

A Guide to the Preparation of Freshwater Iwi Management Plans



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Introduction

Te Wai Maori Trust (“Wai Maori”) is charged with managing and distributing trust funds for activities that include: undertaking funding *research*, development, and education related to Maori interests in freshwater fishing; promoting the protection and enhancement of freshwater fisheries *habitat*, promoting the establishment of freshwater *fisheries*; and using its resources to bring direct and indirect *benefit to Maori* in respect of their freshwater fishing interests.

The preparation and effective implementation of iwi management plans helps further Wai Maori’s goals for freshwater fisheries

This means Wai Maori has a core interest in both freshwater fish habitat protection and in understanding, protecting, and taking advantage of opportunities to develop, freshwater fisheries.

Sustainable use of freshwater fisheries is controlled by central government agencies. Freshwater fish habitat protection, including maintaining the health of, and access to, fisheries is largely controlled locally (by regional and district councils, communities and ultimately by individual landowners and other resource users).

Iwi management plans are an important means by which iwi and hapu can articulate issues and values and have those matters reflected in, in particular, local decision-making.

This guide has been prepared to by provide advice to iwi and hapu about how they might prepare and implement iwi management plans (IMPs) that effectively promote on freshwater interests and thereby contribute to the protection and enhancement of freshwater fisheries.

What is an Iwi Freshwater Management Plan?

Purpose of an iwi management plan

Iwi don't have to prepare iwi management plans but if they do they are more likely to influence councils' decisions under the RMA

Iwi management plans are not required by any statute or regulation. However, the Resource Management Act 1991 (RMA) does state that when preparing regional policy statements, regional plans and district plans to guide the management of natural and physical resources, local authorities must take into account:

any relevant planning document recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on the resource management issues of the region¹

Therefore the RMA provides an opportunity for iwi to influence the contents of plans if they prepare recognised documents and lodge those documents with local authorities. An iwi management plan is one such document.

Iwi management plans currently have no other status or specified purpose under other legislation.

Therefore the purpose of an IMP can be anything iwi want it to be but the only context in which IMPs have statutory effect is in the management of resources under the RMA.

IMPs provide a means for iwi to assert their rangatiratanga over their ancestral taonga. In that sense, iwi may not want to limit their IMPs to just the matters addressed by the RMA. Indeed, although no other statute requires that IMPs be taken into account in decision-making, the existence of an IMP might well assist iwi to make effective submissions and representations on matters outside the RMA.

Having an iwi management plan might also help iwi to be effective in influencing other decision-making processes

For example, a submission on other local authority documents such as Long Term Council Community Plans (LTCCPs), or on a fisheries management plan (prepared by the Ministry of Fisheries) might be given more weight if it is consistent with an IMP.

The Ministry for the Environment's guide, *Te Raranga a Mahi*², identifies several reasons why IMPs have been prepared. These include:

- to avoid reactive responses to resource management consent applications or issues and policies (including resource management plans) that affect iwi in a particular rohe
- to clearly state iwi kaupapa on environmental issues
- to enable whanau, hapu, iwi or Runanga to exercise their tino rangatiratanga over resources in their rohe
- state how whanau, hapu, iwi or Runanga intend to participate in resource management processes

¹ Or, in the case of a district plan, "...issues of the district".

² Te Raranga a Mahi, Ministry for the Environment 2000

- directly influence how regional and district councils develop policy on matters of significance to tangata whenua
- to clearly state expectations about how organisations should exercise their functions and responsibilities under the RMA
- set out the ground rules for consultation with whanau, hapu, iwi or Runanga

Nature of iwi management plans

IMPs come in many shapes and sizes. The form and content of an iwi management plan is not prescribed in regulation or by any government agency. They can be developed and designed to suit the needs of individual iwi, hapu or whanau.

The only defining characteristics of IMPs are that, for the reasons outlined above, they typically: (a) relate to, and help guide, how natural resources ought to be managed and (b) are recognised by an iwi authority – being an authority that represents an iwi and which is recognised by that iwi as having authority to do so.

IMPs can be developed at the iwi, hapu or whanau level and can be lengthy, formal documents of short letters or memos. They can deal narrowly with certain local environmental issues or broadly to deal not just environmental issues but also social, economic or health matters.

Although there is no right way to scope and structure an IMP some ways will be more effective than others. This document provides some guidance on how to prepare effective IMPs.

Under section 35A of the RMA every local authority must keep a record of the planning documents that are recognised by each iwi authority and lodged with that local authority.

At least 18 existing iwi management plans have been prepared. These are listed in Appendix 1. There are many more iwi documents recognised by local authorities.

Freshwater iwi management plans

A freshwater iwi management plan (FWIMP) is a specific type of IMP that deals, as the name suggests, with an iwi's interests in freshwater. A freshwater management plan might be a stand alone document (like Ngai Tahu's document on freshwater use) or incorporated as a section within a broader IMP.

An iwi freshwater management plan will seek to influence the decisions on both regional and district plans (which will need to "take account of" the FWIMP). The FWIMP will also be useful when making submissions on individual resource consent applications, regional pest management strategies (prepared by regional councils), LTCCPs (prepared by all local authorities), conservation management strategies and reserve management plans (for public conservation estate) and similar documents prepared by public authorities.

This guide focuses on a stand alone IFWMP but much of the advice will be relevant to preparing a freshwater chapter of a broader IMP.

Although you can write an IMP however you want, some ways will likely be more effective at influencing decisions than others

Preparing an Iwi Freshwater Management Plan

The advice on the process to be used to prepare an IFWMP draws on the guidance provided in *Te Raranga a Mahi*. Those interested in more information about the process of preparing IMPs should refer to that comprehensive guide. The guide may be viewed on line at

<http://www.mfe.govt.nz/publications/treaty/te-raranga-a-mahi-aug00.html>

Kaupapa

The first stage of preparing any IMP is to agree the kaupapa of the IMP.

As noted earlier, there may be many reasons why an iwi decides to prepare an IMP but these reasons will generally relate to the desire to better manage resources, to assert an iwi's interest in those resources, and/or to define a role for iwi in managing resources.

Te Wai Maori's Freshwater Fisheries Habitat Sustainability Strategy (FFHS) sets out issues, goals, objectives as well as species specific strategies and priority actions. In other words, it provides a framework for iwi to prioritise their interests in freshwater fisheries.

The implementation of the FFHS strategy relies on the efforts of individual iwi, hapu and whanau interacting with local authorities in RMA and other processes and getting threats to freshwater habitat better managed at local and regional levels.

Scope and purpose

It is important to agree the purpose and scope of the management plan. As noted earlier, it is possible to have a broad IMP or a single purpose IMP.

One of the strongest arguments for pursuing a freshwater management plan as a matter of priority is that it allows scarce time and resources to be focused on a single issue (rather than trying to spread involvement over too many issues). Freshwater is a good single issue to focus on because it is central to Maori environmental interests and its management enables iwi to assert an interest in many forms of resource use. (For example, you can't manage water without also managing what happens on the land).

The decision to prepare an IFWMP should be made after consultation within the iwi/hapu or whanau and the decision recorded along with the reasons for the scope chosen.

The scope of an IFWMP would obviously include freshwater bodies (wetlands, lakes, rivers and streams and their banks and margins) and resources they contain (such as the water itself along with fish, plants and other animals).

The agreed scope should also include that range of activities that affect freshwater bodies and their resources. These might include some or all of the following:

- water takes (abstraction)
- discharges to water
- damming and diversion of water

Wai Maori has prepared a freshwater fishery habitat sustainability strategy that provides a good foundation for iwi freshwater management plans

- land/wetland drainage
- building/works in water courses
- land management (including farming and forestry practices)
- land use change and urban development
- vegetation removal
- fishing/harvesting
- aquaculture
- restocking of fish

The process of preparing a FWIMP will involve establishing a working party to identify issues, gather information, consult and draft the plan

The process

While individual iwi or hapu will have their own established processes, tikanga and kaupapa for agreeing policy and making decisions the following basic approach might be useful.

1. Establish a working party

A working party is a group of people who are prepared to do the hard yards in terms of putting the plan together. They are not there to make decisions on behalf of the iwi. Rather they will take directions from hui, act on those directions, and then seek feedback and/or decisions from iwi or hapu to ensure they get it right.

Getting the right people to sit on a working party is critical. The group needs to be led by someone with the mana to ensure people from across the iwi or hapu contribute and the skill to see the project through to the end. In appointing people to a working party you want to ensure you include those either with knowledge of planning processes or those who are committed to the project – preferably both.

The other critical aspect to setting up a working party is to ensure that its lines of accountability are clear. The relationship of the group to iwi, hapu and Runanga needs to be set out and understood by all those involved.

A project sponsor can also be useful. This is somehow (often an experienced kuia or kaumatua) who helps manage the relationship between working group and whoever that group reports to (Runanga, marae committee etc). The project sponsor can help with tikanga and offer advice of how to overcome difficulties.

2. Identify issues

The first job of the working party is to identify the issues. Issues are problems that you want the plan to fix (or help to fix). It is important to get these clearly identified to focus the plan on what is important.

It is common to start with a “brain storming” workshop where the working group (and others) meet to share thoughts about what the issues are.

Te Wai Maori’s FFHS strategy outlines many of the issues that effect or potentially effect freshwater fish. These are a good starting point for any

brain-storming session. However it would be useful if the management plan could be more specific in terms of:

- which rivers, lakes or streams are (or were) most highly prized and why.
- what the iwi values are associated with particular fisheries (which species are culturally important and why).
- where (i.e. which streams, catchments) iwi have detected the greatest level of impact on fisheries.
- what the main effects are than concern iwi (reduced water quality, reduced catch, poorer condition of fish, loss of aquatic plants etc)
- which activities (e.g. stream cleaning, wetland drainage etc) are of greatest concern locally, and why.

Plan ahead about who you are going to consult and what you want to achieve by the consultation

An IFWP may want to address issues broader than fisheries. For example iwi and hapu will value freshwater for more than the fisheries it supports. Other cultural and spiritual values (e.g. the mauri of a water body, the use of wetland plants for weaving etc) – and the threats to these values/taonga should also be identified.

3. Get information together

You need to gather good information to make a good plan. Much of the information you need will come from people in your iwi but you might need to involve technical experts in some cases.

If finances allow, it is often best to start with an inventory of all freshwater resources/tribal taonga associated with freshwater, together with an assessment of the state of those taonga.

The information you will need includes information that enables you to back up your identification of issues. For example, if you are saying the tuna catch is much less than it used to be in a certain river, you need to have information about what the catch used to be and what it is now. You also need to have information on the likely cause of the decline. Useful information is often held by local authorities, government agencies, Crown research institutes, local libraries or private businesses. Sometimes it will be in the heads of kaumatua, or other local people with an interest in the waters of the rohe.

Consultation is one way you can draw out useful information.

4. Consult

Two forms of consultation are normally required for the preparation of an iwi management plan:

- internal consultation within the iwi hapu or whanau; and
- external consultation with parties or agencies affected by the plan. External parties that might need to be consulted in the preparation of an IFWMP are local authorities, and other statutory authorities such as the Department of Conservation and Fish and Game.

To plan who to consult, when and why you're consulting them a consultation strategy is sometimes necessary. A consultation strategy is a written plan that will normally set out what you expect to achieve from consultation, how you are going to engage with others (i.e. what consultation tools you will use) and how to deal with enquiries from media and the general public.

A strategy might also include the detailed consultation programme – that is, how the strategy is to be implemented - who is going to be talked to, where and on what day.

There are a range of consultation tools that can be used. These include:

Writing a FWIMP involves preparing, and having reviewed (by experts and the wider iwi), at least two drafts before finalisation

- Hui - which may be large hui-a-iwi (only likely at key points in the process) or smaller hui which might just involve meeting with a few people on a specific issue.
- newsletters or emails to a list of interested people (you may be able to piggy back on iwi newsletters that already exist)
- the mass media – newspapers and radio. These methods have been used before where iwi want to involve a wide range of parties. Articles in local or iwi newspapers or interviews on a local talkback radio are good ways to reach a wide audience. These methods can be used in conjunction with the identification of a contact person (or people) that people may talk to directly to discuss the plan. Make sure you provide contact details like a phone number and/or address.
- kanohi ki te kanohi consultation with kaumatua, kuia, kaitiaki or any other individuals with particular knowledge or experience. This might be best done through one-on-one interviews.

You would ordinarily consult once you have determined the scope of the IMP and got some idea of the issues you think the plan ought to target. But you should approach consultation with an open mind, give people a genuine opportunity to comment and be prepared to change tack if the feedback suggests your initial ideas need to be rethought.

Consultation does not end when you think you are in a position to start to write the plan. Consultation will need to carry on throughout the process.

5. Create the plan

Once you've gathered information about freshwater resources and associated taonga and consulted with those with an interest in those taonga, you are in a position to begin preparing a management plan.

The following section of this guide "What an FWIMP should look like" offers some guidance on what such a plan might contain.

In order to get there, however, you need to follow a process where work is refined and improved with the input of others. Following steps represent good practice.

Step 1 – Sort out plan structure.

Work out the order you want to arrange your information. Think about the best way to group issues and organise the plan into logical sections or chapters. A good way to do this is to begin by writing your table of contents before you launch into the plan.

Step 2 – Agree who is going to do the writing

Work out who on the working group is going to do the actual writing of the plan. This might be just one person, or you might have different members of the working group each writing a chapter. If that is the case you will normally still need to identify one person as the editor to make sure that there is a consistent style used and to ensure that all the contributions fit together and there aren't obvious gaps or overlaps

Step 3- Prepare a first draft

The first draft doesn't need to be perfect but it does need to contain the information described in more detail in the following section of this guidance, namely; issues, objectives, policies and actions.

The first draft represents your initial efforts to get all the information down in one place in a logical order. Producing a draft you acknowledge as a first effort is useful because it offers you an opportunity to test initial thinking before there is too much "buy-in" to the plan.

Step 4 - Review of draft

It's almost always a good idea to get both internal (from within the iwi) and external (from outside the iwi) review of the draft plan. The reviewer(s) should be someone reasonably independent (i.e. not someone who has been involved in to the development of the plan). They should be given a set period of time within which they are to complete the review and perhaps some direction about the particular aspects they should concentrate on (being those parts of the plan that you are least sure about).

Consultation within the iwi on the draft plan should go on while it is being reviewed and the feedback along with the reviewers' comments should be taken in account in the preparation of a second draft.

Step 5 – Prepare and consult on second draft or “proposed” plan

It can be useful to prepare another (i.e. second) draft of the FWIMP before finalising the document. The second draft – sometimes referred to as the “proposed plan” represents your best effort taking into account comments received on the first draft. This second draft is the one you would put out for public consultation (if you consider full public consultation is required). Sometimes proposed IMPs will be publicly notified and submissions sought from the public. While that may not always be necessary it is always advisable to send and proposed plan at least to the local authorities within the rohe and invite comment within a specified time period.

Step 6 – Prepare and publish final plan

The final step is to prepare a final version of the FWIMP. This will take account of written and oral comments received of the proposed version. Once the final version of the plan has been prepared it will need to be made available in a format that others can use.

To ensure the FWIMP is taken into account in the preparation of local authorities' resource management plans, you will need to formally lodge the plan with the local authorities of the rohe. This will involve writing to the Chief Executive of each local authority advising of the preparation of the FWIMP, indicating the area to which it applies and confirming that the relevant iwi authority recognises the document. At least one copy of the FWIMP should be provided.

Your FWIMP should be lodged with the local authority once it is finalised

Project management

Developing plans can be complex. If not well managed plan development processes can take a long time, cost a lot of money and leave key parties dissatisfied. Good project management can avoid these problems.

Someone needs to be appointed to have overall responsibility for the management of the project. This will most logically be the working party team leader but could be someone else on the working party. The main job of the project managers is to plan and oversee the process.

As discussed earlier, the first tasks of the project manager define team structure and select team, allocate roles and set up reporting protocols.

Once the project is set up other key project management tasks are to:

- develop and agree plan preparation programme
- prepare budget/resourcing requirements
- get monitoring and reporting processes in place
- obtain sign off to commence work

1. Plan preparation programme

Good project management will begin by breaking down the plan making process into key stages. These will generally follow the headings outlined in this section of the guideline. That is: identification of issues, gathering of information, consultation etc. The project plan will:

- spell out each of the stages;
- describe what is involved with each stage;
- allocate a people to the task; and
- set out critical dates and a timeline for completion.

Good project planning requires the project planner to think through the best sequence of tasks – what tasks can be done in parallel and which need to wait until earlier stages are completed.

2. Resourcing

The resources needed to develop an IMP are people, time and money. Good project planning involves working out:

- how many/which people need to be involved (including employees, volunteers, external experts, koroua and kuia)
- how much time people need to devote to the job (and how much time they have available)
- how much money is available from iwi/Runanga to the job and how much additional funding might be required from other sources
- Work out what resources you will need might lead you to rethink the scope of timetable for the plan preparation.
- What other sources of funding there might be:

Good project planning is the key to completing a FWIMP on time and within budget

- Local authorities (particularly regional councils) can often help (although it is often necessary to make a submission to the councils' annual plan or LTCCP well in advance to ensure the council has money budgeted to help)
- government agencies like the Ministry for the Environment, Te Puni Kokiri, and Ministry for Fisheries may also be able to assist.

3. Monitoring and reporting

- The need for a project manager to monitor and report and report progress will depend on the size of the project and the resources that have been committed.
- In all cases, however, some form of regular reporting to back to Runanga boards or committees (depending on the governance structure) will be required to keep people comfortable with the process and able to intervene to help solve any problems. In general the bigger the job and budget the more, and more formalised, reporting is required.

In most cases a brief written report is advisable at least every quarter (i.e. 3 months) setting out:

- progress against the programme,
- budget spent compared to projected spend
- any problems or surprised that have been encountered; and
- any update to the timelines and/or changes to the overall project plan.

Work out realistic funding requirements well in advance and approach local authorities and government agencies early so that provision can be made in their annual budgets

What an Iwi Freshwater Management Plan should look like

As noted earlier, the contents of an IMP are not prescribed anywhere. Basically you can put in a plan whatever information you consider relevant.

However, because you want the FWIMP to influence the content of statutory regional and district plans, it makes sense to put in your plans provisions that can be easily understood and translated into RMA plans by district and regional councils.

That means that you will probably want to state:

- issues (discussed earlier)
- objectives and/or outcomes
- policies/actions

However, before the plan addresses these matters it is useful if it sets out the kaupapa and background that will allow the plan to be read and understood in the wider context.

Context

Your FWIMP might then begin with a chapter that sets out a description of:

- the physical area/river systems to which the plan applies
- whose plan it is (e.g. iwi, hapu, whanau)
- the manu whenua of that group, its whakapapa, iwi affiliations and the ancestral association with the area
- the freshwater taonga of the area and the social, economic and cultural values the iwi/hapu/whanau have for those resources
- the overall vision the iwi/hapu/whanau has for the rivers, lakes wetlands of the area
- the principles that the plan applies (and wants others to apply) to the management of freshwater taonga (e.g. rangatiratanga, kaitiakitanga, whanaungatanga etc)
- matauranga Maori and how it is relevant to the areas freshwater resources
- current iwi or hapu management structures, including Runanga, tribal authorities, marae committees etc
- how plan developed, who was involved and the general process of consultation followed.

A FWIMP should discuss the context for the plan, the issues of the rohe, objectives for resources and policies/actions that need to be implemented

Issues

As discussed earlier, issues are the problems or risks associated with either:

- the current state of resources
- level of threat resources are being subject to
- the way resources are currently managed by regulatory agencies

Freshwater issues

The issues associated with freshwater can be categorised as follows:

A comprehensive FWIMP will address cultural values, human use and ecological use of water

- issues with water's cultural and spiritual values (e.g. mauri of a water body)
- issues with the quantity and quality of water for human use (including domestic use, recreational use and for industry – including agricultural use)
- issues associated with freshwater ecology – (e.g. the sustainability of freshwater fisheries)

Regional plans often refer to in-stream values (such as fish habitat) and out of stream values (such as the value of water for irrigation)

Issues to be identified in the FWIMP will be specific to the rohe to which the plan relates. However, grouping issues according to the general headings above is a useful way to distinguish between the many issues and interests associated with freshwater.

Freshwater ecology issues

A useful prompt for identifying and analysing the freshwater ecology issues is provided below:

The main threats to the sustainability of freshwater fisheries are:

1. *physical disturbance* of beds and margins of rivers and lakes. This occurs from activities such as stream clearance which can modify habitat, damage food sources and cause direct mortality of eels and other fish that are removed from the stream along with the target debris
2. the *state of the water* itself. The state of the water includes:
 - a. water temperature (which can be elevated by vegetation removal, reduced flows or warm discharges from industrial facilities)
 - b. the chemical state of water (which can result from point source discharges to water and non point discharge such as nutrient laden run-off from agricultural lands)
 - c. the amount of sediment in the water (turbidity). This is affected by land clearance (e.g. for agriculture, forestry or urban development) and resulting erosion.
3. presence of barriers to fish migration. In particular, hydro dams, farm culverts and flood control gates provide major barriers to both downstream and upstream migration – and critical issue when so many

native fish must migrate to or from the sea at some stage of their life cycle.

4. presence of pest fish. Pest fish can compete with native fish for food, predate on native fish or just act aggressively towards native fish such that native fish are driven out of preferred habitat.
5. Over-fishing or poor fishing practices so that the fishery is not fished sustainably.

A key part of the Te Wai Maori strategy is to ensure that the first three of these threats is specifically recognised by regional plans. The fourth issue (pest fish) is something that needs to be addressed in regional councils' Regional Pest Management Strategies. The fifth issue can only be addressed through better design and enforcement of fishing regulations and possibly through fisheries management plans.

The specific identification of the above threats to freshwater fisheries along with any further detail on the extent of the threats to the water bodies of particular rohe or takiwā would be extremely valuable although it is recognised that, due to a lack of information, this may not always be possible.

Management Issues

It is also appropriate to identify issues with the way resources are currently managed by public authorities and others. For example, an issue for some iwi may well be that they do not have access to the scientific data and knowledge to support their role as kaitiaki. Another example might be that there are no mataitai reserves within the rohe or that iwi are encountering some difficulty in getting particular management regimes in place.

It is also likely that some iwi will have an issue with the restrictive nature of current management and the lack of provision for iwi to become involved in sustainable uses such growing and farming harakeke or tuna farming.

These issues are sometimes referred to as management issues and it is usually a good idea to identify these issues separately from issues that related directly to the state of the resource.

Objectives

Objectives are what you want the plan to achieve. Some people like to distinguish between objectives (being how you want the issue dealt with – which might include process matters) and outcomes (being the physical result you want to see on the ground)³.

RMA plans tend mix these matters up and generally refer just to objectives (and policies). There really is no need to get too concerned about whether something is an objective or an outcome. However if you want to make a distinction you can refer to:

- *management objectives* (how you think the issues ought to be managed including what role iwi should have in that

Priority RMA issues associated freshwater fisheries are physical damage to river beds and margins, the state of the water itself and barriers to fish passage

³Te Raranga a Mahi does this.

Objectives of the FWIMP can include both how iwi want to be involved in management and in the outcomes of that management

management. For example a management objective might be that western scientific research and information is accessible to the iwi for their use to support their role as kaitiaki and traditional knowledge is protected from misuse⁴)

- *outcome objectives* (the desired end state of the resource after implementation of the FWMP. For example, that the riparian margin of a particular stream is restored).

In doing this you can ensure that for every issue, including management issues, there is a clear objective. Management objectives will be identified in response to local issues but may focus on:

- enhancing iwi involvement in decision-making
- desired future iwi actions and achievements
- further work that needs to be done to improve the management of resources and/or the IMP's implementation

Outcome objectives can be kept broad (such as the maintenance of water quality) or they can be more specific (such as maintaining the water quality of a particular river – or maintaining some aspects of water quality).

Objectives can be a way of prioritising what's important. Sometimes it is useful to make a general statement then follow this up with greater detail. (Generally, the more detailed and specific you can be in identifying issues and objectives the better chance you have of influencing statutory plans).

For example, an objective might be "to protect the habitat of tuna in the rohe". But the objective might go on refer to particular rivers, or activities occurring within those catchments, that are of particular concern.

Objectives can also be used to set benchmarks for performance over time. For example an objective might specify that x wetlands are to be formally protected within 5 years and y wetlands formal protected within 10 years. Of the x kilometres of riparian restoration is to be achieved with in 5 years and y kilometres within 10 years. These aspirational objectives provide a clear benchmark against which performance can be measured.

Wai Maori's strategic freshwater fisheries habitat objectives

Wai Maori's habitat sustainability strategy refers to three general objectives that could be recognised in the priorities of FWIMPs. These objectives, set out below, attempt to focus effort on the overall best interests of freshwater fisheries. They are to:

- to better manage migration routes between large areas of sustainable inland habitat and the sea
- to better manage habitat in the coastal and near coastal areas that are the preferred habitat of most freshwater fish
- to improve accessibility to, and restocking of good quality habitat that is currently inaccessible.

⁴ This is an actual objective from *Whaia te Mahere Taiao a Hauraki* – the Hauraki Iwi Management Plan

Objectives to be included in FWIMPs will follow from the identification of issues. There is no single way to do this. Objectives may be written to:

- respond to specific threats (e.g. land drainage)
- relate to particular species (e.g. tuna, koura or inanga)
- relate to specific catchments or habitat types (e.g. lowland wetlands)

Possible FWIMP fishery objectives could focus on:

- protecting existing high value fish habitat, such as wetlands, from drainage or other significant modification. This might be done by:
 - regulatory control through regional and district plans
 - providing incentives for protection
 - supporting voluntary protection
- increasing the extent of viable fish habitat by:
 - overcoming barriers to fish migration
 - restoring habitat and
 - controlling the size and range of pest fish populations.
- increasing the *quality* of fish habitat by:
 - reducing the risks posed by intermittent in-stream works that destroy or disrupt habitat and food sources
 - better managing water quality (particularly point source and non point source discharges)
- maintaining and enhancing good riparian buffers along streams
- protecting inanga/whitebait *spawning areas* that are not already protected and which are known to be vulnerable to stock trampling and similar disturbance

Policies, methods and actions

Once you have identified what you want to see achieved with the freshwater of the rohe or takiwā you need to decide how you think these outcomes can be best achieved.

In other words each objective needs to be followed by one or more *policies* and/or *actions*.

Management plan objectives will be achieved both by the actions of local authorities (and other public agencies) and by the actions of tangata whenua themselves (or by tangata whenua working alongside these partners).

FWIMP Policies

If the iwi or hapu believe that local authorities or others ought to do certain things (make decisions, fund works etc) in order to achieve the objectives, the FWIMP ought to articulate *policies* to that affect.

Policies are statements of the iwi/hapu or whanau *position on an issue* and it is these statements that will form the basis of representations to local

authorities through, for example, submissions on local authority planning documents.

For example, in relation to the objective of overcoming barriers to fish migration, an FWIMP might include a policy that any consent for the new or continuation of existing dams is only to be approved if there are effective means for ensuring both upstream and down stream fish migration (either through “trap and transfer” arrangements or through the construction of practical fish ladders).

FWIMP policies need to be drafted to given effect to each objective. Again, to be effective, the more specific and relevant to local authority planning issues policies can be the better. Some of the matters such policies might address include policies relating to:

Policies included in FWIMPs should set out how the iwi or hapu want an objective achieved

- the content of regional and district plans
 - whether non regulatory methods or regulation should be used by local authorities to, for example, protect remaining wetlands
 - the specific methods that should and should not be used by local authorities to achieve outcomes (For example what the iwi’s view would be on more subdivision in a catchment in return for the fencing and planting of riparian margins)
- how and when iwi should be involved in RMA decision making :
 - what the consultation processes ought to be used for plan making
 - what expectations are about the extent of information on cultural impacts that should be considered sufficient in resource consent applications
 - when transfers of functions to iwi and joint management agreements with iwi should be considered.
- how relevant resource management information should be shared with iwi.
- which other plans and processes should take into account the FWIMP and the content of those plans (including regional pest management strategies, fisheries management plans and reserve management strategies).

FWIMP Actions

An action is something you are going to do (or that you want others to do). In some cases a FWIMP will state the actions that the iwi/hapu or whanau will undertake to achieve the objective and policy. For example, an action might be “to advocate through the RMA process for protection of riparian margins”.

In other cases, actions will relate to tasks that are beyond the resources of the iwi and which must be advanced in partnership with others. For example, an action might be “to develop a strategy for improving fish passage along small streams that prioritises streams and establishes means for the progressively retrofitting of rock ramp fish passes on existing poorly designed culverts”.

Actions of a FWIMP are those tasks that need to be done to implement the plan. They can apply to the iwi and/or to other parties

It is useful to state in the FWIMP which actions are the responsibility of the iwi which should be responsibility of the local authority (or other external party) and which should be undertaken jointly.

Some key actions the FWIMP should consider including are:

Strategy development

Not all issues can be dealt within an RMA plan and sometimes further work is required to work out exactly what needs to be done and to prioritise actions. Where there is uncertainty about the best way forward on an issue identified by a FWIMP, or where the issue is so large that some prioritisation is required, the development of a strategy can be the best way forward. Advocating for strategy development – involving local authorities and other public agencies in partnership with iwi is a good way of ensuring issues are not left in the “too hard” basket.

Strategies are particularly useful when there is a need to achieve a positive outcome rather than just stop an adverse effect occurring.

FWIMPs might need to identify the need for strategies in relation too:

- riparian and wetland restoration
- removal of barriers to fish migration and the re-connection of a viable fish habitat with migration paths
- restocking of fisheries
- management of pest fish
- facilitating opportunities for iwi development of freshwater fisheries

Advocacy

Advocacy can be used both in terms of (a) iwi advocating to local authorities (and other public agencies); and (b) iwi and local authorities jointly advocating to other groups including industry groups and central government. FWIMP should consider actions that involve iwi advocating:

- to central government on the content of national level instruments that affect freshwater such as national policy statements under the RMA and similar initiatives.
- to regional councils on the
 - inclusion of rules in regional plans controlling (a) vegetation removal that could adversely affect aquatic life including the removal of riparian vegetation; and (b) activities in the beds of rivers and lakes.
 - identification and protection of wetlands
 - effective management of non point source discharges
 - need for any damage to aquatic ecosystems to be off set by improvements/restoration elsewhere
 - need for conditions to be placed on land management activities such as drain clearing that minimise habitat disturbance – particularly are key periods (spawning and migration)

- identification of pest fish in regional pest management strategies – particular gambusia, catfish and perch.
- to district councils on the
 - need to recognise the value vegetation has for aquatic ecosystems when assessing the significance (and protection needs) of indigenous vegetation.
 - the value of keeping open waterways through urban areas
 - the needs to recognise effects on aquatic life when managing stormwater

Awareness raising and education

Providing information to landowners and other resource users is common activity of regional councils. FWIMPs should ensure that this extends to councils developing and promoting

- advice to landowners on culvert design to facilitate fish passage
- freshwater fish habitat restoration guidelines
- cleaning of eel nets and boat trailers after use and before re-use in different water ways to reduce risk of spread pest fish

Monitoring

Monitoring the effect of land uses on water ways is critical so that causes of degradation are properly understood and strong regulatory action can be justified. FWIMPs should promote monitoring of:

- of voluntary mechanisms such as the Clean Streams Accord
- land use and land use change within catchments and impacts of water quality, flows and vegetation cover.
- suitability of waterways for freshwater fish species and habitat recovery rates

Research/information gathering

There is still much we do not fully understand about freshwater fisheries and the risks they face and the best ways to address those risks. FWIMP should promote research including

- identification of unprotected inanga spawning sites
- the best means of providing for escapement of tuna (i.e. whether traps and transfer screens over intakes, lighting or the opening of spillways at key times will provide the best results)
- effective ways of managing brown bullhead catfish and perch

Implementing Iwi Freshwater Management Plans

Freshwater iwi management plans will not implement themselves. Although FWIMPs may identify actions that require the involvement of local authorities, local authorities are under no legal obligation to undertake those actions (they are only required to take into account documents recognised by iwi when preparing RMA policies and plans).

The government has been some guidance to local authorities by the on how they should give effect to IMPs but this is not binding and in any event is now outdated⁵.

Therefore finalisation of an FWIMP is not the end of the process. Considerable effort needs to be devoted to getting the plan appropriately implemented.

Broadly speaking, there are three dimensions to the implementation of FWIMPs. These are:

- *policy incorporation* as encouraged by the RMA and as is possible under other legislation,
- *structural/governance arrangements* to facilitate effective dialogue, interpretation and partnership; and
- *partnership agreements* such as written agreements and MoU's and protocols

Policy incorporation

Iwi should work to ensure FWIMP policies are reflected in the planning framework of local authorities. This includes:

- a regional council's *regional policy statement* and *regional plan(s)* – which control water use, discharges to water, sand and gravel extraction, occupation of river and lake beds and land use that affects water quality as well as biodiversity protection; and
- a territorial authority's *district plan* – which controls land use, including removal of vegetation
- regional council and territorial authority *long term council community plans* (LTCCP's) which set out the community outcomes sought by the council and which allocate funding towards achievement of outcomes for a 10 year planning horizon.
- regional council's *regional pest management strategies* which identify the plant and animal pests of the region and set out a management regime for these pests.

The job is not over once the FWIMP is finalised. Implementation requires iwi to work on how the plan is to be incorporated into local authority policies and what structures and other arrangements to be in place to make sure that happens

⁵ Whakamau ki Nga Kaupapa – making the best of iwi management plans under the RMA, June 2001, Updated June 2003. This predated recent changes to the RMA that increase the status given to iwi planning documents.

- regional councils’ regional land transport strategies which and must (to the extent reasonable) take account of environmental sustainability and avoid adverse effects on the environment.
- local authorities’ local governance statements which must set out, amongst other things, policies for liaising with, and memoranda or agreements with Maori
- other policies of district and regional councils. Such policies might include:
 - *development contributions* policy (which set out what contribution developers must pay and how those contributions will be used – including potential use for conservation purposes).
 - *reserve management plans* (which state how land under the Reserves Act is to be managed)
 - regional councils management plans for *regional parks* (created under the Local Government Act)
 - other one-off non statutory strategies and plans prepared by local authorities such as open space strategies, local biodiversity strategies etc.

The main way of ensuring these policies take account of iwi management plans is by iwi making submissions on the draft policies and alerting council of the appropriateness of recognising the FWIMP along with some clear advice on how this might be achieved to the satisfaction of the iwi/hapu.

However, the two other means of implementation, if well conceived and genuinely applied, will reduce the need for iwi to submit on ever relevant policy. It is much more desirable if the structural and partnership arrangements iwi have with local authorities translate into local authorities incorporating the FWIMP into policies without constant reminding by iwi.

Structural arrangements

The term “structural arrangements” refers to the governance administrative arrangements of the council that build in involvement of iwi.

Examples are Maori advisory committees, tangata whenua representation on council committees, Maori secretariats and liaison officers.

Having iwi directly involved in decision-making or at the very least advising on the development of local authority policy is a good way to ensure that FWIMPs are promoted at the right level and at the right time.

Priorities for freshwater should be on ensuring that there is an iwi freshwater advisory group that advises local authorities on freshwater issues and on ensuring iwi representation council committees considering regional land and water plans and any changes to those plans.

Partnership arrangements

Even before a FWIMP is finalised iwi should be talking to the local authority about the arrangements to be put in place to give effect to the FWIMP.

As noted above, local governance statements prepared by regional councils and territorial authorities under the Local Government Act 2002 must include information on representation arrangements including the option of establishing Maori wards or constituencies; and policies for liaising with, and memoranda or agreements with, Maori.

Most current agreements tend to be general and are entered into at the iwi level (i.e. not necessarily the group that prepares a FWIMP). Specific arrangements may be necessary in respect of the implementation of FWIMPs. These arrangements could include mutual agreement over:

- how the FWIMP is to be taken into account by the local authority
- which policies/plans ought to be amended to reflect a FWIMP
- the timetable for making necessary changes
- how disputes over the accuracy with which the FWIMP is reflected in plans and policies will be dealt with
- how progress on the actions specified in the FWIMP will be monitored and reported
- the level and frequency with which regional councils will monitor and report on indicators relevant to the objectives of the FWIMP (including matters such as extent of riparian vegetation restoration and removal, water quality indicators, fish surveys etc)

Appendix 1 – Known Iwi Management Plans

(As at March 2004)

Awaroa ki Manuka 1991. Ngaa Tikanga o Ngaati Te Ata, Tribal Policy Statement.

Garven, P; Nepia, M; Ashwell, H; Goodall, M (ed) 1997. Te Whakatu Kaupapa o Murihiku: Ngai Tahu Resource

Management Strategy for the Southland Region. Aoraki Press.

Henare, E 1990. An Introductory Perspective to Resource Management Planning, Te Runanga O Ngatihine.

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Kai Tahu ki Otago 1995. Natural Resources Management Plan, Aoraki Press.

Kawerau a Maki Trust 1995. Resource Management Statement.

Kowhai Consulting 2002. Ngati Maniopoto State of the Environment Report.

Marks, M (et al) 1999. He Kaupapa Mo Te Taiao: Draft Environmental Policy Statement, Kororeka Marae Society Incorporated.

Nga Hapu O Otaki on behalf of Ngati Raukawa ki te Tona 2000. Proposed Ngati Raukawa Otaki River Catchment Iwi Management Plan.

Tai Poutini Tuna/Eel Management Committee 1999. Eel Management Plan - Covering the West Coast of the South Island, New Zealand, Prepared for Te Waka a Maui me ona Toka Mahi Tuna.

Te Maire Tau, Anake Goodall, David Palmer, Rakihia Tau 1990. Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region.

Te Runanga o Ngati Hauti 1996. Kaupapa Taiao: Environmental Policy Statement.

Te Runanga o Ngati Porou 1998. Ngati Porou Environmental Policy Statement, Ngati Porou Hapu Environmental Management Plans Project.

Te Runanga o Ngati Porou 1999. Ngati Porou Environmental Policy Statement, Ngati Porou Hapu Environmental Plans Project.

Te Runanga o Ngai Tahu 2000. Te Runanga o Ngai Tahu - Freshwater Policy.

Swann, S (et al) 1996. Ngati Paoa Resource Management Plan.

Whakatohea Project Team July 1993. Tawharau o Nga Hapu o Whakatohea – Whakatohea Resource Management Plan.

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