

14 March 2020

**To:** Ministry for the Environment

**From:** Scion (the NZ Forest Research Institute LTD, trading as Scion)

**Contact:** Elspeth.MacRae@scionresearch.com

**Re: Discussion document on a proposed National Policy Statement for Indigenous Biodiversity.**

## 1. Key Points

- We strongly support in principle, the proposed NPS, with further considerations:
- Government should support this NPS with guidance, support and consistent standards for research, monitoring and implementation using both western science and Mātauranga Māori knowledge systems. Mātauranga Māori will need particular support to overcome systemic barriers and capacity issues.
- There is a need to distinguish protection of biodiversity from conservation of ecosystems, though the two are linked. We recommend more emphasis on the importance of fungi, insects and other “less obvious” but important organisms. Taonga should have a broader definition than what is given in 1.8 (“Identified Taonga”) since the word is also used in general, and cultural contexts throughout the NPS. If all indigenous species are taonga, then criteria are needed for selecting and prioritising organisms according to both Māori and pākeha worldviews – with additional taonga infrastructure support being made available to mana whenua, in association with councils/authorities.
- Taonga data taken from Māori land should be held by an independent body set up for purpose, in trust, and for the absolute benefit of mana whenua with rules for its use and management determined by mana whenua.
- With the Treaty of Waitangi and Hutia te Rito as the guide for the NPS the RMA could give greater effect to Māori interests in sustainability and biodiversity. Every effort should be made to ensure that mana whenua are given appropriate support to be involved in a way that enables them to exercise their customary role as kaitiaki under the RMA and does not penalise them when they aren’t appropriately resourced. This outcome will be seriously challenged with the RMA operating as it currently does. The Government should consider system shifts in implementation of the NPS under the Mana Whakahono a Rohe (joint management) mechanism.

- Through the NPS, sustainable forestry and future commercial indigenous forestry plantations appear to be at risk. The proposed NPSIB discusses the treatment of indigenous biodiversity within plantation forests but does not account for sustainable indigenous forestry as currently regulated under Part 3A of the Forests Act 1949. The government must clarify how the NPSIB interacts with the Forests Act and ensure that the proposed NPSIB does not prohibit sustainable forestry harvests. The present lack of clarity creates confusion and limits the potential for a forest-based circular bioeconomy. Clarifying the inter-relationships that could exist between existing and future indigenous plantations grown for commercial purposes, subdivision and SNAs as defined by the RMA and Forests Act in the future would be helpful.
- The draft NPSIB currently only covers terrestrial biodiversity. We see advantages in extending the current scope to include freshwater biodiversity. Currently the government is relying on the NPS-Freshwater Management (NPSFM) to cover the management of freshwater biodiversity. The NPSFM does not include the same type or degree of protections for biodiversity as in the proposed NPSIB.

## 2. Introduction – Who is Scion.

- Scion is a Crown Research Institute with a core purpose to “enhance New Zealand’s prosperity, well-being and environment through trees – kia piki te ora, te taiao me te whai rawa o Aotearoa mā to ngāhere”.
- Scion's related work focuses on developing the tools and economic models to estimate the value of both market and non-market ecosystem services associated with forests and other land uses. We are building a comprehensive picture of the true value of planted forests; timber value; defining and enabling Māori interests and futures in standing forest bioeconomy and indigenous forestry; plus carbon stocks, biodiversity, habitats, clean water, recreation and other services.
- Projects include:
  - The Waikura Valley Restoration Project
  - Valuing the forest ecosystem in the Ohiwa catchment
  - The Value of Biodiversity in planted forests
  - Tōtara Industry Pilot
  - Ngāti Awa Heritage Farm tree species and planting regime
  - Ngāti Rēhia Kauri Sanctuary
  - Field Dialogue on Tree Plantations in the Landscape in New Zealand
  - Oceania Ecosystem Services Forum 2019
  - Beyond Myrtle Rust
  - Healthy Trees Healthy Futures – Kauri Dieback
  - A science agenda for a sustainable Chatham Islands (Te Ara Putaiao and Hokotehi Moriori Trust)
  - Tuhoe Tuawhenua Trust – honey forest on the edge of Te Urewera

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- Paropsis beetle biocontrol
  - Te Urunga o Kea – Te Arawa Climate Change Strategy
- 
- Scion holds expertise in the quantification of ecosystem services in both natural and planted forests including biodiversity. This means Scion is well placed to contribute to this discussion document, particularly around best practice evaluation and monitoring, indigenous forestry, and Crown-Māori partnership in that space.

Signed by

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Dr Elspeth MacRae, Chief Innovation and Science Officer, HSNO Director

### 3. Response to discussion questions

#### Introduction section: Overview of the National Policy Statement for Indigenous Biodiversity (NPSIB)

##### Overall thoughts about the introduction section and the need for an NPSIB

This document is about retaining natural ecosystems as much as conserving biodiversity, even though both are linked. As the national population grows and more remaining small reserves become threatened, there is a lot of information on the value of ecosystem services (nutrient cycling, pollination, etc.) to various primary sectors. These services are provided for free by the myriad species in the environment. A significant loss in biodiversity therefore (especially of insects), will result in significant increases in production costs and the price of food. Insect pollination is required for maintaining ecosystems as well as a vital step in food production. Insect pollination is an under-recognised ecosystem service.

There appears to be an omission of fungi and insect biodiversity, with fungi not mentioned in the whole document (cf. Figure 1, p. 11). Fungi play a major role in all ecosystems, some being responsible for decomposition and breakdown of woody and other organic matter (relevant to ecosystem nutrient recycling and the carbon sequestration budget) and others for beneficial or deleterious infections of higher plants.

The application of this NPS-IB across all land, including privately and Māori owned land, could be more clearly stated.

##### Q1: 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?

Not specified	
Yes	X
No	
Somewhat	
Unsure	

The fact that habitat and species loss has continued since 1991 is clear indication that more explicit national direction is needed to ensure regional and territorial authorities carry out their responsibilities under the RMA.

Indigenous species do not recognise property lines, and neither do major threats to their existence, such as introduced pests and climate change. Protecting native species in the long-term will require contributions from all landowners, including farmers, foresters, orchardists, horticulturists, and the general public. The continued degradation of valuable habitats on land outside of the Department of Conservation (DOC) estate (despite the RMA) is a major hurdle to achieving our long-term goals for the protection and enhancement of native biodiversity, and the valuable services they provide.

**Q2: 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 the coastal marine and freshwater environments? Why/Why not?**

Not specified

Yes

X

No

Somewhat

Unsure

The draft NPSIB currently only covers terrestrial biodiversity. We see advantages in extending the current scope to include freshwater biodiversity. Currently the government is relying on the NPS-Freshwater Management (NPSFM) to cover the management of freshwater biodiversity. The NPSFM does not include the same type or degree of protections for biodiversity as in the proposed NPSIB. For example, while Appendix II of the NPSFM does include attributes for native fish, macroinvertebrates and submerged plant communities, the NPSFM lacks provisions to ensure spatial continuity and mosaics of ecosystems across the extent of a waterbody. Nor does it adequately address integration and interactions between freshwater and terrestrial ecosystems. The term 'biodiversity' is only used once in the NPSFM and that is in the preamble section. Instead freshwater biodiversity is indirectly captured under sections of the NPSFM such as Objective A1 (a), Objective B1, Objective CB1 ii and iii, and the compulsory national value of ecosystem health. Furthermore, the current attributes in the National Objectives Framework are targeted at water quality and human health. There is the potential for unintended consequences where the need to manage and protect terrestrial biodiversity receives a greater emphasis than freshwater biodiversity and possibly to the detriment of freshwater biodiversity. Given the current state of freshwater biodiversity in New Zealand and the high percentage of indigenous fish under threat, there is the imperative to ensure that both terrestrial and freshwater biodiversity are managed to similar standards.

In addition, terrestrial and aquatic biodiversity are intricately linked. Management activities to enhance and protect terrestrial biodiversity could potentially affect (either positively or negatively) freshwater biodiversity. Hence, they need to be managed together to reduce that risk, and management of both may be critical in some instances to achieve the intended outcomes. For example, there are very tight and intricate linkages and co-dependencies between freshwater ecosystems and their riparian and floodplain ecosystems. Therefore, there are advantages in a more holistic approach in having both terrestrial and aquatic biodiversity managed to the same set of standards under the same NPS.

The draft NPSIB currently has Section 1.6 Relationship with the New Zealand Coastal Policy Statement. A similar section is needed for the NPSFM and which NPS prevails when there is a conflict.

**Q3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?**

Not specified	
Yes	X
No	
Somewhat	
Unsure	

We support the objectives with the caveat that we believe the definition of Hutia Te Rito and description of its implementation should be revised as described in Question 4 below.

"The primary objective of the proposed NPSIB is to maintain indigenous biodiversity (Part 1.7(2) and (3) and Part 2.1 Objective 1 of the proposed NPSIB). Maintaining indigenous biodiversity requires, at the least, no reduction in..."

The policy should also consider enhancing biodiversity? The problem with maintaining biodiversity is the shifting baseline. If we just maintain the biodiversity we have left in a particular area, we are often just maintaining a degraded low biodiversity ecosystem. We think this should be included in their primary objective - maintaining and enhancing biodiversity and would recommend that Objective 1 be revised to state: "to maintain and enhance indigenous biodiversity"

We agree with the general tenet of the document – however, there are concerns related to

- (i) how effective and consistent monitoring will occur across the nation – different monitoring systems and measures need to be standardised
- (ii) There is reference to ensuring that Mātauranga Māori and science are viewed and utilised as dual knowledge systems – There is a need to resource this intent for Mātauranga Māori
- (iii) to what extent are Local Government bodies going to be evaluated, reviewed and monitored to ensure that their outlined role meets community needs, that they have engaged consultative processes with Māori that are rigorous, relevant and appropriate?
- (iv) Māori and Kaitiaki Role: There is a need to resource the maintenance and enhancement of bio-diversity as pertaining to bio-diversity. Acknowledging the role of Māori as kaitiaki is insufficient, how will this role be resourced?
- (v) "The proposed NPSIB would mostly be used in relation to new activities, for example new land uses that need to be authorised under the RMA." (p17) There is concern that with Treaty Settlements still occurring, some iwi may have lands returned that will be restricted in terms of economic development. We therefore agree with the intent outlined on p54 "the use of Māori land in a way that would make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua should be managed through the more permissive Part 3.9(2) management framework. This framework also includes an exemption for the provision of papakāinga, marae and ancillary community facilities."

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

### Overall thoughts about Section A

Centuries before the decline of biodiversity this land was viewed through a Polynesian lens as Te Ika Nui a Māui (the great fish of Māui) and eventually through the Māori lens as Aotearoa (the long white cloud). Infused into these first names and narratives is the wisdom of taonga and pristine ecosystems. Therefore, central to the notion of prudent management of “natural and physical resources to maintain indigenous biological diversity” for Aotearoa New Zealand, must be what we as a nation do with the customary role and traditional knowledge systems of Māori.

Fundamental to the future wellbeing of Aotearoa New Zealand as a land and people, must be the role of Te Tiriti of Waitangi - which has become our nation’s framework for conscience and ethical decision-making in national life, including in a more significant way, the treatment of significant natural areas.

We acknowledge the co-development foresight of this discussion document by the Biodiversity Collaborative Group, as a stakeholder-led partnership funded by Government taking up the challenge. We also acknowledge Iwi Chairs represented on this initiative. However, given the objectives of the NPSIB include changes that will take place across Māori land (much of which is not iwi owned) and the transition to a biodiversity management system that incorporates te ao Māori, mātauranga Māori and tikanga Māori, it would be fair to initiate an effective exchange forum with the affected land trusts and owners. Perhaps in the form of workshops, but, given a great deal of policy consultation is taking place (e.g. Public Works, RMA, Wai262-PVR, Te Ture Whenua, Trade for All, Climate Change Risk Assessment) at present, putting pressure on already constrained resources, a coordinated approach by Government is required to align biodiversity, sustainability, climate change and land use transition for Māori. Maybe led by Iwi Chairs and other interested parties, including Scion to discuss:

The use of mātauranga Māori narrative i.e. Hutia te Rito, as an implementation framework, the use of the pā harakeke concept for implementation of the programme requires careful consideration. The concept, Te Heu Heu Tuwharetoa in origin, refers to whanau as the core unit of Māori society and the principal mechanism for protection. We agree in principle with the use of this concept for a national biodiversity programme, because of the alignment with the strong adaptive imperative of whanau (as land protectors) and harakeke (as a metaphor for whanau) but only if the structure of such a programme elevates whanau/hapū to principals in charge of the design and implementation, not subjects of it. Otherwise the intent to implement a kaupapa Māori whanau-centric concept that regulates Māori landuse through regional councils and territorial authorities that don’t use or in general understand Māori frameworks or practices, we consider to be problematic. Please consider:

This discussion document assumes that relations between Māori, iwi, hapu, whanau and regional councils/territorial authorities are positive. With the Treaty of Waitangi and Hutia te Rito as the guide for the NPS, the RMA could give greater effect to Māori interests in sustainability and biodiversity. Any efforts to ensure that mana whenua are involved and able to exercise their role as kaitiaki under the RMA are going to be seriously challenged however

by the RMA in its current form. We recommend a power rebalance. In the very least, Government should consider system shifts in implementation of NPS under the Mana Whakahono a Rohe (joint management) mechanism, in order to achieve the full potential of the NPS to manage the biodiversity. This is debatable. An example, more recently a MfE consultation forum was held in Rotorua (Review of RMA), which indicated that Māori roopu are wanting to enact their kaitiaki status and be resourced to do so. This was proposed as a dual system, working alongside local government. The statement further articulated the position, that regional councils and authorities have not been successful in ensuring environmental protection – e.g. mining, water consents, geothermal protection.

By international standards biodiversity and sustainability considers indigenous communities part of indigenous biodiversity. Though it prioritises Māori perspectives, this Indigenous Biodiversity Programme separates indigenous biodiversity from coexistent Māori communities. To avoid a “Fortress of Conservation” (as coined by the United Nations Special Rapporteur on indigenous peoples, Victoria Tauli-Corpuz in *Cornered by Protected Areas*, 2018) happening in New Zealand, this separation needs to be reconsidered.

Science as well as policy on sustainability and biodiversity demands co-leadership and design of Hutia te Rito implementation, between Government and Māori communities first, in accordance with Te Tiriti o Waitangi. Using a co-governance, co-reporting and co-evaluation structure for this policy, would give effect to the Treaty principles of partnership, protection and participation.

Kaitiakitanga, as both a valid Māori (and therefore New Zealand) principle, and a recognised customary practice delivering sustainability and biodiversity is not currently defined, adopted and aligned across all Government policy relating to sustainability and indigenous biodiversity. It should be.

The recommendations of Waitangi Tribunal on the Wai262 claim should be considered. When Māori indigenous views are not expressed alongside Government, in partnership, the significant benefits of a Treaty framework cannot be transferred. Evidence shows that when Māori views are infused into the words and efforts of others such as scientists, officials or non-Māori spokespeople, such views are often misappropriated, misinterpreted and wasted. Considering power structures shifts in the publicly funded science and research space that we occupy, for example, we are applying a strong sense of justice to our work, using the Treaty is a driver for the work that we undertake; with Māori, on whenua Māori, and with indigenous biodiversity - as a core operating principle;

To progress the aims of this document successfully requires the involvement and representation of the full variety of people, cultures, occupations, and interest groups present in New Zealand.

The balance is right as e.g., outlined in the message from Hon. Nanaia Mahuta (pp. 6-7), the foreword (pp. 8-9), the list in Table 1 (p. 16) and the composite figure (p. 20), where many stakeholders are considered in all examples. We believe the Māori vision (te ao Māori) is well represented, at least in principle, throughout this document.



**Q4: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

We agree that it is essential to recognise and provide for te hauora o te tangata, te hauora o te koiora, te hauora o te taonga, and te hauora o te taiao and to manage these holistically. These concepts are interlinked, and it would be impossible to address one in isolation from the others. Therefore, we support in principle a fundamental concept that prioritises these values and takes into account their interrelationships.

However, as described in the proposed NPSIB, the concept of Hutia te Rito places human relationships, roles and activities at the centre, with the health of indigenous biodiversity, the health of ecosystems and the health of the wider environment apparently valued only for their interrelationships with the health of the people and for the ways they support human health, enjoyment and use. This contrasts sharply with the fundamental concept of the NPSFM, Te Mana o Te Wai, which recognises the value of freshwater itself and, in the proposed version, explicitly prioritises the health and wellbeing of water ahead of other values. There is a risk that the apparent priority given to te hauora o te tangata will undermine the intent of the NPSIB. We recommend the fundamental concept of Hutia te Rito in section 1.7(1) and implementation instructions in section 3.2 should be revised to explicitly acknowledge and prioritise the value of indigenous biodiversity itself.

The Treaty Settlement Bill with legal allocation of personage status to both the Whanganui River and Urewera acknowledges and validates the connectedness between the environment and people. Hauora is interconnected – she is a river, a forest ...

Using Hutia te Rito as the underlying concept of the NPSIB is certainly very sensible.

However, the interpretation of the proverb used in the proposal focuses solely on the interconnectedness of environment and people in the sense of “...the health and well-being of nature is vital to our own health and wellbeing.”, which does not acknowledge the part that addresses the importance of prudent and sustainable use of natural resources – essentially Hutia te Rito is a proverb advocating for the sustainable use of resources, which includes ecological, social and economic aspects of sustainability, i.e. “... he tangata, he tangata, he tangata” - Māori and non-Māori members of the NZ society. It would be beneficial for the proposed policy statement, if it would address the indigenous biodiversity conservation problem from a socio-ecological perspective and not just aim to identify the important habitats/ecosystems and enforce a whole range of limitations for landowners. Such strategy could yield perverse negative outcomes in terms of biodiversity conservation in the long-term, as there are no real incentives for the landowners, and it is very likely that the economically deprived rural areas in NZ will be heavily affected, e.g. Northland, East Coast. There is a global consensus among scientists and policy makers (e.g. UN Sustainable Development Goals; FAO 2018. The State of the World’s Forests 2018) that tackling of the biodiversity loss problem very often requires more than just strict protection strategies.

**Q5: 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?**

Not specified	
Yes	
No	X
Somewhat	
Unsure	

We are of the view that more information needs to be provided- what does Māori involvement look like? Māori being a part of decision-making processes is critical. Developing a Te Ao framework, is noted as an important step, however, there also needs to be dedicated Māori positions allocated to ensure that the framework is enacted according to agreed principles and developed indicators. Māori need to be involved at all levels of the decision-making process.

**Q6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?**

Not specified	
Yes	
No	X
Somewhat	
Unsure	

More recently the government inserted the use of the words 'Te Tiriti' into the Zero Carbon Bill. We recommend that this wording is inserted.

The current outline does not adequately cover the Treaty principles – A table and/or direct reference to the principles needs to be include. i.e Principle of participation, principle of partnership etc.

**Q7: 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**

Implementation of other national directives has demonstrated that there are significant institutional and resource barriers to involving mana whenua meaningfully in resource planning and management.

While many councils have made significant progress in recent years, many lack the capacity and capability to fully appreciate and express te ao Māori concepts in planning language. At the same time, many iwi and hapū lack the capacity to take full advantage of opportunities to be involved. It will also be necessary, therefore, to better support Māori involvement by

making changes to the primary legislation, providing tangible support for mana whenua to be involved meaningfully in decision-making, and providing incentives and support for councils to better engage and partner with mana whenua.

For example, the Ministry for the Environment’s National Policy Statement for Freshwater Management implementation review raised concerns about capacity and capability limitations within mana whenua groups to participate effectively in freshwater governance and management, and within councils to understand te ao Māori and, therefore, to engage meaningfully with mana whenua and ensure their values are accurately reflected in planning documents (MfE, 2017). The Wai 2358 report echoed these findings and called attention to barriers within the RMA that prevented councils from engaging in co-management and a lack of incentives to overcome these barriers. It concluded that the RMA “does not provide adequately for the tino rangatiratanga and the kaitiakitanga of iwi and hapū over their freshwater taonga” (Waitangi Tribunal, 2019, p. xxi).

In particular, incorporating Mātauranga Māori into plans for monitoring indigenous biodiversity will require significant time and effort by mana whenua kaitiaki. This work, and the accumulated cultural knowledge it represents, must be resourced and compensated alongside other forms of expertise.

**Q8: 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.**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

“The proposed NPSIB provides for regional councils and territorial authorities to consider opportunities for tangata whenua to have sustainable, customary take and use of indigenous vegetation, as well as being consistent with taonga protection and other legislation” (p30)

The statement could be strengthened – The word consider does not provide guarantee. A clear outline of what customary use looks like and how that may be exercised needs to be included.

**Q9: What specific information, support or resources would help to implement the provisions in this section? (Section A)**

- Information flow – central to decision making processes is having access to information, skills and expertise. Dedicated positions working with Mātauranga Māori experts and scientists ensuring that key information is transmitted to the community
- Paid Positions: Acknowledging that many Māori roopu are consistently responding to government requests and monitoring the extent to which local government are

meeting their obligations to Māori and the community generally, there needs to be (i) consistent evaluations of LG role and responsibilities with a specific reference to Māori (ii) dedicated paid positions for Māori across all decision-making spaces – from management, through to community levels.

## Section B: Identifying important biodiversity and taonga (pgs 31 - 41).

### Overall thoughts about Section B

There is a significant risk that landowners will have incentive to clear and develop areas with indigenous biodiversity before they are identified.

The potential issue with the identification and extent of SNAs was also raised in the report 'NPSIB - Section 32 Evaluation and cost benefit analysis' (p. 4);

"However, there are still some large uncertainties and information gaps on the actual impacts, benefits and costs of certain NPSIB provisions at the local, regional and national level. In particular: Identification and extent of SNAs - there is uncertainty (and potential risks) in terms of the extent of indigenous vegetation and habitats that will be identified as SNAs. Ecological advice has been that NPSIB criteria are consistent with more recent plans and policy statements and are not unduly restrictive. It is important that this assumption is thoroughly tested through public consultation to better understand the likely benefits and costs."

Again, ecological aspects of the proposal are certainly very sound and well grounded, the socio-economic aspects less so.

It is interesting to see that mānuka and kānuka will be exempted from (4) subclause (1) due to myrtle rust, at least until there are better ideas about their susceptibility. Early data suggests other Myrtaceae are far more susceptible to the disease. In particular *Lophomyrtus* (ramarama and rohutu) are particularly susceptible. We are also seeing infection on pōhutukawa, rātā and swamp maire.

### Q10: 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?

- Willingness of landowners to allow access
- Extensive land areas – if remote sensing techniques will be used what will be the sampling design for ground-truthing
- The mapping activities will be very expensive, which could lead to 'blanket mapping'
- A risk that further land loss or misallocation of land can occur from error in mapping – needs to incorporate ground truthing

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**Q11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling SNAs? Why?**

a. Territorial authorities	
b. Regional councils	
c. A collaborative exercise between territorial authorities and regional councils	X

A collaborative approach is necessary to ensure integration between requirements under the NPSIB and other national direction as well as in management of terrestrial, riverine and coastal ecosystems. Territorial authorities must be involved because they are responsible, under the RMA, for controlling the use and development of land to maintain indigenous biodiversity. Regional councils must be involved because they are responsible for the management of freshwater and coastal ecosystems and for regional pest management. They are also responsible for developing regional biodiversity strategies and carrying out monitoring. In addition, regional councils typically have greater capacity and capability regarding ecology and environmental processes than territorial authorities. Input from both levels of government is necessary to ensure high quality integrated planning and management.

**Q12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Why/why not?**

Not specified	
Yes	X
No	
Somewhat	
Unsure	

We agree with these criteria, but wonder how easily they will be implemented? There are also other factors to be considered for example if a rare, endangered plant is discovered in a particular site, and so on. Significant scientific input will be required.

**Q13: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

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Part 3.8(2) d) states that, “where permission to access a property on a voluntary basis is not given, territorial authorities should first rely on a desktop assessment by an ecological expert...” This approach would create an incentive for property owners who are aware of unrecorded indigenous biodiversity on their properties to deny access.

To create positive incentive for landowners to have their property assessed, the policy should default in such cases to the presumption that an SNA exists unless an expert has reason to believe that one does not.

**Q14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?**

a. Regional policy statement	
b. Regional plan	
c. District plan	
d. Unsure	

**Q15: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q16: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

There is a need to distinguish protection of biodiversity from conservation of ecosystems, though the two are linked. We recommend more emphasis on the importance of fungi, insects and other “less obvious” but important organisms. Taonga should have a broader definition than what is given in 1.8 (“Identified Taonga”) since the word is also used in general, and cultural contexts throughout the NPS. If all indigenous species are taonga, then criteria are needed for selecting and prioritising organisms according to both Māori and pākeha

worldviews – with additional taonga infrastructure support (e.g. data commons management) being made available to mana whenua, in association with councils/authorities.

Taonga data taken from Māori land should be held by an independent body set up for purpose, in trust, and for the absolute benefit of mana whenua with rules for its use and management determined by Māori.

**Q17: 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? 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q18: What specific information, support or resources would help you implement the provisions in this section? (Section B)**

Section C: Managing adverse effects on biodiversity from activities (pgs 42 - 67).

#### Overall thoughts about Section C

Several parts of the text (e.g. section 3.9) that refer to 'adverse effects on SNAs' rather than 'adverse effects on indigenous biodiversity within an SNA'. While this may appear a minor semantic difference, the focus should remain on the indigenous biodiversity itself rather than the SNA because there may be situations where it is necessary to damage a single SNA for the benefit of indigenous biodiversity more broadly. For example, a biosecurity response may require destroying native species in a specific area to ensure the protection of the species as a whole.

Section 1.7(4) i) identifies a reduction in human access to, and uses of, indigenous species and natural areas as an adverse effect on indigenous biodiversity. This is not in itself an adverse effect on indigenous biodiversity. It is important to recognise that human uses of indigenous species and natural areas are among the primary causes of the other adverse effects listed. For example, humans are believed to be the primary vectors for spreading kauri dieback (*Phytophthora agathidicida*) and other forest diseases. There is a risk that including

1.7(4) i) as an adverse effect equal to the others listed will make it more difficult for authorities and landowners to restrict human use and access where necessary and, therefore, result in unintended consequences.

The proposed NPSIB discusses the treatment of indigenous biodiversity within plantation forests but does not account for sustainable indigenous forestry as currently regulated under Part 3A of the Forests Act 1949. The government must clarify how the NPSIB interacts with the Forests Act and ensure that the proposed NPSIB does not prohibit sustainable forestry harvests.

The principles of sustainable forest management contained in the Forests Act 1949 are applied equally to both old-growth, arguably over-mature forest, and to comparatively young actively growing second-growth stands. Their dynamics are different as will be their biodiversity status. Old-growth stands tend to be in a comparative steady-state for long periods of time (centuries). Young tōtara stands, such as those on private farmland in Northland, are actively growing, changing in their composition and are often unfenced. They exist largely as a result of anthropogenic disturbance and it is arguable whether they should be described as “natural” stands and whether the proposed NPSIB and Forest Act 1949 should be applied to them.

**Q19: 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?**

Not specified	
Yes	X
No	
Somewhat	
Unsure	

**Q20: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q21: Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.**

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**Q22: 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**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

Impacts on specific subdivisions, uses and development – there is a degree of uncertainty in the extent of SNAs that will be ranked ‘High (H)’ and ‘Medium (M)’ in accordance with Appendix 2 of the NPSIB. This has significant implications and potential costs for certain subdivision, use and development provided for in Part 3.9 of the NPSIB in terms of whether certain adverse must be avoided and/or managed in accordance with the effects management hierarchy.”

**Q23: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q24: Do you agree with the proposed definition for nationally significant infrastructure? Why/why not?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q25: 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?**

Not specified	
Yes	
No	X

Somewhat	
Unsure	
<p>New Zealand’s private-owned indigenous forests are often indiscernible from the conserved natural forests. This creates a challenge with public perceptions that all of these forests should be conserved. Environmental concerns over declining indigenous biodiversity could strengthen such beliefs. Planted (or “semi-natural” or “modified natural”) indigenous forest area is negligible, with the industry constrained by ownership (natural forests on private land). The private forests are small and fragmented: 60 percent are greater than 500 hectares, 20 percent less than 50 hectares, and 20 percent range from 50-to-500 hectares in size. Commercial objectives are managed in Continuous Cover Forestry (CCF) as legislated under The Forests Amendment Act 1993. CCF uses natural processes to maintain the forest canopy, with harvest levels restricted to small coupes or individual trees. This prescription has added to the competitive challenges, especially compared to planted forests that have higher timber yields, larger coupes and lower production costs.</p> <p>Clause 3.10(3) requires the adverse effects on threatened indigenous flora to be managed within plantation forests; however, this section does not account for the possibility of a plantation forest species which is itself a threatened indigenous species. For example, kauri (<i>Agathis australis</i>) are currently listed as Threatened – Nationally Vulnerable by DoC but are also deliberately established in forestry plantations for timber production. Harvesting such planted indigenous forests is currently legal under the Forests Act 1949. Because clause 3.10(1) of the NPSIB excludes plantation forests from clause 3.9, it also removes the exceptions included in subclause 3.9(4d), which would allow for the use and development of indigenous vegetation established for that use. As currently written, therefore, the NPSIB could be interpreted to prohibit plantation forestry of threatened or at-risk indigenous tree species. Clause 3.10 should be rewritten to ensure indigenous trees which were planted for the purpose of timber production may be harvested.</p> <p>The NESPF does not cover the breadth of indigenous flora and fauna that may be present. For example, indigenous longtailed bats, classified by DoC as Threatened – Nationally Critical, are known to frequent radiata pine and eucalyptus plantation forests but lack protection under the NESPF. More importantly, managing indigenous biodiversity within plantation forests under separate national direction could undermine the intent of the NPSIB to ensure integrated management across the landscapes and domains.</p>	

<b>Q26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the NPSIB? Why/why not?</b>	
Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q27: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

Effects to be avoided in SNAs – there is a degree of uncertainty on what the requirement to “avoid” certain adverse effects within SNAs will mean in practice for new subdivision, use and development. Ecological advice suggests only very small-scale activities will be able to occur within the ‘environmental bottom lines’ provided for in Part 3.9(1) and most new subdivision, use and development managed under this provision will be heavily restricted (or effectively precluded).

**Q28: 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?**

Not specified	
Yes	
No	X
Somewhat	
Unsure	

It is not clear what compensation entails. With offsetting we understand there can be no net loss of biodiversity - which is the aim of this document. With compensation there is no such condition. Therefore, the objective will be met if they are considered at the same time - offsetting should be attempted first. A clearer definition of compensation is needed. It would be impossible to compensate for the loss of an individual of a taonga species - which are priceless?

**Q29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Why/why not?**

Not specified	
Yes	
No	X
Somewhat	
Unsure	

While the discussion document clearly acknowledges that “...due to historical limitations placed on Māori land, these lands are less likely to have been developed and more likely to have retained their indigenous cover. As a result, protections for SNAs could unfairly impact

on Māori, and worsen disadvantages created by historic confiscation and loss of land.” The proposed policy statement and its provisions fail to adequately address and mitigate potential negative impacts of this policy on Māori landowners and local communities.

The proposed policy statement does not provide enough specifics (e.g. “The proposed NPSIB provides for regional councils and territorial authorities to consider opportunities for tangata whenua to have sustainable, customary take and use of indigenous vegetation...”; “the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua”; “exemption for the provision of papakāinga, marae and ancillary community facilities”) around customary take and other sustainable uses that have the potential to enable sustainable development of Māori land and their communities. For example, the proposed policy does not provide any reference to the sustainable continuous cover management of indigenous forests, which is administered by the MPI under the Forests Act 1949 (and its relevant amendments; Part 3A) and indigenous forestry sustainable management standards and guidelines. This activity has the potential to enable economic growth and well-being of Māori landowners in a way that is very much aligned with their worldview. The fact that the proposal completely fails to address this land use is a big gap in the policy statement, as the proposal provisions explicitly list several other activities; some of them have proven detrimental effects on biodiversity and are still classified as activities for which a more lenient management approach in medium-value SNAs is proposed (e.g. mineral and aggregate extraction), while there is no notion how sustainable forest management will be evaluated for its adverse effects and what are the foreseen restrictions that might apply for this use.

We believe that these concerns haven’t been adequately addressed in the proposed policy statement and require further refinements, specifically in parts that define how potential adverse effects will be quantified, assessed, and managed for activities for which there are a lot of unknowns in terms of their impacts on ecological integrity of indigenous vegetation/habitat/ecosystems. For example:

- sustainable/continuous cover forest management regime (will this activity require a resource consent and an Assessment of Environmental Effects – AEE?) versus subdivision/clearing for housing development;
- seems like the burden of proof will fall on the landowner; practically impossible/prohibitively expensive for them to prove that certain activities (e.g. harvesting) will not compromise the ecological integrity of the habitat/ecosystem.

**Q30: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

It is difficult to see how a council can do anything to prevent one indigenous ecosystem transitioning to a different one due to climate change. It is unclear what is meant by "promote the resilience". This highlights a potential issue with SNAs. Species will either have to adapt or MIGRATE. If you only protect a specific area species may be unable to migrate effectively. Protection outside of SNAs is important.

Local Government developing stronger relations with science-based and Mātauranga Māori spaces to ensure the maintenance and enhancement of biodiversity is required to mitigate climate change impacts.

In some instances, where narrow genetic diversity exists in a population, the practice of strict eco-sourcing seed for restoration could lead to decreased resilience to climate change.

**Q31: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q32: What is your preferred option for managing geothermal ecosystems? Please explain**

a. Option 1	
b. Option 2	
c. Option 3	
d. Or your alternative option – please provide details	X

- Firstly, it is important to note that New Zealand’s largest production forests sit within the Taupō Volcanic Zone.
- 
- Scion is located next door to Whakarewarewa Living Village. Whakarewarewa is the only *pa* (fortified village) in the world where tourism, Māori culture and heritage, family homes, and businesses operate on a major geyser field in an urbanised area. The village sits within the Whakarewarewa Geothermal Field regarded as a national treasure for its environmental, economic, cultural and scientific value. The tribe is committed to its sustainability for future generations.
- Currently it is unclear about the way geothermal ecosystems are governed and managed, are resourced, enhanced or modified for multiple purposes, and who can form relationships, use or utilise them.
- Therefore, work needs to be carried out first mapping the multiple kaitiaki (Crown, iwi, researchers, civil defence, community groups, monitoring groups) associated with geothermal ecosystems and the reciprocal roles and responsibilities they have prior to

determining options for management. We must also be cognisant of the fact that there are hapū/iwi, and community members around geothermal resources, although officially designated have been protecting, monitoring and advocating for these ecosystems over generations.

- It is also critical to note that the geothermal ecosystem is one part of a much bigger volcanic (or supervolcanic) system, can be shaped by tectonic systems, fuelled by processes of magmatic systems and behaves similarly to freshwater ecosystems.
- Based on our organisational publications we currently view the geothermal ecosystem as an economic source.
- Research with local Te Arawa iwi (Ngāti Whakāue, Tuhourangi) found that 'geothermal energy is a taonga with intrinsic value in the traditional Māori world, and economic and sociological value to contemporary Māori.' (Wilson, Nicholson, Bignall & Bradshaw, 2010).
- Consequently, kaitiakitanga roles are expressed differently based on the worldviews – kaitiakitanga to preserve economics versus kaitiakitanga to preserve whakapapa (genealogies) and mātauranga.

**Q33: We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including microorganisms) and associated indigenous biodiversity. Do you agree? Why/why not?**

Not specified	
Yes	x
No	
Somewhat	
Unsure	

Four types of geothermal ecosystems are regarded as 'critically endangered'. They include fumaroles, geothermal streamsides, heated ground (dry) and hydrothermally altered ground (now cool). Due to the extreme environments of geothermal ecosystems such as 'steep gradients in temperature, unusual concentrations of minerals and elements, and high acidity' (Burns, 1997) - results in a distinctive geothermal vegetation. Geothermal vegetation associated with these four ecosystems can be classified into 9 classes: soilfield, mossfield, grassland, fernland, shrubland, scrub, treefernland, treeland and forest (Smale & Fitzgerald, 2015).

Geothermal vegetation, and the microorganisms within, can be considered part of the geothermal ecosystem because these distinct thermal conditions have led to their unique properties. These geothermal vegetation plants are also classified with facing varying levels of threat including nationally vulnerable, naturally uncommon, threatened, declining, rare, taxonomically indeterminate and declining, and endemic (Wiser, Buxton, Clarkson, Hoare, Holdaway, Richardson, Smale, West & Williams).

From a Māori perspective there is a quote – mai te rangi ki te whenua; mai te whenua ki te rangi – the ecosystem is inclusive of everything from the sky to the land, the land to the sky and everything in between.

It is also critical from a Māori perspective to recognise the distinct whakapapa (or taxonomy) of the geothermal system, the vegetation ecosystem and how they interact with each other.

**Q34: Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the proposed NPSIB? Why/why not?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q35: 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.**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?**

Not specified	X
More than minor residual adverse effects	
All residual adverse effects	
Other – please explain	

**Q37: What specific information, support or resources would help you implement the provisions in this section? (Section C)**

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Section D: Restoration and enhancement of biodiversity (pgs 68 - 76)

**Overall thoughts about Section D**

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**Q38: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q39: 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**

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**Q40: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

Why was 10% chosen in particular? If the choice isn't linked to specific ecosystem function, then there's a risk it might seem like a token patch of indigenous trees, without a significant impact to wider indigenous ecosystem biodiversity.

**Q41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain**

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**Q42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Why/why not?**

Not specified	X
Yes	
No	
Somewhat	



Unsure	

**Q43: Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain**

**Q44: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q45: What specific information, support or resources would help you implement the provisions in this section? (Section D)**

## Section E: Monitoring and implementation (pgs 77 - 88)

**Overall thoughts about Section E**

One important aspect of biodiversity that appears to be overlooked is within species diversity. Populations with narrow diversity are at risk from inbreeding depression. In particular, resilience to climate change, biotic and abiotic threats within a population, can derive from a wide pool of genetic diversity. Reduced genetic diversity within a species or unique population can arise through numerous causes. For example, there is considerable concern the Koala population in Australia, devastated by the recent bushfires, could be at risk from reduced genetic diversity as the population is restored.

This could extend to restoration or replanting programmes, to ensure the organisms being reintroduced support a healthy level of genetic diversity.

**Q46: 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?**

Not specified	
Yes	X

No	
Somewhat	
Unsure	
<p>Lack of consistency across different regions could put indigenous biodiversity at risk, some basic requirements for what a monitoring plan should contain makes sense. There should be a national science plan to determine how to do this, what research should be conducted and how to do appropriate technical and cultural monitoring.</p>	

<b>Q47: 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?</b>	
Not specified	
Yes	X
No	
Somewhat	
Unsure	
<p>Absolutely, regular and independent reviews, not conducted by the Ministry for the Environment itself. It is best practice to have self-review/peer review/moderation as part of organisational culture.</p>	

<b>Q48: 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?</b>	
Not specified	X
Yes	
No	
Somewhat	
Unsure	

<b>Q49: Which option for implementation of the proposed NPSIB do you prefer? Please explain</b>	
Not specified	X
Implementation as soon as reasonably practicable - SNAs identified and mapped in five years - scheduled and notified in plans in six years	
Progressive implementation - SNAs identified and mapped within seven years - scheduled and notified in plans in eight years	

**Q50: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q51: Which of the three options to identify and map SNAs on Public Conservation Land (PCL) do you prefer? Please explain**

Not specified	
Territorial authorities identify and map all SNAs including public conservation land	
Public conservation land deemed SNAs	
No SNAs identified on public conservation land	
Other – please explain	X

It is important that SNAs on public conservation lands be recognised because of their interactions with the surrounding land and the relationships between these and privately or Māori owned SNAs. Although the conservation land itself is protected, recognising SNAs on conservation land is necessary to establish buffer zones and to ensure activities in adjacent lands do not have negative effects on the conservation land. In addition, a small SNA on private land with relatively less priority on its own may become a higher priority for protection and restoration if it provides a critical link between conservation areas. In order to develop effective strategies, councils will need to consider these relationships and interactions between public and private lands.

To simplify the process and reduce implementation burdens on councils, it would be prudent to assume by default that all conservation lands are SNAs. However, a blanket designation could result in unnecessary regulatory burdens over those conservation lands or areas within public conservation lands which have less conservation value, such as some historic reserves or amenity areas within national parks. In these cases, an SNA designation could be an unnecessary but costly barrier to the development or maintenance of buildings and infrastructure or limit the activities allowed. Therefore, we recommend a variation of Option B, whereby all public conservation land is presumed to be a High SNA by default, but territorial authorities, alongside DOC, have the option to conduct assessments to identify whether specific conservation lands or areas within conservation lands should be categorised differently.

**Q52: What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?**

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**Q53: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q54: 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?**

Not specified	
Yes	
No	
Somewhat	X
Unsure	

There is no inherent issue in having multiple pieces of national direction that apply to the same geographic area. Terrestrial areas are already potentially subject to overlapping national direction. However, there is a risk of creating confusion and over-burdening councils if the national direction is not well integrated.

**Q55: 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.**

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**Q56: Do you think the proposed NPSIB should include a provision on the use of transferable development rights? Why/why not?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q57: What specific information, support or resources would help you implement the provisions in this section? (Section E)**

**Q58: What support in general would you require to implement the proposed NPSIB? Please detail.**

**Positions – Select all that apply**

Guidance material	
Technical expertise	
Scientific expertise	
Financial support	
All of the above	X
Other – please explain	

All of the above guidance and support will be necessary. In addition, support must be given to mana whenua to enable them to exercise their role as kaitiaki and to contribute their Mātauranga towards implementing the NPSIB.

It is essential that guidance is provided promptly and with clear explanation of how key terms and clauses should be interpreted and implemented. Guidance for other national direction has often been delayed or left in draft form, and agencies have declined to state explicitly their preferred interpretations and methods of implementation. This has caused considerable confusion among councils, led to costly court battles and delayed implementation.

Section F: Statutory frameworks (pgs 89 - 93).

**Overall thoughts about Section F**

**Q59: 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?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q60: Do you think there are potential areas of tension or confusion between the proposed NPSIB and other National Direction? Why/why not?**

Not specified	X
Yes	
No	
Somewhat	
Unsure	

**Q61: 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?**

Not specified	
Yes	X
No	
Somewhat	
Unsure	

It is essential for indigenous biodiversity planning to be integrated with national and regional pest plans. Certain SNAs may become more or less important in the context of pest threats depending on their spatial vulnerability, genetic diversity or pest resistance.

## Final Comments & Privacy

**Q62: Do you have any other comments you wish to make?**

Throughout the document there is much mention on biodiversity, but little on the benefits, whether economic, ecological, or cultural, that biodiversity provides, such as various ecosystem services like pollination, nutrient cycling, and pest control. Maintaining and enhancing ecosystem function should underpin the protection or restoration of any SNA or other important area.

SNA or significant natural area: Part a) of the definition should be revised to make sure that fungi and microorganisms are included. Part c) of the definition should be revised to clarify the type of assessment necessary.

Indigenous biodiversity: The proposed definition does not appear to include fungi or other microorganisms. Insects, fungi, and other microorganisms need to be recognised. These groups not only include the vast majority of our biodiversity, but they fulfil all the most important roles in all terrestrial and freshwater ecosystems. They include all the most important herbivores, decomposers, pollinators, and are food for all our native reptiles, amphibians, bats, and most of the birds. Their inclusion is essential if there is to be any focus on the ecosystem services that biodiversity provides.

A section is needed that recognizes landowners' rights on their land as the draft NPSIB current lacks balance in this regard. Under the current draft, the criteria for SNA's in Appendix 1 are very broad in scope and includes degraded indigenous vegetation, ecosystems and

habitats where pertinent, and areas that provide buffers and contribute to connectivity. Under these conditions there is the potential for significant areas of Māori and privately-owned land to be classified as SNA's with an accompanying set of management restrictions. Māori and private landowners will carry the burden and cost (although territorial authorities may provide incentives) associated with the loss of land designated as SNA's and the restoration and enhancement of not only SNA's but current and former wetlands and areas that provide buffering and connectivity. The territorial authorities can then impose further conditions on Māori and private landowners to increase the indigenous vegetation cover on their land to meet regional council goals.

This potentially places an onerous burden to place on Māori and private land owners and the draft NPSIB currently lacks explicit checks and balances to ensure private land owners rights are protected. The implementing provisions recognise that maintaining indigenous biodiversity does not preclude subdivision, use and development in appropriate locations and forms and within appropriate limits but those appropriate limits are not defined. There are no limits in the draft NPSIB to the extent of productive land on a given property that can be reassigned to a SNA or other protective status to meet the objectives of this NPS. There are currently no explicit requirements in the draft NPSIB for territorial authorities to undertake an economic and social impact assessment as part of each SNA assessment process. Under the current draft, the territorial authority could potentially class a portion of private or Māori owned property as an SNA, that renders the land uneconomic, depriving the landowners of their livelihood and potentially displacing them off their land.

Draft NPSIB Section 3.7 (e) It is also important to recognize landowner contributions and we suggest the additional wording; e) the importance of respecting, and fostering and acknowledging the contribution of landowners as stewards and kaitiaki

Draft NPSIB Information Note at the end of Section 3.10 on the NES for PF – it would be useful to identify whether the NPSIB prevails over the NESPF or vice-versa.

**Q63: If you don't want part, or all, of your submission to be published online, describe the parts you wish to be withheld here and the reasons for withholding.**

Withhold publishing personal details

Y/N	<p>All or part of any written submission the Ministry for the Environment receives electronically or in printed form, including your name, may be published on our website, <a href="http://www.mfe.govt.nz">www.mfe.govt.nz</a>. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to the posting of both your submission and your name on the website.</p> <p>Submissions may also be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including by email). Please advise if you object to the release of any information contained in your submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the</p>
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