

**From:** [James Griffin](#)  
**To:** [Elizabeth Farnham](#)  
**Cc:** [Katrina Hansen](#)  
**Subject:** RE: Update regarding wetlands delineation  
**Date:** Friday, 12 April 2024 1:55:03 pm  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)

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Our current wetland legal actions do not include gumland.

The Court of Appeal Page v GWRC decision has certainly reduced local government appetite of taking legal action.

We were at the biennial Wetland Symposium the last couple of days, and this case was a key issue of concern and discussion.

Cheers

James

p.s. interesting comment, nobody goes into a forest and says they couldn't see animals therefore it's not a forest!

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**From:** Elizabeth Farnham <Elizabeth.Farnham@mfe.govt.nz>  
**Sent:** Wednesday, April 10, 2024 2:37 PM  
**To:** James Griffin <JamesG@nrc.govt.nz>  
**Cc:** Katrina Hansen <katrinah@nrc.govt.nz>  
**Subject:** Re: Update regarding wetlands delineation

Kia ora James,

Thank you for bringing this to our attention.

My name is Elizabeth Farnham and I am one of the senior analysts that works within the wetland policy area. The ministry is currently considered possible next steps to address the implications of the recent court decisions and value your thoughts on the matter.

One of the methodologies being explored is eDNA which would capture animals that are temporarily or cryptically present in an area that is intermittently wet such as Gumlands.

However, we are aware there are some shortcomings to this methodology such as cost. We are hoping the the process to review and replace the NPS-FM will also provide an opportunity to alleviate the

Does NRC have any legal actions being taken at the moment in a gumland?

Nga mihi,  
Elizabeth

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**From:** James Griffin <[JamesG@nrc.govt.nz](mailto:JamesG@nrc.govt.nz)>  
**Sent:** Tuesday, April 9, 2024 5:21 PM  
**To:** WetlandsTeam <[WetlandsTeam@mfe.govt.nz](mailto:WetlandsTeam@mfe.govt.nz)>  
**Cc:** Katrina Hansen <[katrinah@nrc.govt.nz](mailto:katrinah@nrc.govt.nz)>  
**Subject:** RE: Update regarding wetlands delineation

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Thank you Sara.

Enforcement evidence gumland supporting animals adapted to wet conditions will be particularly problematic.

Gumlands are a critically endangered ecosystem and classed as wetlands. Proving animals are supported will be particularly tricky, as gumlands are seasonally dry. This can be for quite long periods.

While they support plants adapted to wet conditions and delineate as wetland, obvious aquatic animals associated with gumlands are few e.g mudfish, and often absent. Fernbird are cryptic, also usually not observed and it could be argued they are not ‘...adapted to wet conditions’.

Bittern visit some gumland areas but only occasionally observed.

I hope next steps consider solutions for gumlands, as they are poorly understood and currently being lost through a range of development pressure. Most of the key sites that remain are in Northland.

**Ngā mihi**

**James Griffin**  
**Policy Specialist - Biodiversity**  
**Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau**

**M** 9(2)(a)

Week 1					Week 2				
Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri
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Please note that I am not in the office every alternate Wednesday



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**From:** Sara Clarke, General Manager – System Enablement | Ministry for the Environment

<[wetlandsteam@mfe.govt.nz](mailto:wetlandsteam@mfe.govt.nz)>

**Sent:** Tuesday, April 9, 2024 2:50 PM

**To:** James Griffin <[JamesG@nrc.govt.nz](mailto:JamesG@nrc.govt.nz)>

**Subject:** Update regarding wetlands delineation

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Tuesday, 9 April 2024

Tēnā koe,

The Ministry for the Environment (MfE) has recently received enquiries regarding the court proceedings Page v GWRC and how it impacts Council work. Firstly, ngā mihi nui for the queries we've received thus far.

One of the key takeouts of the case relates to the burden of proof required to support a criminal prosecution. While the [MfE delineation protocols](#) are a useful tool reflecting best practice internationally, they are unlikely to be enough in a prosecution action. The Courts judgement implies that where a council may be looking to take criminal charges, an assessment and identification of fauna may be required to prove beyond a reasonable doubt that a wetland exists.

We are keen to work through the implications of this with councils as issues arise. Please feel that you can keep us informed of any ongoing impacts of the recent court decision in your work by sending us an email at: [wetlandsteam@mfe.govt.nz](mailto:wetlandsteam@mfe.govt.nz). We look forward to confirming next steps with you.

Ngā mihi nui,

Sara Clarke

General Manager, System Enablement

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