

16 March 2018

Hawke's Bay Regional Council
159 Dalton Street,
Napier
4110

Dear Sir or Madam,

**COMMENTS ON THE HAWKES BAY REGIONAL PEST MANGEMENT PLAN
2018 - 2039**

1. These comments are provided by Fisheries Inshore NZ Limited on behalf of the Area 2 Committee in respect of the Hawkes Bay Regional Pest Management Plan 2018 - 2039 released for consultation on 2 February 2018. These comments are specific to the Marine Pests identified in the document
2. Fisheries Inshore NZ Limited (FINZ) has a mandate from the Area 2 Committee to work directly with and on behalf of its quota owners for the management of fisheries within the region. The Area 2 Committee is a committee representing the interests of Area 2 quota owners and fishers. The focus is on stock-specific and regional issues that impact on the local fisheries they represent.
3. FINZ note that companies and other quota-holders may also make their own submissions on the proposals.

Regional Pest Management Plan 2018 – 2039 – Marine Pests

4. We agree with the principle of stopping the spread of marine pests.
5. As such we support the inclusion of Marine Pests as part of the development of a 2018 – 2028 Regional Pest Management Plan. It is positive that the Mediterranean fanworm (*Sabella spallanzani*) and clubbed tunicate (*Styela clava*) are recognised as pests to be managed under an exclusion programme.
6. However, we would strongly assert that the success of achieving this will be dependent on how feasible it is to implement for stakeholder. Any implementation and monitoring of marine pests has to be cognisant of the realities of the maritime industry, and more specifically the NZ commercial fishing industry.
7. It is notable that marine pests are addressed on a regional scale as opposed to a more aligned national strategy. Raising concerns that regional discrepancies will impact the ability to effectively prevent the spread of marine pests. Marine pest management needs a national approach we need to determine an acceptable approach that acknowledges the complexity of implementing marine pathway management. A view supported by the current Waikato Regional Council Regional Pest Management Plan 2014-2024 which states “The council supports a national approach to examine how this responsibility would work in practice”.
8. As per our submission on 7 July 2017 we would stress the importance of:
 - Developing collaborative relationships that can empower stakeholders and provide them with the skills to positively change behaviour.
 - Building on existing regional and national standards to ensure that any proposed eradication programme for marine pests is achievable in practice and reflects stakeholder views.
 - Marine pest management needs a national approach we need to determine an acceptable approach that acknowledges the complexity of implementing marine pathway management.

9. We strongly support the identification of advocacy and education as a principal measure to be used as part of the exclusion programme, we refer to our previous submission that raised the issue that any programmes developed by the Hawke's Bay Regional Council (HBRC) should complement the existing national education and awareness programmes to ensure a consistent message is provided.
10. The Management Plan and Cost Benefit Analysis (CBA) emphasises the need for an education programme and targeting engagement. As per our submission on 7 July 2017 we support this, however note that providing detail on the proposed advocacy and education process would enable stakeholders to remain informed of the HBRC approach.
11. A proactive (budgeted) education approach supported by non-regulatory methods such as voluntary registering incursions; and a public register that alerts of incursions will provide an effective way of achieving an education programme and targeting engagement.
12. We note that the CBA proposes that the general rate funds this exclusion programme.

Plan Rule 1

13. The plan rule associated with the exclusion programme for marine pests states:

Plan Rule 1

The operator of a vessel entering the waters of the Hawke's Bays Regional Council Area (Figure 6) must ensure the hull (includes hull area, niche areas and wind and water line) to be sufficiently cleaned and antifouled so that there is no more than a slime layer.

14. The current drafting of the plan rule does not provide the right balance between mitigating the spread of marine pests and the reality of the movement of vessels engaged in commercial fishing activities.
15. Any implementation and monitoring of marine pests has to be cognisant of the realities of the NZ commercial fishing industry and other maritime users. The plan rule as it is currently drafted is more onerous than the MPI Craft Risk Management Plan for vessels coming into NZ waters.
16. FINZ note that the current wording of the plan rule does not reflect section 73(6) of the Biosecurity Act 1993 (the Act) and would welcome discussion as to the drafting of the proposed rule with this in mind.
17. In line with clause c of section 73(6) of the Act, inserted below, we propose that in the first instance site led monitoring is limited to specified parts of the region, notably monitoring of the larger ports such as Napier and Ahuriri.

A rule may—

- (a) *apply generally or to different classes or descriptions of persons, places, goods, or other things;*
- (b) *apply all the time or at 1 or more specified times of the year;*
- (c) *apply throughout the region or in a specified part or parts of the region with, if necessary, another rule on the same subject matter applying to another specified part of the region;*
- (d) *specify that a contravention of the rule creates an offence under section 154N(19).*

18. The draft rule text and associated supporting explanatory text in the proposed pest management plan does not adequately detail how this rule is proposed to work in practice as required by section 70(2)(f) of the Act. There is not enough detail on the rule with regards to:
 - a. Its interpretation
 - b. How it will be enforced
 - c. how compliance will be achieved and who will determine / certify if a vessel is clean
 - d. what will happen if a vessel is found to be fouled

19. The proposed rule wording is not consistent with other regional council policies for managing marine pests contravening section 71A of the Act which states that in making a regional pest management plans the plan must not be inconsistent with:
 - (i) the national policy direction; or
 - (ii) any other pest management plan on the same organism; or
 - (iii) any pathway management plan; or
 - (iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or
 - (v) any regulations; and

20. In line with section 12B of the Act, we request a meeting with HBRC to facilitate communication and co-operation to enhance effectiveness, efficiency, and equity of the proposed marine pest eradication programme.
21. As outlined by the proposed pest management plan education is identified as a principle approach to achieving this plan. Taking this into account it is necessary that the HBRC work with vessel owners to ensure an appropriate rule is drafted.

Risk based framework

22. Whilst, the management plan sets out the statutory obligations and provides an explanation on the rule the information contained in the 2018-2039 Management Plan does not provide sufficient detail on the risk-based framework. The development and implementation of a risk-based management framework requires substantial collaboration with stakeholders to promote a transparent development process. Stakeholder engagement will also enable the HBRC to ensure the risk-based approach reflects the reality of maritime user operations.
23. We acknowledge that the use of risk-based management approach and a risk framework may enable effective timely management of marine pest risks posed by vessels entering Hawke's Bay waters. Further details of the scope and implementation of this risk-based framework is still required.
24. A matrix detailing the risk-based framework would assist in stakeholders providing feedback on this approach as part of the consultation process.

Monitoring

25. As stated in the 2018-2039 Management Plan "Both organisms are highly invasive and quickly form dense beds competing with native species for food and space." Supported by the cost benefit analysis document which specifies that Styela multiplies rapidly and can therefore establish itself very quickly.
26. The biological nature of these organisms and the voracity with which they can become established warrant monitoring. Based on the information in paragraph 25 we support the monitoring and reporting for Sabella and Styela.
27. Aligned with the monitoring proposal it is notable that presence of Styela can be indicative of poor water quality. Given the high-risk areas associated with Styela anticipated to be Napier and Ahuriri ports it would be appropriate to ensure that water quality within these areas is monitored to inform the exclusion programme as declining water quality could promote the spread of Styela in the event that an individual is brought into the area.
28. We request the further rationale is provided to clarify:
 - a. the site selection of the proposed high-risk areas identified for monitoring. As per our submission on 7 July 2017, it is rationale that marine pest surveys are conducted at both Ahuriri Harbour and Port of Napier, yet we note that MPI's targeted marine surveillance programme targeting high-risk ports does not include Napier.
 - b. Whether HBRC intend to utilise water quality monitoring as part of the exclusion programme as per the comments made in paragraph 12.

Summary and position

29. FINZ has prepared this submission on behalf of the Area 2 Committee representing the interests of Area 2 quota owners and fishers.
30. In principal we support the development of an exclusion programme for Stylea and Sabella and note that the CBA identified that the benefits of regional intervention, outweigh the cost and exceed the benefit of an individual's intervention.
31. Whilst supportive of the principal of the exclusion programme we do not support the proposed rule as it is currently written and have reservations regarding how the rule is interpreted, implemented and enforced.
32. We request a meeting with HBRC to highlight our concerns with the proposed rule wording and provide an opportunity to get further information on this realities of implementing the proposed exclusion as highlighted in paragraphs 13 – 19.



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