted indigenous forest  
11 Tree Ferns 12 Seized Timber 13 Crown land e.g. Conservation land

Volume estimates:

Species	No. of trees/logs	Volume (m³)	Category (circle as above)
Swamp Kauri	11	~75	1 2 3 4 5 6 7 8 9 10 11 12 13
			1 2 3 4 5 6 7 8 9 10 11
			1 2 3 4 5 6 7 8 9 10 11
			1 2 3 4 5 6 7 8 9 10 11
			1 2 3 4 5 6 7 8 9 10 11

Other relevant details: the land is primarily covered in pine, gorse, and has an infestation of tobacco seed and acacia trees. The land has also been used for growing potatoes and kumara

Landowners Signature: Date: 31/7/2013

## Applicants' Checklist

- ☒ Copy of current Land Identifier (Certificate of title)
- ☒ Photographs of trees/logs
- ☒ Map showing property location
- ☒ Map/Aerial photograph showing tree/log location
- ☐ Authorising letter from landowner (where the applicant is not the landowner)
- ☐ For "Mining Timber" applications, include the front page of Mining Licence or Work Programme

Send this form with attachments to:

Forestry and Land Operations, Ministry for Primary Industries  
Private Bag 4765 OR PO Box 1340  
Christchurch 8140 Rotorua 3040



## Terms used in the Forests Act: what they mean

**Owner's personal use:** Timber milled expressly for use by the landowner

**Dead:** Trees (standing or otherwise) that have died as a result of natural causes. There must not be any green foliage on the tree.

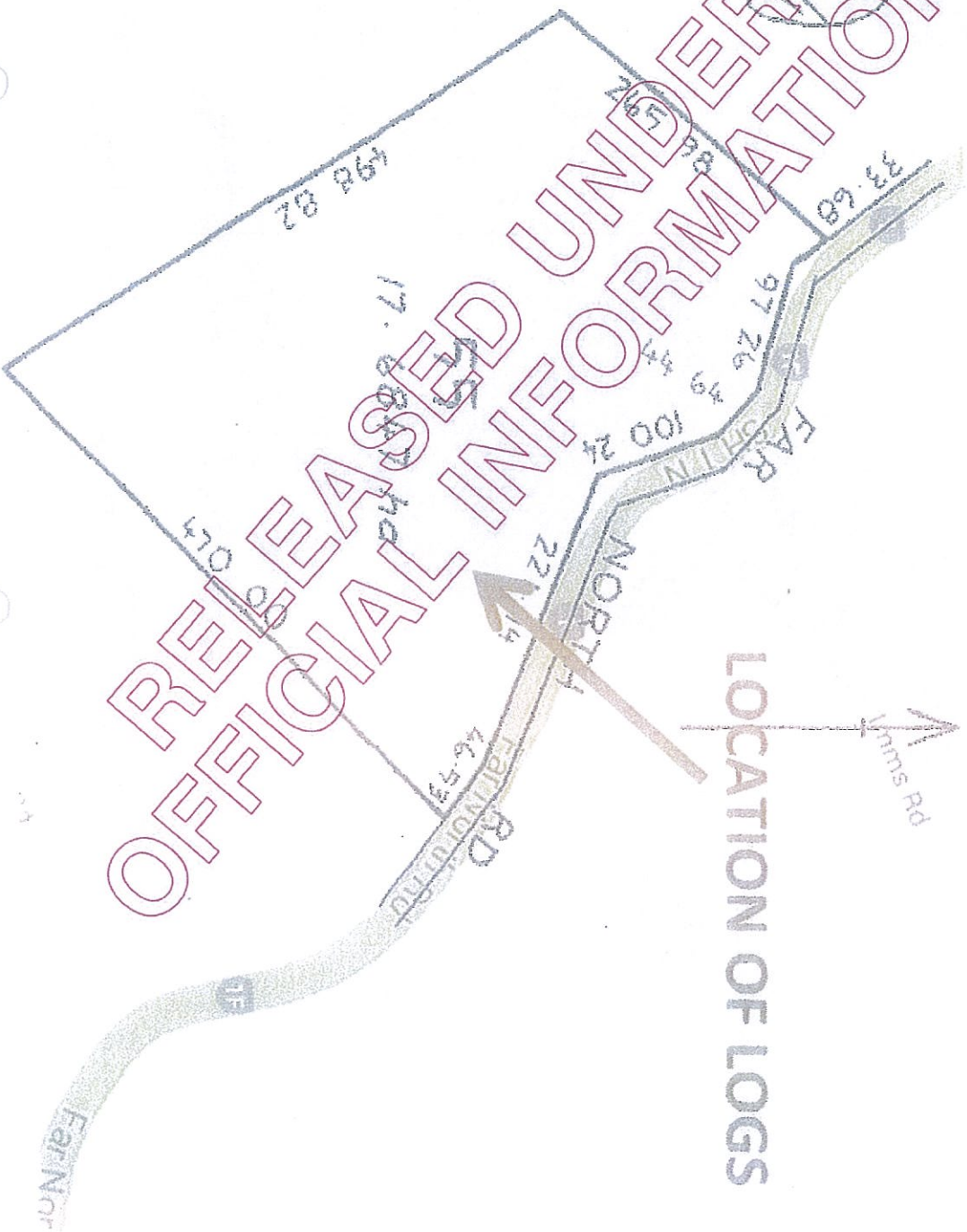
**Salvage:** Trees felled to waste before 3 July 1989 or stumps or roots remaining from any trees felled before 3 July 1989. The timber must be taken from an area that is not indigenous forest land.

**Windthrown:** Trees that have become windthrown as a result of natural causes.

**Accessway:** Trees removed for establishment or maintenance of a bona fide accessway. Trees felled to enable the construction of a permanent fenceline may be included under this category.

**Mining:** Timber removed as a result of a bona fide mining operation.

# Location of Logs



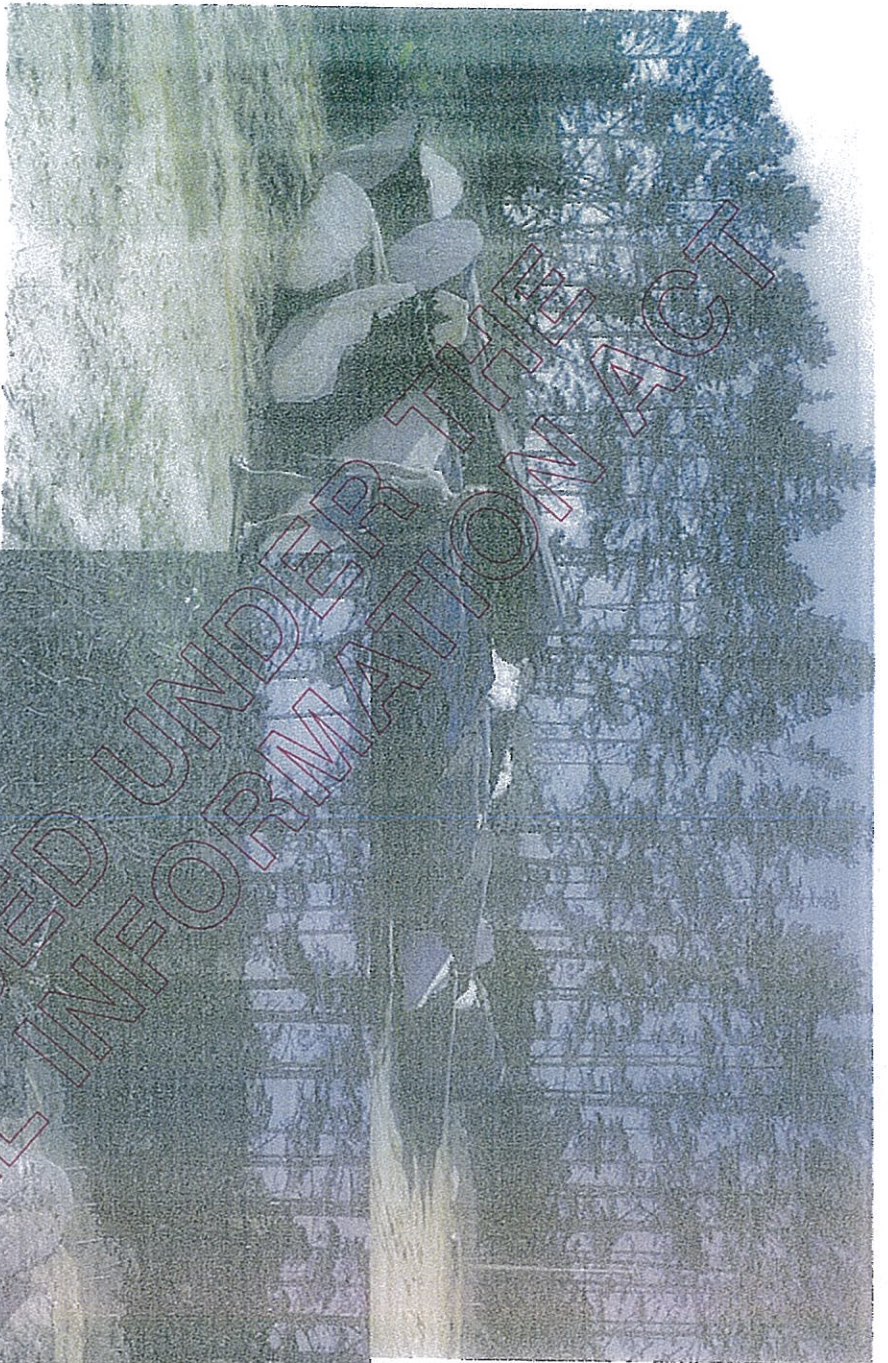


# Location of Property

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT







The logs from  
another angle with  
the pine planting in  
the background



The location of the logs,  
which is largely over  
grown by the tobacco  
weed and acacia now





The acacia trees and tobacco weed are taking over the property



The tobacco weed and acacia trees grow very fast



**Mark Hollis (Mark Hollis)**

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From: 9(2)(a) Mark Hollis (Mark Hollis)  
Sent: Monday, 19 August 2013 2:19 p.m.  
To:  
Cc:  
Subject: Milling Statement application

out of scope

Hi

9(2)(a)

Regarding your milling statement application received 10<sup>th</sup> August 2013.

To be consistent with the Forests Act 1949 MPI must decline your application for a milling statement.

After discussing with NRC the status of your land at the time of excavation I must conclude that the logs were removed from predominantly indigenous wetland.

As stated in Forests Act Part 3A 67D(1)(b)(iv); for MPI to issue an approval (milling statement) to mill salvaged indigenous timber it cannot be excavated from indigenous forest land. Indigenous forest land is defined in the Forests Act as land wholly or predominantly under the cover of indigenous flora.

Regards

Mark Hollis | Programmes Advisor  
Forestry and Land Operations | Resource Management and Programmes  
Ministry for Primary Industries | 35 Norfolk Street | PO Box 503 | Whangarei | New Zealand  
Telephone: 64-9-430 7850 | Facsimile: 64-9-430 7849 | Mobile: 021 2795520 | Web: [www.mpi.govt.nz](http://www.mpi.govt.nz)

Logs extracted in contravention the the forests act 1949.txt  
From: 9(2)(a)  
Sent: Wednesday, 13 June 2012 9:18 a.m.  
To:

Subject: Logs extracted in contravention the the forests act 1949  
Attachments: IMG\_5934 sample ASK shw1 south of imms rd 26.9.11.jpg

Hi All

There has recently been some interest in the logs pictured (SH1 Waipapakauri) so this email is a heads up to all the main Far North swamp kauri operators; There was no milling statement issued for these logs therefore anyone milling them would be doing so in contravention to the forests act.

Please feel free to pass this information on to anyone you know who maybe interested

9(2)(a)

| Programmes Advisor  
Forest and Land Operations | Resource Management and Programmes Ministry for  
Primary Industries | 35 Norfolk Street | PO Box 503 | Whangarei | New Zealand  
Telephone: 64-9-430 7850 | Facsimile: 64-9-430 7849 | Mobile: 021 2795520 |  
Web: www.mpi.govt.nz







Security Level – In Confidence

AM13-080

Ministry for Primary Industries  
Manatū Ahu Matua



Aide-memoire:

From: Aoife Martin  
Director Forestry and Land Operations

Contact: 021 244 3946

To: Hon. Jo Goodhew  
Associate Minister for Primary Industries

Date: 28 August 2013

Decision on Milling Statement Application 7-00-01877 to mill swamp kauri excavated from the property of: MP Shane Jones.

1. Relatives of Mr Shane Jones, MP, submitted an application for a Milling Statement to MPI, with the intention of milling swamp kauri logs extracted from their land.
2. Part 3A of the Forests Act (1949) governs the sustainable harvest of indigenous forest on privately owned indigenous forest land. Indigenous forest land is land wholly or predominantly under the cover of indigenous flora.
3. The Act prohibits the milling of indigenous timber from an area of land not subject to a registered sustainable forest management plan, permit or a personal use approval.
4. However, the Act does contain a provision that allows trees to be milled that are salvaged from land that is not indigenous forest land. It is under this provision that swamp kauri harvested from non indigenous forest land in the Far North is milled. As there is no long term sustainability in harvesting swamp kauri the practice is not subject to a SFM Plan, Permit or Personal Use approval.
5. About five years ago, 9(2)(a)  
from land belonging to began to harvest swamp kauri logs  
Shane Jones. of MP
6. The Northland Regional Council (NRC), who became aware that the harvesting was occurring on an indigenous wetland, stopped the operation as disturbance of an indigenous wetland is not a permitted activity under the Resource Management Act. The council did not issue a consent but did require that the wetland be restored.
7. The logs previously harvested have remained on the Jones' property and are slowly rotting.
8. In October 2012, MP Shane Jones approached MPI for approval to mill the logs. At the time, MPI was unsure of the status of the land from which the logs were harvested. Mr Jones was therefore given a Milling Statement application form. In August 2013 the Milling Statement application was received from 9(2)(a)



Security Level – In Confidence

9. During the approval process, it was established the swamp kauri logs had actually been extracted from land that qualified as indigenous forest land. As such, the application was declined. 9(2)(a)
10. [redacted] was notified of MPI's decision via phone and email. 9(2)(a)
11. In response, [redacted] has stated verbally they will sell or donate all of the logs for the purpose of carving. The Forests Act places no restrictions on the logs being used for this purpose. MPI has reiterated to [redacted] verbally, that the logs cannot however be milled. 9(2)(a)

Background

Minister / Minister's Office

Seen / Referred

/ /2013

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