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Submission on the Proposed National Policy Statement for Indigenous Biodiversity

Introduction

Forest & Bird Youth is a nationwide network of young people (aged 14-25) who are protecting and restoring Aotearoa's wildlife and wild places. With over 500 members, our vision is to see empowered rangatahi actively engaged in our connection to Te Taiao and in the fight for our future. Our mission is to take action for nature as youth, with youth, and for youth.

Forest & Bird Youth supports the proposed NPS-IB because it will help to reverse the decline of New Zealand's native terrestrial species; give indigenous biodiversity strong protections across all types of land; and seek to restore nature over the long term so that future generations may enjoy it. We are also pleased to see that adequate attention has been paid to te ao Māori and the concept of kaitiakitanga, allowing for iwi/hapū to exercise their customary rights.

However, we believe that the scope of the NPS-IB needs to be widened so that it encompasses biodiversity in the freshwater, coastal, and marine environments as these are also in dire need of protection and restoration. Doing so would allow for all of New Zealand's precious native species to recover and thrive.

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

A.1 We note that the concept of Hutia te Rito recognises the intrinsic value of nature; that the health of the environment supports healthy people, and that **the environment should be left in a better state for future generations**. As a youth organisation, intergenerational equity is an important cornerstone of our kaupapa. We are glad to see that Hutia te Rito provides a framework which underpins the NPS-IB in a way that incorporates te ao Māori, mātauranga, and tikanga Māori.

We support the inclusion of Part 3.2 in the NPS-IB, as it requires decision-makers to hold *Hutia te Rito* at the forefront of considerations when making decisions about biodiversity management. This will ensure that decision-makers take a systems approach – recognising the interconnectedness of ecosystems, people, and the environment. The ecological and climate crises we face are not a series of isolated issues: addressing environmental problems in isolation could have negative impacts on other parts of ecosystems.

A.2 We believe that the principles of *Te Tiriti o Waitangi* need to be accurately reflected in any legislation/policy that involves indigenous biodiversity; this will involve addressing the claims laid out in the WAI 262 report¹. Broadly, this means protecting and nurturing *taonga* species and *mātauranga Māori*. The NPSIB accurately reflects these principles, however, it must be ensured that the provisions under the RMA for Māori environmental management are applied *consistently* and allow for equal involvement in decision-making.

Mana whenua and councils should work together as equal partners to develop proposed biodiversity strategies and other processes affected by the NPSIB. Providing mana whenua with the resources to participate equally in policy development is central to achieving this.

It's also important that the NPSIB allows for customary harvest of indigenous vegetation and we support this measure. Māori are the *kaitiaki* of this land; sustainable indigenous harvesting practices are central to cultural wellbeing, as well as social and environmental wellbeing. However, this needs to be in tandem with ensuring that our native species are thriving.

Section B: Identifying important biodiversity and taonga

B.1 We support the requirement for councils to identify Significant Natural Areas (SNAs) and protect them. Biodiversity isn't limited to national parks; 23% of indigenous forests are located on private land². This figure does not include the thousands of hectares of wetlands, scrub, estuaries, alpine tussock, scree, and many other types of habitats which also occur on private land.

SNA protection would help to ensure that biodiversity is protected outside of crown-owned lands. However, we believe the proposed time frame for mapping out these areas (5 years) is too long. Indigenous biodiversity is under serious threat right now, and young people are the most at risk of living with the consequences of losing these species. We do not want to inherit a world where many of New Zealand's native species have gone extinct – and there is not much time to reverse the decline of our natural world.

We propose that councils must have SNAs mapped out within 2 years and have them scheduled in their district plans within 3 years.

B.2 We agree with the proposed approach to identifying *taonga* species and ecosystems. The concept of *tino rangatiratanga* is central to *Te Tiriti o Waitangi*, and therefore mana whenua self-determination should be allowed to be exercised when deciding what makes a species "*taonga*". We believe the proposed approach adequately provides for this process.

B.3 Part 3.15 is essential to the success of the proposed NPSIB. Native species don't understand the lines that humans draw on maps; highly mobile fauna move between habitats on crown-owned and private

land all the time. This is why the process of identifying SNAs is so important, as well as the proposed identification and management of highly mobile indigenous species. This will be central to arresting the decline of our precious fauna.

For example, while highly mobile species such as tūī, kererū, and pīwakawaka are increasing in abundance nationwide³, they are increasingly dispersing into urbanised environments which pose significant hazards to them⁴. Placing protections on highly mobile fauna under the NPSIB would help alleviate some of the pressures they face in urban areas.

We also believe it is extremely important to provide for species' return to areas where people live – not only for their own sake but also so that people and nature are able to interact, forming connections that foster a lifelong appreciation for the environment. This is especially important to us, as it will ensure that young people and future generations can grow up appreciating and enjoying nature.

Section C: Managing adverse effects on biodiversity from activities

C.1 The four main effects to be avoided in an SNA in Part 4B.2 of the NPSIB are mostly adequate for protecting indigenous flora and fauna. However, we propose adding to the fourth effect so that it reads “a reduction in population size or occupancy of any indigenous taxa that are listed as ‘threatened’ or ‘at risk’ in the New Zealand Threat Classification System lists, **or that are identified as taonga species**”. It is important that the process outlined in **B.2** is given teeth so that indigenous biodiversity is protected in accordance with the principles of Te Tiriti o Waitangi.

We agree with the proposed effects management hierarchy, however, we think this needs to be embedded within a stronger framework that requires that these effects would not leave the biodiversity of the area **worse off than before the effects began**. We propose establishing a youth advisory group who can work with others to define this further and embed it within a framework that upholds the concept of intergenerational equity.

We believe that without actively engaging youth in the process, either by establishing a youth advisory group or otherwise, the NPSIB will be failing to give effect to Hutia Te Rito. As such, to remain consistent with this concept and ensure that future generations inherit a world that is in a better state, we consider it imperative that youth are central to the decision-making process before the NPSIB is adopted.

C.2 We do not agree with the distinction between high and medium value SNAs – all SNAs identified under the proposed framework must be protected from development and new activities. Further to this, we do not agree with the leniency provided to mineral and aggregate extraction, this provision should be removed from the NPSIB entirely.

We propose that instead, all SNAs are treated equally and are fully protected from development or activity that would leave biodiversity worse off – with “worse off” being defined in a framework developed by a youth advisory group (with input from scientists and experts). However, we do believe that some exceptions for cultural and customary activities should be provided for Māori land so that mana whenua can continue to carry out self-determination and act as kaitiaki for their taonga. Please refer to our comments under C.6 for a more detailed explanation of our view.

C.3 We agree with the proposed provisions around protecting indigenous biodiversity in plantation forests. However, once again, a simple test should be met that requires biodiversity not be left worse off than before - defined under a framework created by a youth advisory group. This would require baseline monitoring when the NPSIB is first implemented so that important trends are not missed further down the track.

C.4 We do not agree with existing land-uses being effectively exempt from ameliorating the four adverse effects listed in Part 3.9(1) which apply to new activities. Over 56% of New Zealand's land is privately owned⁵. Not requiring this land to comply with this aspect of the NPSIB would effectively render most of New Zealand's biodiversity unprotected.

C.5 We mostly agree with the proposed management of adverse effects outside of SNAs. SNAs only contain exemplar indigenous biodiversity; a lot of indigenous biodiversity exists outside SNAs, and this biodiversity is still important. Therefore, we believe part 3.13 of the NPSIB should be strengthened to require councils to avoid key adverse effects outside of SNAs as much as practically possible. Authorities also have obligations under the RMA to protect indigenous biodiversity.

C.6 Tangata whenua still suffer the long-term effects of colonisation, and therefore require the ability to develop their own lands in a way that provides for their people and their role as kaitiaki. As we propose removing the dual classification of medium and high-value SNAs, this means that the provisions around developing Māori land would need to be changed. We suggest that provisions should only allow for the development of cultural sites to be subject to the outlined exemptions (e.g. marae, papakāinga). Any other types of development should be subject to the same rules as all other land classifications.

C.7 Climate change is already having a negative impact on our native species and ecosystems. Some of these ecosystems are especially vulnerable, such as alpine, freshwater, and coastal ecosystems. Many of our threatened species lack the ability to adapt to the impacts of climate change and will need us to intervene to stop them from going extinct. As climate change and biodiversity loss are issues of intergenerational equity, we as young people have much more to lose if the government doesn't act to ensure both issues are adequately addressed.

We therefore strongly support part 3.5 of the NPSIB, requiring councils to consider the impacts of climate change when making or changing resource management plans and biodiversity strategies. It is important that adaptation is central to planning frameworks so that management of indigenous biodiversity is more effective over the long-term.

Finally, the establishment of a youth advisory group to inform the next stages of the NPSIB would allow young people to provide input on how climate change will affect their futures. This includes the impacts it will have on biodiversity.

C.8 We recognise that there are gaps in scientific information about biodiversity trends, states, and pressures. It is essential that we take a precautionary approach to these gaps so as to ensure that indigenous biodiversity is protected and managed even in times of uncertainty. We strongly agree with Part 3.6 of the NPSIB to ensure that the precautionary principle is used when considering activities that may affect indigenous biodiversity.

C.9 We agree with the proposed option 3 for managing geothermal habitats under the NPSIB. As identified in the discussion document, geothermal habitats are some of our most distinctive and rare

ecosystems. It is therefore imperative that those remaining are given strong protection so as to preserve them for future generations.

C.10 We broadly support the provisions around biodiversity offsetting and compensation. However, the proposed processes must be carried out using option 2 as stated in the discussion document. It is not acceptable for some residual adverse effects to be exempt from any kind of amelioration. It is also simpler and easier to apply the provisions if there is no ambiguity around what counts as a “minor residual adverse effect”.

In any case, whichever option is chosen must address the current issue around biodiversity offsetting and compensation – the lack of monitoring and/or ecological scoping of habitat. For example, many developments get away with translocating protected species to new habitat away from the development site, even though the new habitat may not be suitable, and no monitoring is carried out to determine if translocation is successful^{6,7}. More work needs to be done in this area to bring it in line with current conservation science so that any offsetting/compensation that occurs ends up having a positive impact on biodiversity.

Section D: Restoration and enhancement of biodiversity

D.1 We broadly agree with these provisions. Restoration is central to modern conservation, with so much biodiversity already lost we have to shift our focus from merely “protecting” to “restoring” nature. We are glad to see this reflected in the NPSIB. However, we would like to see a fourth area of prioritisation that identifies habitats that are at risk of being lost to climate change. Adapting to climate change is going to be a significant task for our native species, so it must be a consideration for all restoration efforts.

D.2 We believe that a target for vegetative cover should also be required in a certain timeframe. Having a vegetative cover target with no defined timescale would lead to an inconsistent approach from councils. We also believe that the proposed target of 10% is not good enough; in reality the target must be much larger than this. Biodiversity is severely depleted in many towns/regions and we need to be aiming much higher; the benefits of doing so would be tremendous. Not only would having a higher target assist in the restoration of native habitats, but it would also provide more natural spaces for future generations to enjoy.

The additional benefits to mental health, recreation, ecosystem services and more would be even larger if the NPSIB adopts a higher target. We propose that the NPSIB should require an interim target of 30% vegetative land cover by 2035, with a longer-term target of 50% by 2050. The idea of protecting and restoring 50% of land for nature is not new – it is backed by many of the world’s leading ecological experts⁸.

D.3 Regional Biodiversity Strategies are extremely important to ensure the implementation of the National Biodiversity Strategy and elements of the NPSIB. They are important tools for community buy-in while also helping to reflect the needs of the community in the overall document. Therefore, these strategies should **require** collaboration with the community – using the current collaborative group at Greater Wellington Regional Council as a model⁹. In addition, these groups need to have guaranteed representation for mana whenua as well as youth. Our generation and those to come will be

the most affected by the loss of biodiversity as well as climate change, it is therefore imperative that we are given access to a seat at the table.

Finally, Regional Biodiversity Strategies should also be required to consider all habitat types (e.g. marine, coastal, freshwater), as they are interconnected. Decisions about land-use and management affect all aspects of the biosphere, and we need to adopt a systems-thinking approach if we are to reverse biodiversity loss. Although we haven't talked about it in detail, we wholeheartedly support a systems approach to biodiversity management and believe the proposed NPSIB, in general, needs to go further and focus on marine, coastal, and freshwater habitats as well.

Section E: Monitoring and implementation

E.1 We strongly support both Parts 3.20 and 4.1 of the NPSIB. It is important that monitoring of SNAs is carried out to help complete our national picture of biodiversity trends. Part 3.20 should also require that monitoring of biodiversity take into account the effects of climate change on SNAs. Part 4.1 is also extremely important as regulation and oversight of councils is needed to ensure the NPSIB is being implemented well.

E.2 The new additions to Assessments of Environment Effects (AEEs) will be imperative for addressing the current shortfall in the resource consent process. Current AEEs are inadequate as identified in the NPSIB discussion document. However, the NPSIB needs to go further and require that any impacts aren't just accounted for/ameliorated; but that post-development monitoring is done to ensure that the goals of the NPSIB are achieved.

E.3 We broadly agree with many of the proposed time frames in the NPSIB, however, we would like to see these go further and faster. Six years is far too long to identify and notify SNAs – in practice many councils have been able to complete this process in a much shorter time frame. We believe that it should take **no more than four years** for this process to be completed.

Additionally, allowing six years to develop a Regional Biodiversity Strategy is not good enough; again, many councils have completed this process in a much shorter time frame. We propose that these strategies be developed within **two years** of the NPSIB being approved. If councils are worried about costs, then the government should consider providing extra funding for these processes. We are in the midst of a biodiversity crisis in New Zealand and we need to act fast to halt the decline of our taonga.

We wholeheartedly support the review of SNAs every 2 years to ensure they are up to date. 10 years would be an unacceptable timeframe and much biodiversity could be lost before new SNAs are identified.

E.4 Mapping conservation land to identify if it is an SNA is an unnecessary compliance cost. Instead, we support the automatic identification of all public conservation land as an SNA. If a council or interest group believes otherwise, then a case can be made for de-classification afterwards. The precautionary principle must apply here, with the burden of proof falling on those who want to declassify a certain piece of land.

E.5 We strongly support Part 3.4 of the NPSIB. It is important that the currently fragmented approach of councils to environmental management is addressed, with the requirement that they work closely to

implement the NPSIB. It is also important that Part 3.4 retains the emphasis on the marine, coastal, and freshwater environments – we also have suggested multiple times that the entire NPSIB needs to go further in accounting for these habitats.

E.6 As above, we believe the NPSIB needs to apply to biodiversity in **all** habitat types, and needs to be reframed and reformulated to ensure this approach is taken.

E.7 We strongly agree that guidance, advice, and support be given to councils, iwi, and landowners to help implement the NPSIB. However, we also note that while there are significant costs to all parties involved, the externalised and socialised costs of not implementing the NPSIB in its entirety are far greater. Nature is our life support system; it needs to be recognised and protected as such.

Section F: Statutory frameworks

F.1 We believe that the proposed NPSIB is broadly in line with national direction in other areas. However, we must note that there is a strong push for a “Global Deal for Nature” at the upcoming CBD COP at the end of 2020. With the recent attention drawn to the biodiversity crisis worldwide, it is likely that a Paris-style accord will be adopted, with stringent requirements on Member States to protect and enhance biodiversity. The proposed NPSIB should be forward-thinking and align itself with the draft framework that is being developed for this COP¹⁰.

Using the NPSIB, and RMA processes, to reduce the factors which exacerbate the spread of unwanted pests and diseases is something we strongly support. This should be a priority area that will help to address the interconnectedness of the environmental problems we face. It will also be extremely beneficial to take an approach where minimising harm in one area (e.g. climate change) has flow-on effects which minimise harm in other areas (e.g. biodiversity loss).

Summary and Final Remarks

To summarise our submission we have highlighted the key points below:

- The concept of Hutia te Rito provides the NPSIB with a very strong framework, which will help to embed mātauranga Māori in the policy statement and give effect to the principles of te Tiriti o Waitangi. It is important that the NPSIB doesn't merely pay lip service to Te Ao Māori, but **allows for the expression of tino rangatiratanga and katiakitanga** with appropriate decision-making powers granted to iwi.
- SNA identification is imperative for the protection of native species on private land. However, this needs to be done with **urgency** due to the biodiversity crisis we face. The proposed time frames are **too long**. The identification and protection of highly mobile fauna will also be central to the success of the NPSIB, as flora and fauna **do not understand** the boundaries between public and private land.

- Management of adverse effects must ensure that native and **taonga** species are not left in a **worse position than before** the adverse effects began. This concept can be further defined by a youth advisory group.
- A **youth advisory group should be established** to inform the NPSIB process and work with other stakeholders and experts to develop a framework that upholds **intergenerational equity**. This group would develop bottom lines that ensure young people aren't left with an environment that is **worse off** than it is currently.
- Provisions for Māori land **should only allow** for the development of cultural sites to be subject to the outlined exemptions (e.g. marae, papakāinga). Any other types of development **should be subject to the same rules** as all other land classifications.
- Climate change is going to have huge impacts on our native species. The **requirement for councils to consider climate change** when changing/developing Regional Biodiversity Strategies and resource management plans will help our taonga species adapt.
- Modern day conservation requires us to move from **protecting to restoring** nature. If future generations are to receive the same benefits we have, then this is going to be paramount. Restoration under the NPSIB should include a requirement for regions to have **50% native vegetation cover by 2050, with an interim target of 30% by 2035**. Such targets are consistent with the recent calls for a Global Deal for Nature.
- Monitoring of implementation needs to be included as part of the NPSIB, and we are glad to see the discussion document address this. Without monitoring it will **be impossible to tell if improvements are being made**, or if councils are consistent in implementing what is required. We understand this will have costs, but these are **greatly outweighed** by the costs of doing nothing. Further to this, we believe **all public conservation land should automatically be deemed SNAs** to avoid the unnecessary costs of assessing every piece of land.
- The NPSIB needs to look to the future and draw influence from the current draft framework which could well be adopted at the next CBD COP at the end of the year. It is important we are **consistent with international requirements around biodiversity**.

Finally, we would like to acknowledge the amount of time and work it has taken to get here. There have been failed attempts in the past to create and implement a NPSIB, but this time there is a huge amount of appetite for change. With biodiversity loss skyrocketing into the consciousness of the public in recent years, it has become a top political issue worldwide. We must make sure that this time around we do not fail young people – as well as the generations yet to come.

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