



BRIEFING TO
INCOMING MINISTERS | 2014



 **Forest & Bird**
GIVING NATURE A VOICE

HAERE MAI, WELCOME



The Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) is New Zealand's largest and oldest NGO for nature.

We are an independent, community-based, not-for-profit conservation charity, not funded by the government. We speak as a voice for nature, without fear or favour. At the same time, we aspire to and achieve good relations with all parties in Parliament. We speak and act all around New Zealand to further our goals of promoting conservation, protecting New Zealand's natural environment, and improving the lives of the people - all people - who live in nature, and depend upon it.

Since our last briefing in 2012, we've celebrated a win on our campaign to save the Mokihinui River when Meridian Energy backed down from plans to build a dam for hydro power. We've worked to secure a reserve on the Denniston Plateau and, although coal mining by Bathurst Resources will be permitted, it has been indefinitely delayed by the plummeting price of coal. We've hosted a successful major conference (Face Up to the Future, 2012), joined collaborative efforts and agreements on freshwater and the Mackenzie high country (with mixed results at implementation); and continue to help shape New Zealand's ambition to one day be 'predator-free' through the eradication of rats, stoats and possums.

In 2012 we were looking forward to the imminent introduction of the Marine Reserves Bill which has still not progressed. Oceans protection at the present time in New Zealand is almost non-existent; this briefing suggests a way forward on marine protected area network design. The decline in freshwater quality and parallel government-facilitated pressure for dairy intensification both continue. We have seen major disappointment from the National-led government on climate change response, with no apparent plans for a shift to a clean energy; and the tide going out on laws that are the foundation of our place, with radical proposals to rewrite the Resource Management Act, Crown Minerals Act reform, and weak EEZ regulation. In a new law pushed through all of its stages in Parliament under urgency within five hours, logging of West Coast conservation forests will again be permitted in the coming five years.

It's been a busy 30 months. And all the time, we've seen steady growth in Forest & Bird members and supporters towards the goal we set for ourselves in 2011 of 100,000 voices for nature by 2014.

As well as environmental protection, our priority campaigns in 2014 are about economic transformation, for our people and our place. When we speak for nature, we speak for people too - when Forest & Bird speaks, we speak for New Zealand.

A handwritten signature in black ink, appearing to read 'Hone McGregor'.











Hone McGregor
Chief Executive Officer / Kaiwhakahaere Matua

August 2014

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KEY

-  ENVIRONMENT
-  PRIMARY INDUSTRIES
-  CONSERVATION
-  ECONOMIC DEVELOPMENT
-  ENERGY AND RESOURCES
-  LINZ
-  CLIMATE CHANGE
-  JUSTICE
-  FOREIGN AFFAIRS & TRADE
-  EDUCATION



We are New Zealand's voice for nature.
We speak for our native creatures, plants and wild places, on land and at sea.

We speak for New Zealand.



ABOUT THIS BRIEFING

Following a brief introduction to Forest & Bird and our strategic plan priorities, we:

- Review the last three years: a snapshot of progress in key Ministerial portfolios
- Summarise what we know about New Zealanders and their values – the New Zealand story, of which Forest & Bird has been so much a part, which locates us in the landscape and people's hearts.

Strategic priorities for Forest & Bird in the coming three years reflect the next major steps New Zealand needs to take. In 2014 the success of our work demands something transformative: an ecological economy, powered in sustainable ways. Insatiable demand for economic growth, powered by fossil fuels and primary production that takes more than it gives back, have pushed nature and climate to the brink [part 1].

In each part of the briefing we sum up our requests of Ministers, and all political parties, in a short manifesto:

- A reliable, plentiful, affordable clean energy supply – imperative to respond to climate change [part 2]

- Oceans protection, through a marine protected area network – for collateral fisheries benefits [part 3]
- Progress on land and freshwater management, to clean up our lakes and rivers and keep them alive [part 4]
- Defending protected areas from major threats of mining, logging and predators, expanding them through stewardship land reclassification [part 5]
- Terrestrial conservation beyond protected areas – thinking in terms of networks and living landscapes [part 6]
- Work towards threatened species recovery, on land and at sea [part 7].

And last – but not least, because they are fundamental – in parts 8 to 10 of the briefing we return to other foundations on which our work is built:

- Institutions, decision-makers and processes [part 8]
- The laws that look after our place [part 9]
- Environmental education, for sowing seeds in the minds of the next generation [part 10].

FOREST AND BIRD

ISSUED BY
FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND (INCORPORATED)



ABOUT US

In 1923, when our founder Captain Val Sanderson established Forest & Bird, he wanted to help New Zealand's native forests and birds by restoring the native habitat and eradicating pests and predators on Kapiti Island.

Ninety years later we work for the protection of native species and wild places all over New Zealand: on land, in fresh water, and at sea. Our conservation work includes campaigns at national and local level; advocacy and lobbying for policy development and law reform; legal work through the Environment Court, EPA boards of inquiry, and council planning processes. Through our Kiwi Conservation Club, children aged between 3 and 13 and their families learn to enjoy, understand and love the natural environment and to actively care for it. Regionally, our field officers, branches and volunteers work on the ground, to co-ordinate and lead threatened species projects, along with restoration projects and biodiversity protection. Forest & Bird is the New Zealand BirdLife International partner, a member of the International Union for Conservation of Nature and a participant in international conservation initiatives such as the Antarctic and Southern Ocean Coalition.

Forest & Bird's strategic plan lists five priorities. Spanning all of them is a commitment to looking forward in our policy and advocacy – a commitment to thinking ahead as Captain Sanderson did, to lay foundations for a better New Zealand that is a rich and diverse living place.

Through our Kiwi Conservation Club, children aged between 3 and 13 and their families learn to enjoy, understand and love the natural environment and to actively care for it.

Our strategic plan priorities

Securing nature beyond protected areas. Biodiversity threats are often the most immediate on privately-owned land, in the places where we work and live. Increasingly, it's important for our work to design and promote strategies and initiatives that make conservation something that can happen in those places, all the time, everywhere. It means measures to protect and recover threatened species, and promote sustainable development all over New Zealand, not just on public conservation lands. And this means working with and for people, and their communities – bringing them on board.

Conservation in urban areas. Part of securing nature beyond protected areas, this priority focuses on opportunities to bring urban New Zealanders back into contact with nature and raise their awareness

of it. Campaigns such as Bird of the Year, and efforts to promote backyard conservation, are part of this priority – bringing nature back to town.

Supporting and expanding protected areas includes defending our national parks and public conservation lands from encroachment and exploitation; in recent times, it has included responding to proposals for mining and logging on public conservation and Schedule 4 lands. A major task in coming years will be to properly classify and protect stewardship land; and lobby for increased 1080 predator control, without which we'll reserve the places but lose what lives within them.

An ecologically sustainable economy. Climate change and an ecologically sustainable economy are top concerns for Forest & Bird. Unsustainable resource consumption, manifesting itself most immediately and urgently in climate change, is overwhelmingly the greatest threat that we face.

A number of our priority campaigns in 2014 are also ecological economy campaigns. None is more fundamental than the clean energy shift that is required. New Zealand needs production that integrates environmental protection, while creating jobs and wealth. The solutions exist, if the political and public will were there to implement them.

Climate change. At 0.2 per cent of global emissions New Zealand is a tiny contributor to climate change, but on a per capita basis, we are the fifth highest in the world, and still determinedly building our economy on intensive dairying and our transport structures on fossil fuels. Among the best-placed in the world to shift to 100 per cent clean renewable energy, we need an energy revolution – for the sake of our people, as well as our place.

At least in the short term, New Zealand also faces threats to biodiversity from climate change mitigation efforts – for example, through irrigation pressure on our rivers, hydro damming, and exotic (pine) forests.

FOREST & BIRD'S BRANCHES

Forest & Bird's branch structure is an important part of our presence across the country and in communities. Forest & Bird's 50 branches are active in their community: from restoration planting, weeding and predator control, to supporting and/or advising on the work of councils and the Department of Conservation on biodiversity protection in their regions. Branch projects may be on public conservation, council or private land, or include management of Forest & Bird's own reserves; branches are also strong advocates for the protection of our waterways, coastlines and the marine environment. Some of the branches' high-profile work includes protection of habitat for long-tailed bats, secure nesting sites for fairy prions, and providing important safe corridors for wildlife to return to urban areas.

THREE YEARS IN REVIEW

Conservation

In 2012 we had three top priorities for the Minister of Conservation:

- A.** Decline mining access to the Denniston Plateau.
- B.** Take steps to guarantee the protection of endangered New Zealand sea lions.
- C.** Reassess the government's approach to tenure review in the Mackenzie high country.

In 2013 mining access to the Denniston Plateau was given by the Minister, along with the necessary resource consents from the Environment Court, and mining work has begun. Forest & Bird was able to negotiate the establishment of a partial reserve area.

After a 140 per cent increase in the number of squid trawls allowed in the SQU6T fishery (which is also a sea lion feeding ground), and further sea lion deaths and population decline, work on a Threat Management Plan is under way. Meanwhile, squid fishing continues in SQU6T. Forest & Bird is calling for the sea lion-safe method of jigging only to be allowed.

Tenure review in the Mackenzie high country continues. The Mackenzie collaborative agreement now requires government action to implement.

In 2012 we also welcomed the promise of action on the Marine Reserves Bill, which has not subsequently occurred. Some new marine reserves have been established (around the sub Antarctic islands, off the West Coast and at Kaikoura) but fall dramatically short

of what is required. 2013 saw further funding cuts and major restructuring of DOC, and through the West Coast Wind-blown Timber (Conservation Lands) Act 2014, logging on public conservation land will again be allowed.

Commitments on increased 1080 funding for predator control and the decline of access through stewardship and World Heritage areas for Fiordland tunnel and monorail proposals were good decisions in the conservation portfolio in the last three years.

Environment

In 2012 our top three immediate asks of the Minister for the Environment were to:

- A.** Give effect to submissions by Forest & Bird and others on the EEZ Bill.
- B.** Take urgent action to avert the risk of irreversible damage to the Waituna Lagoon.
- C.** More resource and support for the Upper Waitaki Shared Vision Forum.

In a positive move the purpose clause of the EEZ Act was revised, but the Act remains weak and regulations passed are not only weak but likely to be unlawful – in particular, regulations permitting oil exploration and prospecting activities, including seismic surveying as of right.

Government contributed money through its Fresh Start for Freshwater fund for Waituna Lagoon remediation,

and a Waituna Partners Group was established by the regional council, but major problems continue. To address them, some land buy back or compensation initiatives for farmers will be required.

The Upper Waitaki Shared Vision Forum completed its work, in the form of the Mackenzie Agreement. As noted above, government action to support it is required.

In further major initiatives in the environment portfolio, environment reporting legislation introduced to Parliament was a step forward, but as drafted would not be independent from Ministerial influence; Ministers would set the matters to be reported on every three years. Prior to the election the most major RMA reform New Zealand has seen was temporarily shelved, with a proposal to rewrite the Act's principles.

Primary industries (including fisheries and agriculture)

In 2012 our top three immediate asks of the Minister for Primary Industries were:

- A.** The proposal to remove trawl limits threatening sea lions must not be implemented.
- B.** A best practice National Plan of Action on Seabirds should be developed in 2012.
- C.** Take urgent action to avert the risk of irreversible damage to the Waituna Lagoon.

As noted above, trawl limits were increased, to sea lions' detriment, now to be addressed by a Threat Management Plan in the coming two years. The Seabirds National Plan of Action was developed, but necessary steps have not been taken to make it work.

In 2012 we noted that good policies risk being undermined by continued support for intensification of agriculture, if this is not carefully and properly managed. That risk has become a reality in the last three years.

Energy and resources, and climate change

In 2013 our top three immediate asks of the Minister of Energy and Resources were:

- A.** Establish a comprehensive independent inquiry into the Rena incident.
- B.** Ensure that Schedule 4 undertakings are upheld.
- C.** Develop an energy strategy focused on energy efficiency and clean renewable sources.

Rena inquiries revealed New Zealand's serious lack of oil spill response capacity to cope with even a single maritime incident, let alone a major oil production spill if one were to occur. In a positive move, government has supported removal of most of the Rena wreck from the reef.

Through Crown Minerals Act reforms Schedule 4 undertakings were kept, but the Act was profoundly weakened in other ways including a change to its purpose clause.

Energy policy remains focused on fossil fuels and road transport (transport comprising around 40 per cent of New Zealand's greenhouse gas emissions), and New Zealand climate change commitments and response were weakened at both domestic and international level. This means that in practice, New Zealand remains on a business as usual path: emissions will not reduce and will continue to grow under the current policies.





*Plant eating animals in our forests
mean no forests - No forests
mean desert conditions - New
Zealand's prosperity means
your prosperity - Should
we all stand idly by?*



NEW ZEALAND. IT'S IN OUR NATURE

New Zealanders are passionate about and identify with nature. In the Department of Conservation's annual survey of conservation attitudes (2012), 69 per cent of New Zealanders, with just 8 per cent disagreeing, said that "conservation is at the heart of what it means to be a New Zealander". 73 per cent agreed or strongly agreed that conservation should be considered in all decisions about New Zealand's future. For 77 per cent, spending money on conservation was a good investment in the prosperity and wellbeing of New Zealanders.

According to a January 2014 report by Horizon Research for Fish and Game, 89 per cent of New Zealand adults relate their Kiwi identity to their natural environment, identifying the natural environment as fundamental to their perception of "what it means to be a Kiwi and what is special about New Zealand".

And significantly, in the Fish and Game survey, these are values that cross political boundaries. While Conservative, Green and MANA party voters hold this view slightly more strongly than voters for other parties, 86.8 per cent of National voters agree, as do 89.7 per cent of Labour voters and 84.8 per cent of New Zealand First voters. ACT New Zealand voters

brand. It belongs to the tourism industry (our biggest employer, and second-biggest earner), but all of our major primary produce export industries - dairy, meat and wool, wine, horticulture, forestry and fisheries - are in many cases no less reliant on our brand for their marketing than they are on natural assets like climate and freshwater for production. According to 2010 New Zealander of the Year, scientist Sir Paul Callaghan, natural heritage and clean environment are among the New Zealand assets capable of attracting the world's best thinkers and brightest minds to New Zealand, from which our economic future will be built.

New Zealanders have been environmental and social champions. Many hundreds of thousands of us said that we wanted Lake Manapouri saved (264,907 New Zealanders who signed the Manapouri petition), our indigenous forests protected, and DOC established to look after them (341,000 New Zealanders who signed the Maruia Declaration). As a country we've stood proudly as a good global citizen, known for punching well above our weight - never more so than when we campaigned for a nuclear-free New Zealand, and an end to French testing in the South Pacific. And 333,087 New Zealanders who signed up to the

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were the only group who had a significantly lower level of agreement with this view.

New Zealanders love our place. In recent New Zealand Herald reporting on a Colmar Brunton survey "What it is to be a Kiwi", the features and close proximity of our nature (landscapes, beaches, oceans, national parks) were overwhelmingly aspects of life in New Zealand about which people felt most proud.

On the other hand, those same respondents seemed perhaps to recognise that New Zealand's record on environment protection and quality isn't always all that the spin might suggest. Asked if they were proud about New Zealand's clean, green environment, only 52 per cent said that they felt proud (10 per cent at all not proud, 38 per cent in the middle). Similarly, 52 per cent were proud about marine parks (7 per cent not at all proud, 34 per cent in the middle), and 48 per cent were proud about New Zealand's protection of natural resources (10 per cent not at all proud, 40 per cent in the middle).

Internationally, nothing is more important to New Zealand's economic future than the "100% pure"

Campaign Half Million said no to nuclear power for New Zealand - making the same kind of choices that the world needs again now, for a new energy future.

So in 2014, Forest & Bird invites all political parties to step towards a future in which there are no trade-offs - because, luckily, things that are good for nature mean more jobs and economic resilience, as well as birdsong, clean rivers, all of the things that we love.

We gain a future for our children, a strong economy featuring no loss of profit for farmers, higher yields, greater premiums. According to an important piece of economic work published last year by Greenpeace New Zealand, which modelled a clean energy future compared with a fossil-fuelled one, as many as four times more local jobs will come from clean energy transformation.

We gain a rich and resilient New Zealand, with the kudos for living up to our reputation as the little country that could - a brave and clever little country that does the right thing.



1. AN ECOLOGICALLY SUSTAINABLE ECONOMY: THE FUTURE FOR OUR PEOPLE AND OUR PLACE



Forest & Bird wants all political parties to develop and implement policies that integrate protection with production - that take a comprehensive ecosystems-based networked approach and embrace bold but achievable ambitions like a predator-free New Zealand and a shift to 100 per cent renewable energy by 2050.

As an exporter of coal, heavily reliant on roads and fossil fuels, New Zealand urgently needs a swift transition to clean energy. Fossil fuels are a losing economic, as well as environmental, strategy. Mining company Bathurst Resources is struggling against the tide of the plummeting price of coal. Petrobras, which surrendered its deep sea oil drilling permits off the East Coast of the North Island, is reportedly in deep financial difficulty. Anadarko's summer exploration programme came up empty. These are industries in their dying throes, fighting for their lives and doing so at the cost of all of ours - because the damage done will be irreparable and profound.

As the world moves, sinking costs into fossil fuel investments will cost New Zealand. It's time for New Zealanders to demand a proactive political commitment to an energy revolution from their government.

As well as good energy choices, we should be taking tangible and immediate steps toward farming and fishing that don't cost the earth - that restore nature and repay with dividends. For example, no-take marine protected areas, for more and bigger fish beyond those areas; or riparian planting for cleaner water, that supports bees and birds and creates wildlife corridors.

What we want from Ministers

In the next three years:

A. Commitments backed by specific policies that set New Zealand clearly on a path towards an energy revolution in which, by 2050, we fully phase out coal, oil and gas, and rely on 100 per cent renewables for all our energy and transport needs.

- B.** An economy in which polluters pay (eg, through a carbon tax, charges on the commercial use of water, clean-up costs), in which financial costs of polluting are an effective disincentive and the "social licence" to pollute or to operate as a polluter is removed.
- C.** Removal of government subsidies that tilt the balance away from sustainability (eg, fossil fuels, irrigation).
- D.** Top priority for sustainable primary industry policies, backed by any necessary funding or legislative support. This will include addressing fisheries bycatch issues, strategies towards less intensive but more profitable methods of dairy farming, reconsidering forestry practices, and utilising and protecting our soils and native forests (eg, for carbon capture and storage). Dairy intensification should not be government-supported.
- E.** A commitment to a marine protected area network, for fisheries benefits and oceans protection.
- F.** Independent, regular, robust reporting on the state of our environment.
- G.** Dashboard measures of economic progress that include quality of life and positive or negative change on robust measures of environment quality - not just GDP.

Long term:

- H.** By 2050, "100% pure" New Zealand could be the first economy in the world fully powered by renewable energy and fuels.
- I.** All political parties committed to managing primary industries within environmental bottom lines (eg, on carbon emissions, freshwater quality, and land use change), and prioritising ecological as well as economic outcomes.
- J.** Economic policy that is integrated with the environment. An economy that goes hand in hand with environment in delivering its people enough for health and happiness, alongside unequalled quality of life.



2. CLIMATE CHANGE



In 2014 the Intergovernmental Panel on Climate Change (IPCC) published its latest reports, starkly enumerating the consequences of continuing down a carbon-intensive road for our climate and living places. For New Zealand, it included sea level rise drowning our coastal communities and low-lying main centres, wildfires, drought and flood. Carbon dioxide emissions are acidifying the oceans, with further dire consequences for ocean life. As climate changes beyond the capacity of natural systems and species to adapt, it will irreparably damage and alter ecosystems, as well as forever changing the quality of people's lives.

Although New Zealand's population is small, we are among the highest emitters of greenhouse gases per

available budget would be exceeded in 30 years. If emissions were to be reduced to zero in a straight line, they would need to reach zero no later than 2070 to remain within the budget. And secondly – a corollary of the first – phasing out coal by around 2030, and leaving proven reserves of fossil fuels in the ground.

While mitigation remains the primary and urgent goal, adaptation to meet the changes that are already afoot will be important too. Key parts of Forest & Bird's work are directed to resilient ecosystems, which will be more able to withstand climate shocks, as well as soils and forestry that can play a carbon capture role.

Official projections show that NZ's carbon pollution will continue to grow, with current policies reducing total emissions by just 0.4 per cent in 2030 compared with taking no action at all.

capita in the world, with emissions from transport, methane from dairy cows, and nitrous oxide from fertiliser use as an aid to dairy intensification – as well as exporters and users of coal.

Fellow ENGO campaigners Generation Zero, in a recent *Challenge to our Leaders* (2014) report, set out the facts: instead of aiding New Zealand's transition from fossil fuels, we have instead continued to encourage and lock in new fossil fuel production and demand. Official projections show that New Zealand's carbon pollution will continue to grow, with current policies reducing total emissions by just 0.4 per cent in 2030 compared with taking no action at all. Under current and planned policies, greenhouse gas emissions from every sector are predicted to increase through to 2030, with total emissions finishing 38 per cent above 1990 levels (the standard international reference point from which cuts are required). Rhetorically, New Zealand is committed to doing "our fair share". But in practice, the current response is virtually indistinguishable from business as usual, with no credible plan to deliver on even the weak targets to which government has currently committed.

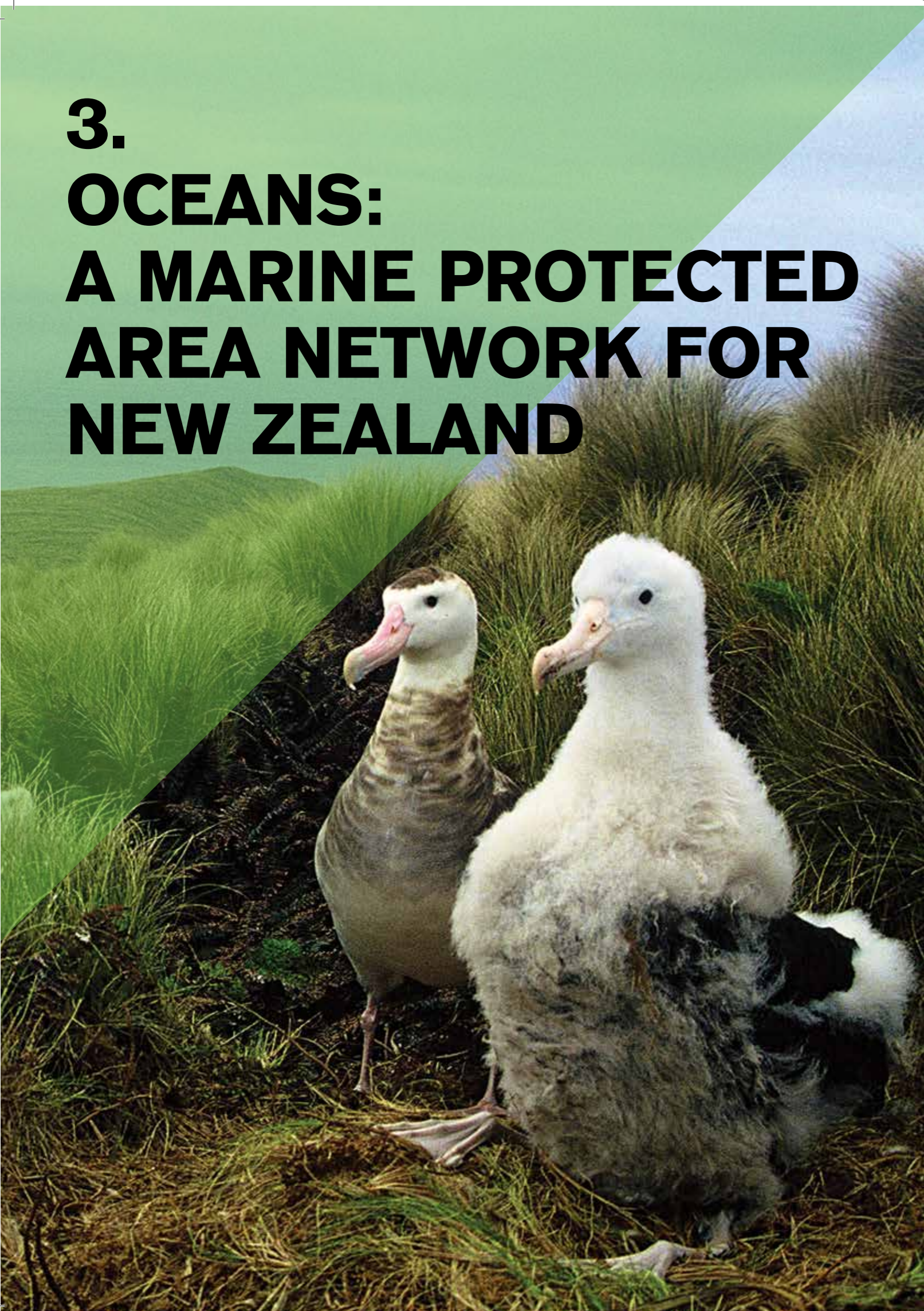
As the IPCC mitigation report and many others make clear (Greenpeace New Zealand, *The Future is Here*; Generation Zero, *Challenge to our Leaders*; Coal Action Network, *Jobs After Coal*; work from the Pure Advantage group), a shift to clean energy is 100 per cent possible, at almost zero economic cost, with many co-benefits (energy security, resilience, health). But to keep global warming under the globally-agreed safe limit of 2°C – to allow even a two-in-three probability of doing so – will require two things. First, understanding and adhering to a carbon budget. If global emissions continued at the current rate, the

What we want from Ministers

In the next three years:

- A. Emissions trading scheme (ETS) reform to put a cap on emissions and a price on carbon: either a substantial overhaul of the ETS, or abolition plus a review to identify and adopt the best (most effective, fairest) alternative carbon pricing mechanism.
- B. Policies and a commitment to a rapid clean energy transition by 2050 – starting now and backed by measurable enforceable targets.
- C. Specific and immediate policies relating to phasing out coal, starting now – no new coal, and coal abandoned by 2027 – with strategies that help coal-mining communities find better economic futures.
- D. Emissions reduction strategies for agriculture, which – rather than focusing on methane – might in the short term put more emphasis on the more damaging and easily corrected nitrous oxide.
- E. A precautionary approach to new oil and gas development. This should not be permitted to occur in isolation from a full scan of climate, other environmental and economic risks, which in turn is likely to require that oil stays in the ground.
- F. Implementation and adherence to a carbon budget, sufficient to put New Zealand on an emissions reduction path to net zero emissions from carbon by 2050.
- G. An independent Climate Commission to depoliticise climate change response policy and set targets.

3. OCEANS: A MARINE PROTECTED AREA NETWORK FOR NEW ZEALAND



New Zealanders are guardians of a large and unique marine environment, which is 23 times bigger than New Zealand's land mass, if the area covering the full continental shelf is included, and 15 times bigger in the Exclusive Economic Zone (EEZ).

We are required by our status as a party to the United Convention on the Law of the Sea to "protect and preserve" it. But with less than 1 per cent of our ocean area protected from exploitation - a drop in the ocean - our massive marine environment is under-protected and seriously threatened by over-fishing,

environmentally destructive fishing methods and the government's wish to promote deepwater oil and gas extraction.

Love our oceans or lose them

Forest & Bird wants our oceans, and rare seabirds and creatures that live in them, properly protected before it's too late. Our oceans are the last frontier: they are virtually unprotected, little is known about what's out there, yet development is racing ahead.

3.1 MARINE PROTECTED AREAS



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Most of New Zealand's marine reserves have been established individually and independently to protect local-scale marine wildlife, rather than systematically as a coherent network designed to protect national-scale biodiversity and ecosystem services. Marine reserves still cover substantially less than 1 per cent of the EEZ including the territorial seas. By contrast, around one-third of our land is public conservation land. And currently, our legislation only allows for the establishment of marine reserves within the territorial sea (out to 12 nautical miles).

The Marine Reserves Bill has been before Parliament since 2002. In 2011 the government said that it would pass new marine reserves legislation in the next three years, extending its application into the EEZ (out to 200 nautical miles), and that marine and oceans policy would be a major focus of a second term in government.

of international best practice to develop guidance and recommendations for future MPA design processes in New Zealand.

Thomas and Shears' report identified the following key principles:

- 1. Habitat.** All habitats, as well as ecosystem processes, are represented in the network.
- 2. Adequacy of habitat coverage.** Enough of each specific habitat should be included in the network to be functionally protected - either by reference to habitat-specific targets if data permits, or rigorous application of other scientifically robust design principles (eg, viable, connected, and representative).
- 3. Viability of MPA size.** MPAs should be large enough to cover the majority of species' adult movement distances, with a recommended minimum coastline length of 5-10km, preferably 10-20km. They should extend along the depth gradient from intertidal to deeper offshore waters, preferably to the 12 nautical mile limit.

There seems, at the present time, no government commitment to develop a whole-of-ocean protection strategy through an ecological network of MPAs, or understanding of why this is beneficial and necessary.

While some new marine reserves have been or will be established, there has been no publicly visible progress since 2011 on the Marine Reserves Bill.

Just as on land, no-take marine reserves are not a total response to protection of the marine environment. Robust management strategies and tools are also needed outside of protected areas. Marine spatial planning - specifically, the Hauraki Gulf marine spatial plan - is separately discussed below.

In 2013 Forest & Bird commissioned a major piece of work on marine protected area (MPA) network design. The report, *Marine Protected Area Networks: process design and ecosystem-based approaches*, independently done by marine scientists Thomas and Shears (Thomas H L & Shears N, 2013), was a review

4. Replication of habitats in MPAs. Several examples of each habitat should be included within separated MPAs. A precautionary number of replicates would be three, with two replicates being the minimum.

5. Connectivity between MPAs. The spacing between MPAs should allow larval dispersal to occur. MPAs, with similar habitats where possible, should be placed within 50-100km of each other.

There seems, at the present time, no government commitment to develop a whole-of-ocean protection strategy through an ecological network of MPAs, or understanding of why this is beneficial and necessary. The status quo - a small "representative sample" approach of reserves dotted around the coast in



some nice places or threatened species habitats – is inadequate for either marine protection or fisheries benefits.

MPAs and fisheries benefits

No-take zones are considered a critical part of any MPA network design. Although partially protected multiple-use MPAs can play an important role in protecting sensitive habitats and benthic ecosystems against particularly destructive fishing practices, such as bottom trawling, it is clear from the literature that these MPAs have limited conservation benefits compared with no-take zones.

Understanding is also growing as to how no-take zones are, or can be, assets to the fisheries industry, in an ecosystem-based approach to managing our natural resources. Designing reserves specifically for both fisheries and conservation benefits is technically possible and highly desirable.

To date almost all of our coastal marine reserves have not been designed for these purposes and the vast majority are still single isolated reserves which are neither contributing towards a meaningful network of MPAs, nor to fisheries benefits.

Other offshore economic activity: oil, mining

Less than 0.5 per cent of the ocean surrounding New Zealand is protected by no-take marine reserves. On the other hand, 99.5 per cent of our waters are open

for seabed mining and oil drilling. With less than 1 per cent of our marine environment fully protected our oceans face a massive threat. This threat is increasing with the push for oil exploration.

Oil risks it all: our oceans, the fishing sector – which is one of New Zealand’s biggest annual export earners – seabirds, dolphins, whales, marine habitats and our beaches, as well as the climate.

What we want from Ministers

In the next three years:

- A.** Understanding and buy-in of the need for an ecological network of MPAs, with steps to lay the groundwork for planning and delivering it, like passing adequate legislation and initiating national-scale marine spatial planning processes.
- B.** The above criteria for ecological integrity are met in all new marine reserve proposals and design.
- C.** MPA forums are initiated in the remaining coastal bioregions around NZ (from 0-12nm), to progress over a five-year period.

Long term:

- D.** By 2030, we want to see our oceans protected no less effectively than special places and species on land, by a well-established national-scale network of marine protected areas, which support and enhance our fisheries as well as biodiversity and marine life. Work towards this could be done by a single collaborative marine spatial plan forum, however, laying the groundwork first will be important.

3.2 A KERMADECS OCEAN SANCTUARY



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For a number of years, Forest & Bird, WWF-New Zealand and the Pew Environment Group have been working towards the establishment of a Kermadec Ocean Sanctuary. The Kermadecs are among the most pristine and special places remaining on the planet. Emergent islands as well as submarine volcanoes are part of an underwater mountain range extending from White Island to Tonga. Located about 1000 kilometres north-east of New Zealand, the islands form a chain stretching 250 kilometres. Five large islands – Raoul, Macauley, Curtis, Cheeseman, L’Esperance – and a number of smaller islets make up the group. Alongside runs the very deep Kermadec-Tonga Trench. The range of depths makes the marine life extraordinarily diverse, and internationally significant. It is New Zealand’s only sub-tropical region, with a unique mix of fauna and flora including

whales, dolphins, turtles, seabirds and large predatory fish. The waters are some of the deepest in the world (98 per cent over 1000 metres and 33 per cent over 5000 metres).

Forest & Bird is an active participant in advocacy for the Pew Environment Group’s Global Ocean Legacy proposal to set aside this whole area, which would become the second-largest no-take marine reserve in the world. This would signal New Zealand’s commitment to serious marine conservation participation internationally. It would establish 15 per cent of our EEZ as completely protected.

What we want from Ministers

In the next three years:

- A.** Establish a 620,000-square-kilometre Kermadec Ocean Sanctuary, as proposed by the Pew Environment Group.

3.3 HAURAKI GULF MARINE SPATIAL PLAN



CONSERVATION



PRIMARY INDUSTRIES



ENERGY AND RESOURCES

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Stretching from Mangawhai, north of Auckland, to Waihi on the Coromandel Peninsula, the Hauraki Gulf covers 1.2 million hectares of ocean. It is one of New Zealand’s most valued and intensively used resources for food gathering, recreation and conservation. It is also a significant economic asset, generating more than \$2.7 billion in economic activity every year, including aquaculture, fishing, tourism, shipping and ferry transport. The Hauraki Gulf is home to a rich diversity of seabirds, whales, dolphins, fisheries, and unique undersea habitats. It contains important nature sanctuaries, five marine reserves and more than 50 islands, including Kawau, Aotea/Great Barrier, Waiheke and Ahuahu/Great Mercury. In 2000, it was designated New Zealand’s first marine park, due to its national significance.

This treasure is under threat. The health of the gulf has been deteriorating and, despite current management measures, the latest reports have found that nearly all environmental indicators are either worsening or remain at already-poor levels of health. It was this on-going state of decline that led councils with support of the government to establish a Hauraki Gulf Marine Spatial Planning process (HGMSPP). This spatial planning process is the first of its kind in New Zealand and will set a precedent we wish to see implemented throughout New Zealand.

Marine spatial planning is a collaborative process that brings together all the users of the marine environment to address all users’ needs and threats, and make informed and co-ordinated decisions about how to use marine resources sustainably now while safeguarding our resources for future generations. It is a proven methodology, used around the world.

Forest & Bird is one of the stakeholders involved in the HGMSPP working group, tasked with developing this unique, world-leading marine spatial plan over the next 12 months.

What we want from Ministers

In the next three years:

- A.** Commit to fully implementing HGMSPP outcomes, including all recommendations to address the major threats to the health of the Hauraki Gulf.
- B.** Establish a process for reviewing the measurable outcomes of the planning process every five to 10 years to ensure the health of the Hauraki Gulf remains on track with on-going population growth and increasing human pressures.

Long term:

- C.** Commit to reviewing the success of this spatial plan and using it and lessons drawn from it as a precedent for future planning processes around New Zealand.

3.4 MARINE PROTECTED AREA NETWORKS BILL



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In Forest & Bird's view, basic requirements for a Marine Protected Area Networks Bill include:

- A purpose clause and title for the legislation that refer to establishment of a marine protected area network for New Zealand (not just MPAs, or marine reserves).
- Provision for the establishment of marine protected areas out beyond 12 nautical miles (not provided for in the current legislation).
- Provision for a range of different types of protection levels and mechanisms, while also recognising the importance for both fisheries and marine protection of no-take areas within an ecologically functional network and giving appropriate priority to no-take areas.
- Criteria specified for robust MPA network design, consistent with Forest & Bird's recommended criteria.
- Appropriate processes for collaborative marine spatial planning throughout New Zealand - addressed briefly but in more depth below.
- Once comprehensive MPA recommendations are made, a clear and time-limited statutory process by which those recommendations are required to be implemented.

Historically, a high level of opposition to marine reserve proposals, and the often very long and involved process to get the two Ministers responsible for approving the proposals to do so, have been key problems. Forest & Bird therefore considers that it is important for the long-term success of the MPA process that all major stakeholders are involved in making the marine spatial plan; that the collaborative stakeholders work through a robust process that should be provided for in some detail in the legislation; and that timely processes for Ministerial approval and implementation are specified in the legislation as well.

Process for recommending MPAs: conditions for success

1. The collaborative marine spatial plan forum would be tasked with developing the spatial plan proposal and would be the "applicant". Government departments and regional councils (legislative decision makers) cannot be an applicant in this process.
2. The collaborative marine spatial plan forum would be made up of a working group tasked with developing the plan, which would have:
 - a balanced and genuine representation of all stakeholders (who would nominate their

representatives through a facilitated process);

- *adequate tangata whenua representation.*
3. The collaborative marine spatial plan forum would have a project steering committee, to:
 - *provide leadership during the spatial planning process;*
 - *make recommendations to local government and other agencies on how the spatial plan can be implemented.*
 4. The collaborative marine spatial plan forum would be independently chaired.
 5. The collaborative marine spatial plan forum would be properly resourced such that:
 - *Spatial planning tools would be available (eg, sea sketch);*
 - *People are resourced to participate;*
 - *Sponsoring departments and other agencies must provide the relevant science and technical expertise, policy and administrative support;*
 - *Public engagement and input can be carried out while developing the plan.*
 6. The collaborative marine spatial plan forum would be given a reasonable and clear time frame to generate its proposal. We suggest two years.
 7. The collaborative forum must implement the Marine Protected Areas Classification, Protection Standard and Guidelines and follow the Marine Protected Areas Policy and Implementation Plan and other appropriate national planning instruments.

Process for implementation

1. Once the proposal has been agreed on by the applicant (the collaborative marine spatial plan forum), it will be submitted for public consultation for a standard period.
2. The applicant will review submissions through the collaborative process of the forum, and make adjustments to the application as necessary.
3. The application will then be sent to Minister(s) who will implement its recommendations and/or pass special legislation as soon as reasonably and practicably possible, within a time limit of two years.

Additional recommendations

The Bill should provide for the marine spatial plan to be reviewed regularly to ensure that it is meeting its management goals and long-term objectives. As part of a regular review cycle we support a generational review every 25 years.

What we want from Ministers

In the next three years:

- A. Pass a comprehensive Marine Protected Area Networks Bill, incorporating the necessary elements identified above.

3.5 MANAGING AND PROTECTING OUR OCEANS IN THE EXCLUSIVE ECONOMIC ZONE



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In 2012 Exclusive Economic Zone and continental shelf (EEZ) legislation was established for the first time in New Zealand, setting in place a resource consenting process and a regulatory framework for economic and extractive activity out in New Zealand waters beyond 12 nautical miles. New Zealand has the fifth-largest ocean environment in the world. The new EEZ Act, in terms of its intended purposes, is analogous to the functions done by the Resource Management Act on land.

In submissions on what is now the Act, and the three sets of regulations since done under it, Forest & Bird has repeatedly expressed concerns about the shape of the emerging legislation: in particular, the loose framing of the EEZ Act (no guidance for decision makers about which factors are to guide their decision, and no explicit statement of the UNCLOS obligation to protect and preserve); and loopholes in the EEZ regulations, in particular, the Permitted Activities regulations. These let prospecting, minerals exploration and seismic surveying happen as of right, and (with the exception of seismic surveying) without independent observers, making them inadequate

to protect sensitive marine environments, marine mammals and other marine species as required by UNCLOS, the United Nations Convention on the Law of the Sea.

In further Non-Notified Activities regulations, a new non-notified discretionary category of consent was established for oil exploration, meaning that public submissions on this activity are not allowed, nor is there a public hearing. The non-notification proposal assumes that the regulator, the Environmental Protection Authority (EPA), has the information needed to make robust decisions on its own initiative, and is not at risk of regulatory capture by the industry (eg through relying too heavily on the industry's own environmental impact assessments). While the EPA can seek expert advice, this relies on the EPA identifying a need to do so.

What we want from Ministers

In the next three years:

- A. An immediate, high-priority review and amendment of the EEZ Act, and review of the regulations to reassess the appropriateness of permitted activities and reconsider what is included in the non-notified discretionary category.



4. FRESHWATER, FOR LIFE



4.1 FRESHWATER QUALITY



CONTACTS

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We all rely on clean freshwater for our health and wellbeing, our economic benefit, and recreational uses - not to mention the other life in it. Half of our native freshwater fish species are listed as threatened. If present trends continue, two-thirds of them will be extinct by 2050.

In 2013 the Ministry for the Environment released indicator reports on river conditions and swimming suitability. The reports showed that 61 per cent of monitored waterways in New Zealand were of "poor" or "very poor" quality. Pre-election, figures for 2014 were not released. However:

- More than 90 per cent of our lowland rivers are polluted, with as many as 36,000 cases of waterborne disease reported each year;
- More than 44 per cent of our lakes are polluted by excessive nutrients, which cause algal growth;
- 68 per cent of native freshwater fish species are threatened;
- 68 per cent of freshwater ecosystems are also threatened;
- Groundwater nitrate levels are rising, with 39 per cent of monitored sites nationally showing increases;
- Most harbours and estuaries are choked with sediment;
- 90 per cent of our wetlands are gone.

Urban and rural pollution are both major threats to freshwater quality. But while dairy farming is not the only culprit - for example, forest clearance and "slash" can cause significant issues - a particular problem lies in dairy intensification, and increased heavy use of fertiliser. In the last 20 years there has been an 800 per cent increase in the use of artificial nitrogen fertiliser, raising the nutrient loading in many of our rivers to the point where New Zealand is in the top 10 of OECD countries for freshwater nitrate levels.

Using models from Motu (Economic and Public Policy Research) and NIWA (National Institute of Water and Atmospheric Research), PCE Dr Jan Wright's report *Water Quality in New Zealand* (2013) looks at the huge growth in cow numbers over the past decade, and further growth in cow numbers that is forecast as the government works to double agricultural exports by 2025. The report spells out why, if a freshwater crisis is to be averted, we need practical and policy interventions. If an urgent change of approach on dairy expansion and intensification isn't taken, we will continue to see an on-going deterioration in water

quality in many catchments across the country, particularly in Canterbury and Southland.

Continued government support for intensification of agriculture has undermined the effect of good but highly costly government clean-up initiatives such as Te Waihora Lake Ellesmere. Forest & Bird is profoundly concerned with systemic interference or changes that permanently shift the regulatory balance in the longer term, far outweighing any benefit of individual good decisions. These include:

- *The inadequacy of the National Objectives Framework for freshwater quality, which sets acceptable minimum standards for nitrates at levels toxic to aquatic life, considers that wading and boating (as opposed to swimming and drinking) are adequate standards for freshwater quality, and will allow freshwater quality to continue to decline.*
- *Intervention in Canterbury democracy for freshwater management objectives, by sacking the regional council Environment Canterbury, and installing temporary commissioners, then extending their term for a further three years.*
- *Proposed RMA changes, temporarily shelved until after the election, which would weaken freshwater and environmental protection through drafting changes to section 6 and 7.*

As with emissions trading, the government to date has preferred to put the burden of environmental clean-up on to taxpayers, rather than polluters. It is taxpayers who are funding a significant proportion of freshwater clean-up, and covering the cost of non-economic irrigation proposals for farmers.

WETLANDS: NOT JUST 'SWAMPS'

In all, 90 per cent of New Zealand's former wetlands have vanished although, for farmland and communities as well as wildlife, their values are significant.

Wetlands protect land from flood damage: they trap water and absorb it like a sponge for later slow release, and play a critical role in recharging groundwater aquifers, and maintaining stream flows during dry spells. Wetland vegetation takes dirty water and cleans it for us, free of charge, by trapping fine sediment and pollutants. Wetlands trap, store, process and recycle nutrients in soil and water including nitrogen, sulphur, and phosphorus. And last but not least, they support rich wildlife, in one of the most biologically-rich environments that we have - around 30 per cent of our native birds are wetland species.

What we want from Ministers

In the next three years:

- A. Respect and fully implement freshwater collaborative process outcomes, and restore water management in Canterbury to democratically-elected representatives.
- B. Remove the \$400 million Irrigation Acceleration Fund. It is inappropriate for government to support and subsidise new dairy irrigation (eg, Ruataniwha, Wairarapa, Canterbury), given its environmental and public cost, and the lack of an economic case for many of these projects as indicated by commercial investment decisions.
- C. No more fast-tracking of dairy dams.
- D. We need a price on water for commercial use. Those who use a public good – water – to make a private profit should pay for it by a resource rental. Some or all of that revenue could be redirected towards freshwater cleanup and prevention initiatives such as riparian planting.
- E. Rectify inadequacies of the proposed National

Objectives Framework for freshwater quality. Life-supporting capacity of water must be maintained, the decline in water quality halted, and sub-standard water bodies restored.

- F. Manage water and land together, which may include limits on land use change, or strengthening protection for indigenous ecosystems (riparian planting, wetlands, high country drylands).
- G. Immediate policies for urgent proactive management of water quality in catchments that are over or close to the NOF bottom lines – for example, by requiring resource consents for intensification, or policies to promote and support destocking in cases where this is required.
- H. We need to protect our special rivers and lakes. Proposals by the New Zealand Conservation Authority (NZCA) are further discussed below.

Long term:

- I. New Zealanders want water that we can drink, and rivers, lakes and wetlands that support all life that depends on them, in which we can fish and swim.

4.2 PROTECTION OF OUR WILD AND OTHER RIVERS

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Forest & Bird supports renewable energy. However, our remaining wild and braided rivers are a scarce and non-renewable resource. Once a river is converted to a hydro dam, its wild character is gone.

There should be no more dams on wild or braided rivers in New Zealand.

In 2011 an NZCA report, *Protecting New Zealand's Rivers*, concluded that New Zealand rivers in general are under increasing pressure from development and intensive agriculture. There has been a failure by successive governments to protect them from pollution, water extraction and development. While New Zealand has a network of national parks and reserves to permanently protect the best of our landscapes we have no similar system for permanently protecting the best of our rivers.

Water conservation orders, under the Resource Management Act, were supposed to do this. However, they are like regulations: applications are processed by the Minister (supported by a Special Tribunal and Environment Court), then gazetted, and can be revoked by the same method. This is in contrast to the National Parks Act, which can only be amended by an Act of Parliament. And in practice, the NZCA concluded that they have not been effectively used in protecting a representative range of rivers.

The NZCA feared that if steps are not taken to protect our best rivers we will lose them. It urged that “the time to act is now”. It recommended:

- *That a representative network of protected rivers should be established. This would provide an equivalent to our national park system, but for rivers.*
- *More attention and resources must be directed to protecting rivers. A government agency should be given the responsibility to protect them.*
- *The balance between use, development and protection of rivers needs to be corrected by increasing the emphasis upon protection, relative to use and development.*
- *Changes to water conservation order law and practice under the Resource Management Act are needed to address the above issues.*

The Land and Water Forum (LWF) too, has since recommended that “Provisions for Water Conservation Orders should be amended to achieve an integrated management approach including land use.”

In our view, the NZCA and the LWF recommendations have merit and must now be implemented. The responsibility should formally be taken on by a properly-resourced government agency. The obvious government agency to do this would be the Department of Conservation.

What we want from Ministers

In the next three years:

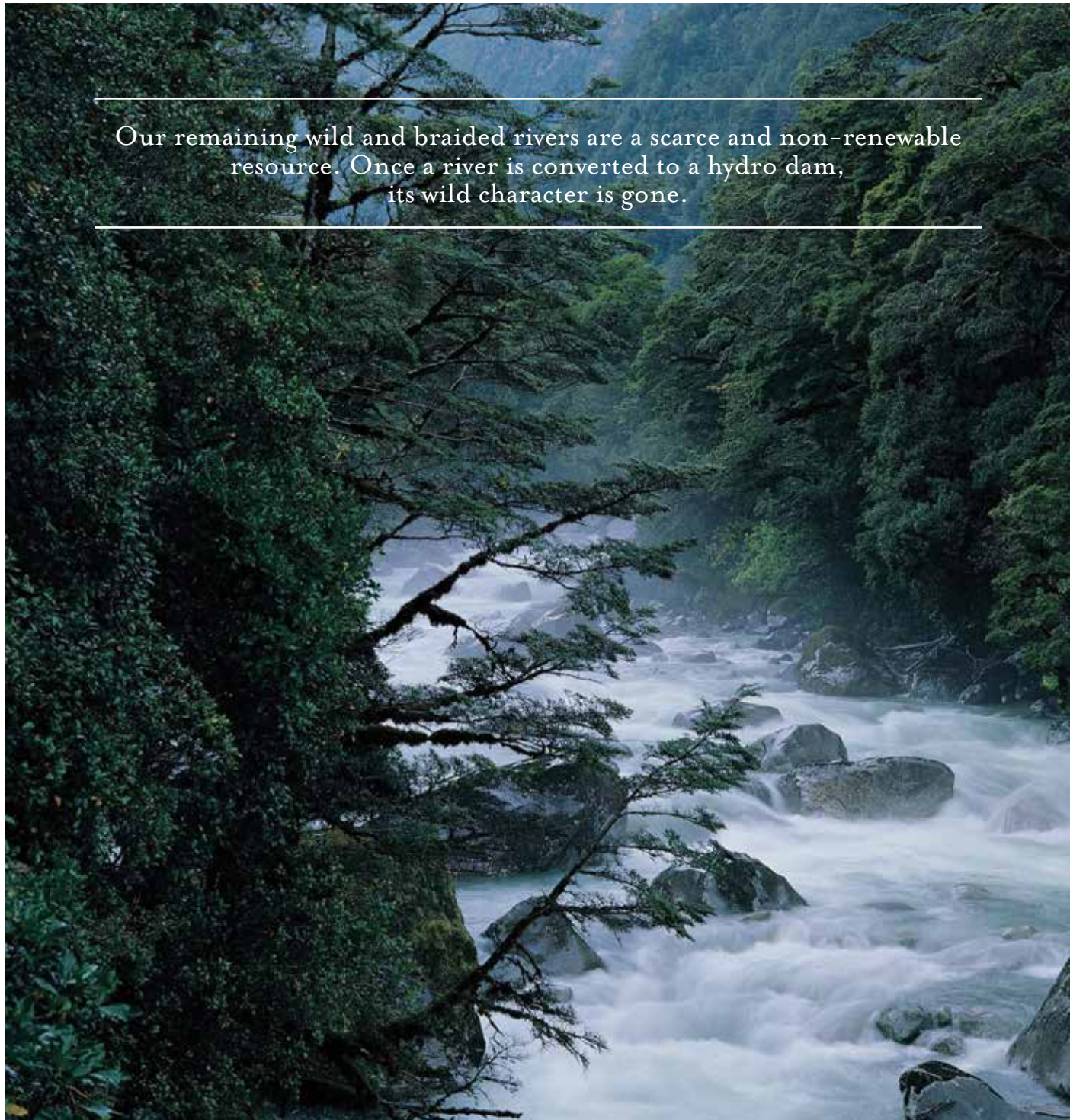
- A. Review and implement NZCA and LWF conclusions on river protection. In particular a government agency should be given the responsibility to protect rivers. Changes to water conservation order law and practice under the RMA should be approached with care, but some are likely to be needed to address the issues identified.
- B. Although the NZCA recommendations related to rivers, the report's recommendations are equally valid for other water bodies, such as lakes, wetlands, aquifers and estuaries. In our view, there may be merit in extending provision for water conservation orders to all freshwater bodies.

C. There should be no more dams on wild or braided rivers in New Zealand.

D. New Zealand's database of water bodies of national importance ranks the Mokihinui seventh for its natural values. In 2014, as a part of our call for a stewardship land review, we are calling for the Mokihinui River catchment and surrounds to be properly protected, by extending the boundaries of Kahurangi National Park to include it.

Long term:

E. A network of protected rivers that, like our national parks, has strong statutory backing and protection and is the specific responsibility of a government agency.



Our remaining wild and braided rivers are a scarce and non-renewable resource. Once a river is converted to a hydro dam, its wild character is gone.



5. PUBLIC CONSERVATION LAND AND STEWARDSHIP LAND

5.1 EXPLOITATION OF PUBLIC CONSERVATION LANDS

CROWN MINERALS ACT REFORMS



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In 2013 the Crown Minerals Act was substantially weakened by amendments including a significant change to the purpose clause of the Act, to “promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand ...”. Other amendments provided for the Minister of Energy and Resources to make decisions jointly with the Conservation Minister about mining access to public conservation land, and added a new “economic benefits” factor to the relevant considerations for access decision-making.

Culminating most recently in the oil and gas sector Block Offer 2014, the escalation of mining and mineral exploration activity on public conservation land is a significant concern. It includes many high-value areas, for example: South Island areas around Kahurangi and down the West Coast previously protected from native forest logging, and North Island areas including Northland’s Russell Forest, and the Ruahine Forest Park. DOC access and resource consents have been granted for coal mining of the Escarpment of the Denniston Plateau, with future consents likely to be sought in other parts of the plateau.

Culminating most recently in the oil and gas sector Block Offer 2014, the escalation of mining and mineral exploration activity on public conservation land is a significant concern.

In addition to a general policy of no mining on public conservation land, we consider that there now needs

to be a wider review of the Crown Minerals Act – not only to undo harmful changes, but to make sure that the Act is fit for purpose.

What we want from Ministers

In the next three years:

- A.** The Crown Minerals Act is the mining equivalent of the Resource Management Act, but without being subject to the RMA’s overall purpose and principles. It may be opportune to reconsider the justification for dealing with mining legislation separately, and/or consider the need for any revision for closer alignment with the RMA.
- B.** The purpose clause requires re-amendment, to provide that “The purpose of this Act is to manage [or to regulate, but not promote] prospecting for, exploration for, and mining of Crown-owned minerals for the benefit of New Zealand.”
- C.** Should mining permission on public conservation land ever be sought or given, it should be dealt with on the same terms as other concessions on public conservation land. As noted above, Forest & Bird’s general policy is that this should not occur.
- D.** On access decision-making, the former position should be reinstated. The Minister of Conservation should be responsible for this decision, as the land-holding Minister, subject to the purposes for which that land is held.
- E.** The scope of Schedule 4 should be reviewed, to consider whether/which omitted categories such as marine mammal sanctuaries and World Heritage areas should be included as Schedule 4 areas.
- F.** No area or class of areas should be removed from Schedule 4 without an Act of Parliament.

WEST COAST WIND-BLOWN TIMBER (CONSERVATION LANDS) BILL AND NATIVE FOREST LOGGING



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Within 5 hours on an afternoon in June 2014, the West Coast Wind-blown Timber (Conservation Lands) Bill progressed through all of its stages in Parliament under urgency, with no opportunity for public comment or submissions.

The Bill reopens the door after a 27-year respite to native timber logging on conservation land. While purporting to be an emergency exception dealing with windthrown trees from Cyclone Ita, the Conservation Minister subsequently indicated to Forest & Bird’s annual general meeting that this kind of logging precedent could be normalised and reinstated.

In a healthy forest, a dead tree is just as important as a living one. The fallen trees have an important ecological function. They nurture seedlings, they create a home for insects and critters, and they help to create a nutrient-rich soil, recycling the nutrients and energy formerly taken up by the tree during its life.

This land to which the new law applies was hard fought for in the 1980s. It was eventually protected from any form of logging as conservation land. The West Coast region received \$120 million of compensation by taxpayers when all logging was stopped on public land. This legislation turns back the clock.

It will also have unanticipated negative consequences. The new law overrides key environmental safeguards within the Resource Management Act. Getting access to windfall timber will involve roads, heavy machinery, soil churn and compaction, and the introduction of weeds. The new law permits the Director-General of

Conservation to authorise the extraction of “dying” as well as dead native trees. “Dying” is a very loose term and includes trees that are thought likely to die as a consequence of cyclone damage. In the past, this loose category was used by the Forest Service to extract mature healthy trees under the pretext that they were “dying”.

There was no need for the government to rush through this legislation in a single day, without public submissions and select committee scrutiny.

What we want from Ministers

Immediately:

- A. Immediately repeal the West Coast Wind-blown Timber (Conservation Lands) Act. Under no circumstances should the application of this law be extended. Meanwhile, the logging operations that are occurring will require careful scrutiny.

in stewardship limbo. Developers have tried, and in the Denniston case succeeded, to get consent for highly damaging projects in areas of the highest conservation value. Home to the largest single standing remnant of the last 1 per cent of kauri forest, Northland’s Russell Forest is now in prospect for its lead, copper, silver, gold and zinc mining possibilities. In the Bay of Plenty, the Otawa Forest is home to New Zealand’s rarest Hochstetter’s frog. Until a mining permit was recently revoked, a quarry operating there for many years did significant damage to the frogs’ habitat.

Other development threats to stewardship land include: public-private partnership roads (Haast to Hollyford), the recently unsuccessful tourist monorail proposal through Fiordland’s Snowden Forest, hydro dams (West Coast), oil and gas exploration tenders affecting multiple significant sites, and land swaps for economic development (for example, land given to dairy and mining investor Shanghai Pengxin).

Home to the largest single standing remnant of the last 1 per cent of kauri forest, Northland’s Russell Forest is now in prospect for its lead, copper, silver, gold and zinc mining possibilities.

These threats exist because of the land’s poorly protected status. In 2013, Parliamentary Commissioner for the Environment Dr Jan Wright found that stewardship land has the weakest protection. Unlike any other public conservation land, it can be swapped or traded for other land by DOC, sending a signal to developers that it is “open for business”. Even eventually unsuccessful applications – Mokihinui and

the monorail being prime examples – cost time and expense, inflict damage to community relationships, and come with wider social cost.

What we want from Ministers

In the next three years:

- A. An urgent commencement, prioritisation and resourcing of the review of stewardship land, with a moratorium on development applications in the meantime.
- B. Two areas of stewardship land in particular, whose values are well understood in consequence of recent proposals to destroy them, should not be deferred for the general review: the Mokihinui River Gorge and catchment area, and the Denniston Plateau.
- C. Extend the boundaries of the Kahurangi National Park to include the Mokihinui River gorge and the catchment area.
- D. Protect parts of the Denniston Plateau, Stockton Plateau, Upper Waimangaroa Valley and Mt William Range (including both public conservation and other Crown land) currently free of mining activity within an ecologically viable reserve under Schedule 4 of the Crown Minerals Act.
- E. While we welcome the reclassification process recently undertaken for Great Barrier Island, we consider that its values warrant higher protection than the conservation park status that it has been given. It should be given national park status.

Long term:

- F. Within the next five years, all stewardship land is reviewed, reclassified and properly protected, as a matter of priority.

5.2 STEWARDSHIP LAND REVIEW AND RECLASSIFICATION



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The Department of Conservation, and the conservation estate as we presently know it, were established in 1987. 2.8 million hectares of public conservation land was dubbed “stewardship land”, pending a review that would see it all properly allocated to other conservation categories. The stewardship land category covers one-third of the conservation estate and 9 per cent of New Zealand’s

total land area.

A comprehensive review of the classification of the land was supposed to be completed within three years. Nearly 25 years later, it has not been started. Review and reclassification of conservation land in the stewardship category is a key outcome for Forest & Bird, relevant to our defending and expanding protected areas strategic priority.

Both the Denniston Plateau and the Mokihinui River Gorge are examples of iconic places, with exceptionally high, perhaps unique natural values,



6. LIVING LANDSCAPES



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“The environment” isn’t in a separate place; it’s part of our lives. This is why Forest & Bird is working to restore and protect living ecosystems, creatures and their habitat all over the country – not just in protected areas. Private lands are among the places of most severe and immediate threat to biodiversity and key threatened species – affecting lowland bioregions and ecologies in particular, as opposed to our mountain country of which large parts are protected in New Zealand.

Around one-third of New Zealand is in public conservation land. On the whole, however, protected areas are not joined up ecologically. In this regard New Zealand contrasts poorly with, for example, the Netherlands – which enjoys a government-led, government-funded commitment to give 17.5 per cent of land back to nature, by establishing a Dutch National Ecological Network joined up by wildlife corridors and crossings. In one of Europe’s most densely populated countries, a country one-sixth the size of New Zealand with four times our population, this is a vision that seems to have sold politically.

Forest & Bird has embarked on landscape-scale local projects in the North Island in particular. Long term, we want to make whole living landscapes and bioregions wildlife-rich and ecologically alive.

Around one-third of New Zealand is in public conservation land. On the whole, however, protected areas are not joined up ecologically.

For example, the North-West Wildlink spans Auckland west to east, establishing wildlife corridors to join up habitats and communities from the Waitakere Ranges to the islands of the Hauraki Gulf. The Kaimai Connection project links the Tauranga Harbour all the way across the Kaimai Ranges and the forest park to the Waikato. Forest & Bird has instigated a New Zealand pilot Land for Wildlife project which helps private landowners, in a wholly voluntary way, to make their land and gardens wildlife-friendly places. In Australia, where Land for Wildlife began, maps now show a mosaic of spreading green Land for Wildlife dots, beginning to cluster in ways that make sense, fanning out from forested areas, across non-forested ground.

Ark in the Park, an unfenced sanctuary, is another example of a Forest & Bird-led project, breaking down the boundaries between conservation land and living spaces.

What we want from Ministers

In the next three years:

- A.** Develop support and strategies for biodiversity and habitat protection on private land. Policies and initiatives designed to support and encourage private landowners would be welcome.
- B.** Undertake a comprehensive review of the Biodiversity Strategy 2000, updating and checking progress on the findings of the 2005 review, as well as more generally. The 2005 review identified a number of areas where progress was lagging, and specifically called for the addition of a new objective related to climate change impacts on biodiversity.
- C.** Approve a comprehensive National Policy Statement on indigenous biodiversity, in which the importance of biodiversity protection on private as well as public lands is recognised.

Long term:

- D.** A government-supported commitment and strategy towards establishing an ecological terrestrial network of protected and semi-protected places, all over New Zealand – in the places where we work and live.

ARK IN THE PARK

Ark in the Park is a 2100-hectare open sanctuary in the Waitakere Ranges Regional Park. Run in partnership between Forest & Bird and Auckland Council, supported by Te Kawerau a Maki, volunteers and staff undertake weed and pest control and have reintroduced native species once found in this area including North Island robins, stitchbirds, kokako and whiteheads. Just 30 minutes’ drive from central Auckland, Ark in the Park is giving Aucklanders the chance to be involved in meaningful hands-on conservation while experiencing a wild landscape that is home to rare native species and ancient original forest trees.

6.1 THE SOUTH ISLAND HIGH COUNTRY: KEEPING THE MACKENZIE BROWN



ENVIRONMENT



LINZ



PRIMARY
INDUSTRIES

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Over one million tourists visit the South Island high country each year. Tourism in the Mackenzie Country alone is worth \$4 billion to the economy, and employs 28.8 per cent of the local population, as many as agriculture, forestry and fishing combined. The Mackenzie is home to 68 rare and threatened plant species, including adult black stilts (kaki), of which there are only 93 left in the wild in the world. The Environment Court has recently agreed that it is being inadequately protected and managed through district planning rules.

There are two major threats. The first is privatisation through tenure review. From this follows subdivision and the second major threat: land use changes such as cultivation and irrigation, for dairying and other intensive agribusiness.

Over many generations, family leaseholders have grazed sheep and beef on Crown-owned high-

country stations, with some environmental damage, but low, by comparison with the present threats. This was primarily because of the terms of the Crown Pastoral Land Act. No changes in land use could be made without approval from the Commissioner of Crown Lands, and consent to activities such as clearing, cropping, top dressing, sowing and earth works was required. Priority is supposed to be given under the Act to ecological sustainability and protection of the values of the high country, in the management of Crown lands, and decision-making on tenure review.

The Parliamentary Commissioner for the Environment has reported on why the tenure review process is not working effectively to protect this threatened environment. There has been a tendency to retain for conservation purposes the higher country, releasing the more productive lower ground, which is also the most threatened, because it is suitable for other land uses. The Department of Conservation is insufficiently resourced and supported to purchase and manage the land.

When a piece of land is under freehold title it can then be subdivided and developed into intensive cropping such as viticulture, for example, or intensively

irrigated, turning the brown country green, and extinguishing species that belong in the dry climate.

The Mackenzie Agreement

The Mackenzie Agreement was the result of a collaborative forum that set out to consider how the natural values of the Mackenzie Basin could

The Mackenzie Agreement requires support from the government. Since the launching of the agreement there has been no public response from the government: nothing has happened.

be protected whilst allowing for appropriate and sustainable ongoing development. Forest & Bird along with many others, including conservation, community, agriculture and tourism interests, spent many hours and committed considerable resources into coming to an agreement that was acceptable to everyone.

The agreement requires in the first instance support from the government. Since the launching of the agreement there has been no public response from the government: nothing has happened.

The need for protection is now urgent. We continue to see significant loss of the outstanding landscape, the legibility of the important geological features and the high number of endemic and threatened animal and plant species associated with the basin. Loss has been exacerbated by the National-led government's tenure review policy. This has resulted in large areas of land with significant inherent values being freeholded (and intensified) with small areas placed under covenant agreements and little being returned to the Crown and managed by DOC for its ecological, landscape and recreational values.

What we want from Ministers

Immediately:

A. Government action and support to implement the collaborative outcome of the Mackenzie Agreement.

In the next three years:

B. A review of tenure review practice and policy in the high country, to assess whether the objectives of the Crown Pastoral Land Act are being met, and consider alternative options. A moratorium on tenure review in the meantime.

C. A Mackenzie drylands park in the northern part of the basin (ie, implementation of the 100,000ha protection envisaged by the Mackenzie Agreement).





7. THREATENED SPECIES PROTECTION

Forest & Bird participates in the recovery programmes of key threatened species including; kiwi, kakapo, kokako,

whio, fairy terns, and NZ's only terrestrial mammal, short- and long-tailed bats.

7.1 A PREDATOR-FREE NEW ZEALAND



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Introduced mammals including possums, rats, stoats, feral cats, pigs, goats and deer are destroying our forests and birdlife. Some eat eggs and chicks, some kill adults on nests and others disrupt forest regeneration and eat the plants and insects that the birds feed on.

In 1960 the Auckland branch of Forest & Bird used a 5-pound grant from the Department of Internal Affairs to buy rat poison to control rats that were preying on storm petrels nesting on the 1-hectare Maria Island in the Hauraki Gulf. Follow-up visits proved that they had achieved a world first: they had eradicated the rats from the island.

This success sparked a process that has had huge conservation benefits, both in New Zealand and overseas. Every decade since 1960 the size of the largest island from which we have been able to successfully eradicate rats has increased by a factor of 10. Last decade, the largest island was the sub-Antarctic Campbell Island, which is 11,000ha. Plans are currently well advanced for eradicating rats from Stewart Island, which is 170,000ha.

Serious planning has begun on continuing these historic increases. Forest & Bird is part of Predator-Free New Zealand, which is a multi-stakeholder group that is working to eradicate introduced predators (all rodents, mustelids and possums) from the mainland of New Zealand by 2040.

1080 predator control

As the Parliamentary Commissioner for the Environment made clear in her report, *Evaluating the Use of 1080: Predators, Poisons and Silent Forests* (2011), the biggest and most immediate risk to our natural heritage – our forests, and the birdlife in them – is introduced predators: possums, rats and stoats. She said that “We do not have the luxury of time” and “without active management many of our iconic species are in danger of extinction”. Contrary to expectations about the arguments being finely balanced, she found that there were not good arguments against 1080's use. While 1080 is the cause of some mortality among native species, the net gains from its use far outweigh these losses.

In recent years, predator-free offshore islands have helped the populations of endangered species to bounce back in those places. However, to stop further decline of bird numbers and inevitable extinctions, we need widespread and effective predator control on the mainland.

While there are trials of other methods, such as self-resetting traps, and predator-proof fencing such as at Zealandia and Cape Sanctuary, 1080 is the most cost-effective option available at the present time, particularly when carrying out landscape-scale pest control. In many areas with remote or difficult terrain, 1080 is the only method available.

New Zealand uses more 1080 than other countries because we need to control the damage done by introduced mammalian pests and do not have the native land mammals at risk of poisoning that have led to restrictions on the use of 1080 elsewhere. The amount of 1080 deployed is a minute fraction of the quantity of other toxic pesticides applied in New Zealand.

Changes continue to be made to application methods and the baits themselves to minimise accidental deaths of native species. While some deaths continue to occur, the reduced predation and forest destruction that follows successful 1080 operations produces a significant positive net effect.

What we want from Ministers

In the next three years:

- A.** Establish the 2014 mast year level of 1080 predator control as a baseline, and fund it separately, not from DOC's present operational budget.
- B.** Budget to increase the area of DOC aerial 1080 pest control by 100,000ha every year for the next decade.
- C.** The conservation, economic and public health benefits of achieving predator-free status would be significant. To achieve this goal the government should commit to double the spending on research for pest eradication technologies.

Long term:

- D.** Government support for a 'predator-free' New Zealand by 2040, in which rodents, mustelids and stoats have been eliminated, so we can bring back our native birds.

7.2 KAURI DIEBACK DISEASE



CONTACTS

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To date the government response to kauri dieback has been fragmented and poorly integrated. Forest & Bird has been concerned by the lack of biosecurity measures in many regions with kauri forests.

The recently announced budget increase for dealing with kauri dieback was welcome. However, we have concerns

that the additional \$25 million may not be new money but a reallocation of the existing DOC track upgrade budget. If it is DOC money, there will be concern about whether it is available to fund measures on non-DOC land.

What we want from Ministers

In the next three years:

- A. Ensure that central and local government co-ordinate their biosecurity measures so that they are fully

7.3 SEABIRD PROTECTION



CONTACT

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85 species of seabirds breed in New Zealand. 42 per cent of these are endemic, breeding nowhere else. New Zealand holds the honorary title of seabird capital of the world.

As a party to the United Nations Convention on the Law of the Sea and the Convention on Biodiversity, we have global undertakings and obligations to protect seabirds. Key aspects of Forest & Bird's work include:

Important Bird Areas for Seabirds

For the first time the globally important sites in NZ for seabirds have been identified in three online reports and a published summary document, *New Zealand Seabirds: Important Bird Areas and Conservation* (Forest & Bird, 2014). These areas are the critical places for New Zealand seabirds, and ensuring their ongoing protection from a range of threats on land and at sea will be necessary to ensure their survival. All national, regional and local planning documents under any legislation that affects the environment should recognise these areas and provide for their protection. An important example, where there is an immediate opportunity to make progress in this regard, is the Auckland Unitary Plan.

7.4 THREATENED MARINE MAMMALS



Maui's and Hector's dolphins

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Hector's and Maui's dolphins are the smallest and rarest in the world, and are found nowhere else in the world. South Island Hector's dolphins are endangered and at risk of further decline. North Island Maui's dolphins (a sub-species of Hector's) are nationally critical and on the brink of extinction.

It is estimated that just 55 individual Maui's dolphins over the age of one year remain and, at the current estimated

implemented in all kauri areas.

- B. Provide financial assistance to regional councils so that they have the resources to carry out functions in preventing further spread of the disease.
- C. Increase the funding of research into preventing the spread of, and treating trees infected with, kauri dieback.
- D. Funding increases and financial assistance to be new money, not reallocated from existing budgets.

National Plan of Action for Seabirds

The National Plan of Action for seabirds (NPOA-S) was released in April 2013, establishing a framework within which effective measures to combat seabird bycatch could be implemented. While the science work establishing the ongoing risk to 70 species of seabirds has been progressing well, in practice the policy framework has been slow to deliver specific measurable objectives and targets to reduce seabird bycatch. This slow pace is jeopardising the ability of the NPOA-S to achieve its high-level goals and objectives within the five-year time frame, and in consequence, is continuing to put our seabirds at risk. Several species are at very high risk, and several more at high risk from New Zealand commercial fisheries practices. Unless we urgently establish effective targets and implementation programs for reduction of bycatch we may yet see the extinction or close to it of albatross and petrel species.

What we want from Ministers

In the next three years:

- A. Steps to give full effect to the seabirds' National Plan of Action, by urgently establishing effective targets, specific measurable objectives and implementation programmes for reduction of seabird bycatch.
- B. All national, regional and local planning documents under any legislation that affects the environment should recognise Important Seabird Areas, and provide for their protection.

rate of decline, these dolphins are likely to go extinct. They are particularly vulnerable to decline from human-induced threats, like fishing (which accounts for 99.5 per cent of threats), because they prefer shallow waters less than 100m deep, their lifespan is relatively short (estimated just 22-30 years) and they are relatively late and slow breeders (females mature between 7-9 years and have one calf every 2-3 years).

At the end of November 2013, the final decision on the draft Maui's Threat Management Plan was announced. While a step in the right direction, the measures fall short of what is needed to save Maui's dolphins from extinction because they fail to secure and protect their entire known

range from all threats, including marine mining and seismic surveying as well as fishing.

Forest & Bird is calling for full protection from all threats to the dolphins to be extended from Maunganui Bluff in the north to the Whanganui River mouth in the south, including all five harbours along the west coast of the North Island, and extending offshore to the 100m depth contour or at a minimum to 20 nautical miles. In June 2014 the need for "immediate management actions that will eliminate bycatch of Maui's dolphins", in the same terms as that sought by Forest & Bird, was reiterated by the International Whaling Commission (IWC).

What we want from Ministers

Immediately:

- A. Full protection from all threats to Maui's dolphins for the full extent of their known range.

In the next three years:

- B. Government-led support to help fishers transition to more sustainable fishing methods that can be used within this protected area.

New Zealand sea lions

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New Zealand sea lions are the rarest in the world and classified as nationally critical. Since 1998 there has been approximately a 50 per cent decrease in pup production and, at the current rate of bycatch, New Zealand sea lions could be functionally extinct in 20 years. 99 per cent of New Zealand sea lion breeding and feeding happens around the sub-Antarctic islands.

While there are several suggested factors contributing to this population decline, fishing is believed to be a key threat. The sub-Antarctic squid trawl fishery coincides with the sea lion breeding season and overlaps with foraging areas around the Auckland Islands and Campbell Island. The industry and government have responded by adopting the use of SLEDs (sea lion exclusion devices)

7.5 WILDLIFE ACT REFORM



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The whole Wildlife Act is out of date, and requires reform. It has significant gaps compared with best practice models in Australia and the United States.

For example, in the United States, concurrent with a determination that a species is endangered or threatened, habitat for protection must be designated (facilitated by a land acquisition power), regulations must be drafted to provide for the species' conservation, and recovery plans must be developed and implemented. There is, therefore, equal emphasis on habitat protection and species recovery, and an integrated approach to the two.

in trawl nets.

In 2012 SLEDs were judged by the government to be "highly efficient" and, in consequence, the total squid fishing effort was permitted to increase by 140 per cent. This now appears to have had a major adverse impact on sea lion numbers. Concerns around SLED effectiveness have been shared by the recent 2013 international expert panel review of sea lion management.

Reports of New Zealand sea lion deaths and further decline in 2014 has prompted the government to develop a Threat Management Plan and to look at the causes of pup mortality this year. However, during this review which could take up to two years, more sea lions are likely to be killed.

What we want from Ministers

Immediately:

- A. While the Threat Management Plan is being developed, immediately cease trawl squid fishing in the SQU6T fishery (around the sub-Antarctic islands). One option to still allow for utilisation of squid from this fishery would be to require a change in fishing method from trawling to jigging.

In the next three years:

- B. Urgently carry out a comprehensive Threat Management Plan and Risk Assessment which includes all stakeholders and expert scientists from within and outside of New Zealand.
- C. Review the efficacy of SLEDs and implement the recommendations of the international expert panel's review, specifically in regard to the SLED discount rate (converting back to a discount rate of 35 per cent).
- D. Support the development of a population management plan as part of the Threat Management review, so sea lions can be managed under the Marine Mammal Protection Act rather than the Fisheries Act.
- E. Resource the research needed to help understand all threats that are potentially contributing to the population decline.

In Australia, the law has quite detailed provisions about the processes and criteria for listing threatened species.

What we want from Ministers

In the next three years:

- A. Commence review of the Wildlife Act, with the objective of bringing it into line with best international practice for the management and recovery of threatened species.
- B. An increase in the number of recovery plans for threatened species, given that only 2 per cent of New Zealand's threatened species have recovery plans (by contrast with 85 per cent in the United States).

8. GOVERNANCE AND DECISION-MAKING



Along with the framework of environment laws which set the rules and boundaries and mediate between environmental protection and economic development, the success of Forest & Bird's work profoundly depends on strong and effective institutions and processes: decision-makers who have the necessary expertise, are adequately resourced,

and governed by appropriate statutory priorities; regulators who act in accordance with good democratic processes and principles (eg, allowing third party and public submissions); governance structures that are capable and focused on delivering good conservation outcomes. These things are the pillars and platform on which all of our work is built.

8.1 DEPARTMENT OF CONSERVATION



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The Department of Conservation (DOC) looks after one-third of New Zealand's land area, including our national parks, our sub-Antarctic and other islands, three World Heritage areas, 37 marine reserves and six marine mammal sanctuaries, critically endangered species on land, in freshwater and at sea, and thousands of tracks and tramping huts. It does all of this on an annual budget less than that of the Hamilton City Council.

DOC protects the things that make New Zealand special. New Zealand is an international biodiversity hotspot. Our wildlife is unlike anywhere else in the world; it has been scientifically likened to the closest thing we have to life on another planet. Rapid habitat removal and the introduction of predatory species to the "land without teeth" also means that we have distinguished ourselves by having the highest proportion of threatened species in the world. DOC, in consequence, is also a recognised world leader in conservation pest management technology.

DOC's management of its conservation responsibilities forms the heart of our tourism and recreation industries. Its upper catchment management is crucial for maintaining the quality and flow of most of our rivers, and for managing flood events. DOC is responsible for around 80 per cent of New Zealand's indigenous forests, which hold a large portion of our organic carbon. The overall economic value, as well as intrinsic benefit, of all of these functions performed by DOC needs to be properly recognised and supported.

Funding

Although the overall net effect of funding cuts to DOC's budget is difficult to define with precision, since 2009 DOC's budget has been declining year on year. From an initial cut of \$54 million over four years, further cuts were made in Budget 2013 (although smaller than originally intended). Subsequently, this has been compounded with de facto cuts in other ways (eg, DOC has had to respond to the 2014 mast event rat and stoat population irruptions by finding funding from future years' budgets, and funding for kauri dieback response is believed to have been reallocated from other programmes).

Restructuring

The department has been extensively restructured, affecting many hundreds of jobs – many of them frontline conservation roles, including rangers and scientists.

A key part of the 2013 restructure proposal was the separation between conservation services and partnership relationships (formerly community relations), which split the department from second tier level. This meant:

- An increase in the number of staff located at the national and regional levels, rather than local,
- An increase in the number of staff working on partnership (external) relations,
- Fewer total staff, and
- The greatest reductions, overall, in experienced and skilled local frontline staff involved in the delivery of conservation services.

The 2013 restructuring was the biggest shake-up of DOC since its formation, and is likely to have a profound impact on conservation and the management of public conservation land for many decades to come. Forest & Bird does not believe that this restructure model will produce better conservation outcomes, and further believes that it adversely affects the ability of the department to deliver its core conservation work.

Our concerns around the expectation on the department to work more closely with business and commercial entities as a means of funding core biodiversity work, and also the risks associated with too heavy a reliance upon volunteers, relate to:

- Risk that the need to focus on fostering commercial partnerships will push DOC towards turning a blind eye to net adverse conservation and environmental outcomes from their partners' wider activities (eg, intensive dairying, coal).
- The fickle nature of corporate sponsorship means that projects are at risk of being dropped or downgraded as company priorities or economic circumstances change (eg, Solid Energy dropped five planned pest control operations in the Buller region when its financial crisis hit).
- While fundamentally agreeing that conservation

should be a priority for all of New Zealand, not just DOC, we do not accept that core conservation work should be heavily reliant on business and volunteer contributions. Business' primary interest is likely to be more in places, events and species that lend themselves to good photo opportunities than prompted by sometimes obscure (though vital) conservation or ecological values. Volunteers will, as a general rule, only be able to cope with front-country, entry-level type work – basic planting, trapping, and so on. These are not substitutes for the back-country, expert ecological work done by rangers with many years' experience in the field.

Advocacy

DOC at the present time appears inhibited in the extent to which it is capable and willing to engage in effective advocacy. In part, this may be related to the question of resources. There are also key examples (eg, Denniston Plateau, Maui's dolphins, Ruataniwha) where DOC advice is subsequently revealed through official information to have been overridden or ignored – trumped by economic considerations.

DOC at the present time appears inhibited in the extent to which it is capable and willing to engage in effective advocacy.

There is a real issue with whole of government processes where DOC's statutory responsibility to advocate for the protection of New Zealand's

special places and biodiversity can be overridden by the agendas of the economically more powerful government agencies, in the natural resources sector group, for example. This leads to a process where advice to government is homogenised, and important decisions about conflicting values are mediated and made by the bureaucracy rather than by the courts or our politicians. This is bad for transparency and democracy.

DOC's advocacy shortfall has real implications for environment groups such as Forest & Bird. Because government entities are not participating in important decisions and hearings, the burden of testing the applicant's arguments has fallen on the voluntary sector – groups such as Forest & Bird, Fish and Game and the Environmental Defence Society.

What we want from Ministers

In the next three years:

- A. Greater resourcing for DOC, particularly for front-line operational staff and core conservation operational work such as pest control and threatened species management.
- B. Full support for DOC to fulfil its statutory advocacy role, both within government processes and through the RMA.
- C. Review of how the 2013 restructuring has operated: specifically, what has it meant, in practice, in delivering on conservation outcomes and partnership aspirations.
- D. A relationship with DOC and its Minister in which Forest & Bird is regarded as an expert partner and an ally.

8.2 COLLABORATIVE MANAGEMENT FORUMS



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Collaborative forums are now a feature of New Zealand's environment and conservation landscape, on land, freshwater and at sea – with examples including the Land and Water Forum, the Canterbury-Waiapu Zone Committee that met to consider the Hurunui, the Mackenzie Agreement, and examples currently underway including the Waikato Healthy Rivers project and Hauraki Gulf Marine Spatial Plan.

Having participated now in each of these forums, we consider that there are certain factors critical to determining good process and outcomes in a collaborative forum, and others that are highly

detrimental.

One of the important preconditions, notable in a number of the above cases, is the existence of a so-called wicked problem. An important element in the success of any collaborative effort is that its stakeholders enter the process sufficiently willing to engage with open minds, to listen to each other and find paths to move forward on some common – or at least agreed compromise – ground.

This will typically require some mutual acknowledgement that status quo is broken, so that outcomes for all can only be improved by collaboration and compromise. In other situations, a compromise solution will not always be the one capable of achieving the best conservation outcomes: collaborative forums are a tool, but not a panacea.

A collaborative forum needs to adequately represent all interests, and to do so in such a way that it gains

an important mandate from being run as a grass roots process, not just by hand-picked elites.

In contrast, it will breed mistrust in processes and is one of the hallmarks of a bad process when, for example, the sponsoring decision-making body cherry-picks participants and outcomes, or delays implementation of the outcomes, or otherwise displays lack of commitment or bias. We think that, if governments wish to continue to use and rely on these processes, it is important for them to invest as much in the design, in supporting the process, and in commitment to shared outcomes as its participants. In particular, this means a commitment to implementing, not cherry-picking, the findings.

The alternative would inevitably prejudice participants' commitment to future processes, by undermining their credibility; and there has been heavy damage inflicted on goodwill in some recent processes where the central or local government decision-maker or sponsor has subsequently substituted different views, or indeed failed to act at all.

Collaborative forums are a major investment of time and resources for the participants. Processes need to

be properly resourced, and participants' commitment recognised. This may include the need for injection of expertise, as well as money and time. Communities or participants need to be able to sustain what the process requires to produce good outcomes, and need support in doing so.

What we want from Ministers

In the next three years:

- A. A commitment by government to establish collaborative processes in good faith and with care, and to do better in supporting the processes and implementing outcomes from them (most immediately, relating to the Land and Water Forum and the Mackenzie Agreement). This will be important if goodwill of participants to future processes is not to be undermined.
- B. If collaborative processes are to be habitually employed, clear guidance is needed for sponsoring bodies about criteria for establishing and supporting them. It may be time to pause and review lessons learned from processes to date.

8.3 THE ENVIRONMENTAL PROTECTION AUTHORITY AND ITS PROCESSES



Established in 2009, the Environmental Protection Authority (EPA) has responsibilities under a number of environmental Acts, including the Resource Management, Exclusive Economic Zone and Continental Shelf, and Hazardous Substances and New Organisms Acts. The EPA also provides administrative functions for boards of inquiry in cases where decision-making has been referred to a board by the Minister.

Major cases to date have included the Trans Tasman Resources application for ironsands mining off the Raglan coast (application declined), the Ruataniwha dam decision on freshwater quality standards (an initial decision setting bottom lines about the life-supporting capacity of water later clarified, and now under appeal by environment groups), the King Salmon case re Port Gore in the Marlborough Sounds (successfully appealed to the Supreme Court on the question of overall broad judgment), a decision quashed by the High Court that would have allowed developers of GM crops to bypass New Zealand laws (in which the EPA was criticised for failing to act cautiously in the face of uncertainty), and the decline of the Basin Reserve motorway overbridge proposal.

Experiences across a range of these processes indicate some problems with the new processes, in terms of their ability to produce good and fair – not merely quick – decisions, in which New Zealanders can have confidence that the necessary considerations have been fully and fairly taken into account. While

matters have been able to be corrected by the courts, it is concerning that in two important cases now, the EPA has been cavalier or unclear about the application of key laws. Processes repeatedly have proven highly challenging for submitters, given the timeframes of weeks or in some cases days imposed on submitters to deal with large amounts of technical evidence, and the uncertainties with the application of the new legislation. There have also been some concerns about the composition of Ministerially-appointed boards.

The EPA and its processes are still bedding in. We think that it is an opportune time for a five-year review in 2014. We welcome the review, and look forward to engaging in it along with other environment groups.

What we want from Ministers

In the next three years:

- A. Ministerial support for an open, transparent and comprehensive process around the five-year EPA review.
- B. Environmental protection is the authority's job. There needs to be adequate expertise at both official and board of inquiry level to ensure that functions are performed and decisions made with the necessary authority.
- C. More time allowed in the processes, with a clear preference for good over quick decisions.

8.4 ENVIRONMENTAL LEGAL ASSISTANCE FUND



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The Environmental Legal Assistance Fund is a discretionary fund, available in certain types of cases to contribute to legal costs. Applications are considered by an independent panel, with the discretion given to the Minister for the Environment to determine the types of cases for which applications may be considered.

While applications in Environment Court cases or EPA Board of Inquiry cases under the RMA can be made as of right, the Minister has determined that the fund should not be available in some other new types of cases. This means that the fund has not been available for cases taken under the EEZ laws, or in hearings for the Auckland Unitary Plan, or cases involving water plans in Canterbury where there is no merits appeal to the Environment Court.

With the emergence of new sorts of processes, this requires review. The fund serves an important public interest purpose. Where government agencies are not participating, nature will be left without a voice if ENGOs are unable to participate. There needs to be some expansion of the types of cases in which the fund is available to ensure that it is achieving its public interest objectives.

What we want from Ministers

Immediately:

- A.** Expansion of the types of cases in which the fund is available, to include the EEZ, the Auckland Unitary Plan, cases such as those in Canterbury where there is no merits appeal to the Environment Court, and any other new types of statutory planning or decision-making processes in which it is in the public interest for groups such as Forest & Bird to participate.

8.5 TANGATA WHENUA CONSULTATION AND CO-MANAGEMENT



CONTACT

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The Crown Treaty settlement with Tuhoe, concluded and formalised in 2014, allows for a co-governance arrangement for Te Urewera National Park which will – as Minister for Treaty Affairs Chris Finlayson put it – allow the historical, cultural and spiritual connection between Te Urewera and Tuhoe to be fully recognised for the first time, while the biodiversity of the area is protected and enhanced and public access is guaranteed for all New Zealanders.

Forest & Bird supported this settlement while making submissions on some details of the legislation, to ensure that the undertakings given above would be upheld.

More broadly, Forest & Bird has a keen interest in supporting and exploring conservation governance structures – including the Waitangi Tribunal's WAI262 report *Ko Aotearoa Tenei*, on ways of giving effect to kaitiakitanga. From that report came three conclusions:

1. First, that the survival and recovery of species is the overwhelming priority. This was supported by the fact that DOC is bound by its legislation to put the needs of native species first.
2. Secondly, the tribunal saw “no sound basis for the lack of trust in Maori conservation management”. It considered that, given the endangered status of

many native species, conservationists and kaitiaki want the same outcomes.

3. Thirdly, there had to be provision for kaitiakitanga because customary use was critical to the survival of mana Maori and Maoritanga itself.

The tribunal described different ways of practising kaitiakitanga – a hierarchy, ranging from outright control, to effective influence:

1. **Control** by Maori of environmental management in respect of taonga where it is found that the kaitiaki interest should be accorded priority.
2. **Partnership models** for environmental management in respect of taonga where it is found that kaitiaki should have a say in decision-making, but other voices should be heard.
3. **Effective influence and appropriate** priority to kaitiaki interests in all areas of environmental management when the decisions are made by others.

Chapters 3 and 4 of the tribunal's WAI262 report are the ones of closest interest to Forest & Bird, addressing, respectively, the Resource Management Act (chapter 3), and public conservation lands (chapter 4).

Consistent with the Waitangi Tribunal's starting point in its WAI262 conclusions, the litmus test for Forest & Bird is always conservation outcomes: what is good for nature. Sometimes perspectives of tangata whenua and a group like Forest & Bird

will differ. Sometimes, although hopefully not often, the difference in perspectives may be profound; a starting point here may be to more fully explore and understand where some of those faultlines lie. Often, there will not be a unified tangata whenua perspective, any more than there is ever a unified Pakeha perspective. There will be many instances in which “public” conservation land is also, for Maori, taken or stolen land.

We commit, as a starting point, to a process for starting to work together to better understand those differences.

We note also that both peoples – Maori and Pakeha alike – have wreaked ecological devastation on New Zealand at different times. The challenge now persists for both first and all other peoples to find ways of working together and alongside one another to correct it.

We wish to further in both principle and practice the aspiration that win-win outcomes can be achieved

for both conservation and matauranga Maori, as has happened in Te Urewera. Noting that a crucial factor in making these outcomes work will be iwi preparedness, capability and capacity to take up kaitiaki responsibilities, there may be opportunities for Forest & Bird alongside others such as DOC to support this.

What we want from Ministers

- A.** Action needs to be taken in deciding whether and how WAI262 recommendations will be addressed: the report is too important both to Maori and to conservation to be simply shelved, although it will be a difficult and lengthy process to work through it.
- B.** Recognition of Forest & Bird as a key stakeholder, with perspective and expertise to offer in design of governance arrangements supporting conservation outcomes.

8.6 GAME ANIMAL COUNCIL



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In 2012, new Game Animal Council legislation transferred the responsibility for managing some herds of pest animals, including deer, thar, chamois and wild pigs, on public conservation land from DOC to the newly established council. In defined locations, designated by the Minister, it:

- *Reclassified those animals from “noxious pests” to “herds of special interest”.*
- *Provided for the Minister of Conservation to delegate management powers to the Game Animal Council. The council is to exercise its powers “for the effective management of the herd”. This must be compatible with the welfare and management of conservation land, which is an overriding consideration.*
- *However, because part of its funding is to come from export trophy levies, the council has a conflicted interest in sustaining these pest animal populations to sustain its funding, as well as its recreational activities. Because the council is managing the game animals, not the land or its wider biodiversity and ecosystems, it also risks being in conflict with DOC management strategies.*
- *The Minister and Director-General of Conservation may attend and speak at meetings of the council, but not vote. Similarly submissions may be made in writing by the Minister, but the council need only “have regard to” them. Abrogation of the Minister's authority to this extent, as the publicly accountable guardian of our public conservation lands, is not appropriate.*

In its regulatory impact statement attached to the Cabinet papers, the Department of Conservation advised Ministers that the council was a bad idea. It was the highest cost option, and would complicate the management of pest animals. For the same reasons, the New Zealand Conservation Authority did not support it.

Game animals are pests and require effective management in the interests of conservation, but there were mechanisms for achieving this under the existing legislation, more cost-effectively, without compromising DOC management functions on conservation land. The council could have been established as an advisory board, under the Wild Animal Control Act.

...the Department of Conservation advised Ministers that the council was a bad idea. It was the highest cost option, and would complicate the management of pest animals.

What we want from Ministers

In the next three years:

- A.** The Game Animal Council should be abolished or, if it is retained, should have only advisory, not management functions. As recommended by the Parliamentary Commissioner for the Environment, DOC should retain ultimate responsibility for all pest and predator control.

9.

THE LAWS THAT LOOK AFTER OUR PLACE



Laws such as the Resource Management, Conservation and National Parks Acts are the foundations on which Forest & Bird builds every day. They set out the bottom lines and frameworks that reflect New Zealanders' expectations about how our place will be managed.

Given New Zealand's ongoing decline in environment quality on key measures such as freshwater quality and biodiversity, if anything it would appear that some of these laws require strengthening.

Others, the Conservation Act in particular, for almost 30 years have been the pillars of our place, and are still fundamentally sound.

9.1 RESOURCE MANAGEMENT ACT



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Through changes to important clauses in part 2 of the Act, Resource Management Act reforms put on hold prior to the 2014 election would profoundly alter not only aspects of planning, but all decision-making under the RMA. This is in spite of serial government failure (by both Labour and National-led governments) to use existing mechanisms for giving councils more direction and consistency, such as national policy statements and national environmental standards, that have been provided for in the RMA since its inception in 1991. Forest & Bird supports the use of these mechanisms.

Section 6 and 7 changes now proposed by the government would move the goalposts for all resource consenting and planning in New Zealand. If progressed, these changes would scrap 27 years' established case law, causing massive uncertainty and cost. The hierarchy of "matters of national importance" (many of them environmental and landscape matters) is to be abolished, and replaced with a pick-and-mix list for decision-makers with no guidance about what is important. New principles would include development-focused matters, omission of five important environment-focused matters (such as the ethic of stewardship, and amenity values), plus small but significant wording changes to some other clauses (eg, relating to water quality).

Beyond sections 6 and 7, there are other proposed changes that look small but are significant in their implications, because they further limit the rights of people and communities to participate and the independent expert role of the Environment Court. People's participation and environmental protection

are bottom lines for Forest & Bird and must not be undermined.

On the other hand, we think that there is scope for good reform of the RMA – things that could benefit from being done, that have either been ruled out or appear not to be on the current agenda. These ought to be aspects of any reform that proceeds, including:

- *Climate change,*
- *Biodiversity,*
- *Urban design and low impact building.*

What we want from Ministers

In the next three years:

- A.** Retain the existing RMA part 2 structure, and sections 6 and 7 status quo. Planning improvements to the RMA do not require part 2 reform. Some additional matters, if they need to be provided for, could be inserted in section 7.
- B.** People's right to participate in RMA decision-making, and Environment Court independent expert adjudicative functions, must not be undermined; if anything, both ought to be strengthened. Both are important aspects of good decision-making in a democracy.
- C.** Amend the RMA to require the consideration of climate change impacts of activities (other than direct emissions to the atmosphere), and strengthen provision in the Act for protection of indigenous biodiversity, which remains in decline.
- D.** Appropriate, more frequent use of national policy statements and environmental standards, as a mechanism that already exists in the Act for giving central government guidance to local authorities.

9.2 CLEAN HEALTHY LIVING ENVIRONMENT: A FUNDAMENTAL HUMAN RIGHT



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Constitutional provision for the fundamental human right to a clean and healthy environment is the international norm. New Zealand is among a shrinking minority of countries failing to recognise, protect

and enforce this right. It seems at odds with the importance that New Zealand and New Zealanders place on environmental matters, that environmental rights are not currently recognised.

There is a direct connection between adequate recognition and protection of the natural environment, and the ability of a society to also fulfil its fundamental human rights obligations, which are guaranteed in the New Zealand Bill of Rights Act 1990. An environment capable of functioning and sustaining those who rely upon it for clean air, fresh water, fertile food-producing soils, a temperate, moderately stable climate, and healthy living ecosystems, are fundamental conditions of a civil society, as well as preconditions for other rights and freedoms, like the right to life.

Provision for separate rights for nature, with standing to enforce those rights, goes somewhat further, but precedents are emerging for that, too.

There are many variations on how protection for the environment and/or nature in a constitution might be

drafted and enforced. Forest & Bird does not have a preference for any particular form of draft provision: there are very many different approaches, and within each of them, different elements of a draft that could be explored and debated.

We submit that this should occur – perhaps through a reference to the Law Commission. But as a minimum, providing for a clean and healthy environment as a fundamental human right is what needs to occur, and this should be included in our Bill of Rights. This could happen immediately, if supported by a majority in our Parliament, and need not wait for the wider outcomes of the constitutional review.

What we want from Ministers

In the next three years:

- A. Work towards providing for a clean healthy living environment as a fundamental right in our Bill of Rights, by referring the matter to the Law Commission to consult and formulate draft wording.



9.3 INDEPENDENT ENVIRONMENT REPORTING

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The history of environment reporting in New Zealand has been patchy and flawed, with just two national State of the Environment reports in 1997 and 2007: a decade apart. In 2007 there was controversy around the removal from the report of a significant conclusions chapter, in which conclusions that had been reached were politically inconvenient.

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environmental concerns into economic decision-making (*Environmental Performance Reviews: New Zealand, 2007*).

There is a need for better environment reporting in New Zealand: reporting that is mandatory, happens at regular and reasonable intervals, and is comprehensive, consistent and independent. This then allows good and informed policy to be made.

We do not support the Environment Reporting Bill that is currently before Parliament in its present form, as we do not consider that it is capable of achieving the needs identified. Although the mandatory requirement for regular reporting will be an improvement, the Bill is now much weaker than originally promised – having removed the reporting function from the PCE, giving it instead to Ministry for the Environment officials, and allowing Ministers to settle the topics that will be reported on, in regulations.

What we want from Ministers

In the next three years:

- A. Review and amendment of the Environment Reporting Bill before it is passed. Either the environment reporting function should be given to the PCE to carry out independently; or, as a second-best option, the PCE, but not Ministers, could take on the function of determining what will be reported on. Ministerial involvement in or influence on the process that compromises the independence of reporting should be removed.

The need for New Zealand to lift its environmental reporting game has been identified by the Parliamentary Commissioner for the Environment (*How Clean Is New Zealand? Measuring and Reporting on the Health of Our Environment*, April 2010), and the Ministry for the Environment (*Measuring Up: Environmental Reporting*, 2011), as well as the OECD. New Zealand has been slow, relative to other OECD countries, to report adequately and independently on the state of its environment. This was noted by the OECD in its 2007 environmental performance review of New Zealand, concluding that it would be necessary for New Zealand to further integrate

9.4 VALUING NATURE

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The natural world, its biodiversity and its ecosystems are critically important but consistently undervalued. Incorporating it into economic models is a matter for ongoing work by organisations and departments including the Treasury, the NZIER and Ministry for the Environment.

Integration of the environment into the economy is the goal, but commodification is its risk: turning nature into a “natural asset”.

To rethink our relationship with nature, so the argument goes, we must value it in tangible terms, and build its economic value along with all other values into our policy calculations. By demonstrating economic benefit, we can see nature’s values better, integrate thinking about impacts on the natural world into decision-making, and make the right choices.

For example, business reporting on environmental externalities may reveal that a business isn’t socially or economically profitable at all. In turn, this may be a prompt for change, either as a matter of good business conscience or, eventually, through withdrawal of the social licence to operate.

It may – as in the case of the UK National Ecosystem Assessment which tested outcomes from different economic and environmental models to determine which was most successful – lead to the conclusion that supporting and integrating nature produces optimal economic value. “Nature at work” (similar to Forest & Bird’s vision for living and working landscapes: see part 6) was the most successful outcome: better economically than the status

quo, along with dramatically better environmental outcomes.

Integration of the environment into the economy is the goal, but commodification is its risk: turning nature into a “natural asset”. By implication: ecosystems and living things can only be properly (and quite literally) “taken into account” when we can sum up and negotiate about the relative values; and nature is only worth something when it does

something for us.

Overall, Forest & Bird approaches this work with considerable caution, and doubt about whether promised benefits would eventuate. We think that the risks are high that outcomes would be perverse. Nevertheless, there would be considerable value in something analogous to the UK’s comparative modelling exercise, which was less about pricing nature than comparing futures: what kind of environmental and economic future do we want. It led directly to the conclusion that caring for nature is where our economic future lies.

What we want from Ministers

- A. If work analogous to the UK ecosystems assessment were to be done for New Zealand we would support it, but consider that it is vital that it should independently done and expertly led – as it was in the UK. It would be a very large and complex exercise that would need to be appropriately resourced to be robust, and inclusive of ENGOs.



9.5 THE TRANS-PACIFIC PARTNERSHIP AGREEMENT

Waiting in the wings is the TPPA, including probable aspects such as investor-state dispute clauses that would impose a cost on New Zealanders and would be a chilling effect or obstacle to any strengthening of environmental regulation that adversely affected a company’s financial interests in its investment in New Zealand. These would inhibit a New Zealand government in regulating to protect the environment, or expose New Zealand taxpayers to liability through significant damages.

Whatever the perceived short-term economic benefits of the TPPA – with analysis suggesting that they may be marginal or non-existent – in the

end New Zealand’s economic future is built on our environment.

What we want from Ministers

- A. Transparency in negotiations. Release the negotiating text, as governments have taken the initiative to do in other countries, given the major public interest implications.
- B. Investor state dispute clauses, or other chilling or weakening of environmental standards, must be removed before New Zealand would consider becoming a party to the TPPA.



10. ENVIRONMENTAL EDUCATION



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Through Forest & Bird's Kiwi Conservation Club (KCC), children aged between 3 and 13 and their families learn to enjoy, understand and love the natural environment and to actively care for it. However, Forest & Bird considers that initiatives such as our own KCC and other existing initiatives such as the EnviroSchools Foundation, ought to be complemented and expanded by a comprehensive and well-funded Education for Sustainability policy.

In 2014 Forest & Bird is therefore a joint supporter of the New Zealand Association for Environmental Education (NZAEE) election manifesto, which contains four policy priorities for lifelong sustainability education. The priorities are:

1. Instigate a working group or national council for lifelong sustainability learning.
2. Support teaching for sustainability in the formal education sector.

3. Make sustainability a priority in tertiary education.
4. Support learning of future living skills for sustainability across the wider population, through non-vocational community education.

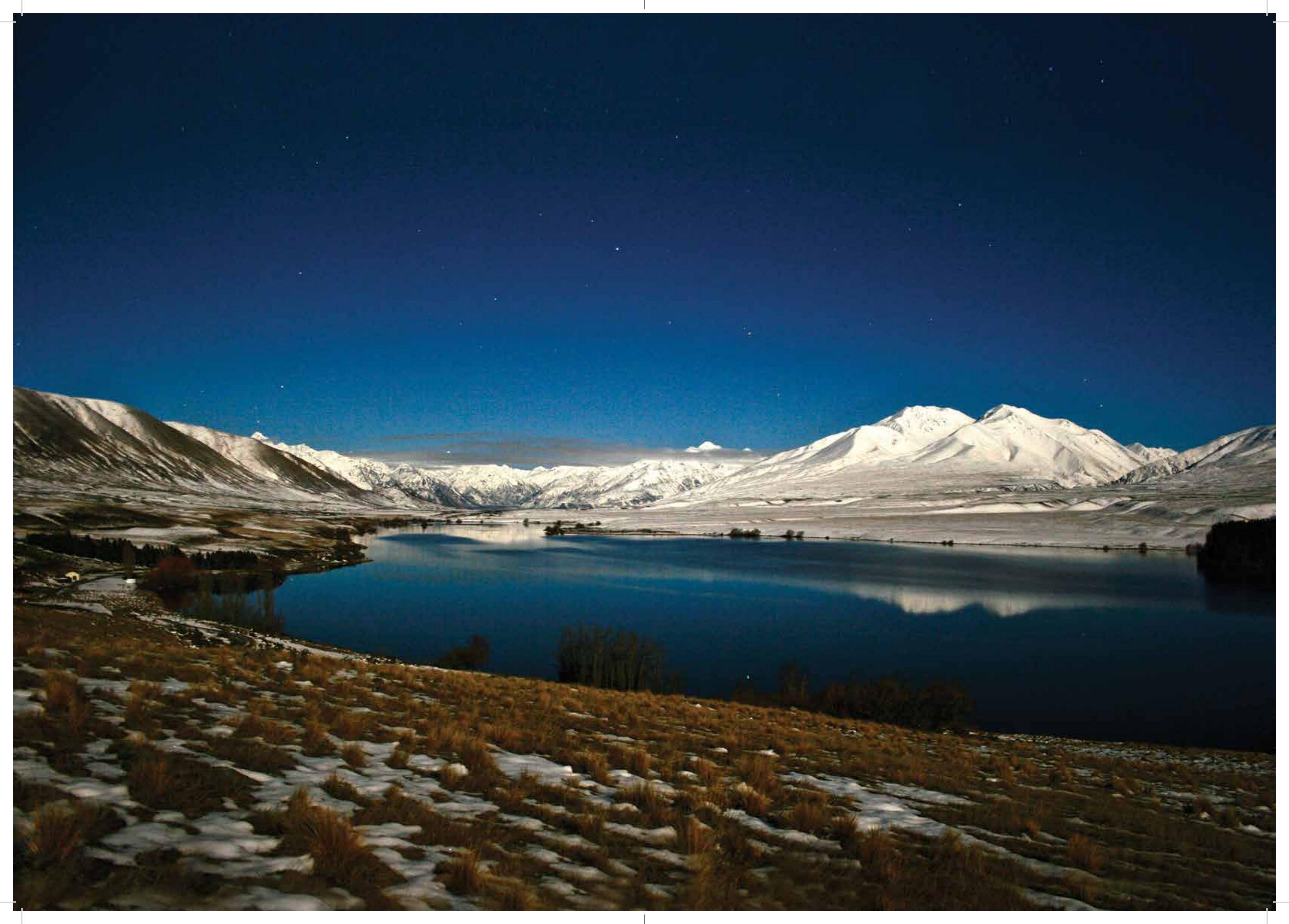
A key objective is making conservation and sustainability education an integral part of the curriculum at all levels of schooling. We invite the government to adopt the manifesto, and develop or strengthen policies giving priority to conservation and sustainability education.

What we want from Ministers

In the next three years:

- A. Government recognition of the importance of environmental education, and practical support and policies to increase the availability and reach of such education.
- B. Review and implement policies or take other actions as required to achieve and promote the four objectives of the Education for Sustainability manifesto.







Forest & Bird
GIVING NATURE A VOICE

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p 10 Alexander Turnbull Library, Wellington, New Zealand: Christine Foxall of the Royal Forest and Bird Society, Wellington holds signed Save Manapouri forms. Further negatives
of the Evening Post newspaper. Ref: EP/1970/0489/26A-F. Mrs Lawson and Miss Bellett with boxes full of the Save Manapouri petition. Photographic negatives and prints of the
Evening Post and Dominion newspapers. Ref: EP/1970/2201/12A-F. | Luc Hoogenstein pp 12 | Vanessa Horwell pp 30 | Steve Attwood pp 50-51