

CONSERVATION AUTHORITY

TE POU ATAWHAI TAIAO O AOTEAROA

National Policy Statement for Indigenous Biodiversity (NPS-IB)

SUBMISSION FROM THE NEW ZEALAND CONSERVATION AUTHORITY

Date	5 March 2020
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The Legislative Basis for the New Zealand Conservation Authority submission

1. The New Zealand Conservation Authority (**the NZCA**) was established under the Conservation Act 1987, with members appointed by the Minister of Conservation. It is an independent statutory body with a range of functions, but primarily acts as an independent conservation advisor to the Minister and the Director-General of Conservation.
2. The NZCA has a growing role as an objective advocate on matters of national significance and interest in the conservation arena and provides high quality independent advice to the Minister of Conservation and to the Department of Conservation (DOC) on its strategic direction and performance.
3. The NZCA has a range of powers and functions, under the Conservation Act 1987, as well as under other conservation related legislation. Under the Conservation Act, Section 6C(2)(c), the NZCA has the power to “advocate the interests of the NZCA at any public forum or in any statutory planning process.”
4. One of the NZCA’s statutory functions is to approve conservation management strategies and conservation management plans, and review and amend such strategies and plans. They constitute the key management documents for directing conservation effort and resources in New Zealand. Many of these documents have objectives, policies and outcomes relating to the conservation of native species and predator control.
5. Following the logic of the above powers and functions, the NZCA supports work to review the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) and appreciates opportunities to provide feedback on how this will be achieved.

NZCA Submission

6. The following submissions are the NZCA's main concerns about the proposals. The submissions follow the structure of the discussion document and online submission platform. The NZCA submission is based on their analysis of:
- He kura koiora i hokia: Summary Document
 - He kura koiora i hokia: Discussion Document
 - Draft National Policy Statement for Indigenous Biodiversity (**NPS-IB**)

Overall thoughts about the introduction section and the need for an NPS-IB:

7. The NZCA supports the rationale for the necessity of the NPS-IB; particularly the detail about the inadequacies of the Resource Management Act (**RMA**) since its enactment in 1991, and the subsequent consequences for Indigenous Biodiversity (**IB**). Inadequate legislation has resulted in an ongoing loss of biodiversity on private land throughout NZ, particularly in regions where land use intensification (including urbanisation) has occurred.
8. The NZCA supports the 'all land tenures' approach and the concept of communal care for our IB. This holistic approach rightly ignores cadastral boundaries on maps and is necessary to achieve the objectives of the NPS-IB.
9. The NZCA strongly supports the focus on restoring and enhancing IB. The Norton & Pannell (2018) report, commissioned by Beef and Lamb NZ, provides a level of baseline information critical to the implementation of the NZ Biodiversity Strategy.¹ The permanent protection and restoration of these remnant ecosystems will be vital to achieving the objectives of the NPS-IB, and ultimately significant for achieving the aspirational goal of Predator Free NZ.
10. The NZCA is of the view that much thought needs to be given to how to protect the vast area of important habitats on private land; incentives will be required to achieve protection of IB in a short time frame. These incentives could be conceived to complement existing programmes, such as the One Billion Tree Programme, to achieve goals in climate action, and to protect remnant areas of native vegetation.
11. The NZCA is concerned that the NPS-IB does not include freshwater biodiversity. The NZCA strongly advocates for its inclusion.

The NZCA submits that: incentives for the protection of IB on private land are required and suggests:

- a) Increased funding for covenanting and/or purchase of such areas (including fencing and predator control),
- b) Once protected by covenant, for example, then enabling those landowners to participate in the Emissions Trading Scheme, or other future carbon sequestration programmes, as long as predator control measures are carried out to a certain standard.

The NZCA submits that: freshwater biodiversity should be included in the NPS-IB.

¹ The Executive Summary and recommendations of which are included in Appendix I.

SECTION A: Recognising te ao Māori and the principles of the Treaty of Waitangi

12. The NZCA strongly supports the NPS-IB fundamental concept 1.7(3), including the reference to the restoration or enhancement of ecosystems and habitats.²
13. The NZCA strongly supports the NPS-IB fundamental concept 1.7(4).³
14. The NZCA recognises that Māori land generally holds a higher percentage of indigenous biodiversity than private land, and national directives can have a perverse effect on the potential of Māori land to provide for social, cultural and economic wellbeing. Therefore, the NZCA strongly supports the intent of the NPS-IB section 3.13(3) and 3.16(5).^{4,5}
15. The NZCA endorses that an appropriate level of consideration of mātauranga Māori is given in the use and application of science.

SECTION B: Identifying important biodiversity and taonga

16. The NZCA is of the view that the NPS-IB requires an additional Policy to ensure the conservation status of indigenous species is a key part of decision making around IB protection and management.⁶ Such a Policy will assist in achieving implementation 3.4, including maintaining and enhancing of freshwater ecosystems.

The NZCA submits that: the following should be included in the NPS-IB Policies:

Policy 12(a) to identify and consider the conservation status of terrestrial and aquatic indigenous species.

If this submission is accepted, changes to the NPS implementation requirements (such as regional biodiversity strategies and assessment of adverse effects) will be required.

SECTION C: Managing adverse effects on biodiversity from activities

17. The NZCA is concerned about the concept and definition of biodiversity offsets. We respectfully ask the question “Hasn’t NZ reached the point where all remaining IB is important?” The concept of biodiversity offsets implies that it is acceptable to destroy an area of IB, even though individual areas tend to be unique and impossible to replicate at another site.
18. The NPS-IB *Appendix 3: Principles for biodiversity offsetting* puts little emphasis on the conservation status of species that would be destroyed in the act of offsetting, or on the concept of ecosystem linkages and connections. Pockets of IB are important in terms of ecological corridors, connections, and seed sources. These pockets will become increasingly important as ecosystems are restored and Predator Free comes to fruition. The NPS-IB must be visionary in this respect

The NZCA submits that: there needs to be more forward thinking that emphasises the potential future role the habitat to be destroyed will have in terms of connectivity, and in reaching the objectives of Predator Free NZ.

² Draft NPS-IB 1.7(3), pg9

³ Draft NPS-IB 1.7(4), pg9

⁴ Draft NPS-IB 3.13(3), pg25

⁵ Draft NPS-IB 3.16(5), pg26

⁶ Draft NPS-IB, pg15-16

SECTION D: Restoration and enhancement of biodiversity

19. The loss of 90% of NZ's wetlands has happened without any formal consent. If NZ is serious about encouraging the restoration and enhancement of degraded wetlands, then this restorative practice should be a permitted activity with standards in place.
20. The restoration of wetlands typically involves the reinstatement of the original wetland water levels and hydrological regime. Standards could include, but are not limited to:
 - Inclusion of structures required to meet standards in the relevant Plan,
 - Fish passage is provided,
 - The extent of the restored/enhanced wetland aligns with the approximate extent and scale of the wetland in its original form.
21. The NZCA feels that the NPS-IB part 3.16 requires an addition to reinforce the interactions between terrestrial and aquatic IB and, in turn, strengthen both the NPS-IB and the NPS-Freshwater Management (**NPS-FWM**).⁷

The NZCA submits that: part 3.16(1) requires a new clause:

e) Fresh water and estuarine ecosystems and their riparian margins.

Alternatively, an addition to 3.16(1)(c) would suffice:

c) areas that provide important connectivity or buffering functions, including freshwater and estuarine ecosystems and their riparian margins.

The NZCA submits that: 3.16(4)(c) requires the same addition, to read:

c) areas that provide important connectivity or buffering functions, including freshwater and estuarine ecosystems and their riparian margins.

SECTION E: Monitoring and implementation

22. The NZCA supports the approach to monitoring and reporting.
23. The NZCA strongly advocates for a monitoring regime and framework that is determined at the national level. This premise reflects the view of the PCE (2019) *Focusing Aotearoa New Zealand's environmental reporting system* report, which emphasises the need to gather data in a consistent way, and to develop a core set of environmental indicators. This national measurement system must have clarity and deadlines in order to ensure quick implementation and ongoing accountability.
24. The NZCA agrees with the implementation process described in the NPS-IB part 3.4 but is mindful that this will be a considerable task for territorial authorities, particularly the smaller councils. The limited experience and expertise of these smaller councils will be a challenge, particularly in terms of comprehending the links between land and freshwater ecosystems, and what that means in regard to their land management responsibilities.
25. The wider biodiversity processes envisaged in the NPS-IB require collaboration between territorial and regional government, resulting in an increased workload funded by ratepayers. Integrated management is very difficult to achieve; the success of which has been mixed over the life of the RMA to date. The NPS-IB provides an opportunity to improve the current situation. Achieving integration with conservation legislation (and the Strategies and Plans flowing from legislation) is particularly important for achieving the objectives of the NPS-IB and could be achieved more effectively and efficiently by encouraging delegation of functions to regional councils.
26. The NZCA notes that the conservation status of indigenous species should be specified as a key element of the integrated approach. The NPS-IB part 3.4(c)

⁷ Draft NPS-IB, pg26

addresses the issue of considering all conservation legislation, but not the conservation status of specific species.⁸

The NZCA submits that: a national measurement system must be introduced and implemented with strict deadlines in order to adequately develop a core set of environmental indicators, monitor progress, and enact accountability.

The NZCA submits that: central government resourcing will be required to achieve the objectives of the NPS-IB, irrespective of the financial position of the smaller councils.

The NZCA submits that: an addition to the NPS-IB 3.4(c) is required to account for the conservation status of species, this could read:

c) considering the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity, including the conservation status of terrestrial and aquatic indigenous species.

SECTION F: Statutory Frameworks

27. The NZCA has concern that the NPS-IB does not apply to IB in waterbodies and freshwater ecosystems. Current legislation affecting the status of NZ's native fisheries, has failed to halt the decline. Similarly, the RMA has, to date, failed to adequately protect these habitats. The NZCA acknowledge that the NPS-FWM addresses the issue of freshwater ecosystem management, but questions whether the links between the two NPS's are adequate.

⁸ Draft NPS-IB, pg18

Appendix I: Norton, David and Pannell, Jennifer. 2018. Desk-top assessment of native vegetation on New Zealand sheep and beef farms.

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Executive summary

1. This study is a desk-top assessment of the amount of native vegetation (forest, shrubland, grassland and wetland) and especially native woody vegetation (including old growth forest and regenerating forest) that occurs on sheep and beef farms in New Zealand.

Key findings

2. Sheep and beef farms contain the second most important amount of the remaining native vegetation in New Zealand after public conservation land. Specifically:
 - Sheep and beef farms contain 25% of the total native vegetation remaining in New Zealand, comprising 2.8 million ha.
 - Half of the native vegetation that occurs on sheep and beef farms (1.4 million ha), is woody. This represents 17% of the total native woody vegetation remaining in New Zealand.
 - The native woody vegetation on sheep and beef farms is particularly important because it typically occurs in those parts of New Zealand with the least remaining native woody vegetation (and the least public conservation land), especially at lower altitudes and in drier regions.
3. The large amounts of native vegetation and especially native woody vegetation on sheep and beef farms is likely to reflect a range of factors including the areas where sheep and beef farms occur (often steeper more remote country where some forest escaped early clearance), the extensive grazing patterns that characterises much of sheep and beef farming, and the values that farmers have placed on retaining such forest.
4. Native woody vegetation on sheep and beef farms is an important resource for biodiversity conservation in New Zealand because it occurs in those areas where there is the least public conservation land.

Recommendations

5. While wetland vegetation is present across sheep and beef farms nationally, the mapping scale we were working at was too coarse to be able to draw definitive conclusions on the amount present and will require smaller-scale approaches to quantify.
6. Further work is required to quantify historic patterns of change in native vegetation cover. Apart from some fairly general large-scale analyses, and an abundance of anecdotal observations, we know little about changing native vegetation cover on sheep and beef farms through time. This work is important to understand the priorities and to support work with sheep and beef farmers to better manage the remnants of native vegetation they have on their farms.
7. Exclusion of grazing animals (farmed and feral) is the single most effective thing farmers can do to sustain and enhance the remnants of native woody vegetation on their properties.