

EXHIBIT NOTE

This is the annexure marked "A" referred to within the affidavit of LINDA DEBBY CONNORS and sworn/affirmed at WILKINGTON this 9th day of NOVEMBER 2018 before me

Signature [Signature]

**ANNEX A
SUBMISSION ON BAY OF PLENTY PROPOSED REGIONAL PEST MANAGEMENT PLAN 2018-2028**

SUBMISSION ON BAY OF PLENTY
PROPOSED REGIONAL PEST
MANAGEMENT PLAN 2018-2028

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Submission sent via email to proposedpestplan@boprc.govt.nz 9 November 2018

We wish to be heard in support of our submission.

Introduction

Forest & Bird was established in 1923 and is New Zealand’s largest independent conservation organisation with over 80,000 members and supporters.

The key matters of concern to Forest & Bird relate to the protection of ecological values, particularly those associated with native biodiversity, wetlands and the coastal environment.

Forest & Bird’s strategic plan is for a pest predator-free New Zealand in which habitat and species loss has been halted and indigenous biodiversity is flourishing by 2040. Our Strategic Plan guides our direction and our feedback on what we see to be regional priorities for pest management in the Bay of Plenty area over the next ten years. Pest management is a key part of Predator-free New Zealand.

This submission will begin with general comments followed by specific submission points we would like to see addressed in the Proposed Regional Pest Management Plan (pRPMP).

General comments

1. It is good to see an updated pest plan being developed by Bay of Plenty Regional Council (BOP) for pest management in the region as the current plan is out of date. We hope this proposed Plan allows for

more funds to be directed towards important pest management outcomes in the region.

Scope of Plan

2. Regional Councils have wide powers under s13 and 14 of the Biosecurity Act to take action on pests. Forest and Bird does not see sufficient reflection of action in the proposed plan, which is minimalist in approach.
3. We are concerned that a number of species which are in the current operative plan have been removed from the proposed pRPMP. In effect this is reducing the scope of pest management in the region.
4. It appears that this is a deliberate “strategic” decision by Council to take a non-regulatory approach by dropping the current “Restricted” pests under the guise of them not being technically defined as pests under the Act, and not meeting legislative thresholds (p1). Forest & Bird does not accept that this approach is valid. For many of the pests included it is said regulatory control is necessary because of the costs to others if landowners don’t control pests on their land. This argument is equally valid to the excluded pests.
5. While some of these pests are listed in Appendix 1, that section of the plan appears to be of uncertain legal status:
There are many further organisms capable of causing some adverse effects that are not included in the Proposed RPMP. Reasons for this may be those pests are managed by another agency or they are now so widely established regional intervention (e.g. requiring pest removal) would not be practicable or affordable.
*While the Biosecurity Act has requirements for pests that are included in an RPMP, **there are many other organisms that Council and the community consider as pests** (see Appendix One). These pests are not included in the pest programmes nor do they have “pest” rules. However, **Council considers these ‘pests’ are to still be part of the biosecurity framework and Council will continue to provide management advice** as part of its pest management strategic direction. P21 [our emphasis]*
We consider attention to the damage these species can cause should be addressed in the plan itself.
6. We are surprised that the plan does not include any "Site-led Pest Programme" under National Policy Direction 5(e) “... *in which the intermediate outcome for the programme is that the subject, or an organism being spread by the subject, that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place*”. Many of the “non-RPMS” species could be appropriately included in this category, under which the

enormous activity of volunteers logically falls. Bay of Plenty Regional Council has **opted to use non-regulatory approaches to protecting specific values in specific places and so these do not feature in this Plan (p23)** [our emphasis].

7. Under the Biosecurity Act a pest is defined as being an “an organism specified as a pest in a pest management strategy. If dozens of species disappear from the plan, they are no longer legally pests, and reference to the pest management plan in other jurisdictions e.g. territorial authority plans, lose their mandate. For example many subdivision consents have either conditions or consent notices referring to species in the Regional Pest Management Plan. It is not efficient or feasible to revisit all subdivision and land use consents to review such conditions and laboriously list all of the species that have been dropped, but are still pests in practice.

Cost Benefit Analysis

8. We have reviewed the cost benefit analysis (CBA) provided by council and consider it defective, as there is no analysis of any pests except ones the council had already decided to include.
9. As voiced by Wildlands, Consultants, the CBA methodology is flawed for assessing non-monetary values, which comprise indigenous biodiversity, cultural and other values.
10. In addition its application is inconsistent. The CBA of Didymo shows control would be of net benefit but it is not included. For other pests the CBA is beneficial but it is said the pest is too costly to control e.g. argentine ants, rabbits, feral cat. However the area of infestation is not equal to impact or effect of pest e.g. feral cat in coastal regions has potentially high impact on shorebirds. It would be appropriate to include feral cats in areas of high indigenous biodiversity that is habitat for ground dwelling or nesting species.
11. Other species have negative cost benefits but these are over-ridden because the pest is potentially serious e.g. Darwin’s barbary, water poppy, Italian buckthorn (allegedly because the model doesn’t value coastal habitats), or woolly nightshade (the public want it controlled). Field horsetail is included despite a negative benefit because it is so hard to eradicate, but so is Rough horsetail, which is excluded.
12. The model is clearly deficient as on p96 it is assumed “that the main economic value of sand dunes is recreation” – the buffer to coastal hazards is not mentioned.

Alignment with other Regions

13. Many pests of indigenous biodiversity are included as Sustained Control in the proposed Auckland Pest Management Strategy, with

detailed justification in the CBA for that region. It is hard to see how many of these pests which are also present in the Bay of Plenty, and have been considered pests up till now, pests are suddenly no longer.

14. We are also concerned that there is a large discrepancy in effort between regional councils for various pests. Pest plans will not be effective if they do not include conjoined efforts and targeting the same species. Both Auckland (Site-led Programme for Significant Ecological Areas on parkland in combination with a Sustained Control programme for the whole region) and Gisborne (Site-led) include Phoenix palm.

Focus of Plan

15. We are concerned that the pest plan focuses on industry pest impacts and places less emphasis on impacts to nature and ecosystems with many critical pests being completely missing from the plan.
16. Forest & Bird believes a strong stance is required on invasive herbivores, particularly deer and omnivorous feral pigs. These species, in conjunction with possums, are a serious barrier to indigenous forest regeneration in the BOP region. We are very concerned about the damage being done by deer and pigs in local reserves and forests, particularly when they are undermining the hard work of restoration projects in the region. Yet they are absent from these plans.
17. Other serious risks like myrtle rust or Kauri dieback are also not mentioned. Given that Kauri dieback is not currently in the Kaimais, as far as we know, priority action must be taken. This will involve improving the health of this forest and stop this pathogen spreading. This effort requires regional council cooperation.
18. It is also critical that the plan is forward thinking. What species are now a greater risk than they were when the last plan was made? For example, species like phoenix palms should be targeted as a pest to ensure action which will stop them becoming a long term threat to biodiversity. There is already evidence that they are being spread by birds into the bush reserves in Whakatane. Other palm species are now apparent threats in the Auckland region.
19. New research has shown that German wasps and Paper wasps are having an enormous impact on our native and declining insects. The council should consider the inclusion of these species in the plan.
20. Introduced plant and animal pests have invaded a significant proportion of New Zealand's freshwater ecosystems, and are increasingly being found in the marine environment. Both pose a substantial environmental and economic risk to the region. Many of these pest species have a substantial impact on ecosystems and native

species, as well as on recreation and tourism opportunities/benefits. It would be beneficial if the pRPMP had a separate section on aquatic and marine pests.

Further Information

21. It would be useful to have the National Pest Plant Accord List as a reference in the Appendix which fills in the gaps in the regional plan and also allows for the public to assist in enforcement.
22. We understand that the operational plans only have to be done within 3 months of the plan being made operative. However the lack of detail as to how the plan will be implemented is frustrating, particularly for pests such as wallabies, and the freshwater pest fish.

SUBMISSION POINTS REGARDING THE PROPOSED REGIONAL PEST MANAGEMENT PLAN

Section(s), page no(s)	Support/support with amendment/oppose	Explanation:	We seek the following decision from the Regional Council:
Section 12B of the Biosecurity Act gives Regional councils a leadership role p1	Do not support	The PRPMS is not giving effect to its leadership role under the Act as it is minimizing the action that can be taken under the Act. There is also no clear alignment with pest management plans occurring in other regions.	Alter to align with other regional North Island plans and include provisions to assist community programmes.
1.2 Purpose P5 “ <i>Many organisms in the Bay of Plenty region are considered a nuisance. Yet, only where individual action or inaction in managing pests imposes undue effects on others is regional management needed</i> ”.	Oppose	<p>The purpose of pest management plans is set out in Part 5 of the Biosecurity Act:</p> <p><i>54 The purpose of this Part is to provide for the eradication or effective management of harmful organisms that are present in New Zealand by providing for—</i></p> <p><i>(a) the development of effective and efficient instruments and measures that prevent, reduce, or eliminate the adverse effects of harmful organisms on economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their</i></p>	<p>Delete Paragraphs 3 and 4. Rewrite as follows:</p> <p>The purpose of the Proposed RPMP is to outline a framework to efficiently and effectively manage or eradicate specified organisms in the Bay of Plenty region to Doing so will:</p> <ul style="list-style-type: none"> • <u>prevent, reduce, or eliminate the adverse effects of harmful organisms on economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their lands, waters, sites, wāhi tapu, and taonga; and</u> • <u>fairly attribute the costs of individual actions in managing pests through a regionally coordinated approach</u> <p>Or in the alternative:</p> <ul style="list-style-type: none"> • Prevent new pests entering and establishing in the Bay of Plenty and manage as a priority species not recognised as significant pests elsewhere • Manage established pests where it is practical and cost-effective to do so, using Council’s regulatory and/or operational roles.

		<p><i>ancestral lands, waters, sites, wāhi tapu, and taonga; and</i></p> <p><i>(b) the appropriate distribution of costs associated with the instruments and measures.</i></p> <p>Paragraphs 3 and 4 are a subjective rendition of the requirements for a Cost Benefit Analysis which is alluded to in the last paragraph on p4.</p> <p>The purpose should be forward thinking and determine future pests impacts. The current purpose only considers “lack of individual action or inaction and undue effects on others” giving a purely human aspect.</p>	<ul style="list-style-type: none"> Support the voluntary efforts of landowners/occupiers and communities to r established pests through regulatory and no regulatory roles.
2.1.2, 5.3 Pathway Management	Support with amendment to cover more areas	<p>Reference to pathway management is made on p 2 under Strategic Direction and in Rule 7 p74 where boats and trailers is a pathway for spread of freshwater pests. It is not clear whether this constitutes a pathway management plan.</p> <p>Other pests require pathway management such as marine pests which are moved through aquaculture equipment and recreational and commercial boating.</p>	<p>Clarify the pathway management plans for freshwater pests including didymo, and for k dieback and myrtle rust.</p> <p>Review pests spread along roads, rail corridors and streams.</p>

		Agricultural pests are also being spread by machinery e.g. alligator weed and purple nutsedge.	
1.4 Duration	Support with amendment	Given the 10 year timeframe for the pRPMP, we suggest limiting the organisms declared as pests to such a short list is problematic. Should unwanted pests outside the Bay of Plenty Region expand their range, or arrive in New Zealand, BOPRC should be able to undertake a small-scale eradication programme without the need to review the RPMP. Section 100V of the Biosecurity Act does not make it compulsory to list all species to target. The key requirement is that control is not inconsistent with national policy direction.	Add words to the effect that BOPRC's management programme is guided by, but not limited to, pests that have established viable or persistent populations in the region, at the time of writing.
Regional Policy Statement pg 7	Support		
Surveillance and monitoring pg 8	Support with amendment	This section should include forecasting based on pests invading other regional area or indeed overseas pests to prevent pest	Add wording to indicate forecasting will occur to determine future threats, especially with regional pests in Auckland, and around the Port of Tauranga and in coastal environments.

		incursions.	
Operational plans and procedures pg 8	Support with amendment	Funding should also cover needed research to determine pest impacts and new methods for reducing impacts.	Add wording increasing scope of funding to cover pest threats.
2.3 Relationship with other management plans pg 12	Do not support	The plan states that they are consistent in their approach with neighbouring regional councils. We object to this statement since with key species being removed from the current operative plan, the proposed BOP pRPMP is not considered consistent with other regions.	A review ensuring consistency with neighbouring regional councils is needed.
5.2 Pest Management Programmes	Oppose in Part	The decision not to use “protecting Values at Places” and use non-regulatory approaches only is flawed.	Revise the Plan to include Protecting Values ; and include provisions to prevent sale and distribution of the species damaging indigenous values.
5.3.5 Partnerships	Support with amendment	The proposed plan mentions MOUs with other government agencies. However there is no detail about what these MOUs cover and what is required of, say roading authorities. (See 7.2 of Waikato Regional Pest	Include detail on the composition of the MOU and update them to be consistent with this Plan.

		Management Plan).	
<p>Table 1 Organisms classified as pests pg 19, 23</p> <p>Appendix 1 of pRPMP</p>	<p>Support with amendment</p>	<p>We support the inclusion of the species listed but we are very disappointed to see this table much reduced from the priority species for control list in the current Regional Pest Management Strategy.</p> <p>Feral deer and pigs need to be reinstated on this table. Feral deer and pigs are causing enormous damage in sites across the region. Feral deer for example are roaming through private land and affecting biodiversity restoration in some places e.g. Manawahe, Otanewainuku. Recreational hunting is not an effective management tool for pigs or deer - site-led management is absolutely necessary to prevent these species from conducting further damage across the region. This is particular important because of the link between Kauri dieback spread and pigs vectoring the disease. In areas with pine plantations pigs should be targeted prior to falling to insure they</p>	<p>Conduct a review of the listed species to ensure maximum number is included (especially native species) rather than the minimum which applies in the case here.</p> <p>Reinstate all of the species classified as Restricted in the Operative Plan but delete the exceptions in Note 2. These species, with the addition of those mentioned, should be included within the plan as Sustained Control or Site-led <i>Protecting Valuable Places</i>.</p> <p>Add cotoneaster, royal fern, Didymo, phoebes, Taiwan cherry</p> <p>Include Kauri dieback and myrtle rust and associated vectors.</p> <p>Include German and paper wasp control to maintain insect diversity.</p>

		<p>are not vectoring the pathogen into new areas.</p> <p>The list of weeds is particularly unambitious on this Table. We acknowledge that at a time of scarce resources then priorities must be made. However, listing all the species actually causing harm is necessary to have the plan mandate to control them where necessary. Prevention is the optimal measure where harm is already apparent e.g. Phoenix palm. At a minimum we would expect the inclusion of environmental weeds such as climbing asparagus <i>Asparagus scandens</i> and Cape ivy <i>Senecio angulatus</i> on this table. All should be listed to prevent them being sold in nurseries and becoming a continual spreading pest which will have biodiversity impacts and will be expensive in the future.</p> <p>Control of German wasps and Paper wasps is considered important for maintaining specific biodiversity values.</p>	
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		Additional marine species should be included with special regard to the spread with marine aquaculture equipment.	
6.1 Table 2 Exclusion Pests	Support in part	There is information available from other councils e.g. Auckland Council about other species that could thrive in the Bay of Plenty and these should be included. It is unlikely any additional costs would be involved because they would be identified in the council's surveillance programme for other pests.	Review species that are pests in neighbouring regions that are likely to arrive in the region and include them in the plan as exclusion pests.
6.1 Table 3	Support in part	The Requirements to act refer to rules that are not included in the table.	Include a table with all of the rules that apply to each category of pest.
Rules Section 5.2, 5.3 Pg 23, 24,25 Eg. Rule 6 pg 73 Table 12	Support with amendment	Rules play an integral role in securing many of the pest management outcomes sought by the proposed plan. Throughout this section, particularly with regard to animals regarded as pests, the rules are either not presented or not adequate to address the key issues. For example, poorly	Craft adequate rules that will actually address the management issues at hand for each specific pest category addressed, for example: No landowner shall knowingly act as a source of [relevant pest] and, when notified, shall undertake appropriate pest control. Include a rule that eradication will be the immediate response to illegal releases of goats, game and wallabies. Include more workable rules and remove the unnecessary boundary/buffer distances in Rules 4 and 5.

		<p>maintained road reserves act as a vector of pests. However, more often than not the sole rule applied simply states:</p> <p><i>No person shall possess any living [pest or weed] within the Region etc.</i></p> <p>This rule and others provided are wholly inadequate in securing the pest management outcomes sought by this plan. The rules are difficult to find in the Plan and are not easily cross-referenced where a pest is in different categories based on location.</p> <p>There needs to be some explanation of BOPRC's anticipated compliance regime after a landowner has been issued a written direction to undertake the eradication work at their expense. Forest & Bird has seen many instances where landowners, in particular Crown agencies, should be undertaking pest management or letting others undertake management on their behalf but the landowner has not been forthcoming. Therefore, some explanation as to the</p>	
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		<p>regulatory process on behalf of BOPRC is required i.e. what will BOPRC do if landowners do not comply with these rules even after being presented with written direction. Eg. Rule 6 pg 73.</p> <p>Rules for Sustained Control are unworkable. Rule 4 has a 10m boundary buffer but blackberry is spread by birds far beyond 10m and ragwort and old man's beard are spread by wind.</p> <p>Similarly Rule 5 – the 200m buffer will not be effective with all of the species except lantana because they are spread by birds far and wide or wind (wilding conifers).</p> <p>In addition it is nonsense to say there are no Good Neighbour rules when these rules clearly are, just to avoid binding the Crown.</p>	
<p>6.2 Table 4 & 5 p45</p> <p>Eradication Pests</p>	<p>Support in part</p>	<p>As for 6.1 Table 3.</p>	<p>Either include a separate rule table for all cat include the text of the rules 6-8.</p>

6.3 Table 6 Progressive Containment	Support in part	As above.	Either include a separate rule table for all cat include the text of the rules 1 and 2. Include Practice as a rule.
6.4 Sustained Control Table 9	Support in part	The pests in this category are supported but as above regarding rules and as for Appendix 1.	Retain but include pests from Appendix 1. In Rules 6-8 or otherwise in a Table with all rule
Table 7 Progressive Containment	Support in part	The statement "Generic rules etc.." should be clarified so that Rules 6-7 do apply and not in an Advice Note (p61).	Re write "Rules 6-8 apply" or include in Table
6.4 Table 9 Sustained Control	Support in part	See above re boundary rules.	Amend boundary rules.
Section 6.5.5 Goats Pg 37, 51	Support with amendment	We appreciate the service delivery outcomes outlined for goats and would like to see a further outcome to ensure feral goats are able to be controlled by BOPRC on land under active ecological restoration by community groups who are not necessarily resourced to undertake the work themselves or able to fund a cost recovery service when goat control is required.	Include a service delivery that enables BOPRC undertake direct control of feral goats as and required on land under active ecological rest community groups without any cost to those community groups.

<p>Wallaby Progressive Containment Pest p61</p>	<p>Oppose in part</p>	<p>Outcomes are:</p> <ul style="list-style-type: none"> • Reduction in extent and density of these pests. • Areas that are clear of these pests will remain so. • The spread of these pests between properties will be reduced. • The spread of these pests throughout the region will be stopped. 	<p>Clarify the Outcomes for wallabies to be a re their current range and density.</p> <p>Include a progressive reduction target over t years of this plan.</p> <p>Seek a review of the joint agency plan to be c with this plan.</p>
		<p>But on p 34 of the supporting document it refers merely to “containing wallabies to their current range”. This is not a reduction.</p>	
		<p>There is no detail in the Containment section as to what action the council will undertake with wallabies. There is more information in the report to the RDD p42 on 30 October 2018: “preventing further spread from the containment area by 2026.” This is not an acceptable goal – the range and density of wallabies needs to be drastically reduced. The report later goes on to discuss “prevent potential increases in</p>	

		<p><u>economic impacts</u> over coming years by containing further potential spread.” [our emphasis]. It seems that the primary driver is economic effects, not the devastating effects on indigenous biodiversity. The current commercialisation of the species is almost certainly working against the need to eradicate them from the central North Island in the long term. The plan should take precedence over any joint agency plan.</p>	
Funding pp80-1	Oppose in part	<p>The allocation for Progressive Containment of only 30% to service delivery seems too low when goats, wallabies and lodgepole pine are species where the council significantly funds some existing programmes, without consideration of the other aquatic and marine pests in this category. Similarly for Sustained Control – 70% inspection/5% service delivery? This does not seem realistic.</p>	Review funding allocations.
Maps	Support in part	<p>The spatial approach to pest category is supported in principle</p>	Make available maps where the boundaries are determined by property owners.

		but Forest and Bird queries whether the boundaries are clear for landowners?	
Glossary	Support	The definitions are clear and correct to our knowledge.	Retain
Appendix 1	Oppose	As above	Incorporate into the plan as outlined above.