SUBMISSION ON:

THE PROPOSED

- NATIONAL POLICY STATEMENT FOR
  FRESHWATER MANAGEMENT, 2019 AND

- NATIONAL ENVIRONMENTAL
  STANDARDS FOR FRESHWATER

Submitter:

Ngā Waihua o Paerangi Trust.

October 2019
Ngā Waihua o Paerangi Trust is the iwi authority for Ngāti Rangi, an iwi based on the southern slopes of Matua te Mana, or Ruapehu. Our cultural identity is linked to his essence, the lifeblood of our people cascade as waters from his slopes, his peaks above are our sacred altar. The vision statement for Ngāti Rangi is:

“Kia mura ai te ora o Ngāti Rangi nui tonu ki tua o te 1,000 tau.

Ngāti Rangi continues to vibrantly exist in 1,000 years”.

Our vision statement stands as a testament to our role and responsibility to be active tangata tiaki for our environment, to ensure our descendants, in 1,000 years time, have clean water, fresh air and healthy land. Our maunga Ruapehu is the matāpuna, the source of our waterways from the mountain to sea: their clarity, their uniqueness, their quality, and their voices speak to our wairua, give life to our lands and are our lifeblood.

The intrinsic link iwi have with water is imbedded within our whakapapa, it is reiterated in our pepeha and revealed through our cultural and spiritual connections and customs we share with our traditional water bodies. Physical contact with, and unhindered access to, our wai is essential to maintaining our traditional practices.

As tangata tiaki, the maintenance and improvement in the quality of our air, water and whenua are key to the sustainable and holistic environment that we strive for as a people.

Therefore, it is our responsibility is to ensure that the quality of our environment is of a better state than the conditions that exist currently. In order to fulfil these responsibilities, we look for strong policies to safeguard our lifeblood, our waterways – policies such as the National Policy Statement for Freshwater Management and
the National Environmental Standards Freshwater discussed in this submission.

Matters supported by Ngāti Rangi

Ngāti Rangi is in support of the following aspects of the Action for Healthy Waterways reform package, noting requested amendments where stated.

Overall

- We are in support of the overall direction and intent of the reforms. We particularly support stronger, bolder moves to regulate activities that degrade freshwater.

In the National Policy Statement for Freshwater Management

For the proposed National Policy Statement on Freshwater Management 2019, we support the following:

Te Mana o te Wai

- **Ngāti Rangi fully supports** Te Mana o te Wai in the management of freshwater. We support the hierarchy of obligations to the water first. Te Mana o te Wai reflects the critical need to protect the ecosystems and life of the water, and to determine limits to do this, before allocating to human uses. As expressed in the NPS-FM, it reflects Ngāti Rangi’s worldview and the way in which we interact with our world, and seek to protect the waters we connect with.

Expansion of the National Objectives Framework

- We are extremely pleased to see the expansion of the attribute tables in Appendices 2A and 2B (previously known as the National Objectives Framework). Previously, the National
Objectives Framework was lacking the breadth needed to adequately protect our freshwater. And although more could still be added, we strongly support the inclusion of attributes for:

- fish (by way of the Fish IBI)
- sediment (in the suspended sediment for rivers and streams and the deposited sediment for wadeable rivers and streams)
- macroinvertebrates (we support both Table 13 MCI and QMCI, and Table 14 ASPM)
- dissolved oxygen beyond the previously limited ‘below point source discharges’ application
- dissolved inorganic nitrogen
- dissolved reactive phosphorus
- macrophyte health for lakes (through the two aspects of LakeSPI) and ecosystem metabolism for rivers.

We do note, however, that we consider that at least some of the Tables should be moved from Appendix 2B to Appendix 2B. This is discussed in ‘Matters opposed’ below.

Flows and levels requirements

- Ngāti Rangi supports the requirement to set flows and levels for all waterbodies (Subpart 2.3.5 (1)). We do, however, consider that greater direction is needed around minimum flows, maximum allocations and variability, to avoid flows and levels being set at numbers that fail to adequately meet Te Mana o te Wai.
• In this context, we do support the setting of environmental flows and levels based on environmental outcomes. This approach supports the implementation of Te Mana o te Wai. If done well, it should also support our values as Ngāti Rangi. We note, obviously, that in our region the flows and levels would need to be set to recognise and provide for Te Mana Tupua and Ngā Toka Tupua, the statutory recognition elements of Rukutia te Mana, the Ngāti Rangi Treaty Settlement. We submit, also, that the “connected waterbodies” referred to in Subpart 2 3.11 (3) (a) needs to include groundwater, which is an interconnected part of the whole.

• Ngāti Rangi fully supports Subpart 2 3.12 (3).

• Ngāti Rangi supports Subpart 2 3.14 (3). However, we submit that the wording should say avoid and reverse over-allocation.

Input and output controls

• Ngāti Rangi supports the ability to express limits as an input or output control.

Modelled and estimated data

• Ngāti Rangi supports the explicit use of modelled or estimated data for setting limits, as well as measured data.

Mātauranga Māori

• Ngāti Rangi supports the alteration of wording regarding mātauranga Māori, to avoid the forced publication of data collected using mātauranga Māori.

Fish passage

• Ngāti Rangi particularly supports the content in 3.17 concerning fish passage. We do note a few amendments below, but fully support the overall approach and direction.
Accounting systems

- Ngāti Rangi fully supports, in its entirety, 3.20 Accounting systems. We particularly support the sections relating to contaminant accounting, and that both authorised and unauthorised takes will be included in the accounting system. We consider this to be an important and bold move by the Government, and something that will support iwi goals of better protection of our waters.

Compulsory tangata whenua value

- Ngāti Rangi supports the inclusion of a compulsory tangata whenua value. All waterbodies across Aotearoa are connected to one or more hapū or iwi, and therefore have tangata whenua values attached. Such a value should align with Te Mana o te Wai and relate to matters able to be managed under the RMA. Ngāti Rangi considers that the current Mahinga kai value predominately meets these criteria, but needs to be slightly reworded. For example, it is not the role of councils to ensure transfer of knowledge is occurring, however it is their role to ensure that waterbodies are healthy enough to support cultural practices to continue, and therefore knowledge of those practices to be transferred. In addition, the compulsory tangata whenua value should, like Ecosystem health and Human contact, have attributes associated with it in Appendices 2A and 2B. Many of these will be the same as for Ecosystem health and Human contact, but some will relate solely to the tangata whenua value.

Compulsory value for Threatened species

- Ngāti Rangi supports the inclusion of a compulsory value for Threatened species. This should also be backed up with corresponding attributes in Appendices 2A and 2B.
In the National Environmental Standards

Charging for monitoring

- Ngāti Rangi supports Part 1, clause 3 - allowing local authorities to charge for monitoring. We submit also that iwi and hapū groups routinely be part of monitoring and are reimbursed for their time undertaking this work.

Fish passage

- Ngāti Rangi supports Subpart 3 - Fish passage, and is pleased to see that the recommendations in the New Zealand Fish Passage Guidelines have been incorporated into these regulations. We have some concerns about Clause 21 (3) and Clause 24, noted below.

Livestock control

Ngāti Rangi supports Part 3, Subpart 1 - Livestock control. We are heartened to see national management coming into place on this highly important issue, and commend the Government for its leadership in this area. We also submit that consents granted for these activities should:

- be short term in nature, to allow for changes in response to new information in this area
- have tight monitoring requirements added to the regulations, to ensure that the effects are being managed as intended and that the conditions sufficiently protect waterbodies.

We do have concerns about Clause 30 of this Subpart, as noted below.
**Freshwater module of farm plans**

- Ngāti Rangi strongly supports the requirements of Subpart 3 - Freshwater module of farm plans. We consider that these will make a substantial difference in protecting and restoring our waterbodies and the mouri of those waters. We have concerns about a lack of national timeframes, noted below, and submit that Clause 38 (3) should also contain reference to mahinga kai.

**Assessing and reporting**

- Ngāti Rangi supports 3.21 Assessing and reporting, but note (as per below) that we do not support the synthesis of data into a single ecosystem health score, and that kaupapa Māori-based assessments must also be part of the assessment and reporting on the state of waterbodies.

**Matters opposed by Ngāti Rangi**

Ngāti Rangi is opposed to the following aspects of the Action for Healthy Waterways reform package.

In the National Policy Statement for Freshwater Management

**Current state applying from commencement of this NPS-FM**

- **We strongly oppose** setting ‘current state’ at the commencement of this NPS-FM. This will lock in degradation in freshwater environments that has occurred between the first NPS-FM in 2011 and the present. This is a significant step backwards, will not achieve the overall aims of the reform package, will be disappointing to a New Zealand public that clearly hankers for clean rivers, lakes, wetlands and aquifers.
is contrary to Te Mana o te Wai, and does little to protect the relationship that iwi Māori have with our waterbodies. Ngāti Rangi requests a return to the 2011 date as the point at which ‘current state’ is determined.

We consider that while this document is a significant rewrite, it is still an NPS-FM and continues many key features of the previous NPS-FMs, such as the need to ‘maintain and improve’. There is more than sufficient justification, ecologically, politically and policy-wise, to retain the current set baseline through the first NPS-FM, in 2011.

We do recognise that for some new attributes, data may not exist to baseline current state at the 2011 levels. However, we contend that for those attributes where this is achievable, it should apply. For the remainder, communities should be able to have a discussion (informed by regional council opinion on the mostly likely state as of 2011), and be able to set the band they desire accordingly (above, at least, current state as measured today).

Focus on deteriorating trend

- We oppose the focus on deteriorating trend, rather than both trend and degraded state. Some waters are so degraded that they have ‘bottomed out’ - and because they can’t get any worse, they will not show any deteriorating trend. Furthermore, trend takes a long time to detect, in which time habitat, fish, invertebrates, water quality, mouri, ecosystem health etc have all been impacted or lost completely. This is particularly important for the newer attributes, where it could take up to 5 years to determine trend - a delay until 2025, with resultant
impacts and losses. We have the means to determine degraded state now, and where this is detected, it must be addressed.

Inconsistent bands

- The bands used in Appendices 2A and 2B are inconsistent. For some ‘B’ bands, there is only a slight impact; for others it’s moderate. For some ‘C’ bands, the impact is moderate; for others its moderate to severe. Ngāti Rangi submits that the bands need to be consistent, such that a ‘B’ for dissolved oxygen is equivalent to a ‘B’ for periphyton. We further submit that an ‘A’ should be unimpacted, a ‘B’ should be slight impact, a ‘C’ should be moderate impact, and a ‘D’ should be moderate-severe. To allow moderate-severe impact to be above the national bottom line is to condone environmental and cultural degradation, is contrary to the overall direction of the NPS–FM, and a breach of Te Mana o te Wai.

Known and unknown terms

- Policy 2.2.5 uses new words for how iwi and hapū are considered in water management - “tangata whenua values are identified and reflected”. We oppose the change to new terms that are untested in the courts and RMA processes, and request that the Ministry return to well defined and understood terms, such as “give effect to” or “recognise and provide” for. This will save confusion, underweighting of iwi values, and wasted resource on litigation.

Human health

- Ngāti Rangi opposes the lack of a bottom line for E. coli for Human contact in Table 11. This attribute is an enforceable limit (as is appropriate) and requires a bottom line to ensure
it is fit for purpose, protects human safety, and achieves the
goals and intentions of the NPS-FM.

We also oppose the inclusion of an E band for this attribute.
The E band is confusing and unnecessary. If a water body is
below C, it will need to improve, regardless of whether it
needs to improve from severely impacted (E) or just heavily
impacted (D). Improving from E to D is not an option, and it is
unhelpful to make it look like it is.

- Ngāti Rangi opposes the idea of human health only being managed
  at ‘primary contact sites’ (Subpart 3 3.18). This is likely
to result in the ‘popular’ swimming sites across the region
receiving monitoring and attention, while the sites where our
people, including our tamariki and mokopuna, regularly swim
being under-monitored and under-cared for. We have, for some
considerable time, given the Ministry the message that iwi and
hapū get into the water everywhere. Often, that means the
stream nearest to our local marae. Sadly, that message does not
seem to have been heard. Primary contact needs to be managed in
a way that is equitable and protects the health of all members
in a regional council’s area, not just those who live in the
more populated areas or choose to travel to popular ‘swimming
holes’ to swim.

- We also oppose the proposal that primary contact only applies
  in the ‘bathing season’. Our people use our lakes and awa all
year, in all conditions, whether for paddling, gathering kai,
healing or karakia. The water needs to be safe to use at all
times, not just in summer. We recognise that, given the current
state of the water in Aotearoa, having safe water during winter
is an intergenerational goal. However, we would like the NPS-FM
to recognise that goal by requiring the monitoring and limits
to apply year-round. We note that this is consistent with the footnotes of Table 11 of Appendix 2A, which states that samples of \textit{E. coli} for Human contact should be “collected on a regular basis \textit{regardless of weather and flow conditions}” (emphasis added).

Hydro exclusions

- \textit{Ngāti Rangi strongly opposes} the exclusion of hydro from meeting the bottom lines of Appendices 2A and 2B. This is in direct conflict with \textit{Te Mana o te Wai}, means councils will not be able to fulfil \textit{Te Mana o te Wai}, and utterly undermines iwi and hapū ability to exercise kaitiakitanga over their waters (including as provided for under the RMA). We believe the exclusions as proposed are likely to result in breaches of the Treaty of Waitangi, and will probably trigger fresh claims to the Waitangi Tribunal – a highly undesirable outcome for both iwi and the Government.

Furthermore, while we support Policy 2.2.7, which states:

“\textit{Freshwater is allocated and used efficiently, all existing over-allocation is phased out}”,

we are extremely concerned that the inclusion of Subpart 4 3.22 ‘Exception for large hydro schemes’ renders this Policy unachievable. For example, in our own awa, which has statutory recognition under our Treaty settlement, hydro diverts water from 26 tributaries through 22 intakes, leaving the beds dry below 18 of those intakes. Allowing hydro the exception currently proposed in Subpart 4 will mean this gross overallocation is unable to be addressed.
We also contend that over-allocation must be based on hydrological data and cultural assessments, and not on policy decisions. The water management subzones in our rohe that are subject to hydro takes are classified as ‘under-allocated’ in the Horizons One Plan, even though many of the beds are dry, because hydro takes are excluded from the allocation regime through the following objectives and policies:

Objective 5-3 (a) (ii) takes and flow regimes for existing hydroelectricity are provided for before setting minimum flow and allocation regimes for other uses

Policy 5-14 (b) Takes and flow regimes lawfully established for hydroelectricity generation as at 31 May 2007 must be provided for prior to implementing (c) and (d) below.

Policy 5-15 (b) The minimum flows and cumulative core allocations set out in Schedule C must be set after providing for any takes and flow regimes lawfully established for hydroelectricity generation as at 31 May 2007.

This policy framework means that while in the real world the awa is considerably over-allocated, this is not recognised or addressed, and is certainly not being ‘phased out’, even as required by the current NPS-FM.

Open timeframes

- We oppose Subpart 2.3.9, which states that “timeframes for achieving target attribute states ... may be of any length or period”. We contend that this will allow timeframes to be set too far into the future, undermining both Te Mana o te Wai and the overall drive of the NPS-FM on improving water quality within a generation. It will not drive innovation and experimentation in land management practices. We propose, instead, that target states should be achieved by 2040 in most cases, or 2060 where change is especially difficult, such as in
highly degraded lakes. Other water bodies unable to reach their target states within that time should require a specific exception, decided upon by providing evidence to support the case.

- We oppose 3.19 (3), which leaves the power to determine timeframes for phasing out over-allocation to councils. This needs to be set at a national level, and it needs to be within a short to medium timeframe, so that over-allocation and its continued impact on our waters and their mauri is resolved quickly.

Appendix 2B aspects

- We consider that Tables 18, 19, 20, and 21 (deposited sediment for wadeable rivers and streams, and dissolved oxygen for rivers, lake bottoms, and seasonally stratifying lakes) should be moved from Appendix 2B to Appendix 2B. These aspects have high impacts on Te Mana o Te Wai and the life of our freshwaters, and need to be enforceable with limits, not merely action plans.

Furthermore, we consider that deposited sediment needs to be extended to include non-wadeable rivers. This attribute is measurable in the wadeable edges of non-wadeable rivers, has major impacts on river health in large rivers as well as small, and should not be excluded on the basis of river depth when it is entirely measurable.

Action Plans outside of regional plans

- We strongly oppose Action Plans being outside of regional plans. They must be enforceable, and able to be commented on through a public process.
Insufficient focus on improvement

- 3.16 (1) states that: “The extent and ecosystem health of rivers and streams in the region, and their associated freshwater ecosystems, are at least maintained”. We submit that this needs to read “are at least maintained, or improved where degraded”. Failure to include ‘improved’ in this statement is likely to mean currently degraded systems will not get the care and attention they need, and decision-makers will opt for the minimum required.

Fish passage

- While we generally support clause 3.17 (1), we submit that the words ‘or specified streams’ need to be deleted. This adds an almost unlimited opt-out for councils, and may result in very few streams being afforded the protection intended in the NPS-FM. Also, clarity is needed on what constitutes ‘diversity’ - is it 80% of species previously present? 100% of species modelled to be present in the stream under natural conditions? Ngāti Rangi would support the latter, giving allowances of course for the grayling.

We also submit that for clause 3.17 (2) a), the word ‘valued’ should be replaced with ‘native’. To do otherwise leaves the process open to bias, and risks some species not being cared for. Whakapapa has a place for all fish, and providing for some and not others leaves some of our mokopuna homeless.

Blanket exemptions

- We strongly oppose the blanket exemption given to national infrastructure and flood prevention or erosion control, as applied to the infilling of river or stream beds.
For 3.21 Assessing and reporting, Ngāti Rangi does not support the synthesis of data into a single ecosystem health score. We consider that this does little to inform the public of current state, and in fact runs the risk of ‘averaging out’ degradation to the point where the number becomes misleading, and gives a false impression of the real state of affairs.

We also submit that kaupapa Māori-based assessments must also be part of the assessment and reporting on the state of waterbodies.

Review values table

Ngāti Rangi submits that the values of “Irrigation, cultivation and food production”, “Commercial and industrial use”, and Hydro-electric power generation” should be removed from this iteration of the NPS-FM. This set of values was developed under a different framework, where community groups would collaborate to determine which values applied to a waterbody, then decide which bands would be applied for the attributes relevant to those values. There was a certain amount of ‘negotiating’ on conflicting values inherent in the designed process. It is ill-fitting with the new NPS-FM, which focusses more heavily on environmental outcomes and the hierarchy inherent in Te Mana o Te Wai. In this NPS, the ‘use’ values will be provided for as a matter of course, after the needs of the water are set, and therefore don’t need to be explicitly applied.

We also, as one of the original contributors to the values drafting in 2014, suggest that the values narratives need to be reviewed by an experienced planner, as was always the intention.
when they were developed. For the Māori values, this would need to be done in conjunction with a Māori reference group.

**Flows and levels**

- As stated above, Ngāti Rangi supports Subpart 2 3.14 (3) but submits that the wording should say avoid *and reverse* over-allocation.

**Freshwater module of farm plans**

- We are concerned that a failure to impose a timeframe to implement the freshwater modules of farm plans will mean the plans are not executed within a suitable timeframe, and that actions will be unreasonably deferred. We submit a national deadline for implementing farm plans is required.

Further, we submit that Clause 38 (3) should also contain reference to mahinga kai.

**In the National Environmental Standards**

**Allowances for new nationally significant infrastructure**

- Overall in the NES, Ngāti Rangi submits that the allowances for new nationally significant infrastructure are too great. New nationally significant infrastructure would be able to obtain consent to: disturb earth, clear vegetation and undertake drainage in or around wetlands, and to infill riverbeds.

We consider that if the project is new, it can be designed to go around wetlands, and not disturb them, and to absolutely avoid infilling riverbeds. We have lost enough wetlands in Aotearoa, and do not need such strong allowances for new projects to undermine our wetlands any further. And there are
means of going over rivers that should mean they do not, in any circumstance, need to be infilled.

Furthermore, the consents would allow for offsetting, which Ngāti Rangi considers still largely unproven in its long-term ecological equivalency to retaining the natural ecosystem, and which, at the very least, will result in a short-term loss as the ‘new’ wetlands will take time to become established. We submit that new nationally significant infrastructure should be removed from the clauses on earth disturbance, vegetation clearance and drainage in and around wetlands, and the clause on infilling riverbeds.

Riverbed infilling

- Part 2, Subpart 1, Clause 18 (2) b) should be removed. Flood prevention or erosion control should not result in the loss of riverbed through infilling. There are methods available (such as soft engineering and managed retreat) that align with Te Mana o te Wai, do not degrade the river, and fulfil iwi values - these should be used instead.

- Part 2, Subpart 1, Clause 18 (2) c) is deeply unhelpful. You are asking for a consent holder to monitor the ecological condition of a river that has been infilled, and therefore no longer exists. Ngāti Rangi submits that infilling should not be permitted.

Dams, fords and non-passive flap gates

- Ngāti Rangi is opposed to Subpart 3, Clause 24. This clause undermines and provides an ‘out’ for the remainder of Subpart 3. Where other structures have well-defined requirements in order to be a permitted activity, or are discretionary
activities, dams, fords and non-passive flap gates have no such controls on them. The only requirement is for information to be provided to council. This has the potential for significant impacts on rivers and streams. Dams, fords and non-passive flap gates should be discretionary activities, and this should be reflected in the regulations.

Livestock control

- Despite our overall support for Part 3, Subpart 1 - Livestock control, we submit that Clause 30 is not sufficient to protect waterbodies. Thirty hectares is a substantial amount of land to be subjected to intensive winter grazing. 10 degrees will be steep enough to still allow for run-off, and 5 m is certainly not wide enough to mitigate the effects of this land-use. Research demonstrates that an effective buffer is around 30 m, and this is for ‘normal’ livestock use - not intensive winter grazing. A wider buffer still is likely to be needed for intensive winter grazing. This section needs to be substantially strengthened.

Baselining current use - an unjust approach

- Noting that we are not clear what ‘certain areas’ Clause 33 (1) applies to, we consider that the baselining in Part 3, Subpart 2, Clause 33 is inappropriate and is highly likely to lock-in recent increases in farming intensity and the effects associated with those increases. This approach is both unjust, in that it rewards current polluters and penalises those with ‘undeveloped’ land (known to be disproportionately Māori land owners), and ecologically unsound, as it is does not base decisions on either the land capability or the ability of waterbodies to cope with the land use. It directly undermines Te Mana o te Wai, in that it does not allocate to the needs of
the waterbody first. It allocates instead on current use. Clause 33 needs to be rewritten so that intensive winter grazing is managed *equitably* and *in support of the needs of the waterbodies first*.

- The same applies for Part 3, Subpart 2, Clauses 34, 35, and 36. This approach is unjust, rewards current polluters and penalises those with ‘undeveloped’ land, and is ecologically unsound, as it is not based on either the land capability or the ability of waterbodies to cope with the land use. It directly undermines *Te Mana o te Wai*, as it does not allocate to the needs of the waterbody first. Clauses 34, 35, and 36 need to be rewritten so that these practices are managed *equitably* and *in support of the needs of the waterbodies first*.

- As with Part 3, Subpart 2, Clauses 33, 34, 35, and 36, Subpart 4 is unjust, rewards current polluters and penalises those with ‘undeveloped’ land, and is ecologically unsound, as it is not based on either the land capability or the ability of waterbodies to cope with the land use. It directly undermines *Te Mana o te Wai*, as it does not allocate to the needs of the waterbody first. Subpart 4 needs to be redesigned so that the management of nitrogen is *equitable* and *in support of the needs of the waterbodies first*.

Other matters

- For Subpart 3, Clause 21 (3), Ngāti Rangi submits that guidance is needed on when consent would be granted for this, and what conditions should apply.

- Ngāti Rangi submits that geothermal wetlands need protection, and should be included in the definition of a natural wetland.
• Ngāti Rangi opposes the inclusion of the word ‘significant’ in the definition of vegetation destruction. It is subject to interpretation, and therefore misuse. Furthermore, it undermines a fundamental Māori concept that all species have whakapapa and all species are important. Considering some ‘significant’ and others not goes against our values.

Matters of concern

Ngāti Rangi has concerns about the following matters in the reform package:

Ability to set aspirational attribute states

We are concerned that there is not a clear direction in this NPS-FM, as opposed to the previous iteration, that communities can choose aspirational attribute states, above the ‘current state’ that exists. This ability is present when the text is read closely, but the focus on this aspect seems to have diminished, to the point where it may be missed by the general public. We think this may be contrary to the Ministry’s intentions, and suggest including statements that clearly articulate the means and the process for setting aspirational attribute states, beyond the current measured state.

Protection for small wetlands

The wetland definition will overlook small, difficult to map wetlands. The NPS-FM needs to include protection of these, regardless of mapping.

Historic wetlands

Ngāti Rangi submits that the words “and did not exist historically” be added to Part 2, Subpart 1, Clause 4 b) of the NES, so that
wetlands that were present in the past but have been drained or infilled are not captured in this definition.

Ability to update Appendices 2A and 2B

The Ministry should incorporate into this NPS-FM an easy to use mechanism for updating and adding to the tables in Appendices 2A and 2B. We noted above that there are further attributes that could be added to the Appendices in future. The Ministry should be able to do this without a full review of the NPS-FM, and should provide a clear signal within the final version of this NPS-FM of the intention to update the Appendices when required in the future.