

SUBMISSION - NPSIB

To: Ministry for the Environment

From: [REDACTED], Southland

Email [REDACTED]

Date 4 March 2020

Subject: Submission on the proposed draft National Policy Statement for Indigenous Biodiversity ("NPSIB")

1. Thank you for the opportunity to provide feedback on the proposed NPSIB.
2. The NPSIB is important to us because we run a sheep and beef farm in the three rivers catchment area in Southland and are on flat to rolling hill country. Our family has farmed this land for over 100 years. We believe the impacts of the NPSIB will be significant on our family farming business. The farm boundaries native bush of approx [REDACTED] managed by the Department of Conservation (DOC). We are already actively planting riparian strips and fencing off native areas in gullies and around man-made sediment traps. We have some plantation forestry on our property also.

General Responses to the proposals:

3. We oppose provisions which seek to '*lock up indigenous biodiversity*' and in so doing penalise those landowners who have done the most to protect indigenous biodiversity. We seek changes to the policy to ensure that indigenous biodiversity can be integrated within pastoral based land uses and activities, and which recognise these can co-exist for mutual benefit.
4. Having grown up next to a large native bush area which is now under DOC protection, we have first-hand knowledge of what can happen when an area is locked up. The bush used to be walkable and as kids we could go in and see baby ferns and black pine seedlings etc growing. However, now that stock/people/vehicles etc are locked out of the bush it has become 'tiger country', and mainly weeds are growing on the outskirts we can see such as 'bush lawyer', ragwort, gorse and broom.
5. My [REDACTED] experience of living next to the [REDACTED] hectares of bush set aside for the [REDACTED] now managed by DOC is very similar to that of [REDACTED]. In my childhood my grandfather maintained a track into the bush and occasionally wintered a small number of cattle in the bush. We could venture into the area and see all the native flora and fauna seedlings etc. However, DOC since put a stop to the cattle and as such the weeds have grown up and are smothering the native plants etc. We think it is time that people acknowledged that there needs to be active management of conservation areas rather than just a bar on entry. We believe animals where appropriately managed can actively combat weeds etc and allow the native plants to flourish.
6. Significant changes to the NPSIB are required to ensure that existing conservation efforts are rewarded, and ongoing conservation is supported and incentivised. The recognition of the values of indigenous biodiversity as part of pastoral based landscapes and farming businesses is required to ensure that these values, habitats, and species, are sustainably managed. A strong regulatory or stick approach to the recognition and ongoing management of indigenous biodiversity could, if not carefully constructed, undermine existing and future conservation efforts.

Impacts and Implementation:

7. We are deeply concerned about the potential impacts of these proposals on our farm in relation to areas being identified as Significant Natural Areas (SNA's), areas identified as being important for the protection

of SNA's which may include land adjacent to SNA's, and the identification of highly mobile species, in relation to the impacts this may have on our farming business and its resilience and viability. The provisions could be interpreted as precluding the ongoing grazing of animals adjacent to and within these areas, which means that those that have done the most to protect indigenous habitats and species within their farming businesses could shoulder the greatest costs including restrictions to their farming businesses. Further, as outlined at 5 above we believe animal grazing can actually aid indigenous biodiversity in some cases. We may lose part of our farm because of the broad sweeping nature of the definitions and criteria. The idea of us relying on existing use rights does not sit well with us, no doubt we will incur more compliance costs to continue to do what we have already been doing.

8. The compliance costs of the various proposals are likely to be significant and include the identification of these habitats and species, fencing of these habitats (which could require deer fencing to manage wild populations), and ongoing pest management. As currently proposed, it is unclear where these costs fall. Financial, technical, and human resourcing support should be provided to assist landowners to continue to protect and restore indigenous habitats and populations within their farming businesses and communities. Support should be provided to not only areas where indigenous biodiversity is being restored, but also to where it currently exists.
9. We are concerned that New Zealand does not currently have the extent of technical expertise available to assist regional and district councils to identify SNA's and mobile species across their territorial areas within the next five years, to ground truth this work, and to work with farmers. The requirements on regional and district councils including timeframes should ensure that the identification of these habitats and species is robust, and is undertaken in a way which engages landowners and communities, builds understanding and knowledge, and which empowers local conservation efforts.

Specific responses to the proposals:

Specific Provision in the Proposed Plan	Submission	Decision sought
<i>The specific provisions my submission relates to are:</i>	<i>My submission is that:</i>	<i>The decision I would like MfE and DOC to make is:</i>
1.7(3)(a) Fundamental concepts – maintenance of indigenous biodiversity	Amend The maintenance of indigenous biodiversity requires at least no reduction from the commencement date in the size of populations of indigenous species. <ul style="list-style-type: none"> • We believe this fails to take into account the fact that some current levels of indigenous species are out of control and impacting on peoples social, cultural and economic wellbeing, for example the pukekos on our property are getting out of hand and eating crops etc. But southland via Fish & Game has a zero kill limit for these animals. 	1.7(3) The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following: (a) the size of populations of indigenous species (<i>where current levels are not adversely affecting peoples social, cultural and economic wellbeing</i>):
1.7(4)(c) 'fragmentation of loss of buffering or connectivity within and between habitats or ecosystems	Support in part While we agree that some level of connectivity is good between habitats, we query what this will look like for protected parts of our farm that are essentially 'pockets' surrounded by good pastoral land. Will we be required to link up the	Reword 1.7(4)(c) to ensure that it only applies where connectivity wont impact on existing farming practices.

	<p>pockets and thus lose good pastoral land?</p> <p>We feel like this would be penalising us for having taken the initiative to protect areas of native bush.</p>	
<p>Part 2 Objectives Objective 6 and Part 3 Implementation Requirements 3.2(2)(b), and 3.7(e)</p>	<p>Support with amendments</p> <p>We support the objective of local authorities recognising and providing for Hutia Te Rito which recognises the relationships between indigenous biodiversity and people and communities, and that conservation requires kaitiakitanga and custodianship.</p> <p>We support objective 3.7.</p> <p>We support the recognition that people and communities are critical to conservation actions and the protection and enhancement of indigenous biodiversity.</p> <p>We support provisions which empower and support landowner and community conservation activities and local approaches.</p> <p>We support the recognition that the maintenance of indigenous biodiversity can occur while still providing for use and development.</p>	<p>We seek that the term “stewardship” is replaced with “custodianship” which more correctly reflects the values I place on indigenous biodiversity within my farm and as part of my family’s history and our future, and our relationship and ties to our land.</p> <p>We seek that the NPSIB be amended so that policies and rules reflect Objective 3.7 including prioritising non regulatory approaches and partnerships over regulatory frameworks, and the establishment of conservation frameworks which recognise that the protection and, where required, enhancement of indigenous biodiversity can be provided within pastoral based farming land uses and alongside pastoral based activities, and that these are not mutually exclusive.</p>
<p>Part 2 Policies - Policy 2 and Part 3 Implementation rule 3.6</p>	<p>Oppose</p> <p>While we appreciate what is trying to be achieved here, we query whether this precautionary approach will actually halt progress, for example would quinoa growing be established on the basis of this policy? Or the wasp be introduced to combat clover root weevil? As the effects of these activities on IB were not certain</p>	<p>Remove policy 2 and rule 3.6</p>
<p>Part 2 Policies - Policy 10</p>	<p>Support</p> <p>On the farm we see clear examples everyday where the habitats of indigenous fauna have adapted to non-indigenous species, for example the native pigeons on our property love to feed on/hang out in Willow trees over all other plant types.</p>	<p>No change sort.</p>
<p>Part 3 Implementation, rule 3.8</p>	<p>Support in part</p>	<p>We seek that provision 3.8 is amended to enable local authorities the time to undertake this work in a robust manner. The ability for</p>

	<p>While we appreciate that a district wide assessment is required, we query how this will take place and whether there are adequate resources currently available to achieve this in the stipulated timeframe of 5 years. As this will have huge effects on our property we want the assessment to be done to the best available information at the time.</p> <p>We are very supportive of rule 3.8(2)(c) that physical inspections should be done as desktop assessments from aerial photos etc tend to be wrong.</p> <p>While we support the establishment of a consistent approach to determining whether or not a habitat is significant, we oppose the broad reach of the currently proposed criteria as it is likely to capture all remaining indigenous habitats irrespective of whether they are significant i.e. they are rare, threatened, or at risk.</p> <p>We believe we live in a beautiful farming area that we have managed to gain an income from whilst also supporting the natural biodiversity, the broad sweep of this rule would significantly curtail what we could do on our land in the future, despite the fact that we are already maintaining native areas.</p>	<p>experts to work with landowners in identifying these habitats and in informing the ongoing management of these habitats within pastoral based land uses and activities, is an essential element to providing successful and enduring conservation outcomes.</p> <p>We seek changes to provision 3.8 so that the significance criteria are amended so that habitats which are “rare” are identified, “at risk” are identified, or “threatened” are identified. Management frameworks can then be tailored to the level of risk that the habitat faces and the attributes that underpin the habitats significance.</p> <p>Amend provision 3.8 so that a habitat that is identified as “threatened” is only included if it is 0.25ha or greater and contiguous.</p> <p>Amend provision 3.8 so that a habitat that is identified as “rare” if only included if it is 0.5ha or greater and contiguous.</p> <p>Amend provision 3.8 so that a habitat that is identified as “at risk” is only included if it is 1ha or greater and contiguous.</p> <p>Exceptions can be provided for but should be specified in the regional or district plan.</p> <p>We seek any consequential amendments to ensure provisions are aligned in identifying and then establishing management frameworks specific to the risk status of the habitat e.g. “rare”, “threatened”, or “at risk”.</p>
<p>Rule 3.9 Managing adverse effects on SNAs</p>	<p>Support in part. We agree that adverse effects on SNAs are not ideal. However rule 3.9(1)(a)(iii) is very restrictive in the context of our farm where there are pockets of native bush. We query how we would ever prove that there are no adverse effects <i>between</i> the SNA and other indigenous habitats and ecosystems. If the other area is significant enough it should be appropriately covered</p>	<p>Remove the words “and between other indigenous habitats and ecosystems”.</p> <p>3.9(1)(a) is avoided the most appropriate word? We suggest an option is given for remedied or mitigated to allow for future use and development where appropriate.</p> <p>We seek that 3.9 is amended so that the effects management hierarchy is based on the level of the habitats significance e.g.</p>

	<p>by the rules without requiring this stringent approach to pathways between them.</p> <p>Also for our freehold land we are essentially prohibited from doing anything in or affecting a SNA because the criteria in clause 3.9(1)(a) is so stringent.</p> <p>Ironically anyone who has cleared their land of any areas of SNA are arguably better off (or have greater flexibility with their property) than we are now for having protected parts of our property?</p>	<p>whether it is “rare”, “threatened”, or “at risk”, and is tailored to the attributes which underpin the habitats significance.</p> <p>Amend 3.9 so that the provision relates to consent applications and the assessment of effects, and requirements to avoid, remedy, or mitigate the effects. New activities should be provided for where the effects of the activity on the attributes that underpin the habitats significance (such as representativeness, rarity, and distinctiveness) can be avoided, remedied, or mitigated.</p> <p>Amend provisions so that the ability to offset effects should only be provided for where the offset can occur in the same ecological area. The ability to offset an activity in the urban environment, onto the rural environment should not be enabled.</p>
<p>Rule 3.9(2)(d)(iv)</p>	<p>Support in part We support what this rule is trying to achieve but suggest this is extended to all communities and all land, rather than just Maori Land and tangata whenua.</p> <p>Otherwise for our freehold land we are essentially prohibited from doing anything in or affecting a SNA because the criteria in clause 3.9(1)(a) is so stringent and we wouldn't be able to meet the requirements of 3.9(2)(d).</p> <p>Given the requirements set out in clause 3.9(2)(a)-(c) respectively, we see no issue with our proposed amendment because it will not be available for every subdivision/use/development.</p>	<p>Amend rule to state: “iv. The use of land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of people or the community”.</p>
<p>3.12 Existing activities in SNAs rule (3)(b)</p>	<p>Oppose We believe rule (3)(a) is adequate and easier to obtain evidence on, than 3(b) as it will be near impossible to show effects are no greater character, intensity and scale because how will we prove that? There just will not be sufficient data available on this.</p>	<p>Remove rule 3.12(3)(b).</p> <p>We further seek that 3.12 be amended to specifically provide for the following activities within and adjacent to an SNA and areas identified as important for mobile species, where this is an existing activity:</p> <ul style="list-style-type: none"> ○ grazing of productive animals; ○ Pasture renewal; ○ Cultivation; ○ Vegetation clearance. <p>We seek that 3.12 be amended so that the temporal and spatial nature of existing activities as part of pastoral based farming</p>

		<p>are recognised. Specifically, vegetation clearance, cultivation, or pastoral renewal, that may occur within a 7-year rotational basis, along with the pastoral grazing of livestock that also may be temporal in nature for example during drought periods.</p> <p>We seek that 3.12 be amended so that existing activities are provided for as a permitted activity. Where consents are required, then the effects of an activity should be assessed in relation to the attributes which underpin the significance of the habitat such as representativeness, rarity, and distinctiveness.</p> <p>We seek that 3.12 be amended to delete requirements to maintain or protect the 'ecological integrity' of a habitat, where the 'ecological integrity' of the habitat may have been impacted prior to notification of the NPSIB e.g. through existing impacts on the habitats ability to regenerate.</p> <p>We seek that 3.12 be amended to delete restrictions on the ability to undertake an existing activity in areas which have become SNA's.</p>
Rule 3.12(4)	Support in part Agree that previously clearing of indigenous vegetation must be acknowledged in farming scenarios. We believe clause (a) and (b) are sufficient.	Remove 3.12(4)(c) in its entirety. Also see comments directly above.
Rule 3.13 General Rules applying outside SNAs	<p>Support in part. While we support the idea of maintaining indigenous biodiversity, we query what this will look like in practice? We have a few tussock areas on our farmland which we presume will not be SNAs however its likely they'll be captured by this rule. Can it be made clear that existing use rights apply to these areas.</p> <p>We are concerned that 3.13 as proposed may result in large areas of our farm around SNA's being 'locked up' from pastoral based farming activities. This will directly impact our farms viability.</p> <p>3.13(3) again we support the need for local authorities to take into account</p>	<p>Clarify that existing use rights apply to clause 3.13.</p> <p>Amend 3.13(3) to state in preparing policy statements and plans giving effect to subclause (1), local authorities must have particular regard to the potential of land to provide for the social, cultural and economic wellbeing of people.</p> <p>Delete 3.13(2) in its entirety. Preference is for non-regulatory partnerships and landowner led approaches to managing areas around SNAs.</p>

	<p>social, cultural and economic wellbeing. However we believe this should be for all people and communities. We believe this will better support NZ food producers to continue to supply an ever growing population.</p> <p>This could be better dealt with in a farm environment plan rather than a top down regulation heavy requirement.</p> <p>Again as outlined previously, 'locking up' areas of land in our opinion does not actually always benefit the indigenous biodiversity, given there are introduced weed species etc now these tend to flourish above all else. Further we believe pastoral grazing has an important part to play in actively managing indigenous biodiversity as limited grazing/trampling from stock can actually decrease weeds and allow the indigenous biodiversity to grow. Areas locked up without spraying etc just tend to become overgrown and aren't actually returned to their 'natural state'.</p>	
<p>3.15 Highly Mobile Fauna</p>	<p>Support in part</p> <p>We support the intention to recognise and provide for highly mobile fauna through non regulatory/ partnership-based frameworks generally, and where required regulatory approaches in relation to new subdivision, and development.</p> <p>We oppose provisions which seek to mandate this protection through regulatory frameworks where this may impact on existing activities and land uses. Enduring and effecting conservation approaches to protect these species are best achieved through working with landowners, and in particular the role of the expert in working with landowners to build understanding of these species, their values, and any management which is required for these populations to be healthy and resilient.</p>	<p>We seek that 3.15 is amended to prioritise non regulatory, partnership, and landowner led approaches to managing mobile species and their habitat and lifecycle requirements.</p> <p>We seek that 3.15 is amended to prioritise engagement with the technical expert and landowner to co-design management frameworks for the farm which ensures that mobile species is provided for as an inherent and integral part of the farming business. These plans can be provided for through tailored Farm Plans bespoke to the biodiversity values and the farming business.</p>
<p>3.16 Restoration and enhancement</p>	<p>Support in Part. We query how former wetlands will be identified. Then the requirement that they be restored/enhanced 'where</p>	<p>3.16(4)(d) amend to state "...where reconstruction is <i>highly</i> likely to..."</p>

	<p>reconstruction is likely to result in that vegetation or habitat being regained'. Will this mean any wetlands cleared on our farm from say 100 years ago will be required to be replanted? The threshold of 'likely to result in' is so low that we believe most former wetlands will be captured. The threshold should be made much more stringent and allow for the practical reality that replanting and removing tile drains etc isn't always successful and will cost lots of time and money.</p> <p>Given the statistic that it is estimated 90% of wetlands have been lost this clause will have huge ramifications for NZ as a whole. Further given that wetlands emit greenhouse gas is this even something we wish to establish again?</p> <p>We have watched our neighbours clear an area that at best could have been described as 'scrub and gorse' and then the local authority stepped in and made them convert the area back to its original state – which is literally just mainly weeds because it was a wetland. A couple years on it is again just gorse thriving.</p> <p>While this rule sounds good, is it really practical? We query whether we actually want to loose productive land?</p>	<p>Further, make a requirement that 'former wetlands' need to be over a certain threshold before clause 3.16 applies, ie over 3 hectares.</p> <p>Clause 3.16(5) Remove the words 'and in particular on Maori land'</p>
<p>Appendix 1 – Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna</p>	<p>Support in Part While we agree there needs to be a criteria for assessing these areas. The 4 criteria are extremely wide. Representativeness for example feels like it will capture any area where indigenous vegetation is present given the wide definition in A2-A4.</p> <p>Is the intention that large quantities of land be captured by this NPS? As this appendix currently suggests so.</p>	<p>Provide better definitions to clarify that not all land that contains indigenous vegetation will be captured.</p>
<p>Appendix 2 – Tool for managing effects on significant natural areas</p>	<p>Support in part.</p> <p>The explanation on page 37 of the NPSIB regarding Manuka and Kanuka highlights the biosecurity risks NZ faces, we suggest a clause is inserted to allow the minister of environment to declare any species threatened by a posed threat, and thus not managed as if it is a SNA in the future. IE</p>	

	<p>provide for greater flexibility than just the current risk to myrtaceae taxa.</p> <p>The attributes ranked as “high” versus “moderate” is fairly wide. How will a high level of ecological integrity versus moderate level of ecological integrity be assessed for example.</p>	
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Conclusion

- Thank you again for the opportunity to comment on the proposed changes. We welcome the opportunity to further discuss any of the points above with the Ministry for the Environment and the Department of Conservation, should you wish for more information.
- For any inquiries relating to this feedback please contact [REDACTED] on the email address provided above.

[REDACTED]

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