

Conservation Management and Processes (CMAP) Discussion Document

The Conservation Management and Processes Bill (CMAP) seeks to reform targeted areas of conservation legislation. The proposals aim to make the legislation more workable, helping the concessions management systems to keep pace with societal and technological changes, and improving the often slow and painful process of reviewing out-of-date conservation management planning documents.

We are seeking your feedback on three specific areas, with proposals for:

- **Conservation management planning** – improve the ability to develop and review conservation management strategies, conservation management plans and national park management plans.
- **Permissions system** – improve the ability to process, manage and allocate concession opportunities on public conservation land and waters.
- **Miscellaneous** – remove or clarify minor and technical miscellaneous legislative anomalies.

Let us know your feedback on the Conservation Management and Processes (CMAP) Discussion Document, using the prompt questions listed below.

These questions correspond with the questions included in the discussion document. You don't need to fill out every question if you don't wish to.

Once you have completed the form you can email it to: CMAP@doc.govt.nz

You can also post a hard-copy to:

CMAP Consultation
Policy Unit
Department of Conservation
PO Box 10420, Wellington 6143

Submitter details

Name:

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Are you submitting on behalf of an organisation or group of people? Yes – Fish & Game NZ

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Discussion document proposals

Introduction and objectives

- 1. Do you agree with the objectives listed in the discussion document? If not, please explain why.**

Yes, broadly speaking the Conservation Management Planning system is acknowledged to be an unnecessarily complex, slow and painful one. Fish & Game have been involved in a number of these processes historically with regards to various wetlands/reserves over which we have some management responsibilities. Despite years of work, some have never been completed. There is no doubt that streamlining the Conservation Management Planning process is both welcome and overdue.

- 2. Are there any other objectives you think we have missed? If so, please explain what additional objectives you think we should use and why.**

Consultation with Iwi regarding concession applications and assessments will need to be addressed, particularly in regard to enabling adequate capacity within DoC to undertake this consultation process. There are insufficient resources within Fish & Game for iwi engagement should this process be required by us during this consultation process.

Streamlining the Conservation Management Planning process is both welcome and overdue.

Conservation management planning

- 3. Do you agree with how the three major challenges with the management planning system are described in the discussion document? If not, please explain why.**

Yes.

- 4. Do you think there are any other challenges we should be aware of? Please use examples or evidence to explain your answer.**

Not presently.

Issue 1A

5. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

Yes – the workload on DoC and associated delays do impact on Fish & Game processes, therefore we agree that a solution needs to be found that addresses this workload and backlog.

6. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

Option 1- “ Amend the Conservation Act 1987 and National Parks Act 1980 to replace the 10-year full-review requirement with a statutory check-in process at 10 years to assess the need for a review and the scale required”.

This approach appears to be a sound and resource efficient process of supporting faster review processes, whilst keeping the option for full / extensive review for those situations that require intensive changes.

Option 1, also enables streamlining the triage process. The table detailing the *Status of Documents as of Feb 2022*, clearly sets the magnitude of the current review workload. In some cases, applying Option 1 may remove some of these documents from the list with some simple amendments or updates of recently emerged technology / scientific evidence best practice considerations.

From the perspective of Fish & Game’s operational activities, we have interest in the statutory check-in process for our regional land and water plans. These are currently included within the 10 year full review process, and we too have an increasing proportion of these plans that are either due for renewal or approaching their 10 year review date in the next couple of years. The ability to submit these plans to a check-in triage, partial review process would streamline our internal processes also, conserving resources and time commitments to this end additionally.

Overlaying this desire to increase efficiency and reduce unnecessary resources expenditure where possible, Fish & Game is currently implementing the recommended changes to our structure and function following a Ministerial Review. A key outcome of the Ministerial Review of Fish & Game has been the proposition of a reduced number of regional councils through amalgamation of some existing regions with others based on resource efficiency and other considerations.

These amalgamations will result in a need to changes to the sports fish and game planning documents, both those due for review, as well as those from regions that have been amalgamated and now represent an expanded geographical region. The proposed ability to undertake a simplified process for extending sports fish and game management plans as regions are amalgamated is preferred, as well as the capacity to submit amendments to provide transitional extensions over the next 2-3 years as the changes recommended by the Ministerial Review are implemented.

7. If you are / have been engaged in the review of a management planning document, do you think that these options would have an impact on the time and/or costs required for you to engage in planning processes? Please explain your answer.

For those planning documents prepared by Fish & Game - Sports Fish and Game Management Plans - are within the Conservation Act planning hierarchy (SFGMPs shall not 'derogate' from CMSs and CPs). This is an opportunity to streamline our own planning documents and development processes.

Option 1 would certainly provide opportunities for time and cost efficiencies as discussed in above section. The ability to submit a plan for a triage check-in process and potential partial review to update any changes required would support agility in resource management and therefore the capacity to respond to challenges to sports fish and game management such as climate change associated population shifts.

In many cases the timeframes that an environmental event or pressure can change within, and need addressing by a management action, is highly unlikely to align to the 10 year timeline for review of the plans by DoC. Option 1, will provide Fish & Game with the ability to respond to influences more readily, reflect these changes in our plans and retain the planning processes relevance in the wider DoC conservation management framework.

8. Do you think there are any impacts associated with the options for change that are not identified here? Please explain your answer.

Fish & Game do not support Option 2 "Amend the Conservation Act 1987 and National Parks Act 1980 to extend the timeframe for full review of planning documents to 20 years".

Twenty years is a long time and a lot can change in that period. Many similar statutory planning documents have a 10 year lifespan, including regional and district planning documents, and our own sports fish and game management plans. We support the ten year lifespan continuing with the addition of the check-in, review process as outline in Option 1 and discussed above.

9. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

Fish & Game would be interested in DoC's identification of what, on Conservation Land, is to be managed and any criteria developed by DoC for decision-making where our interests might be affected.

Issue 1B

10. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

Yes agree.

11. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

Option 1: Once a planning document is approved, it cannot be easily updated to reflect changing needs, new technology and evolving pressures.

There is a need to introduce and maintain the ability of the planning documents to be agile and easily kept up to date and relevant as circumstances change, including social priorities or international obligations.

12. Do you think that all types of planning documents (Conservation Management Strategies, Conservation Management Plans and National Park Management Plans) should be addressed through the same option? If not, please explain why.

Yes.

13. Do you think there are any impacts associated with the status quo or the proposed options that are not identified here? Please explain your answer

Regarding the following statement:

“The streamlined process would remove the steps requiring public notification of a draft planning document and the subsequent public submissions and hearings on a notified draft. Instead, DOC would be required to engage with directly affected persons and groups during the drafting of the proposed change and then provide the proposal to the conservation board(s) for consideration. The existing revision and decision-making requirements would remain.”

Fish & Game do have some concerns regarding the current identification of affected parties and therefore inclusion in the consultation process. We would encourage our participation in natural resource (freshwater system) relevant notifications.

14. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

No.

Issue 1C(i)

- 15. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.**

N/A

- 16. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.**

N/A

- 17. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?**

N/A

- 18. Do you think there are any impacts associated with these options that are not listed here? If so, please provide information to support your answer.**

N/A

Issue 1C(ii)

19. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

20. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

21. Do you think there are any impacts associated with these options that are not listed here? If so, please provide information to support your answer.

N/A

22. Do you think that Conservation Management Strategies, Conservation Management Plans and National Park Management Plans should be addressed through different options? If so, please provide information to support your answer.

N/A

23. Would newspaper advertisements or online notifications be more effective in making you aware of opportunities to provide input on planning documents? Please explain your answer.

N/A

24. Would you prefer to have a wider range of options for providing input on notified planning documents? Please provide information to support your answer.

N/A

25. How important do you think the hearings process is for ensuring effective public participation in conservation management planning processes? Please explain your answer.

N/A

26. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

Issue 1C(iii)

27. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

28. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

29. Do you think there are any impacts associated with these options that are not listed here? If so, please provide information to support your answer.

N/A

30. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

31. Would you have trouble accessing planning documents online? Please explain your answer.

N/A

32. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Implementation and monitoring

- 33. Are there any additional implementation, monitoring or evaluation measures that you think should be considered? Please explain your answer.**

No.

Concessions

Issue 2A

- 34. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.**

Yes.

- 35. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.**

Option 1: Provide the Minister of Conservation with the ability to make regulations that generally authorise specific activities, removing the need for a concession.”.

There is a significant number of concession-related aspects of interest to Fish & Game. The discussion document proposes removing the need for concessions in some instances but don't say in which. Further information here is critical in being able to provide definitive feedback.

Fish and Game have a legitimate interest in concessions/permissions in a number of areas where they might impact on our values such as:

- Access easements – these relate to much of the capacity of our licence holders and staff to access remote resource areas we manage.
- Aircraft activities – concessions for landings for the purpose of angling or guided angling can impact backcountry or wilderness values
- Managing nuisance wildlife – consistency is required and a clear delegation from DOC to Fish & Game for the management of our values when undertaking pest animal removal activities.
- Drones – Ideally there would alignment with internal Fish & Game protocols with those of DOC for the use of drones in its management without classifying Fish & Game in the same context as a member of the public
- Fish Passes – Some consultation requirement with Fish & Game is appropriate in relation to fish passage. There is currently some discrepancy between the rights of DOC Offices and Fish & Game Rangers, on their right to inspect fish passage structures. Based on Freshwater Fisheries

Regulations 49 and 50 DOC Officers have a right to inspect fish passes because they are 'warranted officers' under the Conservation Act (s59) but this same right is not available to Fish and Game rangers' s26FA, despite expensive expertise and expertise of the latter in helping to manage fish passes.

- Grazing – consultation is desirable
- Land based guides – concessions in this area obviously include sports fishing and game bird hunting guides but the regime only considers their impact on conservation land. There is no direct link on the DOC website for someone wanting a sports fish or game bird guiding concession. This is astonishing, along with the news that DoC has just renewed the NZPFGA group with a blanket concession for another lengthy period without consultation.

36. Do you think the process described in Option 1 for creating regulations to generally authorise specified activities is appropriate?

Yes, however this does raise some concerns over the alignment of the "approve activities" with the assessment criteria as discussed within the discussion document. Concessions are supposed to have only minor environmental effects and clearly defined limits but a blanket concession doesn't address either and has the potential to influence how Fish & Game manage our sports fish and game populations and habitats.

Careful attention will need to be paid to ensure that same activities conducted in differing environments do not have AEE profiles that differ between locations. It is noted that this is an issue DOC are currently aware of, some consultation regarding how this criteria and framework will look in detail is expected.

37. Do you agree with the proposed eligibility criteria for activities that may be generally authorised?

Discussed in above section as a linked concept between activity approval and the criteria utilised to assess these.

38. Do you think it is appropriate for general authorisations to apply only to specific locations or specific people/organisations?

Granting concessions to only certain organisations could be appropriate if the organisation is a research institution or environmental management focussed entity. The potential risk of granting concessions to a large group without assessment of the specific activity is reduced if the organisations primary activities are focussed on studying or managing the natural environmental resources.

Granting such blanket permissions to other organisations or people could open up more opportunities for non-compliance.

Applying a general authorisation to a specific location could be a useful streamlining approach in highly sensitive areas requiring minimal concession related activities. These approved activities could be defined and general authorisation could then provide some additional reassurance that the location is protected.

39. Do you think these general authorisations processes would sufficiently give effect to the principles of the Treaty of Waitangi? If not, do you have any suggestions?

Unclear currently. This would require further detail on the nature, location and criteria for the general authorisations before determining whether they meet Treaty obligations.

40. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

Fish & Game recently submitted on DOC's proposal to streamline reclassification of stewardship lands. If it is intended that the CMAP Bill will be used to achieve stewardship related change, there is an identified risk of impact on public access and recreation where DOC don't deem the stewardship land as having worthwhile values (recent example: Lower Lindis riverside conservation land is mostly stewardship land).

Issue 2B

41. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

42. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

43. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

44. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 2C

45. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

46. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

47. In which circumstances do you think it would be appropriate for DOC to decline an application and run a tender process instead?

N/A

48. If your preference is for Option 2, what do you think is an appropriate time to allow DOC to initiate the tender process?

N/A

49. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

50. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 2D

51. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

52. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

53. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

54. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 2E

55. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

56. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

57. Do you think 15 working days to submit a reconsideration request is appropriate? If not, what would be an appropriate amount of time for submission?

N/A

58. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

59. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Implementation and monitoring

60. Are there any additional implementation, monitoring or evaluation measures that you think should be considered? Please explain your answer.

Ongoing monitoring of successful concession application activities, defined in concession agreements, should be conducted. Currently, there is significant concern that activities are permitted and then little follow-up monitoring is conducted to ensure the activities comply with the scope of AEE identified in the application process.

Minor and technical amendments

Issue 3A

- 61. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.**

N/A

- 62. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.**

N/A

- 63. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?**

N/A

- 64. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.**

N/A

Issue 3B

65. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

66. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

67. Do you think the minimum requirement of \$1 million in annual revenue or expenditure to require an audit by the Auditor-General is a suitable amount? If not, would an alternative minimum requirement of annual revenue or expenditure be appropriate?

N/A

68. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

69. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3C

- 70. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.**

N/A

- 71. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.**

N/A

- 72. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?**

N/A

- 73. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.**

N/A

Issue 3D

- 74. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.**

N/A

75. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

76. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

Issue 3E

77. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

78. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

79. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

80. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

81. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3F

82. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

83. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

84. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

85. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3G

86. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

87. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

88. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

Issue 3H

89. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

90. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

91. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

92. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

93. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3I

94. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

95. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

96. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

97. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3J

98. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

99. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

100. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

101. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3K

102. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

103. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

104. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

105. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Issue 3L

106. Do you agree with how we have described the problem and its impacts? If not, please explain your answer.

N/A

107. Which of the options is your preferred option? You may provide further analysis or comments to support your choice.

N/A

108. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

N/A

109. Do you think any of the objectives not included in the analysis are relevant? If so, please let us know which objectives are relevant and why.

N/A

Implementation and monitoring

110. Are there any additional implementation, monitoring or evaluation measures that you think should be considered? Please explain your answer.

No.