

Draft National Policy Statement for Indigenous Biodiversity

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Kia ora

My name is [REDACTED] and I am submitting as a farmer, a current member of our local Catchment Project [REDACTED] [REDACTED] [REDACTED], an environmental consultant and farmer.

My husband and I farm [REDACTED] in the Gisborne Region and our property has approximately [REDACTED] of native bush, significant areas of revegetating river boundary and stock exclusion fencing.

I am submitting as someone who is passionate about getting the right mix of rules and incentives to ensure our public carry the responsibility of nurturing our environment willingly. That they see regeneration as an opportunity rather than a threat and that future generations have developed a willingness to adopt sustainable principles free from the need for heavy (costly) regulation and compliance.

Please feel free to contact me if you have further questions about my submission.

Kind regards

[REDACTED]

Submission points

2.1 Objectives

Objective 1: to maintain indigenous biodiversity:

Supportive of this principle

Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity:

The way in which this would be applied is unclear, and possibly places a burden on iwi and hapu who are not resourced to fulfil this role across such a wide range of ecosystems and geographic areas. The burden of ensuring this occurred would rest with Local Government as a further unfunded stream of work.

Objective 3: to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity:

This concept is fine, although it is difficult to pronounce and is therefore unlikely to be adopted in the mainstream – but will likely be used interchangeably with ‘custodianship’ – the mean of applying Hutia te rito and the general public’s understanding of the concept is likely to differ significantly based on regional interpretations and cultural differences between iwi, private land owners and local and central government. For this reason, an English interpretation of the word should be provided alongside for the sake of clarity and practicality – acknowledging that the majority of those managing natural resources will not be fluent speakers of te reo maori.

Objective 4: to improve the integrated management of indigenous biodiversity:

This makes sense however there is currently little integration between various policies which direct the management of ecosystems (freshwater, forestry, soils, soils). This results in policies which currently argue with one another and provide conflicting messages.

One example of this is the desire to protect waterways under the proposed freshwater reforms – these stipulate the setbacks required for many waterways and this would normally result in private landowners considering the vegetation of these areas, particularly in light of the Net Zero Carbon Act and the funding being made available for planting such areas. Under the NPS for indigenous biodiversity – should this area be revegetated with native species and become home to indigenous flora and fauna – the landowner will find these areas designated as SNA and be subject to the obligations relating to SNA’s. Given waterways frequently require management for issues such as maintaining bridges / culverts and adjacent drains, weed species and fencing – the designation of SNA areas requiring resource consents to carry out these activities would act as a significant deterrent to revegetating using native species.

For this reason, areas of native vegetation which have been maintained and are currently managed by a landowner – at their own cost – should be excluded from SNA status.

Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems:

There is far too much scope within this statement to capture virtually every mixed species landscape. Ecological integrity would require the reversion of all areas currently partially vegetated as part of hill country, low intensity livestock farming systems. The targeted areas for ecological integrity should begin with the vast areas of DOC estate currently undermined by significant pest and predator challenges. Improving the ecological integrity of areas not currently supporting economic enterprises

should be the immediate goal – with those areas under private ownership encouraged and supported to do likewise.

There is little justification for requiring landowners to ensure ecological integrity of their privately owned indigenous vegetation, when the publicly owned estate is in severe decline in many places and is much better placed to support immediate remediation.

Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity

Once again, this needs clarification of the envisaged roles. There is much to be said for building community support for revitalising our native landscapes – and this is clearly key to the long-term success of our indigenous biodiversity. There does need to be an acknowledgement of where the funds to support kaitiakitanga will originate from – as ratepayers are already bearing an unsustainable burden at local government level, and private landowners should not be asked to fund restoration of SNA's where they are required to effectively 'cede' land to the state and over which they will exert little control and gain no benefit.

b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and

Supportive of this statement

c) supporting people and communities in their understanding of and connection to, nature.

Supportive of this statement

2.2 Policies

The policies that this National Policy Statement is intended to achieve are as follows:

Policy 1: to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity 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:

There are issues here around private land and to what extent the kaitiaki role should extend to the land over whom someone else (presumably the landowner) exercises kaitiakitanga (stewardship) – to what extent does the 'management' of indigenous biodiversity involve private land over which tangata whenua are given kaitiaki status and how will these roles be funded, communicated or facilitated?

There are also problems with the concept of 'allowing sustainable customary use' of indigenous vegetation. What does this look like and where would it be applied? Only to Maori land? Conservation land? All land?

Policy 2: to ensure that local authorities adopt a precautionary approach towards proposed activities with effects on indigenous biodiversity that are uncertain, unknown, or little understood but potentially significant:

Applying the precautionary principal is problematic when land use is concerned, the consequences of applying the precautionary principal as part of the NPS is that those regions less able to provide

detailed monitoring or commission research will be limited in what they can consent, potentially without seeing a corresponding gain in biodiversity outcomes.

Where consenting is already under pressure from significant resource constraints, anything which adds to the complexity or difficulty of processing consents will further slow the economic development of regional economies.

The funding with which to either monitor to consent applying the precautionary principal will once again fall on the heavily burdened rate payers of our regions. This is unsustainable and will result in perverse outcomes, increases in non-compliant consent processing times and further investment uncertainty.

Policy 3: to support the resilience of indigenous biodiversity to the effects of climate change:

As mentioned earlier- the purposes of the Net Zero Carbon Act are likely hindered by the negative connotations, obligations and rules associated with holding or creating SNA's. The general population are averse to bureaucracy and their experience with resource consenting is frequently poor – these combined influences are likely to result in a general unwillingness for landowners to either declare or create indigenous revegetation of land, wetlands or riparian margins.

The strict rules and difficulty creating around management and maintenance of SNA's will perversely (and almost certainly) act as a deterrent for the type of behaviour this NPS seeks to achieve.

Policy 4: to improve the integrated management of indigenous biodiversity within and between administrative boundaries:

This is sensible and should be supported

Policy 5: to improve information on the effects of existing and proposed subdivision, use and development on indigenous biodiversity:

It is unclear what this would mean in practical terms other than an increase in the employment of consultants who would presumably gather such information. Again, it is likely this cost would fall on ratepayers. For this reason, it is difficult to support this proposal.

Policy 6: to identify and protect areas of significant indigenous vegetation or significant habitat of indigenous fauna by identifying and managing them as SNAs:

The currently concept of SNA's is reasonable and easy to support, however the obligations, rules and limitations which come with such a designation will detract from, rather than enhance support for them.

For this reason the mechanism for applying SNA status needs to be much more carefully considered – firstly to ensure that landowners invite and encourage SNA designation – and secondly to ensure that landowners are supporting to restore SNA's in a way that is not economically detrimental to the business, but in fact adds to it in some way.

There is currently inequity in the way the farmland and forestry are addressed in these proposals. With forest activities being acknowledged as requiring activities which result in the destruction of potential indigenous habitat. If SNA's are identified on land it should apply to all land equally, or alternatively should account for the maintenance of the economic activity of the enterprise (be it farming or forestry) equally.

Policy 7: to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained:

This is a dangerous piece of policy which will have unforeseen consequences and should be removed. Compelling landowners adjacent to SNA's to carry out activities not related to their land and not of any direct benefit to them will further erode support for SNA's generally and potentially lead to litigation and a mine field of potential problems. This is an area which should be encouraged at a catchment level using voluntary community support.

Policy 8: to recognise the locational constraints that apply to specific subdivisions, uses and developments:

This makes sense but will likely result in rural areas being asked to compensate for urban development. This will further increase the disparity between the proportion of lowland and urban biodiversity (which is low) relative to rural and higher altitude biodiversity.

Policy 9: see discussion document He Kura Koiora i hokia for options relating to geothermal ecosystems]

Policy 10: to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna:

The issue here is that pastoral land is a dynamic ecosystem which changes – there are fish hooks in the details which capture vegetation clearance if it is not obviously part of a 'clearance cycle' or if land has 'become SNA' since it was last cleared and therefore has become the habitat of indigenous flora or fauna

Foresters suffers far fewer restrictions than farmers and are permitted to simply 'manage' the harvesting operations to minimise impacts on indigenous biodiversity.

This approach is not equitable – as landowners in each case should be allowed to manage vegetation over a comparative vegetation cycle. If the forestry rotation cycle extends to 40 years then the equivalent should be made available to pastoral farmers operating in an environment where regenerating scrub is the norm and part of a continuous enterprise mix.

This discrepancy needs to be highlighted as if forestry can provide habitat for 30 years and then clear it – there is no sound reason for preventing farmers from doing the same, provided the process is 'managed' to ensure biodiversity outcomes are maintained or improved. The process of clear felling is acknowledged as being necessary for forest and therefore is exempt from becoming SNA – getting instead its own special designation – however the process of grazing and spraying is overlooked as being necessary for farming enterprises on low intensity hill country farms.

Example: Should a farmer wanting to spray 100 ha of regrowth manuka in a paddock be restricted because there have been indigenous flora or fauna identified within the area to be sprayed? Wouldn't it be better to encourage said farmer to fence off a proportion from grazing and retire it completely – thereby enabling full reversion and greater biodiversity, habitat etc – and allow the remaining areas to be cleared so there is an incentive to leave both the farm and the ecosystem better off?

Policy 11: to provide for the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity:

Funding constrains remain huge for regional economies – especially where large geographic areas are covered, and low rate paying populations are present.

Policy 12: to identify and protect indigenous species and ecosystems that are taonga:

What is the threshold for 'taonga' flora and fauna and what implications does this have for private landowners? There is too little information provided to give any certainty about the extent that identified taonga would require management and, also no proposed safeguards to prevent the concept of 'taonga' being abused.

Policy 13: to identify possible presence of, and manage highly mobile fauna:

This again requires resources and time, the concept is acceptable but the capacity to implement it may be limited.

Policy 14: to require the development of regional biodiversity strategies:

More work, more money, more duplication which ratepayers are asked to fund. Why is this not just a part of a wider 'environmental policy' which incorporates freshwater, biodiversity etc Isn't this the idea behind the objective 4 – a more integrated approach?

Policy 15: to require the monitoring and assessment of indigenous biodiversity.

Again – who pays? It is not possible to support this, as much as it is a desirable outcome and would no doubt provide us with invaluable knowledge - given the known funding constraints our local councils operate under, in addition to human resource constraints which are effecting all councils nationally.

Should these constraints be alleviated somehow, then this initiative would be welcome and an exciting prospect for our regions.

Key points

- The basic principles are fine and something we wholeheartedly support
- There are issues with the reliance and emphasis on maori as kaitiaki when iwi resources are limited and the implications for private property rights are unclear
- The current broad definition and obligations relating to SNA's will have wide ranging impacts on both councils and landowners. There is a high risk of creating a perceived 'liability' for landowners should SNA's be implemented in a way which is costly, bureaucratic and overrides property rights.
- There is a disparity between the way forestry is treated under the proposed NPS and the way other land uses are treated – particularly farming
- The NPS places significant obligations on local authorities which will require additional resources – at a time when additional resources are also being demanded for other significant obligations (freshwater, RMA reforms etc) – these resource demands combine to make local government unlikely to be able to deliver their proposed legislated obligations
- There could and should be more emphasis on community ownership of biodiversity gain, and what this looks like in a lowland environment – there is little emphasis placed on how the country plans to manage the challenges and barriers to biodiversity gain ie how will we achieve pest free status? Or will we just keep protecting areas and donating them to the possums?
- Lastly – its time all these plans were rolled into one interrelated plan which is designed to enable realistic monitoring and review, enabling resources to be directed more at bringing about actual changes, rather than filling up pages with words.