



Tāne's Tree Trust
Native Trees for the Future

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Submission on:
Proposed National Policy Statement for Indigenous Biodiversity

On behalf of:

Tāne's Tree Trust
Northland Tōtara Working Group
Tōtara Industry Pilot project

To the attention of:

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INTRODUCTION – Who we are

Tāne's Tree Trust is a not-for-profit charitable trust that promotes the planting and management of native forests for multiple reasons and values, nationwide. It researches native forest establishment and management and disseminates that information to the public, free of charge, via its website, field days, workshops, conferences, publications and other media. For more information and background on who we are, please refer to the Tane's Tree Trust website:

<https://www.tanestrees.org.nz/>

Tāne's Tree Trust also convenes the Northland Tōtara Working Group and hosts their webpage:

<https://www.tanestrees.org.nz/about-us/northland-totara-working-group/>

This group promotes the sustainable management of planted and naturally regenerating tōtara on private and Maori land, for multiple environmental benefits, but also including potential timber production. There are over 350 names on their mailing list.

The Trust is also a partner in the Tōtara Industry Pilot project, a government funded project determining the business case for a regional industry based on sustainably managing tōtara on private and Maori land in Northland. This involves sustainable low-impact harvests of existing naturally regenerated tōtara on farms using continuous-cover-forestry principles and in accordance with the Forests Act. It envisages an industry that encourages more native forest on private land and its sustainable management. More information on the Tōtara Industry Pilot can be found on its website: <https://www.totaraindustry.co.nz/>

This submission represents the interests of these three groups. It also represents sustainable indigenous forestry interests generally. In this respect, we define indigenous forestry as pertaining only to private or Maori land. It includes sustainable management of existing regenerated second-growth native forest, such as regenerated tōtara forest on farms, and regenerating scrub areas that could be managed for multiple values, including some sustainable timber production, under the provisions of the Forests Act. But it also includes the interests of new planted indigenous forestry for future.

GENERAL POSITION SUMMARY

We are advocates for native forest establishment and management for multiple values including indigenous biodiversity maintenance and enhancement. Naturally, we support the objectives of the Proposed National Policy Statement for Indigenous Biodiversity (NPSIB) – and believe that sustainable indigenous forestry can and should be entirely consistent with those objectives. Indeed, it is a land use that should be encouraged by the NPSIB. Nevertheless, we are very concerned about its potential ramifications for indigenous forest management on private and Maori land. Therefore, although we support its intent, we oppose the Proposed NPSIB in its present form.

Much of New Zealand's remaining native forest is restricted to upland areas, with intact lowland native forest now scarce in most regions. This has been identified as one of the main factors associated with the continued decline in biodiversity values. We have a strong interest in integrating native forest into our working lands, and support landowners in achieving this – to bring back important ecosystem services, including the provision of habitat for native species and to restore cultural values and provisioning services associated with natural ecosystems (including mahinga kai and rongoa).

We promote the planting of permanent conservation forests, and also forests managed under continuous cover forestry (CCF) regimes. High-forest values are retained under CCF, as opposed to clear-fell harvest regimes, i.e., CCF minimises impact on environmental, cultural and aesthetic landscape values.

In general, our concerns with the Proposed NPSIB include:

1. That the NPS will add additional and unnecessary costs and RMA consenting processes on top of those presently required under the Forests Act. Moreover, we consider that it will add to the disincentives for landowners to retain, plant and manage more native forest on their land.
2. The proposed policies requiring the identification and mapping of SNAs may lead to perverse outcomes – e.g. landowners not wanting indigenous forest on their land (because it is viewed as an encumbered liability rather than an asset (e.g., 'locked up and can't use it', etc.)
3. For Maori, the issue is similar – potentially having regulations that on one hand state support for kaitiakitanga and appropriate sustainable and cultural resource management, but on the other hinder the reasonable use and management of their native forest resources (e.g., when consenting costs make such activities unviable, etc.).
4. The unpredictability of how the NPSIB would be given effect through the Regional and District Plans creates significant insecurity. Potential implications and rules are unknowable at this stage, and subject to review every 10 years. They vary between Districts and could easily create unreasonably restrictive and/or costly processes that discourage indigenous forestry.
5. Presently indigenous forestry is regulated by the Forests Act and administered by expert indigenous forest advisors. Biodiversity matters can be and are incorporated into this process. In contrast, district planners administering the RMA are not qualified to assess the

potential impacts of low-impact sustainable harvesting or matters of indigenous forest ecology, nor impose suitable conditions. They would need to engage expert assessment. This would be an unnecessary and costly double-up for no extra gain.

Overall, we doubt the effectiveness of the policies proposed and have grave concerns for how they might be given effect via regional and district plans to disadvantage and disincentivise indigenous forestry activity.

SPECIFIC POINTS

The following section responds specifically to some of the questions set out in the online submission form. Those questions are set out below in blue font.

Question 3:

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

We agree with both the need to maintain and manage indigenous biodiversity in Aotearoa and the objectives of the NPSIB. However, we are concerned about the potential ramifications of the well-intended NPSIB on sustainable indigenous forestry activities and interests.

We are concerned that the implications of the NPSIB could adversely affect the viability of indigenous forestry and further disincentivise what is arguably one of the most appropriate, potential land-uses, especially in regard to maintaining and enhancing indigenous biodiversity. That would be a perverse outcome.

We consider that sustainable indigenous forestry (as practiced under the Sustainable Forest Management (SFM) Permit and Plan provisions of the Forests Act, and, from planted native forests) can and should be consistent with the objectives of the NPSIB.

Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi (pgs 23 - 30)
Overall thoughts about Section A:

Notes

We support recognition of the multiple values that native forests have including cultural significance, and cultural values and connections.

Question 4: 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?

The interpretation of this whakatauki, as set out in the NPSIB, seems to be slightly twisted to suit the environmental protectionism agenda of the NPSIB and underplays the more obvious reference and

advocacy for sustainable use and management. Flax was managed for sustainable use. Naturally, this can be construed as a picture of the wider interdependency between humans and a healthy environment, as the NPSIB has done. However, we question whether the interpretation used is continuing a more of modern cultural perspective that draws a distinction and separation between human activity and nature – perhaps more so than a traditional Maori world view did?

We would interpret the *Hutia te Rito whakatauki* to fully support best-practice sustainable indigenous forestry. Therefore, we consider that the interpretation used in the NPSIB should also include more mention and support for appropriate sustainable human use that is consistent with indigenous biodiversity maintenance. That would be more in line with the literal interpretation of the *whakatauki* used.

We submit that the interpretation set out in the NPSIB is too narrow, and therefore, debatable.

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

Overall thoughts about Section B:

Notes

Identification is one step. However, regional and district plans must give effect to National Policy Statements. The translation of the NPS into regional and district plans is associated with considerable insecurity for affected parties and the plans are up for review at 10-yearly intervals. Many landowners fear the implications of such mapping notations on their land.

We consider mapping land and vegetation attributes and ecological values to be a useful approach to assist with resource management decision-making. However, it is also not without inherent issues and problems. These include practical matters such as resolution, classification, accuracy and costs. Then there is also the difficulty in applying reasonable policies and rules to the mapped values that are effective and adequately cope with the range of unique situations. Furthermore, there are also less predictable matters such as landowner perceptions and reactions and the chances of unintended negative outcomes.

In the mid-late 1990s in the Far North District, the first Proposed Draft District Plan under the RMA provoked a backlash by angry landowners. The identification, mapping and proposed rules pertaining to SNAs were central to their ire. They perceived that their land-use rights and options were being restricted. Unfortunately, this resulted in thousands of hectares of regenerating indigenous forest cover being cleared - simply out of fear that it wouldn't be allowed in the future. This was a perverse outcome. In many cases, the landowners had not planned to clear the scrub – but they simply didn't want a restrictive SNA on their land. While some of that initial fear and aggression has subsided, a legacy of suspicion and distrust is still present.

Even if land-uses such as indigenous forestry are not prohibited, consenting processes may be costly and have unknown outcomes, thus affecting the viability of activities – possibly without good cause. We consider that sustainable indigenous forestry is a highly desirable land-use option and consistent with the objectives of the NPSIB. It should not be subject to disincentives.

Sustainable Forest Management (SFM) involving selective harvests of native trees on private land is provided for under the Forests Act and administered by Te Uru Rākau. The Department of Conservation is consulted on all SFM Permit and SFM Plan applications. This provides the opportunity to include site-specific conditions in response to relevant biodiversity matters and

matters of biosecurity (e.g., Kauri dieback and Myrtle rust, etc.). These can be considered and monitored by Te Uru Rākau's specialist indigenous forestry advisors.

In the Far North District Plan, harvesting under an MPI (Te Uru Rākau) approved SFM Permit or SFM Plan is a Permitted Activity throughout the District, including in Outstanding Landscape Areas. This reflects confidence in the Forests Act provisions, processes and auditing and acknowledges the low-impact nature of the activity. The Tōtara Industry Pilot project has successfully executed low-impact sustainable harvesting of farm tōtara in Northland and the application of best-practice continuous-cover-forestry principles. Other New Zealand examples, such as John and Rosalie Wardle's management of black beech at Woodside, near Oxford, demonstrate a longer history of translating such European sustainable forestry practices into our ecological context. In that case, a Queen Elizabeth II covenant also applies to the same forest land. These prove it can be done.

Obtaining SFM Permits and Plans under the Forests Act is very costly and time consuming. Adding another potential consenting process under the RMA (e.g., via District Plan rules pertaining to SNAs or Taonga Species, etc.), would add further significant cost, time and insecurity to sustainable indigenous forestry. Moreover, the extra cost and processes are unlikely to provide more effective control or management of indigenous biodiversity. District Planners under the RMA are not suitably qualified to assess potential adverse effects of sustainable continuous cover forestry harvesting. It is a specialised field better considered by the specialists who administer the Forests Act.

In this regard, we are particularly concerned about the potential rules that could be applied to SNAs and (taonga species, etc.) through the regional and district plans, which must give effect to the NPSIB.

In the light of the above, we consider it critical that sustainable indigenous forestry activities are not implicated in additional costly and uncertain RMA consenting processes that result from the mapping of SNAs, as required by the NPSIB. In contrast, appropriate sustainable indigenous forestry activities should be encouraged and provided for.

Perhaps this could be done by a similar exemption approach as proposed for exotic plantation forestry and pastoral farming. Alternatively, by relying on the Forests Act and ensuring a Permitted Activity Status is awarded in all District and Regional Plans.

Question 10: 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?

Notes

As above (general notes on Section B). Mapping is a useful tool and dataset. However, mapping is inherently costly and imperfect. But how the maps are used is the more critical matter. Landowners will fear a cascade of implications, rules and restrictions and complications that unencumbered land areas do not have. The mapping exercise could be counter-productive in regard to objectives to extend the total area of indigenous vegetation cover on private land.

Question 16: 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?

Position: No

Notes

We are concerned about the unknown and unpredictable implications arising from the proposed requirement to identify species as being 'taonga'. What will this mean? Take for instance tōtara as an example. It is an iconic and highly esteemed native timber tree species for Maori and Pakeha alike. However, particularly in Northland, regenerating tōtara is abundant – so much so that it in many places and situations it is often regarded as a weed. While individual trees may have special attributes, connections and history, the species as a whole, despite its likely 'taonga' status, is not under threat and certainly not all individual specimens within the species are deserving of such status.

This policy adds insecurity to those contemplating planting and/or managing regenerating tōtara or other native forest species. Such insecurity will influence land use choices and could dissuade landowners from planting, managing or extending native forest cover on their land.

Question 25: 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?

Position: Not specified

Notes

We note that harvests of exotic plantation forests, and regular clearances of indigenous vegetation to maintain pasture, are explicitly provided for in the NPSIB (3.10 and 3.12 (4), (b)). Such dispensations tend to incentivise these land-uses and perpetuate the maintenance of exotic vegetation cover and land uses and discourage indigenous forestry as a land use option. This discourages increasing areas of native forest cover.

It is inequitable if indigenous forestry doesn't get a similar provision, when one compares the relative impact on indigenous biodiversity between exotic clear-fell plantation forestry and/or pastoral farming, with sustainable indigenous forestry.

Question 26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the NPSIB? Why/why not?

Position Not specified

Notes

As for question 25 above.

RELIEF SOUGHT

We submit that indigenous biodiversity matters specifically relating to indigenous forestry are better referred to Te Uru Rākau's expert indigenous forestry advisors for assessment and managed within the provisions of the Forest Act and through the processing of individual Sustainable Forest Management Permits and Plan applications. Avoiding unnecessary additional processes under the RMA is critical. Therefore, we seek clarity and security in the NPSIB concerning the potential cascade of implications that could arise in subsequent regional and district plans concerning indigenous forestry activities. In short, we seek clear statements of support for indigenous forestry in the objectives and policies of the NPSIB.

We consider that special and explicit provision should be made for indigenous forestry in the NPSIB. The objectives and policies of the NPSIB should support best-practice, low-impact sustainable indigenous forestry as an appropriate land use and secure its favourable activity status in regional and district plans - to avoid unnecessary additional costs associated with consenting processes. This is not to absolve the activity from its responsibilities regarding the management of indigenous biodiversity, but merely to ensure that the mechanisms engaged are not unnecessarily duplicated, onerous or prohibitively costly for indigenous forestry activities.

Thank you for your consideration of this submission.