



New Zealand Rock Lobster
Industry Council



Pāua Industry Council

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Biodiversity Team
Ministry for the Environment
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Submission on the NPS on Indigenous Biodiversity

1. The fishing industry welcomes the opportunity to submit on the proposed National Policy Statement on Indigenous Biodiversity (NPSIB). This submission is made on behalf of the NZ Rock Lobster Industry Council (NZ RLIC) and the Pāua Industry Council (PIC) on behalf of quota owners and commercial harvesters in the rock lobster and pāua sectors.
2. NZRLIC and PIC note that the proposed NPSIB does not generally apply in the coastal marine area and therefore does not directly impact on the activities of the commercial fishing sector. However:
 - Provisions on the interface between the NPSIB and the New Zealand Coastal Policy Statement (NZCPS) are relevant to biodiversity in the coastal environment; and
 - Provisions relating to regional biodiversity strategies apply to indigenous biodiversity in the coastal marine area, waterbodies, and freshwater ecosystems.
3. In this submission we comment on each of the above matters in turn. We also note and support the requirement in NPSIB Part 3.4 *Integrated approach*, which requires local authorities: *to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way, [including] – a) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, freshwater and the coastal marine area.*

The NPSIB and the coastal marine environment

4. The discussion document *He kura koiora i hoki* poses the question *do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no? Why/why not? (Q2).*
5. In relation to the coastal marine area (i.e., the area between MHWS and the outer edge of the territorial sea), NZRLIC and PIC consider that there is **no role for the NPSIB**. Our reasons for this conclusion are that:

- Rights and interests in the coastal marine area are distinct from the types of land tenure to which the NPSIB applies, and marine ecosystems and biodiversity are also very different from terrestrial ecosystems – it is neither possible nor desirable to simply transpose policies and methods that have been developed in a terrestrial context to the marine environment;
 - Many existing statutes and policies address the management and protection of marine biodiversity, including the Fisheries Act 1996 and various conservation statutes, the New Zealand Biodiversity Strategy, the Marine Protected Areas Policy and various National Plans of Action and Threat Management Plans. Under the RMA, the NZCPS is the primary mechanism for setting national policy for the coastal marine area. There is no need to duplicate marine biodiversity policy direction in the NPSIB.
6. We also note that the discussion document is somewhat misleading in relation to the application of the proposed NPSIB to the coastal marine area, in that section E.6 – *Managing indigenous biodiversity within the coastal environment* – gives the impression that the NPSIB does not apply in the coastal marine area by omitting any mention of the requirement for councils to prepare regional biodiversity strategies which may cover the coastal marine area.
7. With respect to the ‘dry’ part of the coastal environment (i.e., landward of MHWS), we support the approach proposed in the NPSIB – i.e., that councils should apply the NPSIB Significant Natural Area identification criteria alongside the requirements of NZCPS Policy 11, and that in the event of a conflict NZCPS takes precedence (NPSIB Part 1.6).

Regional biodiversity strategies

8. NZRLIC and PIC oppose the preparation under the NPSIB of regional biodiversity strategies that apply to the coastal marine area. Our reasons for this conclusion are:
- The NPSIB focuses almost entirely on terrestrial biodiversity. None of the policies (apart from the requirement for regional biodiversity strategies) apply to the coastal marine area;
 - The ‘stakeholders’ with an interest in the NPSIB are therefore (correctly) identified as *landowners, communities and tangata whenua* (NPSIB Objective 6). The fishing industry was not involved in the preparation of the NPSIB, and is not identified as a stakeholder in the NPSIB;
 - Although Appendix 5 recognises that regional biodiversity strategies may apply to the coastal marine area, the language and concepts of Appendix 5 reflect a strongly terrestrial approach to biodiversity and are not readily applicable to marine biodiversity – for example, the purpose of the strategies is to promote a *landscape-scale* restoration and enhancement vision, and the identified opportunities for partnerships are all terrestrial (QEII Trust, Ngā Whenua Rāhui etc), as are the incentive opportunities (for Maori land);
 - Appendix 5 requirements for the areas which are to be identified in the strategies are very specific in relation to the NPSIB (i.e., areas are identified as a result of the application of criteria set out in the NPSIB) but are extremely vague and undefined in relation to the coastal marine area – i.e., *any other areas identified for protection, restoration or enhancement of indigenous biodiversity ... by means other than this National Policy Statement* – meaning that essentially any areas could be identified.

9. For users of the coastal marine area, the combination of lack of recognition of marine stakeholders, unstructured identification of 'areas', and the potential for the regional biodiversity strategy to drive specific controls in policy statements and plans is totally inappropriate. It also duplicates other initiatives for marine biodiversity protection, including the government's MPA Policy and measures adopted under the Fisheries Act.
10. If regional biodiversity strategies are to be required under the proposed NPSIB, then we recommend that the strategies – like the remainder of the NPSIB – should explicitly not apply within the coastal marine area.
11. Please do not hesitate to contact us if you require further information in support of the matters raised in this submission.



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