

## APPENDIX. REGULATION OF MAORI INTERESTS IN FLORA AND FAUNA

The table on the following pages shows Maori interests in flora and fauna as regulated by land ownership categories and protected species legislation. The table does not cover wild game animals, pests and weeds, sport fish, whitebait, eels, and indigenous fish.

**Maori interests in flora and fauna as regulated by land ownership categories and protected species legislation**

(This table does not cover wild game animals, pests and weeds, sport fish, whitebait, eels, and indigenous fish)

<i>Land ownership category</i>	<i>Flora</i>	<i>Protected fauna (Crown-owned wildlife under Wildlife Act 1953)</i>	<i>Comments</i>
General provisions that apply to all categories below.		Ultimate right to access protected species is vested in a ranger acting under the Wildlife Act. Permits can be issued by DOC to allow the taking of protected fauna, however, such permits are rarely issued. Maori may participate in threatened species recovery programmes and other DOC plans.	
SILNA Maori land	Maori owners have ownership and control of flora on their land subject to any rules in a district or regional plan under the RMA. SILNA lands are exempt from the Forests Amendment Act 1993.		Crown and Maori-owners have come to an agreement for the protection of the Waitutu forest after years of negotiation.

Maori land (Te Turi Whenua Maori Land Act)	Maori-owners have ownership and control of flora on their land subject to any rules in a district or regional plan under the RMA. Any commercial logging requires approval under Forests Amendment Act 1993.	Maori-owners cannot take or use protected fauna. The owners may have a say in regulating access to protected fauna on their land. There is some legal harvest, via regulations under the Land Act 1948, of muttonbirds on some offshore islands, and legal harvest of particular native fauna on the Chatham Islands.	Some Maori-owned forests have been protected under nga whenua rahui agreements. Protected Maori-owned forest land may be entitled to rates relief.
Maori-owned rivers or lakes	Maori-owners own flora in their lake or river, but use of that flora is regulated by the RMA. Rules in district or regional plans may provide for Maori customary interests over their flora. Water-use, discharges, and surface water activities are also regulated by the RMA.	Maori-owners cannot take or use protected fauna but may, in some cases, have a say in regulating access to protected fauna in their river or lake.	Maori access and use of their rivers and lakes may also be restricted by private land surrounding those rivers and lakes. For example, Lake Koputara, a Maori-owned lake in Manawatu is totally surrounded by private land and the lake trustees have been unable to gain permanent legal access.

<i>Land ownership category</i>	<i>Flora</i>	<i>Protected fauna (Crown-owned wildlife under Wildlife Act 1953)</i>	<i>Comments</i>
Maori-owned land within coastal marine area	Maori-owners own flora on their land within the coastal marine area but use of that flora is regulated by the RMA. Rules in regional coastal plans may provide for Maori customary interests over their flora. Water-use, discharges, and surface water activities are also regulated by the RMA.	Maori-owners cannot take or use protected fauna but may, in some cases, have a say in regulating access to protected fauna on their land within the coastal marine area.	
Protected Crown land (conservation estate)	The Crown owns and controls flora within the conservation estate. Maori may have input in the management of flora within the conservation estate by participating in things such as conservation management strategies, management plans, recovery plans, and DOC consultation initiatives. DOC strategies and plans generally allow local tangata whenua to have a role in managing access to flora within protected	Maori may have a say in the management of fauna within the conservation estate by having input into things such as conservation management strategies, management plans, recovery plans, and DOC consultation initiatives.	In a few instances, Maori manage Crown reserve land as part of a Treaty of Waitangi claim settlement or by other agreement with the Crown. In these cases, the particular Maori group or trustees are the administration authority for the reserve land. Local authorities also manage some Crown land and local authority land as reserves under the Reserves Act 1977. Access to flora

Crown-owned lakes and rivers	<p>areas. All taking of flora from within protected areas requires a permit.</p> <p>The Crown owns and controls flora within Crown-owned lakes and rivers. Maori may have input in the management of flora within Crown-owned lakes and rivers by participating in regional and district plans prepared under the RMA. Sometimes these plans provide for Maori customary use.</p>	<p>Maori-owners cannot take or use protected fauna. Access to Crown-owned lakes and rivers is regulated by the riparian landowners.</p>	<p>to these reserves is regulated by the administrative body.</p> <p>Usually there is some provision that provides for public access (including Maori) to large lakes and rivers. These provisions may include the use of esplanade strips and access strips.</p>
Crown-owned coastal marine area	<p>The Crown owns and controls flora within the Crown-owned coastal marine area. Maori may have input in the management of flora within Crown-owned coastal marine area by participating in the National Coastal Policy Statement and regional coastal plans prepared under the RMA. These plans generally provide for Maori customary uses.</p>	<p>Maori-owners cannot take or use protected fauna. Access to the coastline is often regulated by the riparian landowners.</p> <p>International protocols are being developed for the conservation of migratory marine birds, such as petrels and albatross.</p>	<p>All marine mammals are also protected under the Marine Mammals Protection Act. In some instances, doc has developed protocols and policies to allow Maori access to whale bone and teeth from beached whales.</p>

<i>Land ownership category</i>	<i>Flora</i>	<i>Protected fauna (Crown-owned wildlife under Wildlife Act 1953)</i>	<i>Comments</i>
Crown-owned protected coastal marine area (marine reserves and sanctuaries)	The Crown owns and controls flora within the Crown-owned coastal marine area.  Maori may have input in the management of flora within protected coastal marine areas by being involved in the planning and management of marine reserves.	Maori-owners cannot take or use protected fauna.  Generally Maori customary fishing is not allowed in marine reserves.	
Private (non-Maori) land	The landowner owns and controls flora on his or her land. Rules in district and regional plans can regulate the use of habitats on private land.	The landowner has a say in regulating access to protected species on private land.	Rules in a district plan could also provide for Maori to access flora on private land.  This access arrangement would require land owner cooperation.