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Submission on the Draft Te Kawa o Te Urewera

Tena kotou katoa

1. I am an environmental planner and have lived in Whakatane District since 1997. I was a member of the New Zealand Conservation Authority from 2002-20011, taking up my position shortly after the current Te Urewera Management Plan was promulgated, but took no part in any decision-making on that document as I had made a submission. I therefore have anticipated keenly this draft from the Te Urewera Board. It is a very eloquent document and justifiably promotes a Tuhoe lens towards management of the ngahere.

2. I have concerns that the availability of the document is not well known (I became aware from a notification service I subscribe to), and that it is not available on the Tuhoe website. Therefore I predict (hopefully to be proved wrong), that not many submissions will be received.

3. I am very concerned about the current state of the ngahere. The former Northern Te Urewera Mainland Island Restoration Project has been largely wound down, or at least not resourced, and recently a huge increase in pests has been observed which can only undo the benefits of the previous restoration activities.

4. While I applaud the statement in the Introduction “Te Kawa is about the management of people for the benefit of the land”, I take issue with the corollary – “it is not about land management”, because management of Te Urewera includes management of the flora and fauna, both indigenous and introduced, and these can affect the land e.g. wild deer and goats cause erosion of the land.

5. I support the holistic approach and the signal that limits are required on human activity (p19). However the document does not give any guidance on how this is to be achieved. Under Priorities (pp24-6) there is further reference to limits, and although the concepts are laudable, their high level does not meet the criteria for the Management Plan (MP) as set out in the Act. I can see that running a template of these concepts might well assist the Board in framing the MP, but on their own, manuhiri at least are left floundering as to meaning and intent. Limits are further referred to on p31 as well as “living within her known means respecting the need for everyone’s sustenance and benefit” but it is not clear what level of “sustenance” is intended nor whether this is talking about subsistence living within Te Urewera, which may have been sustainable in some past time, but maybe not so now?

6. I have concerns about protected wildlife under pressure from introduced pests but also from human threats through informal harvest and from uncontrolled dogs entering the forest.

7. There is frequent reference in the document to “Te Urewera values” but they are not specifically set out or defined. Clearly traditional Tuhoe values are included but each of us will have our own notion of what Te Urewera values are so it is important to specify them, not only for practical management purposes but also to achieve a shared vision. The document also needs to specify the limits of human behaviour and resource use that are referred to (p13).

8. The Principles (p15-17) are meaningful to an extent, but very high level. It is not easy for manuhiri to see how ecological principles fit or even if they have a role in Te Kawa. Section 5.4 refers to “preparing and approving key policy” but the draft Management Plan (DMP) does not contain any.

9. Some parts of Te Kawa are unclear e.g. on page 21 the statement “The use of property rights to regulate human disputes arising from human society is no longer permissible”. Is it meant purely to refer to the fact that Te Urewera is now its own person, or does this have implications for concessions? And does the phrase “living with the land” p21 refer to physically living within Te Urewera or the broader sense of respecting the land and its values in what we do?

10. I can understand the motivation to have a management planning document that “fits” with Tuhoē kawa, and it appears that the Board has deliberately produced a draft management plan that bears no resemblance to what is conventionally considered to be such. However this DMP is not detailed enough for implementing much of the Te Urewera Act e.g.

- s18 specially protected areas – should there be any? What criteria?
- S62 leases can only be issued only if in accordance with the MP
- s63 Introduction of biological control organisms - the Minister must not grant an approval that is inconsistent with (b) the management plan;
- S70 (3) Bylaws must be consistent with MP
- S111 removal of land – if not provided for in MP and likely to be controversial has to be publicly notified nationally
- s113 Recommendation to establish special areas in Te Urewera is contingent on such being provided for in the MP. Specially protected areas must be managed in accordance with the MP.
- S120 Activities in wilderness areas including release of indigenous species must be in accordance with the MP
- Part 3 cl 24 Annual operational plan must be consistent with the MP

11. This last point is crucial. It seems that the Board intends to implement its management through the annual operational plan, rather than having an overall forward looking strategy to achieve the outcomes desired. This is a seriously flawed approach, and the pitfalls of it are such that the current conservation management planning framework was introduced precisely because the ad hoc approach was not working, leading to inconsistent and frankly, poor management.

12. For convenience I include key sections of the Te Urewera Act. Section 45 is the basis for a management plan:

45 Purpose of Te Urewera management plan

- The purpose of Te Urewera management plan is—

- (a) to identify how the purpose of this Act is to be achieved through the management of Te Urewera; and
- (b) to set objectives and policies for Te Urewera.

The DMP only outlines the modus operandi (looking at Te Urewera as a living ecosystem through Tuhoe tikana). There are no obvious objectives and policies.

13. 46 Contents of Te Urewera management plan

- (1) The management plan must—
 - (a) state the objectives and policies for the integrated management of Te Urewera; and
 - (b) identify relevant values at places within Te Urewera, including values relating to—
 - (i) indigenous species, habitats, and ecosystems; and
 - (ii) cultural and historical heritage; and
 - (iii) recreational values; and
 - (iv) scenic, geological, soil, and landform features; and
 - (v) freshwater fisheries and freshwater fish habitats; and
 - (c) identify the outcomes planned for specified places within Te Urewera—
 - (i) that are consistent with the values under paragraph (b); and
 - (ii) that take into account relevant national species recovery and management objectives; and
 - (d) explain how any conflicts between planned outcomes will be resolved; and
 - (e) identify any effects of activities undertaken within Te Urewera and explain how adverse effects are to be minimised; and
 - (f) identify any places in Te Urewera that have been given international recognition in agreements ratified or given legal standing in New Zealand and provide for the management of those places accordingly, where this is consistent with the purpose of this Act; and
 - (g) identify whether there is a need to create specially protected areas, wilderness areas, or amenity areas; and
 - (h) identify the criteria for decision making in respect of Te Urewera, including decisions on applications for activity permits and concessions; and
 - (i) identify what regular monitoring and evaluation of Te Urewera ought to be undertaken; and
 - (j) identify the matters proposed to be regulated by bylaws.

(2) The management plan may address any other matters relevant to achieving the purpose of this Act.

The matters listed in s 46 are only described at the highest and most ethereal level. It is acknowledged that Ngai Tuhoe might be aware of what these are but it is not clear to manuhiri, with whom the intent of collaborating is conveyed.

14. Concessions

S58 sets out activities requiring permission of the Board and the criteria in 6.1.1 are helpful for assessing concession applications. However there are no boundaries or limits provided for any activity. In 6.2 the use of non-standard language (“non-trivial impact”) confuses and creates uncertainty and the DPM does not make explicit “(iii) Te Urewera Responsibilities and Prioritised Actions” (p37).

58 Activities requiring activity permit

- The following activities must not be undertaken in Te Urewera unless they are authorised by an activity permit issued by the Board:
 - (a) taking, cutting, or destroying any plant, whether indigenous or exotic:
 - (b) disturbing, trapping, taking, hunting, or killing any animal, whether indigenous or exotic (other than sports fish):
 - (c) possessing dead protected wildlife for any cultural or other purpose:
 - (d) entering specially protected areas:
 - (e) making a road or altering an existing road:
 - (f) establishing accommodation:
 - (g) farming:
 - (h) recreational hunting:
 - (i) any activity that would otherwise be an offence under this Act.

15. In Part 3 Schedule 3 Activity permits for Indigenous plants and animals, Accommodation, Roads, Farming, Activity permits for recreational hunting, Declarations relating to recreational hunting are all required to be provided for or consistent with the MP. Whilst clause 8(5) allows the Board to consider applications for activities not provided for in the MP, this situation is not appropriate as it creates uncertainty.

16. Clause 13 (3) requires the Board to decline an application if it is inconsistent with the MP and Clause 15 requires conditions of a concession to include consistency with the MP. Clauses 118 and 120 regarding activities in specially protected zones also require consistency with the MP.

17. The above provisions reinforce the importance of the MP to clearly set out what is appropriate in Te Urewera. If the draft Te Kawa is indicative of the Board’s thinking, I do not see how the Board can perform its statutory functions.

18. 60 Application of Wildlife Act 1953

- (1) The Board and the Director-General must jointly develop and make available a process for dealing with applications for authorisations that are required under both this subpart and the [Wildlife Act 1953](#).
- (2) The process required by subsection (1) must—
 - (a) promote an efficient processing and determination of those applications; and
 - (b) preserve the ability of each statutory decision maker to determine an application in accordance with the relevant enactment.
- (3) The Board may grant an activity permit to possess, for cultural purposes, dead protected wildlife found and lawfully taken in Te Urewera.
- (4) If the Board has granted an activity permit under subsection (3), a permit is not required under the [Wildlife Act 1953](#) for that activity.

It is desirable for the DMP to include some reference to how the Wildlife Act and Dog Control (Part 2 subpart 6 ss 84-6 of the Te Urewera Act address the issue of dog control under which regard is to be had to the MP matters) will be managed, given these are high priorities for conservation outcomes and probably controversial.

19. I welcome the commitment to a higher standard of compliance (7.3 p41) but again there is no indication of what aspects of human activity are seen as requiring further compliance, nor how this will be addressed. In terms of Integrity and Compliance in section 6.3 it is not clear what is meant by “productivity and use”, “economic opportunities and innovation” and “Tuhoe infrastructure”.

Conclusion

The DPM contains many highly regarded ideals under which a management plan can be constructed. However alone, they do not meet the legislative test, nor a workable greenprint for the management of this very special place.

I wish to be heard.

