

In Confidence

Office of the Minister of Conservation
Chair, Cabinet Environment, Energy and Climate Committee

NOMINATION OF WAIRARAPA MOANA AS A RAMSAR WETLAND OF INTERNATIONAL IMPORTANCE

Proposal

1. This paper seeks the Committee's approval to forward to the Legislative Committee, New Zealand's nomination of Moana as a Ramsar wetland of international importance.

Background

Designation under the Ramsar Convention

2. The Ramsar Convention is an international agreement that seeks to halt the worldwide loss of wetlands by providing a framework for the conservation and wise use of wetlands and their resources. New Zealand became Party to Ramsar in 1976 and the Department of Conservation (the Department) acts as the national focal point.
3. A key pillar of the Convention is the designation of internationally important wetlands. These are representative, rare or unique wetlands, or those which are important for conserving biological diversity. Currently over 2250 Ramsar sites are designated around the world, but only six in New Zealand¹. Nominated sites must meet specific criteria [Appendix A refers]. The data and maps must meet any standards set by the Ramsar Parties. In New Zealand, nominations must be made by Order in Council before being forwarded to the Ramsar Secretariat.
4. Designation under Ramsar provides New Zealand's wetlands international recognition, enhancing the mana of a site. Designation provides opportunities to promote visitation and encourages kaitiakitanga/stewardship.

Wairarapa Moana

5. Wairarapa Moana comprises approximately 10,000-ha, including Lake Wairarapa and Lake Ōnoke, the reach of the Ruamahanga River, publicly owned reserves around the lakes, and one Fish and Game reserve [Appendix B refers].
6. Wairarapa Moana is a strong candidate for designation. It meets seven of nine Ramsar criteria [Appendix A refers]. For example, Wairarapa Moana supports more than 50 rare and threatened species (Criterion 2), a high diversity of migratory water birds (Criteria 3 and 4) and provides important habitat for more than 20 freshwater and estuarine fish species (Criteria 7 and 8).

The Ramsar process

¹ The six current Ramsar sites are: Farewell Spit, Firth of Thames, Kopuatai Peat Dome, Manawatu Estuary, Awarua Waituna Lagoon, and Whangamarino.

7. The international significance of the site was originally mooted by Forest & Bird in 2001, and supported by the Wairarapa Moana Wetlands Governance, Management and Coordinating Committee. In 2014 Greater Wellington Regional Council (GWRC) submitted a nomination to the Department, seeking to designate Wairarapa Moana as a wetland of international importance. From 2015 to 2018 the Department and GWRC prepared reports and undertook extensive community consultation.
8. Under section 18AB of the Conservation Act 1987, the Governor-General may, by Order in Council, on the recommendation of the Minister,
 - (a) specify a wetland and the details of the area of the wetland; and
 - (b) declare that the Minister for the time being responsible for the Ramsar Administrative Authority must notify the Ramsar Secretariat of the wetland and the details of the area of the wetland.
9. Before making a recommendation to the Governor-General, the name of the proposed site must be referred to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review². This process is currently underway and is expected to be completed for the Order in Council.
10. The legislative process to nominate Ramsar sites in New Zealand was changed in 2013. Wairarapa Moana is the first site nominated under this new legislation.

Tenure of Wairarapa Moana

11. The majority of Wairarapa Moana land is currently owned by the Crown, mostly designated as stewardship area and scenic reserve and is by the Department (9,383 ha). A 262ha recreation reserve owned by the Crown, with management vested in South Wairarapa District Council (SWDC), is also part of the proposed site. The Council supports the nomination. Much of the site is also subject to a Water Conservation Order under Part 9 of the Resource Management Act 1991 to recognise its outstanding wildlife habitat and protect its water levels.
12. Treaty settlement redress over Wairarapa Moana is included in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua (Ngāti Kahungunu), and Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua (Rangitāne) Treaty settlements [CAB-17-Min-268 refers]. Settlement legislation will provide for the transfer of the bed of Lake Wairarapa and parts of the bed of the Ruamahanga River to Ngāti Kahungunu, and Rangitāne. Some surrounding reserves will be transferred to Ngāti Kahungunu. Lake Ōnoke will remain in Crown ownership.
13. SWDC has also agreed to transfer to iwi ownership the 262ha recreation reserve it currently manages on the northern shore of Lake Wairarapa. The Ngāti Kahungunu Treaty settlement provides for the name “Wairarapa Moana” to become an official geographic name. Once the Ngāti Kahungunu Deed of Settlement is signed, legislation will be introduced to Parliament enabling redress to be implemented once enacted.
14. The pending ownership and management changes that will result from the Treaty settlement, will provide a new protected status to Wairarapa Moana after the land is returned to iwi. The majority of reserves will become local purpose reserve with the primary purpose of ecosystem and wildlife management, and the secondary purpose of recreation. The site will be

² Subpart 3 of Part 2 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

- administered by a Board including representatives from iwi, local authorities and DOC. Current activities will continue in and around Wairarapa Moana.
15. Since 2008 Wairarapa Moana has been managed under a joint initiative: the Wairarapa Moana Wetlands Project. The Governance Group includes representatives from: GWRC, the Department, SWDC, Kahungunu ki Wairarapa, Rangitāne o Wairarapa Inc., and a representative from each of two local hapū. All partners in the Governance Group support the nomination.
 16. As part of the Treaty settlement, current management and governance arrangements for Wairarapa Moana will cease. A new statutory board (the Wairarapa Moana Statutory Board) will be set up by legislation to administer Lake Wairarapa, Lake Ōnoke and surrounding reserves. A Wairarapa Moana reserve management plan will provide a dedicated focus on the protection of the cultural, spiritual and ecological values of Wairarapa Moana.
 17. Operational management of the reserves will be undertaken by the Board appointees in agreement with the Board appointers. The statutory board will comprise members appointed by the Ngāti Kahungunu and Rangitāne governance entities, the Minister of Conservation, GWRC and SWDC [Te Rohe o Rongokako Joint Redress Bill refers].

Implications of the Ramsar designation

18. Clause 8 of Schedule 4 of the Crown Minerals Act 1991 provides that any land within a wetland and notified to the Ramsar Secretariat automatically leads to access restrictions for the exploration, prospecting, or mining of minerals. Officials from the Ministry of Business, Innovation and Employment and the Minister of Energy and Resources provided assurance that there are no known existing mineral interests in Wairarapa Moana. Officials have advised that no significant economic mineral potential would be foregone as a result of the land coming under the provisions of Schedule 4 of the Crown Minerals Act 1991.
19. Designation under the Ramsar Convention would not introduce any other new restrictions or protections for Wairarapa Moana. Therefore, designation as a Ramsar Site would not alter existing management strategies within Wairarapa Moana, or any matters such as public access to or current use of the Moana. The key purpose of designation is to raise the national and international profile of the site.
20. Ramsar sites are subject to international reporting obligations, which are undertaken by the Department. This includes information on change in land status or ecological character of a site. Reports from each site are subject to international scrutiny. Once designated, these reporting obligations would likely incentivise greater conservation and the wise use of wetlands within Wairarapa Moana. In turn, any degradation of the site might create reputational risks for New Zealand or place the new Board under pressure from public scrutiny. The Department will mitigate this risk by participating in and supporting the proposed new Board to ensure that the site flourishes.

Consultation

Iwi and community Consultation

21. In 2015 the Department and GWRC led formal consultation in the run-up to the expected nomination in 2015. Consultation resulted in expressions of

- support from across the community. Adjoining landowners have last been informed on the process in 2019. No significant concerns were raised.
22. The future owners of the majority of the wetland, Ngāti Kahungunu Ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust and Rangitāne Tū Mai Rā Trust have confirmed their support in writing in 2018.
 23. The Members of Parliament for Wairarapa, Alistair Scott and Ikaroa-Rāwhiti, Meka Whaitiri, have been informed in 2019 in writing, and raised no objections.

Interagency consultation

24. The Ministry of Foreign Affairs and Trade, the Ministry for the Environment, Te Arawhiti, Te Puni Kōkiri, the Ministry for Primary Industries, Land Information New Zealand, and the Ministry of Business, Innovation and Employment have been consulted throughout the latter stages of the process. No agency has raised objections. The Treasury was consulted with regards to the exemption to the Regulatory Impact Assessment requirements. The Department of Prime Minister and Cabinet has been informed about the process.
25. In addition, I have informed and requested endorsement in 2019 from Hon Woods, Hon Peters, Hon Little, Hon Parker, Hon Mahuta, Hon Nash, and Hon O'Connor. No objections were raised.

Financial Implications

26. The nomination of a Ramsar site has no financial implications. Regular monitoring and reporting of the site are covered by standard budget appropriations.

Impact Analysis

Regulatory Impact Statement, Climate Implications of Policy Assessment (CIPA), and Treaty principles

27. The Regulatory Quality Team at the Treasury has determined that the regulatory proposal in this paper are exempt from the regulatory impact analysis requirements on the basis that it has no or only minor impacts on businesses, individuals or not-for-profit entities.
28. The Ministry for the Environment has been consulted and confirm that the CIPA requirements relating to greenhouse gas emissions, do not apply to this proposal as the threshold for significance is not met.
29. Article 2 of the Treaty of Waitangi provides for Māori rights over resources and taonga. The Treaty settlement redress over Wairarapa Moana provides for iwi ownership and involvement in the governance and management of Wairarapa Moana. The Treaty settlement redress legislation aligns with the proposed Ramsar status of Wairarapa. The proposed Ramsar status for Wairarapa Moana accords with the status of Wairarapa Moana as a taonga to Ngāti Kahungunu and Rangitāne.

Human Rights, Gender Implications & Disability perspective

30. There are no specific human rights, gender or disability implications in nominating a wetland under the Ramsar Convention.

Publicity

31. Once the Order in Council is in place and the nomination with the Ramsar Secretariat is made, press and stakeholder statements will be released.

Proactive Release

32. I propose releasing the paper proactively in whole.

RELEASED BY THE MINISTER OF CONSERVATION

Recommendations

The Minister for Conservation recommends that the Committee:

1. **Notes** that Wairarapa Moana has wetland values of international significance and is proposed to be nominated as a Ramsar site of international importance.
2. **Notes** that the proposed Ramsar nomination has no significant regulatory impacts.
3. **Notes** the domestic process of nomination of a Ramsar Wetland of international importance as referred to in paragraphs 8-10.
4. **Notes** the extensive consultation process with no relevant concerns, and support from Treaty Partners for the nomination of Wairarapa Moana under the Ramsar Convention.
5. **Notes** that the proposed name for the proposed Ramsar site “Wairarapa Moana” is currently in the process of being referred to the New Zealand Geographic Board for review.
6. **Notes** the Minister of Conservation intends to recommend issuing drafting instructions to the Parliamentary Counsel Office (PCO).
7. **Seeks** authorisation of the Legislative Cabinet Committee of the nomination of Wairarapa Moana as a Ramsar Wetland of International Importance Order 2020 for submission to the Executive Council.

Authorised for lodgement

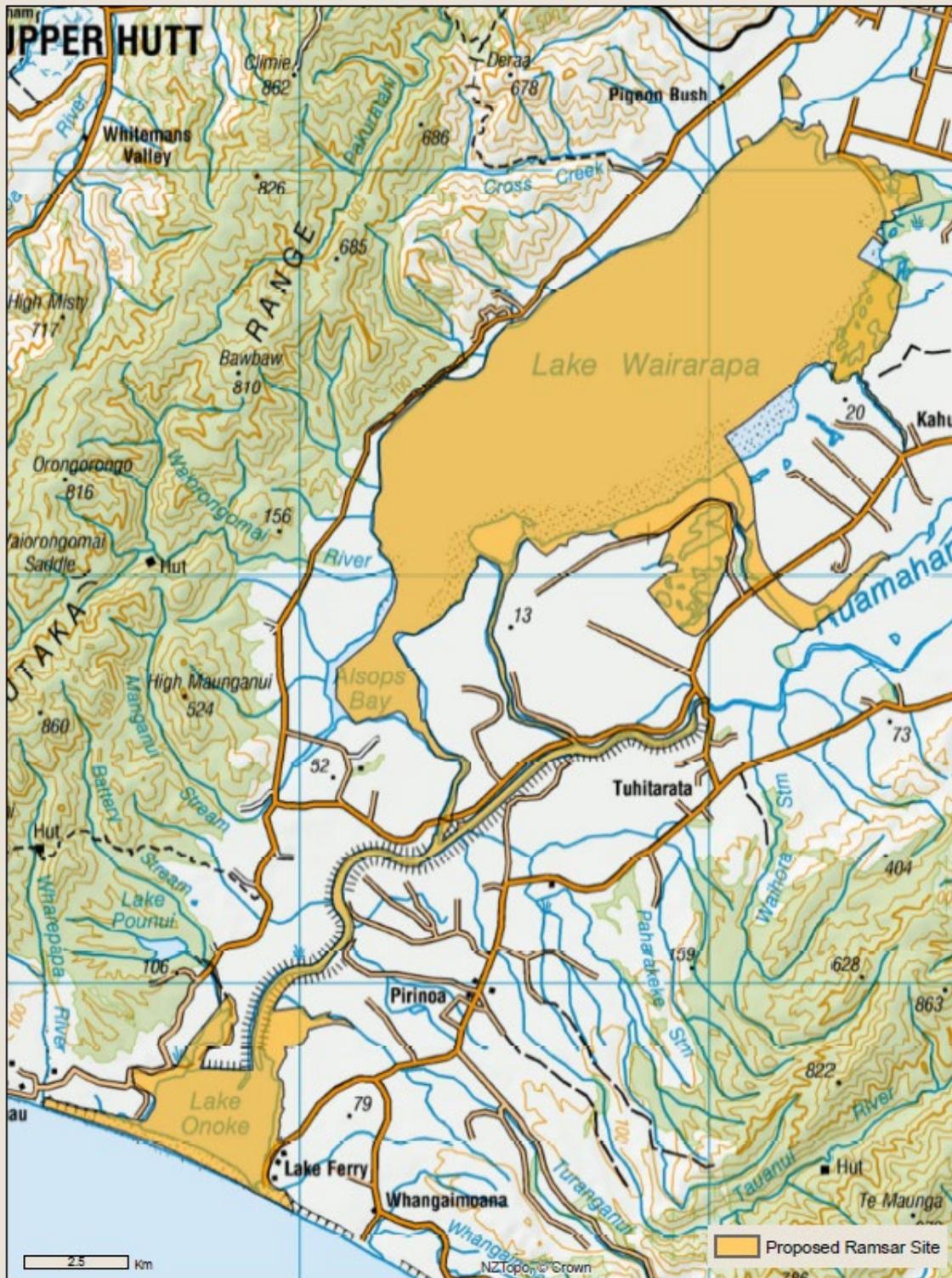
Hon Eugenie Sage

Minister of Conservation

Appendices

Appendix A: Map – Proposed Wairarapa Moana Ramsar Site

Appendix B: Ramsar Information Sheet: Wairarapa Moana



NZGD 2000 New Zealand Transverse Mercator
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 Scale at A4 = 1:120,000
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 DOC, Geospatial Services

Proposed Wairarapa Moana Ramsar Site



Department of Conservation
Te Papa Atawhai
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