

## **Submission: National Policy Statement for Indigenous Biodiversity:**

**From: Te Ātiawa Manawhenua ki te Tau Ihu Trust**

Thanks for the notification of consultation on the above NPS-IB. In the following, the *Kaitiaki o te Taiao | Guardians of the Environment Office* of the *Te Ātiawa Manawhenua ki te Tau Ihu Trust* has documented thoughts in response to reading the consultation document.

### **Question 1: Do you agree a NPSIB is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Why/why not?**

YES.

New Zealand has witnessed an appalling decline in indigenous biodiversity (Aotearoa Report 2019), and this has occurred despite provisions within the RMA to protect it. The 20 years of deliberations that it has taken to get some form of robust and consistent national direction for protecting indigenous biodiversity has only contributed to ongoing decline. This NPSIB provides a beginning to providing the required direction and messaging that the status quo is simply not working – a history we have nothing to be proud of. *E tangi ana nga reanga o uta, e mahara ana nga reanga a taima ta aha ra e whakamahana taku ora kia tina* – When the land, river and sea creatures are in distress then I have nothing to be proud of (Ngāti Wai) [in Harmsworth GR, Awatere S 2013. Indigenous māori knowledge and perspectives of ecosystems. In Dymond JR ed. Ecosystem services in New Zealand – conditions and trends. Manaaki Whenua Press, Lincoln, New Zealand].

The RMA has failed to provide the required level of consistent protection across NZ. We endorse the need to strengthen requirements to protect native plants, animals and ecosystems under the RMA.

### **Question 2: The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Why/why not?**

YES

*Ki uta ki tai* – from mountains to the sea everything is connected. For Māori, water and land is inseparable and therefore, so too is the indigenous biodiversity. This is reinforced where lifecycles, feeding behaviour, migrations, etc, traverse land, freshwater and sea. Therefore, there is a critical role for NPSIB within the coastal marine and freshwater environments.

However, if the NPS-FW and Coastal Policy Statement provide established means for the protection of indigenous biodiversity within these parts of the wider environment, then duplication may lead to inefficiencies. What is desirable is that the three key policies complement each other and are consistent in, recognise and support their interconnections. As the receiving body of the terrestrial and

freshwater environments, it is appropriate that the provisions in the coastal policy override those 'upstream', and similarly, freshwater policy should feature strongly in the assessment of indigenous biodiversity values. The handholding of the three policy areas should be explicitly stated if indigenous biodiversity within this NPSIB focusses on the terrestrial environment.

**Question 3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?**

SOMEWHAT

To 'maintain' is not aspirational. Maintaining (which has an inherent colloquial meaning of keeping the status-quo) a depleted stock is not what the NPSIB is about, but rather it is to protect, maintain and restore - to act responsibly toward. This has been communicated throughout the general text of the discussion document and the NPSIB itself. Therefore, the principal goal of the NPS should be to **protect, maintain and restore** indigenous biodiversity, and this should be stated, explicitly, as the primary objective (Objective 1).

**Objective 1: To protect, maintain and restore indigenous biodiversity.**

Objectives 2, 3 & 4 all refer to the "management of indigenous biodiversity". It appears to be the ultimate in anthropocentric arrogance that something as intricate and interconnected as indigenous biodiversity can be 'managed'.

Objective 5 should be Objective 1.

**Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi (pgs 23 - 30)**

**Question 4: Hutia te Rito recognises that the health and well-being of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Why/why not?**

SOMEWHAT

It is unfortunate that the predominant view of the world is that there must be a benefit to 'our own health and wellbeing', to justify protection mechanisms for a natural system upon which people are completely dependent. It is evident that between the NPSFW and NPSIB there is a significant difference in the sentiment communicated about the intrinsic values being protected. For example, through *Te Mana o te Wai* there is a powerful hierarchy conveyed, where the integrated and holistic well-being of the waterbody, and the acknowledgement and protection of its mauri, is foremost (and clearly stated). The subsequent wording "This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people)" establishes a subtle priority of care which aligns with the Māori relational worldview (note the location of people in the ordering above).

In contrast, the NPSIB reorders this as follows:

“This requires that when we undertake activities – such as subdivision, use and development – we have a responsibility to provide not only for te hauora o te tangata (the health of the people) but also for –

- te hauora o te koiora (the health of indigenous biodiversity), and
- te hauora o te taonga (the health of species and ecosystems that are taonga), and
- te hauora o te taiao (the health of the wider environment). “

In line with the NPSFW, this should read ‘when we undertake activities - .... - we have a responsibility to provide for te hauora o te taiao (the health of the wider environment), te hauora o te taonga (the health of species and ecosystems that are taonga), te hauora o te koiora (the health of indigenous biodiversity) and te hauora o te tangata (health of the people).

While the content of both appears similar, the re-ordering in the NPS-IB twists the foundational relationship between the health of te taiao, te taonga and te koiora, in order to support the health of whānau and hapū.

Further, we have concern that the whakatauki inherent in *Hutia te Rito* misinterprets the tikanga and context the metaphor refers to, and this will be missed by the majority of readers. The whakatauki, in context, is about the sanctity of human life. The appropriation of this whakatauki into the NPS-IB is mismatched with the NPS’s intent to protect indigenous biodiversity (the sanctity of indigenous biodiversity). As a comparison, *Te Mana o te Wai* unequivocally communicates the sanctity (mana) of water.

Further, the whakatauki’s appropriation reinforces an anthropocentric bias that runs through the NPSIB; where people are paramount; where the intricacies of nature can be categorised and managed; and where ownership is inferred through the use of the possessive pronoun ‘our’. While ‘our’ is appropriate to use as it relates to these things that are owned by people collectively, it is the Te Ātiawa view that the use of this possessive pronoun as inappropriate with references to indigenous biodiversity.

*He tangata, he tangata, he tangata* has often been misrepresented to mean individual people living today, and this is a common interpretation. Its true meaning has whakapapa (familial) relationships between the environment and people (as clearly stated in the Report of the Biodiversity Collaborative Group. This sentiment, of whakapapa – to ancestors of the past and those yet to come – has been lost in the NPS-IB and it is our fear that the literal translation ‘it is people, it is people, it is people’ will place humans, once again, erroneously and dangerously, at the centre of all things [see <https://www.newsroom.co.nz/2018/07/05/141709/its-not-people-its-kaupapa> for reference].

**Question 5: Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Is there anything else that should be added to reflect te ao Māori in managing indigenous biodiversity?**

The discussion document referred to *He Kura Koiora i hokia*, which captured the vitality, integrity and intricacy of life – its intrinsic value and life-sustaining whakapapa. To better reflect te ao Maori, we wish to see a stronger notion of value communicated to reflect this life-sustaining whakapapa. The notion of ‘I am the land, the land is me’ encapsulates the inseparability of nature and people and the criticality of acting responsibly to the life-sustaining values of nature. In our minds, ‘managing indigenous biodiversity’ creates an unsupportable dominant hierarchy in favour of people.

There is a discomfort in the use of the term ‘managing’ and this reinforces the dominant anthropocentric worldview which compartmentalises and ‘spreadsheets’ complex systems. Ultimately, we wish to see a message of responsibility conveyed that is generated from a healthy and respectful relationship with the natural world, that indigenous biodiversity and its intrinsic values comprise a significant part of. To date, there has been gross irresponsible behaviour and lack of respect shown toward indigenous biodiversity which has led to its imperilled state today.

**Question 6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?**

YES

The NPSIB strongly communicates direction to local authorities to provide for early and authentic participation by tangata whenua. The foundational principle of Hutia te Rito is central to communicating this (though see comments above in regards to this). Throughout the NPSIB the involvement of and collaboration with tangata whenua from the outset is clearly communicated.

(Those things said, the very focus on the ‘principles’ further distances Māori from Te Tiriti and underscores the continuing dominant position of the Crown in all things Aotearoa.)

**Question 7: What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain**

Capacity – The KT Office of Te Ātaiwa is already stretched with the multiplicity of issues that it finds itself involved in.

Relationships – A genuine desire to embrace maatauranga Māori and tikanga by local authorities can be variable. In order for indigenous biodiversity to be adequately represented, the defensive voice of tangata whenua / kaitiaki is essential. There is a risk that this could be tokenism if there is not genuine understanding and committed embracing of the Māori worldview, as would be required by true partnership.

**Question 8: Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by**

**allowing for sustainable customary use of indigenous flora. Do you think the NPSIB appropriately provides for customary use? Please explain**

Interestingly customary use of indigenous vegetation (only) is specifically identified rather than a broader non-specified 'customary use' as identified by the Biodiversity Collaborative Group. Why the restriction to flora – implausible?!

**Question 10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?**

Getting agreement and alliance; access; property rights (perceived and real); there may be issues of identifying SNA's if these are a taonga to tangata whenau. And, fundamentally, SNAs are, again, a human-values based contrivance that does not roundly respect other life in the round: IT'S ALL IMPORTANT.

**Question 11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling SNAs? Why?**

A COLLABORATIVE EXERCISE BETWEEN TERRITORIAL AUTHORITIES AND REGIONAL COUNCILS

**Question 12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Why/why not?**

SOMEWHAT

Firstly, we wish to acknowledge/confirm that all indigenous biodiversity is significant. It is unfortunate that criteria must be introduced to measure significance as it immediately introduces the notion of 'insignificance' as the natural opposite. We would hope that value and appropriate responsibility is still conveyed toward indigenous biodiversity that falls outside areas considered 'significant'. Intrinsic rights appear to have no place here, but rather human generated criteria determine an individuals' or a habitats' survival. At this point in the national decline of indigenous biodiversity, a precautionary approach would suggest that all indigenous biodiversity is significant.

Having said this, the criteria themselves are wide ranging and as long as there remains one trigger of significance rather than multiple, then a varied range of 'significance' will be captured.

**Question 13: Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see part 3.8(2) of the proposed NPSIB) Why/why not?**

YES

**Question 14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?**

COMBINATION

Indigenous biodiversity knows no boundary. It is essential that for all stages of planning, via whatever territorial authority, biodiversity outcomes are central to strategic and operational decision making. There needs to be a multi-institutional approach to this. Silos must be dissolved so that one authority isn't granting consent that contravenes another authority's jurisdiction (e.g. MacKenzie country).

Indigenous Biodiversity is multi-institutional – tangata whenua, land owners, regional and district councils, DOC, QE II Trust, etc.

**Question 15: We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? What do you think is a reasonable timeframe and why?**

Given the requirements to imbed this it appears reasonable. However, we must be mindful that in the intervening time further decline is inevitable. Extra diligence will be required through the consenting process around meeting our responsibilities to indigenous biodiversity. This includes the provisions of existing plans, and assessing against the matters of national significance and other matters to ensure that in the lag time to scheduling of SNAs in a district plan, there is not further decline or unintended loss of or erosion of the integrity of existing, and yet to be identified, SNAs.

**Question 16: Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Why/why not?**

YES

The proposed approach respects the wish of tangata whenua to choose the appropriate level of disclosure in identifying taonga, its location and values.

**Question 17: Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Why/why not?**

YES

Essential for the provision of appropriate habitat and the interlinking matrix that make up the habitat of highly mobile fauna.

Would also need the Department of Conservation be involved as across the landscape, mobile fauna knows no boundaries. This validates the integrated and landscape approach to protecting indigenous biodiversity.

**Question 18: What specific information, support or resources would help you implement the provisions in this section? (Section B)**

The maintenance of active cross-sectorial relationships for communication / sharing of IP.

**Question 19: Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? (see Part 3.9 of the proposed NPSIB) Why/why not?**

YES

Provides for new and existing activities.

**Question 20: Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Why/why not?**

No comment

**Question 21: Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.**

No comment

**Question 22: Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? If no, do you have an alternative suggestion? Please explain**

No.

We believe there should be no distinction between high- and medium-value SNAs. This is an arbitrary ranking and Significance alone should be the over-riding means of protection while providing for new activities. Further, human ranking of significance merely diminishes the value of significance and provides additional qualitative variance across the country.

**Question 23: Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (See part 3.9(2)-(4) of the proposed NPSIB) Why/why not?**

No comment

**Question 24: Do you agree with the proposed definition for nationally significant infrastructure? Why/why not?**

No comment

**Question 25: Do you agree with the proposed approach to managing significant indigenous biodiversity within plantation forests, including that the specific management responses are dealt with in the National Environmental Standards for Plantation Forestry? (see Part 3.10 of the NPSIB) Why/why not?**

No comment

**Question 26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the NPSIB? Why/why not?**

No comment

**Question 27: Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Why/why not?**

No comment

**Question 28: Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Why/why not?**

No comment

**Question 29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Why/why not?**

YES

The NPSIB clearly sets out that development (land use change) of productive land under Māori ownership will be viewed differently in respect of this NPSIB. This is in order to facilitate a balance between protecting indigenous flora and fauna, and providing for development needs that meets the social, cultural or economic wellbeing aspirations of tangata whenua. It needs to be understood that any land acquired by tangata whenua iwi / hapu / whanau in the rohe must also be treated as Māori land too.

**Question 30: Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Why/why not?**

YES

However, this reinforces the need to be broad in the assessment of significance and not to further qualify into medium- and high- value. Taking the precautionary principle, an ethic of care for all indigenous biodiversity is required if further challenge is presented by climate change.

Why is there even a question on this point? It defies logic. If indigenous biodiversity is not the preeminent response element of protection / transition / adaption, as we respond to climate change, we are confessing total ignorance of our reality. The KT Office is working with a number of councils around this issue and this most often is the forgotten piece; incredibly!

**Question 31: Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Why/why not?**

YES

We cannot claim to know everything about indigenous biodiversity. A precautionary approach is a rational recognition of this situation and, necessarily, provides a



measure of caution in favour of indigenous biodiversity. If in doubt – provide for indigenous biodiversity over development.

**Question 32: What is your preferred option for managing geothermal ecosystems? Please explain**

N/A – outside of our rohe.

**Question 33: We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including microorganisms) and associated indigenous biodiversity. Do you agree? Why/why not?**

N/A – outside of our rohe.

**Question 34: Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the proposed NPSIB? Why/why not?**

Off-setting is morally bankrupt, as well as scientifically ignorant. Do we trade human life in this way? – irreconcilable.

**Question 35: Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the proposed NPSIB? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation as set out in the Environment Court decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.**

No comment

**Question 36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?**

No comment

**Question 37: What specific information, support or resources would help you implement the provisions in this section? (Section C)**

No comment

**Question 38: The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (See Part 3.16 of the proposed NPSIB). Do you agree with these priorities? Why/why not?**

YES

**Question 39: Do you see any challenges in wetland protection and management being driven through the Government's Action for Healthy Waterways package while wetland restoration occurs through the NPSIB? Please explain**

No comment

**Question 40: Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Why/why not?**

A minimum baseline would be more appropriate than a target. A target suggests that whether above or below, that is what should be aimed for. A baseline however sets the minimum, and anything above is increasingly favourable/desirable.

**Question 41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain**

BOTH

The NPSIB should require regional biodiversity strategies, however they should be hinged from and promoted by the New Zealand Biodiversity Strategy. There still requires some national goals and oversight, so that there remains national oversight, and regions do not delineate a contiguous landscape.

**Question 42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Why/why not?**

YES

**Question 43: Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (e.g., predator control or preventing the spread of pests and pathogens)? Please explain**

YES absolutely.

The protection, maintenance and restoration of indigenous biodiversity rests on the success of other outcomes such as predator control and preventing the spread of pests and pathogens. This is not just about protecting indigenous biodiversity from the threats of human-induced development, but also the threats imposed by human-introduced threats. These require integration and co-ordination at both the strategic and operational level.

**Question 44: Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Why/why not?**

YES

However, every year the decline continues. This must be time-bound to ensure positive and productive outcomes are initiated and progressed.

**Question 45: What specific information, support or resources would help you implement the provisions in this section? (Section D)**

No comment

**Question 46: Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20 of the proposed NPSIB) Why/why not?**

YES

Without monitoring, how can success be measured? Monitoring would require consistency across the country. This should harness a combination of scientific and cultural indicators.

**Question 47: Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the NPSIB. Do you agree with the requirements of this effectiveness review? Why/why not?**

No comment

**Question 48: Do you agree with the proposed additional information requirements within Assessments of Environmental Effects (AEES) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB) Why/why not?**

YES

**Question 49: Which option for implementation of the proposed NPSIB do you prefer? Please explain**

IMPLEMENTATION AS SOON AS REASONABLY PRACTICABLE - SNAS IDENTIFIED AND MAPPED IN FIVE YEARS - SCHEDULED AND NOTIFIED IN PLANS IN SIX YEARS

**Question 50: Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Why/why not?**

YES

**Question 51: Which of the three options to identify and map SNAs on Public Conservation Land (PCL) do you prefer? Please explain**

No SNAs identified on public conservation land

In terms of efficiency, it would seem to be a double-up if SNAs were identified and mapped on public conservation land.

**Question 52: What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?**

Logically, SNAs should be identified and mapped on other public land.

**Question 53: Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Why/why not?**

YES

Indigenous biodiversity does not exist in a silo. As Part 3.4 states, *ki uta ki tai* – everything is connected. An integrated approach is the only sensible way of fulfilling the purpose of the NPSIB.

**Question 54: If the proposed NPSIB is implemented, then two pieces of National Direction – the New Zealand Coastal Policy Statement (NZCPS) and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states that if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward coastal environment? Why/why not?**

No comment

**Question 55: The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders and central government are set out in the Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain, and provide examples of costs/benefits if these proposals will affect you or your work.**

No comment

**Question 56: Do you think the proposed NPSIB should include a provision on the use of transferable development rights? Why/why not?**

There appears to be variance across the country as to the utilisation of TDRs. It does give value to ecological features, however the appropriateness (morality) of these then becoming tradable is questionable – dangerously open to abuse.

**Question 57: What specific information, support or resources would help you implement the provisions in this section? (Section E)**

No comment

**Question 58: What support in general would you require to implement the proposed NPSIB? Please detail.**

- Guidance material
- Technical expertise
- Scientific expertise
- Financial support

**All of the above**

Other - please specify

Genuine engagement at the level of collaborative partners.

**Question 59: Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?**

**Planning standard tool:**

- Terminology and definitions – e.g., what is significance?
- mapping/cartography standards for national consistency within the NPS-IB.

**Question 60: Do you think there are potential areas of tension or confusion between the proposed NPSIB and other National Direction? Why/why not?**

YES

Tension with the NPS-UD. One appears to be promoting Urban Development, while the other are protecting values that may be seen to limit the NPSUD.

**Question 61: Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Why/why not?**

YES

To follow the integrated model, there needs to be cross-referencing within RMA plans to support both protection of Indigenous Biodiversity, and links with appropriate pest plans.



On behalf of:

**Brigid Graney** – Kaitiaki o te Taio Office – 13 March 2020