



Submission on Draft NPS Indigenous Biodiversity

Background:

The Waiau Fisheries and Wildlife Habitat Enhancement Trust (Waiau Trust) was established in 1996. It was one of the outcomes of the community consultative process (through the Waiau Working Party) associated with the renewal of the Resource Consents for the Manapouri Power Scheme. The Waiau Working Party, was set up in 1990 to work with ECNZ (now Meridian Energy Ltd) to address the adverse effects of the Manapouri Power Scheme on the Lower Waiau River. There was acceptance that the Manapouri Power Scheme, had had significant adverse effects on the ecology of the Lower Waiau River. The Power Scheme diverts 450+m³/s of water, that once flowed down the Lower Waiau River, through the Manapouri Power Station and discharges the diverted water to Deep Cove, Doubtful Sound.

The Waiau Trust has Purposes and Objectives relating to the enhancement and restoration of fisheries and wildlife habitat, providing public access to fisheries and wildlife resources and advocating for the above.

As at March 2018, the Waiau Trust has completed 200+ habitat enhancement projects, in cooperation with landowners, throughout the catchment.

The Habitat Enhancement projects focus on protecting streams and wetlands and their riparian margins, for the benefit of fisheries and wildlife. A sub-catchment -by- sub-catchment, and headwaters to confluence, approach is taken ensuring the whole length of streams and connecting wetlands are restored and protected and disrupted ecological processes recover over time. Fencing and removal of grazing animals are the key restoration methods. The Waiau Trust runs a grant scheme, providing 25% of the total cost (materials and labour) of the fence. Security of the enhanced habitats is achieved through QEII Covenants in perpetuity and our own legal agreement with landowners. This is an holistic/integrated approach which recognises the linkages and connections between land and freshwater environments. The level of funding through the grant scheme provides incentive for landowners to act.

Southland, including parts of the Waiau catchment, has undergone considerable land use change and intensification over the last 23 years of our operation. In the Waiau catchment, the Waiau Trust has at times become involved in land use consents, as an affected party and providing advice to landowners, along with both Environment Southland (ES) and the Southland District Council (SDC). These consents typically involve clearance of native vegetation from more marginal land, straightening and reconfiguration of water courses and sometimes drainage of wetlands. All of these activities result in degradation of habitats for fisheries and wildlife. Even though the above organisations work closely with the landowners wanting consent, compromises are always made, consents are usually granted and there are net losses of indigenous biodiversity, which are cumulative with every consent granted. It should be noted that some landowners do not apply for consent and simply carry on and do the work. Enforcement action is seldom pursued.

The NPS for Indigenous Biodiversity is very important to the Waiau Trust. It will reinforce and provide much needed support for, and recognition of, the type of work the Waiau Trust has been doing for the last 23 years.

The Waiau Trust is acutely aware of the inadequacy of the RMA in terms of protecting Indigenous Biodiversity, since its enactment. This has resulted in the ongoing loss of biodiversity on private land (including wetland biodiversity) throughout NZ, particularly in regions where land use intensification for agricultural purposes has occurred. We have seen this happen in the Waiau Catchment.

Specific Comments:

1. Objectives and Policies:

The Waiau Trust **generally supports** the Objectives and Policies of the Draft NPS IB.

2. Changing Attitudes

To achieve the Objectives and Policies, the key will be **to change the attitudes of private landowners** towards the remnant IB on their land, over time.

The Waiau Trust experience is that many landowners have limited knowledge of the special plants and animals present in the bush or streams and wetlands on their land. When they are made aware many see the significance of protection and enhancement of their special place. A small financial incentive can be enough to make the protection happen.

Financial incentives are typically funded by public money, so financial incentives paid to private landowners need to come with responsibilities on the part of the landowner in order to secure the financial investment in the habitat protected and the security of the enhanced habitat itself.

These responsibilities need to be clearly defined and could include maintaining fences, no grazing or burning, legal protection in perpetuity and pest plant and animal control.

It may be timely to think about other incentives to achieve protection of IB happen on private land in a timely manner. These could include fencing grants, restoration planting grants (Billion Tree Programme) and registration of regenerating vegetation in the ETS (Carbon Credits).

Submission:

Financial Incentives will be needed to change attitudes and speed up the protection of remnant IB on private land throughout NZ.

The responsibilities of Landowners receiving publicly funded incentives need to be defined in order to secure the investment in the enhanced habitats for the long term.

Implementation of the NPS IB should be linked more strongly with other national initiatives designed to protect and enhance the natural environment, including carbon sequestration, Billion Tree Programme and Predator Free 2050.

3. Freshwater Ecosystems.

The Waiau Trust is concerned that the NPS IB does not include freshwater ecosystems, other than other than within Regional Biodiversity Strategies and the restoration and enhancement of wetlands. Justification for the omission of freshwater ecosystems from the NPS IB is that the NPS FM adequately covers the indigenous biodiversity of freshwater ecosystems. The NPS FM primarily focuses on water quality and quantity for ecosystem health and human health, not **specifically** indigenous biodiversity. We are of the view the more general focus of the NPS FM presents a risk to the management and protection of freshwater IB under that NPS. There is potential that it may be overlooked.

The Waiau Trust notes there is the requirement for Regional Councils to consider indigenous biodiversity in waterbodies when preparing their mandatory Regional Biodiversity Strategies. However, this is a fairly weak requirement given the rather loose requirements of the Biodiversity Strategy outlined in Appendix 5 (both in terms of content and process), and the fact that Councils must only 'have regard to' the Biodiversity Strategy when preparing Policy Statements and Plans under the RMA. As a minimum, Appendix 5 could usefully be strengthened and the Regional Councils required to, 'give effect to' their Biodiversity Strategies in their Regional Policies and Plans. This would significantly increase the regulatory importance of Regional Biodiversity Strategies, and

consequently, a more thorough engagement process for the preparation of Biodiversity Strategies in Appendix 5 would be appropriate.

The Waiau Trust is of the view the NPS IB needs to reinforce the interactions between terrestrial and aquatic indigenous biodiversity. This could be achieved by including reference to freshwater and estuarine ecosystems and their riparian margins in 3.16 of the NPS IB

Submission:

The NPS IB should be reworded to include Objectives and Policies for all freshwater indigenous biodiversity.

Amend Appendix 5 to include more specific guidance to Regional Councils on the process for preparation of Biodiversity Strategies.

Strengthen the link between Regional Biodiversity Strategies and Policy Statements and Plans under the RMA. This could be done by requiring Policy Statements and Plans to 'give effect to' rather than the current 'have regard to' Biodiversity Strategies in Appendix 5.

Under 3.16(1) add a new clause e): Freshwater and estuarine ecosystems and their riparian margins.

Under 3.16 (4) c) add: areas that provide important connectivity or buffering functions, including freshwater and estuarine ecosystems and their riparian margins.

4. Conservation Status of Species.

The Waiau Trust is of the view that the NPS IB Objectives and Policies are inadequate in terms of requiring the consideration of the conservation status of indigenous species. Species Conservation status should be a key driver for decision making around IB protection and management. A specific policy to reflect this should cover both terrestrial and aquatic species. This will help ensure freshwater indigenous biodiversity is a key focus of this NPS as opposed to a secondary consideration in the NPSFM.

Submission:

Revise the NPS IB to include the following new Policy and revise other sections of the NPSIB as required to reflect this policy.

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

5. Managing adverse effects on biodiversity activities (Section C)

The Waiau Trust has serious reservations about the logic of biodiversity offsets. In our experience it is not possible to replicate biodiversity being destroyed at one site, at an alternative site. The result is always a net loss of biodiversity. The biodiversity offsetting provisions will not advance the protection and management of indigenous biodiversity and may well be

counterproductive in terms of achieving programmes such as Predator Free NZ 2050. If successful, in terms of recovery of indigenous species, the extent (area) of native vegetation will be hugely important in terms of providing suitable habitat.

Submission:

The NPS IB should not include provisions for Biodiversity offsets.

6. Restoration and enhancement of biodiversity (section D)

The loss of 90% of NZ's wetlands has happened without any formal consent. The Waiau Trust is of the view that the restoration and enhancement of degraded wetlands, should be a permitted activity with standards.

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:

- All structures required for restoration, meet the standards for structures 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,
- Neighbouring land owners are consulted if the drainage outfall for their property is likely to be affected.

Submission:

The restoration and enhancement of wetlands throughout NZ is a permitted activity, with standards under the NPS IB.

7. Implementation (part 3.4)

The Waiau Trust notes the process described in part 3.4. The NPS IB should recognise the differing capacities, capabilities and levels of resourcing of councils throughout the NZ to do the work required in the NPS IB. In less well-resourced regions it would make sense for Regional Councils to have responsibility. The NPS IB should provide for such a delegation in terms of Territorial local government land use (indigenous biodiversity) responsibilities to Regional Councils, if appropriate, in any given region. This should then be reflected in the relevant Regional Policy Statement.

Submission:

Make provision in the NPS IB for delegation of Territorial Council responsibilities for Indigenous biodiversity to Regional Councils.

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