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National Policy Statement Indigenous Biodiversity  
Ministry for the Environment  
P O Box 10362  
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To whom it may concern

## Submission on the National Policy Statement for Indigenous Biodiversity

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### 1. Introduction

- 1.1 Thank you for the opportunity to make a submission on the above document and He Kura Koiora I Hokia – the supporting discussion document.
- 1.2 Nelson Forests Limited (NFL) owns and manages almost 80,000 hectares of plantation forest in the Nelson, Tasman and Marlborough regions. Included within the plantation forest are indigenous vegetation reserves, including wetlands, and other forest areas that provide habitat to New Zealand's fauna.
- 1.3 NFL holds Forest Stewardship Council (FSC) certification - a voluntary certification, which demonstrates that wood products are sourced from sustainable well managed forests (social, financial and environmental). This requires active environmental management, including ensuring that we are a responsible business with commitments to New Zealand's biodiversity – managing threatened species, wetlands, indigenous vegetation, significant natural areas, and the environmental effects of our operations.



- 1.4 Plantation forest, as a land use, is beneficial to indigenous biodiversity. Surveys and recorded sightings of threatened species confirm that plantation forests provide habitat for a large number of threatened and at-risk indigenous species including kārearea, weka, kākā and kea and a wide range of indigenous flora. A further range of species also utilise the waterways (e.g. indigenous fish species), indigenous forest remnants (e.g. powelliphanta) and roadways for foraging (e.g. long-tailed bats) within plantation forests.
- 1.5 Many of the indigenous species rely on the disturbance of the forest associated with harvesting to create the range of conditions they require for habitat. Plantation forest cutover is full of woody matter which attracts a wide range of invertebrate species, and an abundant food source for insect feeding indigenous species. Kārearea inhabit the interface between mature stands, windthrow and cutover as it provides the nesting and foraging habitat they require. Plantation forest without any harvest would not necessarily create greater biodiversity values – it would benefit some species, but would be detrimental to others.
- 1.6 NFL maintains and enhances indigenous biodiversity values through retaining enclaves of indigenous vegetation providing habitat (some of which are significant natural areas), monitoring biodiversity, undertaking pest and predator control, and developing partnerships with stakeholders for collaborative effort, including the establishment of Tōtara plantings to provide a future resource for Ngāti Toa, the landowner.
- 1.5 The following list highlights some of the initiatives and ongoing projects we have undertaken, as part of our commitment to indigenous biodiversity:
- Weed control and wilding conifer management in High Conservation Value Forest within our estate
  - Partnering with the Department of Conservation, through participating in programme governance, operations planning and significant cash and in-kind contributions, for legacy wilding conifer control on public conservation land adjoining our estate.
  - Significant financial sponsorship for research and funding for the Kea Conservation Trust.
  - In-kind support to the Kea Conservation Trust.
  - Development of wetland habitat in conjunction with the Nelson/Marlborough Fish and Game Council
  - Planting areas of Tōtara, as a future resource for the landowner Ngāti Toa, and adding to biodiversity in the forest estate
  - Involvement in the Te Hoiere catchment project
  - Removal of fish barriers in stream crossings in 50,000 hectares of forest estate (working on the next 30,000 ha)

- Providing 11,000 ha of reserves – indigenous areas, wetlands, SNAs, riparians etc from an estate of 80,000 ha
- Ecological assessments of Significant Natural Areas (SNA)
- Covenanting important SNAs
- Establishing streamside setbacks greater than regulations require to maintain the values in important streams.
- Reporting threatened species nesting (particularly kārearea and kea). Relocating our operations if necessary, to avoid impact on the nesting areas.
- Reporting of all threatened species sightings into a national database
- Pest control operations (plant and animal)
- Providing threatened species training to all contract staff
- Internal operational standards to minimise / not damage streams, significant vegetation, including wetlands.

1.6 The majority of these initiatives are voluntary.

1.7 Through the New Zealand Forest Owners Association, we are signatories to the New Zealand Forest Accord. We support the need to protect remaining important remnants of significant indigenous vegetation from clearance in accordance with the New Zealand Forest Accord and the Principles for Commercial Plantation Forest Management in New Zealand. The Accord acknowledges that commercial plantations provide an important resource for people and reduces the need for harvesting indigenous forests for wood, both nationally and globally.

## 2. General comment

2.1 Nelson Forests Limited, through its actions, supports the broad objectives of preserving our indigenous biodiversity taonga, but has significant concerns with the National Policy Statement for Indigenous Biodiversity (NPSIB) in its current form.

## 3. General Submission in Opposition

3.1 Nelson Forests Limited **opposes** the Proposed NPS for Indigenous Biodiversity (NPSIB) in its current form.

3.2 Particular concerns are:

3.2.1 The potential for plantation forests to be identified as Significant Natural Areas (SNA). If plantation forest was to be identified as an SNA, then the National Environmental Standards for Plantation Forestry would become unworkable. The NESPF contains numerous references to SNA vegetation including:

- Regulation 6(2)(b) – ability for Regional and District Councils to write more stringent rules

- Regulation 20(2)(c) Earthworks spoil cannot be disposed of within an SNA
  - Regulation 43 Stream crossings not be constructed within an SNA
  - Regulation 55(1) Overburden from quarries not to be disposed of within an SNA
  - Regulation 78 Replanting cannot be closer than the stumpline to an adjacent SNA
  - Regulation 79 Wilding conifers have to be eradicated from within any SNA at the time of replanting
  - Regulation 93 indigenous vegetation clearance is entirely crafted based on the assumption that any SNA is indigenous vegetation
  - Schedule 3: Requirement for harvest plans to identify and map SNAs
- 3.2.2 The criteria applied to the identification of an SNA are too liberal. The criteria have been significantly broadened as compared to existing regional and district plan criteria, to the extent that plantation forest would easily be described as an SNA.
- 3.2.3 The mechanisms proposed for the management of ‘highly mobile fauna’ and the lack of clarity as to what exactly would or could be defined as ‘highly mobile fauna’.
- 3.2.4 Inconsistency with the National Environmental Standards for Plantation Forestry.
- 3.2.5 Reliance on regulation to provide for indigenous biodiversity, penalising those land users who recognise and provide for indigenous biodiversity and rewarding (through no consequences of the NPSIB) those that have destroyed or simply do not have indigenous biodiversity.
- 3.2.6 The significant costs to plantation forest owners / managers in the implementation of the NPSIB. This has the effect of making the New Zealand wood products from certified forests less competitive and more easily substituted by other building products both locally and globally which will create an adverse impact on biodiversity globally and not assist New Zealand in meeting its climate change targets.

3.3 The following sections of our submission elaborate on these points.

#### **4. National Environmental Standards for Plantation Forestry (NESPF) and the National Policy Statement of Indigenous Biodiversity**

4.1 The National Environmental Standards for Plantation Forestry (NES-PF) were enacted to provide nationally consistent regulations to manage the environmental effects of forestry. As a National Environmental Standard prevails over district or regional plan rules (except in this case where the NES-PF specifically allows more stringent plan rules in limited circumstances), the NESPF is the appropriate vehicle to manage the impacts of plantation forestry on indigenous biodiversity.

- 4.2 The NPSIB must be substantially modified and make it clear that indigenous biodiversity in plantation forests (as defined by the National Environmental Standards for Plantation Forestry (NESPF)) is to be regulated under the NESPF.
- 4.3 In its present form, the NPSIB will result in significant long-term costs to our business, and provide insignificant indigenous biodiversity benefit across the land we manage and into the wider community. The NPSIB creates new objectives and methods that are open to interpretation that will inevitably create a significant burden and financial cost to our region as local authorities (three of them) interpret and implement the requirements. A further unnecessary financial cost to our business. The intentions of the Biodiversity Collaborative Group (BCG) have not been drafted into clear policy, to the extent that as a plantation forest owner, we have little confidence in the interpretation of the NPSIB enabling forest owners who already can demonstrate successful management and protection of indigenous biodiversity, to continue without additional burden.
- 4.4 The NPSIB contains limited acknowledgement that plantation forests should be treated differently from other land uses, albeit, many of the other land uses are not even considered by the NPSIB. However, the only clause not applicable to plantation forests is clause 3.9. The provisions for plantation forests in the NPSIB are limited in scope, and their meaning and relationship with other parts of the NPSIB is unclear.
- 4.5 Our industry, through providing habitat and significant natural areas on privately owned land, will become more regulated as the result of the NPSIB. This creates further economic disincentive to invest in new plantation forests and that will result in perverse outcomes for indigenous biodiversity. Existing owners would also be incentivised NOT to improve biodiversity outcomes as a voluntary measure in fear of triggering even more regulatory costs.
- 4.6 Resultant local government regulation required to implement the NPSIB and its manifestations will differ from region to region across New Zealand. One of the intentions of the NESPF was to remove this regulation irregularity. Not only will there be variance in regulation but also duplication of local authority effort.
- 4.7 Indigenous biodiversity and its interface with the plantation forest industry is better served under the NESPF.

## 5. **Regulatory Impact Statement (RIS)**

- 5.1 NFL raises the following issues of principle:
- 5.2 RIS issue 1 – Benefits. The NPSIB penalises providers of ecosystem and biodiversity services. Further to this, the beneficiaries and exacerbators are released from

obligations under the NPSIB. The drafted policy is unfair to the plantation forest industry and inequitable across land uses in New Zealand. Essentially, by providing for indigenous biodiversity, the industry will become more regulated, while those who do not have indigenous biodiversity assets will have no responsibilities, except to continue to operate in a manner that excludes them.

- 5.3 The Resource Management Act provides for a variety of methods of implementation. Sound resource management should seek to ensure that decisions and behaviours that contribute to a preferred outcome are rewarded, while those that don't, are penalised.
- 5.4 The NPSIB acknowledges that the community at large is the primary beneficiary of biodiversity protection. The RIS (page 3) identifies that the main costs outside of the procedural implementation of the NPSIB (cost to councils) **may** fall on industry such as agriculture, forestry and infrastructure providers and that..." Landowners ... and industry such as forestry and the agricultural sector **may face** increased costs to manage the effects".
- 5.5 Clearly the public good aspects of the protection of biodiversity is the intent of the NPSIB, however:
- The wider public and great majority of the population (the beneficiaries) remain largely isolated from any contributions to the protection and maintenance of indigenous biodiversity.
  - Land uses that have historically depleted or eradicated indigenous biodiversity will remain largely unaffected by the NPSIB, despite being located primarily in lowland environments, where it is well recognised that there is the greatest depletion of original indigenous biodiversity.
  - Where indigenous biodiversity thrives within the landscape, the land uses will face increased constraints and costs.
- 5.6 RIS issue 2 – Costs. The costs of implementation are significantly under-estimated. If the NPSIB is to be fully implemented, the costs of actual biodiversity operations are significant and poorly considered.
- 5.7 Estimating costs and monetising benefits in relation to ecosystem services is difficult. NFL has been engaged in the identification of SNAs for a number of years. There are examples of where this process has been engaging and collaborative and others where NFL has had to endure a painfully slow and costly process to correct or identify areas where the information provided is inaccurate. We consider that the true costs have been grossly underestimated in the RIS. NFL does not have the time nor the resources to quantify more accurate costs but they are substantial. The New Zealand Forest Owners Association has completed this exercise with input from its members – please refer to that submission. The potential costs should have been estimated based on projects that have already been implemented at a

local project-based level. Such costs are substantial and need to be sustained over extended periods of time.

- 5.8 Costs have only been identified that support the administrative overhead required to make the new legislation work.
- 5.9 There are no costs estimated for the engagement of land users in required planning processes. Resourcing these interactions will be expensive and practically unmanageable, as NFL has three regional and territorial councils, which will all be aiming to meet their new obligations under the Act over the same timeframes.
- 5.10 The RIS does not acknowledge the costs that will be incurred by substantially increased on-ground pest control. It is well established in New Zealand that biodiversity decline is pest and predator driven. Without major lifts in expenditure the NPSIB will fail. The full costs of achieving biodiversity objectives, both in halting the decline and restoration, must be quantified.
- 5.11 The costs of undertaking surveys in relation to SNAs and habitats as well as monitoring are also estimated in the RIS. NFL supports the need for 'proper' on the ground surveys and mapping (of static environments and habitats). The costs should be paid for from the beneficiaries – ie the public.
- 5.12 RIS issue 3 - Costs on landowners & Forestry. "Land-owners and industry including forestry **may face increased costs**, but the main costs of implementation fall on Councils". There is no doubt that councils will have a significant implementation cost, but the costs on our business are not minor. The RIS analysis did not consider small SNAs within plantation forests, many of which are narrow, have torturous boundaries and are located at the base of steep hill country. We have a significant number of SNAs and wetlands within our estate and substantial portions of the plantation forest itself will be deemed Plantation Forest Biodiversity Area (PFBA) under the NPSIB.
- 5.13 In the plantation forestry context, using the SNA definitions of Appendix 1 and 2 of the NPSIB:
- Very minor areas and long, sinuous, riparian setbacks are likely to become SNA.
  - Large areas of existing plantation forests will be PFBA's, if not SNAs, as the plantation forest itself provides habitat for threatened species and refuge for highly mobile species.
- 5.14 This highlights another area of inconsistency between the NESPF and the NPSIB. The NESPF contains provision for the felling along the edges of mapped SNAs, whereas, Policy 3.9 of the NPSIB requires that effects arising from activities that are in or affect an SNA must be "**avoided**" if the SNA is a 'high' classification or in the case of a 'medium' classification, effects must be remedied, mitigated, off-set or compensated. The effects are judged on the basis of four key criteria plus an undefined basket of "other"

adverse effects. While the current drafted NPSIB Policy 3.10 does exclude plantation forest from provision 3.9, this is by no means the final NPSIB, and this protection may be altered.

- 5.15 Commonly, plantation forests were established due to the land being unsuitable for farming, typically due to geology, topography or soil limitations. As a result, our plantation forests are predominantly located on steeper terrain. Remnant indigenous vegetation that existed at the time of planting has generally been set aside as indigenous forest reserves. This is added to by areas that are retired from production and as riparian setbacks have been established. The boundaries of these are varied, complex and do not provide for easy harvesting of the adjacent crop.
- 5.16 Conducting harvesting operations adjacent to SNAs in the first rotation was never planned for at establishment (of the plantation forest) and as a result is generally physically and technically impossible to achieve without some effects, hence the mitigation provisions in the NES-PF. The effects of disturbance on the SNAs will be impossible to quantify or disprove without long-term data.
- 5.17 Policy 3.10 of the NPSIB provides an exception for the management of effects in plantation forests, by labelling plantation forests as a PFBA. PFBA's are to be 'managed over the course of consecutive rotations to maintain long-term populations of indigenous fauna species' or the effects on flora 'are to be managed'. There is no guidance as to what this means.
- 5.18 In the case of fauna – what the maintenance of long-term populations actually means in a temporal, spatial and population basis is completely undefined.
- There is no guidance nor standards in respect of what this means.
  - There would be no consistency in the meaning between different species within the same areas.
  - The data required to prove or disprove these elements is often unknown and intensive and expensive to seek and understand
- 5.19 For well-known species such as kea and kārearea, there are protocols for plantation forest operations that have been developed with the appropriate protection and conservation agencies (e.g. the Kea Conservation Trust and Wingspan). These are followed by NFL. It is recognised that other threatened indigenous fauna inhabit plantation forests. However, there is a scarcity of knowledge of other threatened species, and it has been up the plantation forest industry to develop management plans as new inhabitants have been 'discovered'.
- 5.20 The indigenous biodiversity interactions in a plantation forest environment have not been researched. What is required to 'manage' is not well understood. To date, there are no proven or practical solutions, except intensive pest control.



- 5.21 Other small threatened species (reptiles, invertebrates etc) will only be discovered by intensive surveys at small scales of coverage and at significant cost.
- 5.22 As noted above, pest control is the most certain intervention that will improve the prospects for indigenous biodiversity. Our plantation forest shares large boundaries with Public Conservation land, with fauna not distinguishing cross boundary habitats. The maintenance of long-term indigenous fauna populations will depend on the degree to which pest control is undertaken (or not) in areas adjacent to plantations.
- 5.23 The requirement 'manage over consecutive rotations' implies by default that once a plantation forest is a PFBA, the owner will never again be able to change land use (due to the costs of offset or compensation) and for a woodlot owner they would always be required to keep some of their woodlot unharvested. This status would have to be maintained even if future economics, climate change or other site limitations of the area make the plantation forest land use commercially unsustainable.
- 5.24 This is perverse 'grandparenting' whereby choice of land use is retained for those who have removed biodiversity from the landscape (e.g. urban and intensive land uses) but removed for those who provide the ecosystem services. The NPSIB costs will be on those providing biodiversity, not those benefitting.
- 5.25 The risk of this to the establishment of new plantation forests is significant. It will increase the commercial risk profile of forest investment and be a major deterrent to such investment. It is also contrary to the requirements of the Climate Change Response Act.
- 5.26 RIS issue 4 - Central Government support is critical. The RIS acknowledges that Central Government support is critical to the success of the NPSIB. However, there is no analysis or thought given to the financial cost or to the Central Government commitment (human resource costs) to fulfil this requirement.
- 5.27 The NPSIB will establish tight, costly and onerous bureaucracy around the impacts of activities in or around indigenous biodiversity (a direct affect on land owners / users). However, this is not applied to regulatory surveys, regional biodiversity strategies, biodiversity hubs, monitoring systems etc. There is no provision of resources for these critical elements.
- 5.28 Fundamentally, laws and rules are unlikely to result in improved biodiversity outcomes unless there is full Central Government support and resourcing.
- 5.29 NFL supports the requirement for all terrestrial SNAs and non-highly mobile fauna to be surveyed, **ground-truthed** and mapped on a single NZ wide spatial platform (undertaken to a national set standard). Central Government should determine a fair and equitable funding mechanism to reflect both the extent of SNAs in a region and

the economic capacity of the different regions. The beneficiaries of the protection of indigenous biodiversity should be apportioned the costs of setting up such a new regime, including the costs of compensation to those who have protected sites on their land.

- 5.30 RIS issue 5 - Other options not investigated. The RIS notes that NPSIB was drafted under Ministerial Direction and that other regulatory and non-regulatory options weren't explored to the same extent. Consideration must be given to alternate approaches.
- 5.31 NFL was briefed on the direction the Biodiversity Collaborative Group (BCG), as the BCG met, and is aware that there was not agreement on how plantation forest land use would be encompassed into the NPSIB. Concern was expressed throughout the BCG process in relation to the definitions of SNA, the lack of any useful means to determine priorities for action on the ground, and the lack of strategic approach.
- 5.32 NFL submits that a priority framework is developed for indigenous biodiversity intervention. The primary issue must be pest control, then focus on those lowland areas where there is scarce indigenous biodiversity as a priority. Recognise that plantation forest does provide for indigenous biodiversity and provide for that ongoing management through the NESPF.

## **6. NPSIB submission points**

- 6.1 Section 1.3 – Purpose of the NPS. There are two prongs to the NPSIB – to set our objectives and policies in relation to maintaining indigenous biodiversity and to specify what local authorities must do. There needs to be considerable effort placed into the development of National Environmental Standards for Indigenous Biodiversity. This is required to minimise duplication of effort across New Zealand and ensure consistency of interpretation and implementation (refer to the NPS Freshwater and NES Freshwater model)
- 6.2 Section 1.4 states that it is a Matter of National Importance to maintain indigenous biodiversity. As submitted above, if this is a national priority, then it needs to be appropriately funded and focussed on areas that do not currently support / provide indigenous biodiversity (e.g. lowland areas).
- 6.3 Section 1.7 – Fundamental concepts (1) Hutia Te Rito. The concept of Hutia Te Rito is supported. However, *for local authorities to work with tangata whenua and the wider community*, recognition needs to be given to the costs of this. The costs to local authorities are partially addressed in the Regulatory Impact Statement (RIS), however there is no recognition of the costs and resources required for land uses, tangata whenua and the wider community to engage, let alone participate, implement and monitor the results of implementation.

6.4 Section 1.7 – Fundamental concepts (3) Maintenance of Indigenous Biodiversity. This is described as requiring at least no reduction on:

- a) *the size of populations of indigenous species:*
- b) *indigenous species occupancy across their natural range:*
- c) *the properties and function of ecosystems and habitats:*
- d) *the full range and extent of ecosystems and habitats:*
- e) *connectivity between and buffering around, ecosystems:*
- f) *the resilience and adaptability of ecosystems.*

*The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.*

6.5 Clauses b) – e) would preclude the ability for a plantation forest to be harvested and in some instances replanted. There is no guidance as to ‘who/which agency’ determines if restoration or enhancement is required, and where costs will lie.

6.6 Section 1.7 – Fundamental concepts (4) Adverse effects on Indigenous Biodiversity. The NPSIB determines that adverse effects on indigenous biodiversity are, but are not limited to:

- a) *loss of ecosystem representation or extent:*
- b) *disruption of sequences, mosaics or ecosystem function:*
- c) *fragmentation of loss of buffering or connectivity within and between habitats or ecosystems:*
- d) *the reduction in population size or occupancy of threatened species:*
- e) *the degradation of mauri:*
- f) *a reduction in the richness, abundance or viability of species in habitats and ecosystems:*
- g) *pest vegetation or fauna incursions and changes that result in increased risk of incursions:*
- h) *disruption to indigenous fauna by people and their pets and livestock and changes that increase the risk of disruption:*
- i) *a reduction in people’s ability to connect with and benefit from, indigenous biodiversity including from benefits such as –*
  - i. *the historical, cultural or spiritual relationship of tangata whenua with their taonga; and*
  - ii. *the scientific, educational, amenity, historical, cultural, landscape or natural character values of indigenous species and indigenous habitats; and*
  - iii. *ecosystem services.*

6.7 Clauses a), b), c) would preclude the ability for a plantation forest to be harvested and in some instances replanted or established. Clause h) would preclude other plantation forest activities such as hunting, grazing and recreation. Clause g) is problematic – ‘pest’ is not defined and what may be deemed to be a pest in one area

is not in another (refer to Regional Pest Management Plans). Clause d) determines a reduction in population size is an adverse effect – how can this be measured, and what time scale is applicable? Population size is more directly impacted by pest control and environmental factors (e.g. a beech mast) than by plantation forest operations.

6.8 Definition – biodiversity offset is defined as: *measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to:*

- a) *compensate for [more than minor residual] adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and*
- b) *achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.*

There is no guidance as to what a ‘net gain’ would encompass and who determines the extent of the gain. There is limited information about many of New Zealand’s threatened species and this provides significant uncertainty for any land user.

6.9 Definition – buffer is defined as: *the space around core areas of ecological value that help to reduce external pressures; and buffering has a corresponding meaning.*

Given this wide interpretation of a buffer, entire plantation forests will be seen as ‘buffers’, and thereby this would preclude the ability for a plantation forest to be harvested and in some instances replanted.

6.10 Definition – connectivity is defined as: *the links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems.*

This definition describes plantation forests, and therefore would preclude the ability for a plantation forest to be harvested and in some instances replanted.

6.11 Definition – *existing activity, in this National Policy Statement, means a subdivision, use or development that is –*

- a) *lawfully established at the commencement date; but*
- b) *not a land use covered by section 10 of the Act*

There is a legal issue with the definition of existing activity as it excludes land use covered by section 10 of the Resource Management Act.

6.12 Definition – highly mobile fauna is defined as: *species that –*

- a) *are highly mobile;*
- b) *where some individuals move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions; and*
- c) *for the purposes of this National Policy Statement, include only threatened or at-risk species*

The definition as drafted does not provide any certainty as to what are these species, except that they are threatened or at risk. Should a storm event alter the course of flight or resting pattern into a plantation forest, will the plantation forest from then on, be considered as habitat for highly mobile species with resultant regulation and restriction of operations?

- 6.13 Definition – plantation forest biodiversity areas (PFBA) is defined as: *deliberately established plantation forests which have been identified as containing significant indigenous vegetation and significant habitat of indigenous fauna using Appendix 1.* This is the only land use that is defined in NPSIB. What is the rationale for not applying a definition to other land uses? The inclusion of plantation forest as a separate entity within the NPSIB creates confusion, grandparents the existing land use and is inequitable. While recognising that plantation forests provide important indigenous biodiversity, the NPSIB then penalises the industry for the ecosystem services it provides. All provisions in the NPSIB that relate to PFBA’s must be removed from the NPSIB and as necessary incorporated into the NESPF.
- 6.14 Definition – sequence is defined as: *a series of ecosystems or communities, often physically connected, that replace one another through space.* There is no recognition given to natural variance through time.
- 6.15 Definition - SNA or significant natural area, means –
- a) *an area identified as an SNA in a district plan or proposed district plan in accordance with clause 3.8;*
  - b) *an area identified, before the commencement date, in a policy statement or plan or proposed policy statement or plan, as an area of significant indigenous vegetation or significant habitat of indigenous fauna, regardless of whether the area is referred to as a SNA or in any other way; or*
  - c) *an area identified as an area of significant indigenous vegetation or significant habitat of indigenous fauna as part of an assessment of environmental effects*
- The inclusion of areas of significant indigenous vegetation and habitat of indigenous fauna as an SNA under the NPSIB should only apply to those areas that have been verified on the ground and where the mapping has been verified by the land user. NFL’s experience is wrought with difficulty, where incorrect areas have been identified through poor definition aerial imagery, no ground truthing and no consultation with the land user, and then identified in a proposed plan.
- 6.16 Part 2, Section 2.1 – Objective 6 states: *to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by*
- b) *allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and*
  - c) *supporting people and communities in their understanding of and connection to, nature.*

The intention of this objective is not reflected in the NPSIB. If it was, plantation forestry would not be singled out for further regulation as compared to any other land use. The objective also fails to recognise the role of 'land managers' as distinct from 'land owners'.

- 6.17 Part 2, Section 2.2 – Policy 2 states: *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.*

One of the aims of the NPSIB (page 15 of He Kura Koiora I hokia) is to *give consistency to council's interpretations and application of the RMA. This is intended to result in more consistency in council's monitoring and management approaches, and result in better outcomes for biodiversity.* The overarching issue with this policy is that councils do not hold the expertise for indigenous biodiversity, especially fauna. Expertise for indigenous biodiversity, is more likely located at the Department of Conservation or with experienced ecologists and expert agencies (i.e. Kea Conservation Trust). There will be different practices, management and assessment applied to resource users dependent on the knowledge base of each council. This will result in inconsistency, overly prescriptive management and perverse pre-cautionary approaches. To implement this policy, significant costs will be placed on any applicant to try and determine what the impacts will be, when local authorities are also uncertain etc. Compounding this, is that there is a general scarcity of information about the indigenous biodiversity itself.

- 6.18 Part 2, Section 2.2 – Policy 7 states: *to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained.*

There is no guidance for the implementation of this policy, except in recognising PFBA's. This will result in inequitable application to different land uses, differences regionally, significant costs to land users and an inherent underlying threat that the land user will be responsible for pest control (refer to the definition of maintain), regardless of where the pests generate.

- 6.19 Part 2, Section 2.2 – Policy 10 states: *to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna.*

The NPSIB determines that plantation forests are an existing activity that may not be appropriate. This is perverse. Essentially the land use is being penalised for providing significant indigenous biodiversity, whereas because of the NPSIB being silent on other land uses, they are seen as appropriate as they have already modified or no indigenous vegetation and habitats of indigenous fauna.

- 6.20 Part 2, Section 2.2 – Policy 11 states: *to provide for the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity.*

The entire premise of the NPSIB is to halt the decline of indigenous species, habitats and ecosystems, yet this policy directs attention to specific areas. This highlights one of the many inconsistencies in the drafting and the intent of the NPSIB. Taken at a

landscape level, the NPSIB paves the way for all indigenous species, whether a tree in an urban garden to public conservation land to all be encompassed by the NPSIB.

- 6.21 Part 2, Section 3.5 – Resilience to Climate change. If NZ is to meet its Climate Change obligations, its least cost option is to encourage tree planting at scale. Plantation forests do provide indigenous biodiversity, however, the forests should not be captured by this section. In particular, clause 3.5 c) would apply to plantation forest as providing *connectivity between ecosystems and between existing and potential habitats...*
- 6.22 Part 3, Section 3.6 – Precautionary approach. Refer to the submission at section 6.15. There is significant uncertainty and cost with this broad reaching approach. NFL does not disagree with a precautionary approach, but the lack of information to support it and the costs to any potential land user to give effect to this implementation requirement are unknown.
- 6.23 Part 3, Section 3.7 – Social, economic and cultural wellbeing, requires local authorities to recognise.....e) *the importance of respecting and fostering the contribution of landowners as stewards and kaitiaki.*  
NFL is the landowner for approximately 35% of its plantation forest estate. The remainder of NFL's plantation forest is as a leasee of the land. That does not result in any difference of care for indigenous biodiversity in our operations. This policy should be broadened to include all land occupiers, not only the owners.
- 6.24 In the case of plantation forest, the implementation requirement is clear – 'recognise and foster the contribution'. But the NPSIB then provides for regulation for the industry, one of the few land uses that actually provides and maintains indigenous biodiversity. This is not giving effect to this implementation requirement.
- 6.25 Part 3, section 3.8 (1) contains the requirements to identify Significant Natural Areas (SNAs), using appendices 1 and 2. The Appendices are generally similar to well established criteria used in resource management plans. However, the guidance for the definitions are a significant issue, in that all indigenous vegetation and a large proportion of most plantation forests would meet one or all these criteria. If the premise of the NPSIB is to *ensure that significant biodiversity values are maintained, while allowing existing uses of land and certain activities* (He Kura Koiora I Hokia page 17), it will fail given the broad criteria in Appendices 1 & 2, particularly as only one of four criteria has to be met. Further, page 31 of He Kura Koiora I Hokia states; *SNAs represent the most iconic and highly valued indigenous biodiversity – the bar is set lower than this in the NPSIB.*
- 6.26 To illustrate this issue, in interpreting what representativeness means, the NPSIB states "*...includes commonplace indigenous vegetation and the habitats of indigenous fauna.... It includes degraded indigenous vegetation, ecosystems and habitats that are*

typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples and is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the Ecological District. It goes on to state..."has ecological integrity typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance provided species composition is typical of that type of indigenous vegetation".

- 6.27 Rarity and distinctiveness is: "...the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems". It is described as the "presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, and indigenous vegetation of ecosystems". Finally, ecological context is stated as: "the extent to which the size, shape and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity".
- 6.28 The only conclusion that can be drawn is that the NPSIB does not set out to maintain 'significant' biodiversity, but **all** indigenous biodiversity.
- 6.29 Part 3, section 3.8 (2) lists the principles and approaches for undertaking assessment and classification of SNAs. Clauses c) and f) need to be clarified. Clause c) requires that **where practical** SNAs should be verified by physical inspection. It is critical that any potential SNA is verified on the ground, and that it is subsequently correctly mapped. The physical inspection must be mandatory, to avoid significant costs to the land user / owner and local authority in correcting mistakes.
- 6.30 Clause f) states: *boundaries: an area assessed as significant indigenous vegetation and significant habitat of indigenous fauna must be determined by the extent and ecological integrity of the indigenous vegetation or habitat as whole, unaffected by artificial margins such as property boundaries.*  
This will have implications for ongoing management, cost sharing, differing priorities between different landowners and councils, costs of pest control etc.
- 6.31 There is a placeholder in the NPSIB for the identification of SNAs on Crown land and Public Conservation land. If Crown and Public Conservation land was to be surveyed for SNAs it will bring into question those that have already been surveyed on private land. Criteria such as representativeness, rarity etc would all have lower rankings on privately owned land.
- 6.32 Focussing on (and requiring private landowners to pay for) indigenous biodiversity on private land for biodiversity action may not be the best use of limited resources and time, when the adjacent public land could be providing the same indigenous biodiversity value. Until Crown and Public Conservation land is surveyed, little confidence can be had in the values of SNAs already identified. The NPSIB is for all of



New Zealand, not only for privately owned land. Potential SNAs must be surveyed and recorded across all of New Zealand, regardless of land ownership.

6.33 Part 3, section 3.10 – managing adverse effects in plantation forests, introduces the concept of PFBA's. The section states: *3.10 Managing adverse effects in plantation forests*

- (1) *Clause 3.9 does not apply to managing "plantation forest biodiversity areas".*  
[new uses]
- (2) *Within a plantation forest biodiversity area that is a significant habitat for threatened or at-risk indigenous fauna, plantation forestry activities must be managed over the course of consecutive rotations to maintain long-term populations of indigenous fauna species present.*
- (3) *Within a plantation forest biodiversity area that contains threatened or at-risk flora, the adverse effects to these flora from plantation forestry activities must be managed.*

6.34 The section seeks to make provision for plantation forest operations to continue in recognition that plantation forests do provide significant habitat for threatened or at-risk fauna or flora. However, it is poorly drafted and open to interpretation. The guidance material for this section does not help. In practice, likely impacts on plantation forests would be:

- Small forest owners would be required to permanently hold a proportion of their forest in standing crop – the forest would be devalued and subject to windthrow (and loss of habitat).
- The activity of plantation forest as a land use will become locked in – as any change from this land use will require an off-set or compensation. This grandparenting penalises the provider of indigenous biodiversity while the beneficiaries are unaffected.
- NFL's experience with interpretation is not positive, with the intent of regulations being 'forgotten' or mis-interpreted by council staff and contractors over time.

6.35 There are too many unknowns with this implementation requirement.

- At what temporal, spatial and population scale and what population density are the long-term populations of indigenous species to be maintained, noting the broad and significant implications of the word 'maintenance'.
- Plantation forest vegetation changes throughout the forest rotation cycle, with the different rotation periods providing different habitat for varying species, e.g. kārearea prefer a different landscape to Weka, but both are present in plantation forests at differing times during the forest rotation.
- Implementing effective pest control (maintenance) is difficult and cost-prohibitive when we share extensive boundaries with Public Conservation land.
- If we are tasked with managing plantation forest activities *over the course of consecutive rotations* how do we account for an adjacent forest owners harvest intentions?

- What does it mean to manage adverse effects to flora?
- 6.36 Part 3, Section 3.12 – Existing Activities in SNAs contain provisions that contradict the NESPF. 3.12 (3)(a) would not allow for plantation forest activities as any incidental damage to a flora SNA would not meet the criteria, whereas this is provided for in the NESPF.
- 6.37 Clause 3.12 (4) introduces exclusions for pastoral farming. This clause should apply to all primary land uses. It does not address the issue of loss of habitat, only considers the indigenous vegetation. The clause, as currently, drafted grandparents' agricultural systems, but should be available to all land uses.
- 6.38 Clause 3.12 (4)(b) states: *as long as the regenerating indigenous vegetation has not itself become an SNA in the time since the last clearance event, the periodic clearance of indigenous vegetation as part of a regular cycle to maintain improved pasture is unlikely to compromise the protection of SNAs or the maintenance of indigenous biodiversity.* This should equally apply to plantation forests.
- 6.39 Clause 3.12 (4)(c) iii) would apply to plantation forest activities given the definition of clearance in clause 3.12 (5). **Clearance** refers to the removal of indigenous vegetation by cutting, crushing, application of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms). Given the drafting of section 3.12, it is not clear if this provision was intended to extend to plantation forests or not. There is direct overlap with the NES-PF.
- 6.40 Part 3, Section 3.13 (1) - General rules applying outside SNAs - *Local authorities must take steps to maintain indigenous biodiversity **outside SNAs**.* There is no limit to this provision (outside SNAs) and its interpretation is unclear. The implementation of this provision will result in inconsistency throughout New Zealand and uncertainty for land users. This is in direct contrast to the intention of the NPSIB as stated on page 15 of He Kura Koiora I Hokia ...*the proposed NPSIB is intended to give consistency to councils' interpretations and application of the RMA. This will result in more consistency in councils' monitoring and management approaches, and result in better outcomes for biodiversity.*
- 6.41 Part 3, Section 3.15 – Highly mobile fauna. The provisions in this implementation method are unrealistic. By their very nature, highly mobile fauna will be present across the landscape. Mapping (survey and record) their presence or where they would be sometimes present would be a significant drain on resources. There is already recognised expertise in this area (held by the Department of Conservation and other agencies, such as Wingspan, Marlborough Falcon Trust and the Kea Conservation Trust). In accordance with the NESPF, we manage specified highly mobile fauna with guidance (e.g. Falcon Forestry Management Guidelines and Kea

Guidelines for Plantation Forestry – <https://rarespecies.nzfoa.org.nz/resources/guidelines/>). Surely this is best undertaken at a national level to avoid duplication of cost and effort and would be best served under a National Environmental Standard.

- 6.42 Part 3, Section 3.16 – Restoration and Enhancement. This implementation method appears to be drafted with a “traditional terrestrial indigenous vegetation SNA’ in mind, with only clause 3.16.4 e) being applicable to indigenous fauna.... *any national priorities for indigenous biodiversity protection*. Clause 3.16.2 in reference to clause 3.16.1 c) would identify plantation forest as providing *important connectivity or buffering functions*. To then require the plantation forest to be mapped in Regional Policy Statements and then promote restoration and enhancement of the plantation forest through planning mechanisms is untenable to NFL. Plantation forests are in the main, established to grow fibre with the expectation that at the completion of the growing cycle, the value of the crop will be realised.
- 6.43 Clause 3.16.6 provides for councils to impose ‘effective weed and animal pest control’ conditions on resource consents. This would be another example of the providers of indigenous biodiversity being required to pay for the public good. Recognition needs to be given to the ecosystem services provided by the plantation forest, not further regulation of the industry. Plantation forests should be excluded from this implementation method.
- 6.44 Part 3, Section 3.19 – Assessment of environmental effects. Under this clause, local authorities will be required to change their plans to include assessment of environmental effects relating to:
- b) *an area of indigenous vegetation; or*
  - c) *a habitat of indigenous fauna; or*
  - d) *an area identified as highly mobile fauna area (as described in clause 3.15), in which case it must include information about the use of the area by highly mobile fauna; or*
  - e) *an area providing connectivity or buffering;*
- This level of detail in an assessment of environmental effects is unprecedented and unrealistic. It will be costly and time consuming to applicants with very limited positive environmental effects. Applicants are likely to be unfavourable to the process and this will have a negative impact on their motivation to improve indigenous biodiversity. The costs of engaging in this process are purely administrative and will not result in any indigenous biodiversity gains.
- 6.45 There is an unrealistic amount of information and detail required by clause 3.19.2 as part of an assessment of environmental effects. This clause would require all applicants to engage an ecologist to try and provide the required information, much of which is scarce, unknown or beyond the expertise of many general practicing

ecologists and council staff and contractors processing resource consents and undertaking compliance monitoring. The costs to applicants would be significant.

- 6.46 Any further assessment of environmental effects should only be made against 'significant areas of indigenous vegetation' and 'significant habitat of indigenous fauna'. Plantation forest must be exempt from this implementation method.
- 6.47 Appendix 1 – Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna. Please refer to previous sections which elaborate NFL's concern with the broad and expanded definition of an SNA as compared to existing council plan criteria.  
In particular:
  - 6.47.1 Review the criteria to delete ambiguous and liberal descriptions, such as 'degraded' and 'regenerating', to clearly describe indigenous vegetation that would meet the definition of 'significant'.
  - 6.47.2 Amend Criteria D (Ecological Context) to make it clear it is intended to apply only to significant indigenous vegetation.
  - 6.47.3 Specifically exclude indigenous vegetation that regenerates within plantation forests during the growing phase - in the understory, regenerating in gaps in the productive area due to failed plantings and/or windthrow, and growing over existing roads and landings.

## **7. Proposed alternate approach to the NPSIB**

- 7.1 Amend the National Environmental Standards for Plantation Forestry to manage the environmental effects of forestry on indigenous biodiversity; or
- 7.2 Continue to manage terrestrial indigenous vegetation SNAs as currently provided for in most existing Regional and District Plans, and;  
Create a separate and fit for purpose approach for the management of 'significant habitats of indigenous fauna' (when this is not within an SNA as described above); or
- 7.3 Enable guidance resources for the management of highly mobile fauna and significant habitats of indigenous fauna to be developed by existing expertise, nationally.
- 7.4 Only resort to regulation where there is a need to regulate, not as the default.

## 8. He Kura Koiora I hokia - discussion document feedback

- Q1 Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? **In part** Why/why not?  
**Other planning mechanisms are more appropriate, i.e. recognition and support of voluntary actions and the use of National Environmental Standards. Those providing indigenous biodiversity are penalised and the beneficiaries are not impacted. Refer to our submission points above.**
- Q2 The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no, **No** why/why not?  
**Not in its current form. Refer to our submission points above.**
- Q3 Do you agree with the objectives of the proposed NPSIB? Yes/no? **In part** Why/why not? (see Part 2.1 of the proposed NPSIB).  
**There are conflicting objectives that are mutually exclusive. Refer to our submission points above.**
- Q4 Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? **Yes** Why/why not? **No comment.**
- Q5 Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. **Yes** Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity? **No comment.**
- Q6 Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not? **No comment.**
- Q7 What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain. **No comment.**
- Q8 Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no, please explain. **No comment.**
- Q9. What specific information, support or resources would help you implement the provisions in this section (section A)? **No comment.**

- Q10. 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?  
**Ground verification should be mandatory, land managers (as distinct from land owners) also need to be consulted. Refer to our submission points above.**
- Q11. Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?  
 a. territorial authorities  
 b. regional councils  
 c. a collaborative exercise between territorial authorities and regional councils.  
**Crown funded for crown land and Public Conservation land (PCL) and territorial authorities on private land. The costs of the survey on Crown land and PCL would be prohibitive for territorial authorities. Refer to our submission points above.**
- Q12. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? **No** Why/why not?  
**Refer to our submission points above.**
- Q13. Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? **No.** Why/why not?  
**Ground verification should be mandatory. Refer to our submission points above.**
- Q14. The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?  
 a. regional policy statement  
 b. regional plan  
 c. district plan  
 d. combination.  
**Only one plan to avoid duplication of effort, cost and maintenance. Refer to our submission points above.**
- Q15. We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no. What do you think is a reasonable timeframe and why? **No Comment.**
- Q16. 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) Yes/no? Why/why not? **No Comment.**

- Q17. Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? **No** Why/why not?  
**The NPSIB as drafted is unclear and unworkable. Refer to our submission points above.**
- Q18. What specific information, support or resources would help you implement the provisions in this section (section B)?  
**An exemption for plantation forest or a proposed alternate approach - refer to our submission points above.**
- Q19. Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? **No** Why/why not? (see Part 3.9 of the proposed NPSIB)  
**There is conflict between the NPSIB and the NESPF. Refer to our submission points above.**
- Q20. Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? **No** Why/why not?  
**This should be managed at a national level, not by individual territorial authorities. Refer to our submission points above.**
- Q21. Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? **No** Please explain.  
**It is too broad and should be narrowed in scope. Refer to our submission points above.**
- Q22. Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/Unclear? **No** Please explain. If no, do you have an alternative suggestion?  
**The NPSIB should only apply to high value SNAs – this is the discussed intention of the NPSIB on page 31 of He Kura Koiora I Hokoā, where it states .... *SNAs represent the most iconic and highly valued indigenous biodiversity.* Refer to our submission points above.**
- Q23. Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? **No** Why/why not?  
**Plantation forest should be exempt. Refer to our submission points above.**
- Q24. Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not? **No comment.**

- Q25. Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? **No**. Why/why not?  
**Refer to our submission points above.**
- Q26. Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? **No** Why/why not?  
**Grandparenting and inequitable. Refer to our submission points above.**
- Q27. Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? **No** Why/why not?  
**It is unclear, will result in national inconsistency and would preclude plantation forestry as a land use. Refer to our submission points above.**
- Q28. Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? **No** Why/why not?  
**The NPSIB is fraught with issues and open to interpretation, which will result in inconsistent interpretation and implementation. Refer to our submission points above.**
- Q29. Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not? **No comment**
- Q30. Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? **No** Why/why not?  
**Refer to our submission points above.**
- Q31. Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? **No** Why/why not?  
**Refer to our submission points above.**
- Q32. What is your preferred option for managing geothermal ecosystems? Please explain.
- a. Option 1
  - b. Option 2
  - c. Option 3
  - d. Or your alternative option – please provide detail.
- No comment.**



- Q33. We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not? **No comment.**
- Q34. Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the NPSIB? Yes/no? Why/why not?
- Q35. Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court decision: *Oceana Gold (New Zealand) Limited v Otago Regional Council* as a better alternative
- Q36. What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?
- More than minor residual adverse effects
  - All residual adverse effects
  - Other. Please explain
- Q37. What specific information, support or resources would help you implement the provisions in this section (section C)?  
**Recognition that plantation forests provide indigenous biodiversity and ensure that the land use is fairly treated in comparison to other land uses. Refer to our submission points above.**
- Q38. The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? **No** Why/why not?  
**Too broad - refer to our submission points above.**
- Q39. Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? **Yes** Please explain.  
**Confusion and duplication of effort and waste of scarce resources. Refer to our submission points above.**
- Q40. Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?  
**No comment.**
- Q41. Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? **No** Please explain.

**They should be voluntary and collaborative, to give effect to the NPSIB.**

Q42. Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not? **No comment.**

Q43. Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain.

**Promotion only not regulation. Already provided for under Regional Pest Management Plans (Biosecurity Act).**

Q44. Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Yes/no? Why/why not? **No comment.**

Q45. What specific information, support or resources would help you implement the provisions in this section (section D)?

**Public funding, not private landowners who have nurtured and/or provided indigenous biodiversity for the public good. Refer to our submission points above.**

Q46. Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? **Yes** Why/why not?

**If you do not monitor, then how do you determine the efficacy and cost/benefits of any intervention?**

Q47. Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPSIB. Do you agree with the requirements of this effectiveness review? Yes/no? **Yes** Why/why not?

**If you do not monitor, then how do you determine the efficacy and cost/benefits of any intervention?**

Q48. Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? **No** Why/why not? **Refer to our submission points above.**

Q49. Which option for implementation of the proposed NPSIB do you prefer? Please explain.

- a. Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years.
- b. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

**Neither given the current form of the NPSIB. Refer to our submission points above.**

Q50. Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?

**It would be logical to keep the information relevant.**

Q51. Which of the three options to identify and map SNAs on public conservation land (PCL) do you prefer? Please explain.

- a. Territorial authorities identify and map all SNAs including public conservation land
- b. Public conservation land deemed as SNAs
- c. No SNAs identified on public conservation land
- d. Other option.

**The Crown should finance the cost of surveys on PCL. Refer to our submission points above.**

Q52. What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

**The Crown should finance the cost of surveys on PCL. Refer to our submission points above.**

Q53. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not? **No comment.**

Q54. If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why /why not? **No comment.**

Q55. The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in [Section 32 Report and Cost Benefit Analysis](#). Do you think these costs and benefits are accurate? Please explain and provide examples of costs/benefits if these proposals will affect you or your work. **No.**

**Refer to our submission points above.**

Q56. Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not? **No comment.**

Q57. What specific information, support or resources would help you implement the provisions in this section (section E)?

**True costing of implementation to be recognised and accounted for, with the premise being that beneficiaries also need to fund indigenous biodiversity gains. Refer to our submission points above.**

Q58. What support in general would you require to implement the proposed NPSIB? Please detail.

- a. Guidance material
- b. Technical expertise
- c. Scientific expertise
- d. Financial support
- e. **All of above**
- d. Other (please provide details).

Q59. Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? **Yes** If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?

**Refer to our submission points above.**

Q60. Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? **Yes** Why/why not?

**Climate Change Response Act and National Environmental Standards for Plantation Forestry. Refer to our submission points above.**

Q61. Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? **No** Why/why not?

**Duplication of effort and costs. Refer to our submission points above.**

Please contact me if you have any questions.

Yours sincerely

**Heather Arnold  
For Nelson Forests Limited**