



SUBMISSION OF TE RŪNANGA O NGĀTI RUANUI TRUST
to
Ministry for the Environment
on the
National Policy Statement for Indigenous Biodiversity
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1. Te Rūnanga o Ngāti Ruanui Trust welcomes the opportunity to make a submission on the *National Policy Statement for Indigenous Biodiversity* (NPSIB) discussion document, and asks for the opportunity to engage directly with Crown officials and Ministers as the policy statement is progressed, and give further feedback on specific policies that come out of this initial stage of the process.
2. This submission is made by Debbie Ngarewa-Packer, Kaiarataki, on behalf of Te Rūnanga o Ngāti Ruanui Trust (Ngāti Ruanui). The Trust is recognised by the Government's 2003 Ngāti Ruanui Settlement Act as the mandated iwi and therefore makes this submission on behalf of the 8,000 uri, 16 hapū and 10 marae affiliated to it.
3. The takiwā of Ngāti Ruanui (South Taranaki) begins at the W'enuakura River in the South to the Pātea River (a shared area of interest with the neighbouring iwi of Ngā Rauru Kīahi). From the Pātea River, the rohe reaches inland to W'aka'urangi and back to the coast to wa'apu o te awa o Waingongoro (mouth of the Waingongoro River). Therefore, the coastal water interests of Ngāti Ruanui extends from the mouth of the W'enuakura River north to the Waingongoro River and beyond to the Tasman Sea.
4. This submission provides a high-level overview of Ngāti Ruanui's thoughts on the NPSIB and the proposals set out in the discussion document, it is not an exhaustive submission. We expect to have further discussions and negotiations with the Crown during the review.
5. Ngāti Ruanui supports the proposal to establish a NPSIB under the Resource Management Act (RMA). We recognise that there is a biodiversity crisis in Aotearoa with many plant and animal species in serious decline, and that there is a need for greater protection of ecosystems that are not within areas subject to the Conservation Act, National Parks Act or Reserves Act. This is true for us in our takiwā, as it is across the country. We must grapple with how collectively as tangata whenua, communities, local government and central government work together to address this decline and this proposed NPSIB makes a lot of progress in that regard.
6. However, Ngāti Ruanui also believe that there still needs to be a lot more work done before final policy decisions are made and before the NPSIB is gazetted. We have a range of concerns with the current proposal, as outlined in this submission, and we think that Government needs to provide a lot more policy clarity, particularly in terms of the implementation of the NPSIB.
7. We do not support the proposed NPSIB being ratified until our concerns are addressed. Ngāti Ruanui would like to see commitments as to how the implementation of the NPSIB will be funded and resourced by central government alongside local government and mana whenua, how Māori rights and interests to indigenous biodiversity will be recognised including strengthening provision for Māori customary take of flora and fauna, and how landowners will be involved and

supported if the policies that come out of the NPSIB significantly impact on their land use.

8. We note that the proposed NPSIB only applies to Aotearoa's terrestrial environment and that councils would still be required to manage indigenous biodiversity in other types of environments, such as freshwater and the coastal marine area. We also note that the NPSIB does include wetland areas recognising that wetlands are often parts of, or next to, other areas that are significant indigenous vegetation or significant habitat of indigenous fauna. Ngāti Ruanui supports this given the crucial importance of wetlands to indigenous biodiversity but we also think that it's crucial that the NPSIB approaches to wetland protection and restoration are strongly aligned with the *National Policy Statement for Freshwater Management* and that Māori freshwater rights and interests are also implemented.

Objectives and policies

9. Ngāti Ruanui broadly supports the objectives of the proposed NPSIB. However, currently the NPSIB is not strong enough in addressing Te Tiriti and in particular, Māori rights and interests.
10. We are recommending amending Objective 2 to state *"to take into account and implement the principles and articles of Te Tiriti o Waitangi in the management of indigenous biodiversity."* It is important that Crown legislation and regulation acknowledges the articles as well as the principles, and Te Tiriti, the actual text that was signed. It is also vital that the NPSIB does more than take Te Tiriti into account, but actively honours and implements it.
11. We are also recommending an additional sub-objective under Objective 3, that would state, *"recognising the customary, proprietary and decision-making rights, interests and responsibilities of tangata whenua in relation to indigenous biodiversity"*. The rights and interests of w'ānau, 'apū and iwi should be a guiding objective of the NPSIB, if it is truly honour and implement Te Tiriti o Waitangi.
12. Ngāti Ruanui also supports the general direction of the policies as set out in section 2 of the NPSIB. However, we recommend amending Policy 2 to state *"to recognise the customary, proprietary and decision-making rights, interests and responsibilities of tangata whenua in relation to indigenous biodiversity and their role as kaitiaki within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for."* As with the objectives, we believe it is imperative to acknowledge the recognition of Māori rights and interests as a policy.

Bottom line for biodiversity protection and restoration

13. Ngāti Ruanui supports one of the key intentions of the NPSIB, which is to establish a clear legal framework, or bottom line, for indigenous biodiversity protection and restoration that councils must follow. Many councils are doing good work in this

area, but this is not consistent throughout the country. We agree with the intention to give consistency to councils' interpretations and application of the RMA in terms of the identification, monitoring and management of indigenous biodiversity.

14. However, we note the concerns of the South Taranaki District Council (STDC) in their submission on the NPSIB, and of other councils who have said they do not know how they would be able to resource and fund the new level of regulatory burden that they would face, particularly in relation to Significant Natural Areas (SNAs).
15. Ngāti Ruanui agrees with STDC that clear biodiversity mapping and monitoring is required to provide a complete picture across NZ and that methods need to be clearly defined by central government, or else it is highly likely that there won't be sufficient consistency and that data obtained through monitoring will be incompatible from one area to the next. In addition, regional monitoring systems will need ongoing central government funding and support if they are going to work sufficiently.
16. The Government needs to ensure that there is adequate resourcing of local authorities and access to financing tools and mechanisms so that local authorities can carry out the canvassing of SNAs, to work with private land owners to protect indigenous biodiversity on their land, and to resource community groups to carry out conservation and pest control. The tools and mechanisms should give special regard to councils that have large geographic areas but relatively small ratepayer bases, such as here in South Taranaki.

Hutia Te Rito framework

17. Ngāti Ruanui supports the *Hutia Te Rito* framework, and notes that is consistent with the *Te Mana o Te Wai* framework that is embedded within the *National Policy Statement for Freshwater Management*. We are pleased that it recognises the intrinsic whakapapa connections between tangata whenua and the natural environment and ecosystems. It is good that the framework is embedded in the NPSIB, with Part 3.2 requiring decision makers to hold *Hutia te Rito* at the forefront of considerations when making decisions about biodiversity management. We do however think that more information on the framework could be included in the NPSIB, including an explanation of Māori rights, interests and responsibilities to indigenous biodiversity and how they can be implemented in the policies that come out of the NPSIB.
18. We appreciate that *Hutia Te Rito* acknowledges intergenerational mātauranga Māori, and its importance in the protection and restoration of indigenous biodiversity. The discussion document notes that this has implications in terms of the Waitangi Tribunal's WAI262 report, and that the Government has recently announced a whole of government approach to address the report and the subsequent *Ko Aotearoa Tēnei* report.

19. Ngāti Ruanui has consistently called on the Crown to implement the WAI262 findings as a matter of priority and hold the position that amendments to the NPSIB will likely need to be made once this occurs. We also have recommendations within this submission around acknowledging Māori rights and interests to indigenous biodiversity, which are related to the WAI262 findings – there is no need to wait for the whole of government approach to ensure that this NPSIB reflects Te Tiriti o Waitangi and the Crown’s obligations under it.

Tangata whenua as kaitiaki

20. Ngāti Ruanui in large part also supports Section 3.3 of the NPSIB, *Tangata whenua as kaitiaki*. We think that this, in conjunction with the Hutia Te Rito framework, represents a significant improvement for ‘apū and iwi involvement in council activities that protect, restore and manage indigenous biodiversity. However, we do think it could be strengthened further in several ways.

21. Point 1a in this section should state that tangata whenua are involved through negotiation and engagement, rather than consultation. Policy statements and plans that give effect to the NPSIB need to be agreed to by relevant mana whenua groups, seeking their input is not enough and would not reflect an approach congruent with Te Tiriti o Waitangi.

22. Point 3c should also be amended to ensure that the NPSIB provides for w’ānau, ‘apū and iwi customary use of indigenous flora and fauna, not just vegetation. Customary take of indigenous species remains a central part of Ngāti Ruanui’s culture and it maintains our connections to and responsibilities for biodiversity. Of course, it will not be possible to allow for customary take of certain species at certain times and in certain places, but this has always been true and a core part of mātauranga Māori when it comes to environmental protection and restoration. Ngāti Ruanui does not think the NPSIB is strong enough in relation to customary use of indigenous biodiversity by mana whenua.

23. We also recommend adding an additional Point 3d that states “identifying Significant Natural Areas”. Although the section includes blanket statements that should include identifying SNAs, we think this should be made explicit. It is essential that mana whenua play a leading role in the identification of SNAs, and indigenous biodiversity that may be outside SNAs, working alongside councils and ecologists, not just when for areas that may be in Māori ownership. SNAs should not be able to be put in place without the explicit agreement and consent of relevant mana whenua groups.

24. As the discussion document acknowledges, kaitiakitanga is essential to environmental protection and restoration and kaitiakitanga can only be practiced when it is conceived of and led by tangata whenua. Most mana whenua groups have experts on ecology and indigenous biodiversity, who bring with them deep and ancient knowledge through our intrinsic connections with our takiwā and the indigenous biodiversity within it.

25. Ensuring that mana whenua can play a leading role in the identification of SNAs, as well as participating in other regulatory functions under the NPSIB and leading in the protection and restoration of indigenous species will require specific targeted resourcing for w'ānau, 'apū iwi groups, as well as Māori landowners.
26. The tools and mechanisms for this resourcing and funding should be developed alongside tangata whenua, and they should be widely promoted and made available to mana whenua groups to support the implementation of the NPSIB. The tools and mechanisms will likely need to be specifically designed for mana whenua, as their needs will likely be quite different to the needs of councils.

Impacts on land use

27. We note that there have been concerns from some landowners around the NPSIB's proposed additional restrictions on land use for private and Māori land that is covered by SNAs. These concerns may often be valid, and so it's crucial that the restrictions that are put in place are developed alongside landowners. W'ānau, 'apū and iwi landowners should not have restrictions placed on their land without their agreement and explicit consent.
28. Private and Māori landowners should not have to pay rates on land they can't use, if that land is subject to a SNA. There needs to be a consistent national approach to rates and SNAs and Ngāti Ruanui would be deeply concerned if a significant rates burden was again placed on Māori landowners as a result of this policy.
29. Consideration also needs to be given to supporting private and Māori landowners if they face the loss of significant economic potential on their land as a result of the designation of SNAs. This consideration should include the potential for financial compensation, and policies and funding for central and local government to look at purchasing the land to compensate landowners who want to sell. This may have the additional benefit of helping to ensure the permanent protection and restoration of the indigenous biodiversity within that specific SNA. This is particularly important if very large sections of private or Māori land are affected, as this could represent massive financial and economic loss.
30. We note that there are specific activities for which a more lenient management approach is proposed, with the ability to designate medium-value SNAs. We support this, and appreciate that this will allow for the *“provision of papakāinga, marae and community facilities associated with customary activities on Māori land”* and *“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”*. However, we do not support allowing mineral and aggregate extraction, even in medium-value SNAs. If an area has been identified to be critical to the protection and restoration of indigenous biodiversity, Ngāti Ruanui does not believe that it is appropriate for mining activity to take place.

31. Although these issues are not within the scope of the NPSIB, we feel it important to note that it is Ngāti Ruanui's position that for effective protection and restoration of indigenous species, changes must occur to the policy settings around the exploration and extraction of oil, gas and other minerals. Our recent submission on the Crown Minerals Review noted our opposition to new onshore block offers for oil and gas and our support for bringing this into line with the Government's decision to ban new offshore block offers, and the reality that oil and gas is a sunset industry in Aotearoa anyway.

32. We also want to ban mining activities on conservation land and think that the Government needs to be doing more to implement its stated policy in this area. Mining applications are being still be granted, and not just for minimal impact activities. We do think this is consistent with a strong commitment to protecting and restoring indigenous biodiversity.