

From: John Sanson
To: [Pest Review](#); [Graham Sullivan](#)
Subject: MPI submission on proposed Canterbury RPMP
Date: Monday, 3 July 2017 5:49:28 PM
Attachments: [MPI submission ECan RPMP letter.pdf](#)
[MPI Submission ECan RPMP 2017 \(wilding conifer management\).pdf](#)

Hi –

Please find attached MPI's comment on the proposed Canterbury RPMP. This is in 2 parts:

- A letter with high level comments relating to the National Policy Direction for Pest Programmes requirements
- A more detailed submission specific to the management of wilding conifers

Please get in touch if you would like to discuss our submission.

Regards

John

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3 July 2017

Environment Canterbury
Proposal for the Canterbury Regional Pest Management Plan
Freepost 1201
PO Box 345
Christchurch 8140

Dear Sir/Madam

Submission on Proposal for the Canterbury Regional Pest Management Plan 2017-2037

Thank you for the opportunity to comment on the proposed Canterbury Regional Pest Management Plan. MPI has evaluated the proposal against the requirements of the National Policy Direction for Pest Management (NPD). We consider the proposal to generally meet the requirements of the NPD, however we have some specific comments regarding aspects of the proposed good neighbour rules (noted below), and have appended more detailed comments focussing on the Wilding Conifer controls in the proposed Plan.

Regarding the Good Neighbour Rules (GNR), the rule for nassella tussock may be inconsistent with the NPD. Under the Biosecurity Act 1993, GNR can only be used to mitigate the risk of spread to adjacent or nearby landowners, where this will cause costs to those landowners. Therefore a GNR can only apply to the part of a pest infestation that is capable of spreading to the adjacent or nearby land, and these are generally restricted to managing pests within a certain distance of the boundary with that land. A GNR would not be considered reasonable if it applied to pests that are unlikely to spread to the adjacent or nearby land. Similarly a suppression rule for wallabies, i.e. keeping them to below Guilford level 3 which directly manages the impacts of the pest, may be considered unreasonable for a GNR, as this does not prevent them from spreading.

In contrast to these we noted there are pests that have boundary control rules, such as Chilean needle grass and wilding conifers that are not designated as GNR. We suggest that Environment Canterbury designate these as GNR to provide consistency within the plan.

For more detailed comments on the proposed management of wilding conifers, please refer to the appended submission. MPI would be willing to appear at any hearing in support of our submission.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Sanson', written over a horizontal line.

John Sanson
Manager Recovery & Pest Management

Submission on Proposal for the Canterbury Regional Pest Management Plan 2017-2037

This submission is made on behalf of the Ministry for Primary Industries.

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The Ministry for Primary Industries would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

The Ministry for Primary Industries (MPI) congratulates Environment Canterbury on the public notification of the Proposal for the Canterbury Regional Pest Management Plan 2017-2037 (the Proposal), and is grateful for the opportunity to submit on this important document.

This submission has been prepared as part of the New Zealand Wilding Conifer Management Strategy Implementation Programme. Consequently, the specific submission points relate only to the proposed programme for the management of wilding conifers in the Proposal.

MPI strongly supports Environment Canterbury's ongoing commitment to the management of wilding conifers within the Canterbury region, and welcomes the expansion of its wilding conifer pest management programme to include a regulatory framework, which will support the collaborative operational control work that has been, and continues to be, central to the regional programme. This will also support key central and local government initiatives contributing to the implementation of the National Wilding Conifer Management Strategy 2015-2030, particularly the National Wilding Conifer Control Programme.

MPI also supports Environment Canterbury's commitment to improving consistency in the regulatory components of regional councils' wilding conifer programmes, by utilising and adopting key parts of MPI's 2016 guidance document for wilding conifer pest management programmes within Regional Pest Management Plans¹.

MPI's specific submission points on the Proposal are set out in the following table.

¹ Wilding Conifer Pest Management Plan Rule Development Project: Guidance, and recommended template provisions and narrative for use in wilding conifer pest management programmes within Regional Pest Management Plans throughout New Zealand, Ministry for Primary Industries, April 2016.

Proposal for the Canterbury Regional Pest Management Plan 2017-2037 – Ministry for Primary Industries Submission Points

(1) The specific provisions of the Proposal that my submission relates to are:		(2) My submission is that:		(3) I seek the following decisions from Environment Canterbury:
Part & Page #	Sub-part / Provision	Oppose / Support (in part or in full)	Reasons	
Part 4, pg 15 & 16	Sub-part 4.1, Table 3 & 4	Support in full	MPI supports the specification of wilding conifers as pests and the definition used for wilding conifers, which is consistent with that set out in MPI's guidance on wilding conifers in Pest Management Plans ² (the MPI wilding conifer guidance).	Retain
Part 4, pg 15	Sub-part 4.1, Table 3	Support in full	MPI supports the specification of Contorta (lodgepole) pine, European larch (excluding sterile hybrids), Mountain pine, Dwarf mountain pine, and Scots pine as pests, which is consistent with the recommended approach set out in the MPI wilding conifer guidance on this matter. This is a positive step in the prevention of additional potential future wilding conifer spread, as it prevents new plantings of these particularly spread-prone conifer species.	Retain
Part 6, pg 31	Sub-part 6.3	Support in full	MPI supports the specific reference to, and stated support for, the New Zealand Wilding Conifer Management Strategy 2015-2030. An integrated approach to wilding conifers will be important to the achievement of that Strategy's aims and objectives.	Retain
Part 6, pg 31	Sub-part 6.3	Support in part.	MPI notes and supports the specific acknowledgement of the issue of wilding conifer spread from conifer plantations and the need for ongoing engagement with stakeholders to find ways to manage this. This is an important and positive acknowledgement of this difficult issue. However, in recognition that the issue of wilding conifer spread from planted spread-prone conifer species in vulnerable parts of the region also relates to smaller plantings, such as shelterbelts	Add the following, or a similar statement, on page 31, immediately before Table 12: Environment Canterbury will also seek to engage with land occupiers to raise awareness about the wilding conifer spread risk from some conifer species used in shelterbelts

² Wilding Conifer Pest Management Plan Rule Development Project, Ministry for Primary Industries, April 2016.

			<p>and amenity plantings, MPI recommends an additional statement addressing this.</p> <p>In addition, MPI encourages Environment Canterbury to explore and consider potential different options (both regulatory and non-regulatory) for managing the risk of wilding conifer spread from future new plantings of spread-prone conifer species, particularly in parts of the region vulnerable to wilding conifer invasion.</p>	<p>and other smaller plantings, and in high spread risk areas and areas subject to wilding conifer control, support and encourage the removal of small, spread-prone conifer plantings.</p> <p>Consideration of options for managing wilding conifer spread risk from future new conifer plantings (large and small).</p>
Part 6, pg 33 & 34	Sub-part 6.3, Table 12	Support in full	MPI supports the description of pest and adverse effects outlined for wilding conifers and for the specific conifer species, as these are consistent with the MPI wilding conifer guidance.	Retain
Part 6, pg 35	Sub-part 6.3, Table 13, Plan Objective 4	Support in part	<p>MPI supports the more specific, time-bound and measurable second part of Plan Objective 4, but suggests that the first part of the objective would benefit from greater clarity and/or specificity in terms of where containment and/or reduction will occur, and/or to what extent this will occur.</p> <p>The Maps in Part 2 of the proposed RPMP show a Wilding Conifer Containment Area, but it is not clear whether Plan Objective 4 relates only to this Containment Area, or to the region as a whole. MPI suggests that, if the objective includes containment, it is important to specify the area or areas within the region to which the pest is intended to be contained.</p> <p>MPI suggests that section 8 of the MPI wilding conifer guidance, which sets out standardised programme objective statements, may be helpful in reviewing proposed Plan Objective 4.</p>	Review proposed Plan Objective 4 to ensure more clarity and/or specificity, particularly in terms of where containment will occur, and/or to what extent reduction will occur.
Part 6, pg 35	Sub-part 6.3, Table 13, Plan Objective 4	Support in part	Clause 4(1)(a) of the NPD requires that the objectives in a Plan must state the adverse effect(s) of the pest that the Plan aims to address. MPI supports the reference in Plan Objective 4 to addressing adverse effects on economic well-being and the environment. However, because under a progressive containment	Consider replacing the word “prevent” in Plan Objective 4 with “reduce” or “limit” or “minimise”, or similar wording.

			objective there will still be some infestations or occurrences of the pest, it may be unrealistic to expect a progressive containment outcome to <i>prevent</i> adverse effects. Therefore, MPI suggests that a more appropriate term might be to “reduce”, or “limit”, or “minimise” adverse effects.	
Part 6, pg 35	Sub-part 6.3, Table 13, Principal Measures to be Used	Support in full	MPI supports the recognition of the contribution of the National Wilding Conifer Control Programme will make to achieving Plan Objective 4.	Retain
Part 6, pg 35 & 36	Sub-part 6.3, Table 13, Plan Rule 6.3.1	Support in part	<p>MPI strongly supports the inclusion of Plan Rule 6.3.1, as it provides for ongoing ‘maintenance’ control of wilding conifers (keeping cleared areas clear) following publicly funded control operations, thereby securing long term gains and a level of ‘protection’ of the public investment that has been made. However, MPI suggests that Plan Rule 6.3.1 may benefit from some amendments and/or clarification.</p> <p>Firstly, it is not clear whether the intended occupier obligation is just to remove all wilding conifers, or is to remove all wilding conifers and any planted conifers of the specified species. The intent here should be clarified by reviewing where in the rule reference is made to the specified conifer species. MPI suggests that consideration of the wording of Rule 3B in the MPI wilding conifer guidance may assist in this regard.</p> <p>Secondly, the reason for including the words “...on receipt of a written direction from an Authorised Person...” is unclear. In some instances, these words have been used within a rule to indicate that the rule is essentially a ‘complaints based’ rule, i.e. enforcement will generally be limited to instances where a complaint is received. MPI is concerned that if this is the intention in this case, this does not provide adequate long-term ‘protection’ in terms of keeping cleared areas clear. In the context of the situations in which this rule would apply, the obligation to destroy</p>	<p>Review the wording of Plan Rule 6.3.1, in order to clarify whether the obligation is to remove all wilding conifers, or, all wilding conifers <i>and</i> all planted conifers of the specified species.</p> <p>If the intention behind including the words “...on receipt of a written direction from an Authorised Person...” in Plan Rule 6.3.1 is to infer enforcement on a ‘complaints only’ basis, remove these words from Plan Rule 6.3.1. If this is not the intention, then outline the reason(s) for inclusion of these words in the accompanying Explanation of the Rule.</p>

			wilding conifers should apply regardless of the receipt of any complaint.	
Part 6, pg 36	Sub-part 6.3, Table 13, Plan Rule 6.3.2	Support in part	MPI supports the inclusion of Plan Rule 6.3.2, which aims to reduce the 'externality' impacts of wilding conifer spread from adjoining properties, where an occupier is actively controlling wilding conifers. MPI suggests that there may be value in amending the wording of Plan Rule 6.3.2 to include reference to an occupier taking 'reasonable measures' to control wilding conifers, either instead of, or in addition to, reference to 'control operations to clear wilding conifers'. This may better cover situations where an occupier proactively and pre-emptively undertakes regular inspections, looking for and removing, wilding conifer seedlings, which may not be considered to be 'control operations to clear', but would likely fall within 'reasonable measures'. Reference to the type of things that constitute 'reasonable measures' could be included in the Explanation of the Rule, as per the NPD Guidance Material ³ , Part 2 (especially clause 205 and 206).	Amend the wording of Plan Rule 6.3.2 to read as follows: "Within the...prior to cone-bearing, if control operations to clear wilding conifers, <u>or other reasonable measures to control wilding conifers</u> , have been undertaken..." Include the type of things that constitute 'reasonable measures to control wilding conifers' in the Explanation of the Rule.
Part 6, pg 35 & 36	Sub-part 6.3, Table 13, Plan Rules	Support in part	Keeping clear areas clear is an important principle in achieving a progressive containment objective. Areas may be 'clear' of a pest for a number of reasons, such as due to specific control actions, particular land use activities, or the pest having not yet infested the area. Proposed rules 6.3.1 and 6.3.2 appear to aim to ensure that areas where wilding conifer control actions are undertaken will subsequently remain clear, and it appears that the parts of the region excluded from the proposed Wilding Conifer Containment Area are predominantly areas where the intensity and nature of land use will effectively prevent or minimise wilding conifer establishment. However, there are likely to be areas within the proposed Wilding Conifer Containment Area that are vulnerable to wilding conifer infestation, but which are currently clear of wilding conifers (or have only a very light, scattered presence). Given that	Add in a rule or rules requiring occupiers to remove wilding conifers within areas that are currently clear of wilding conifers, but are vulnerable to wilding conifer invasion. MPI suggests that Rules 1, 2 or 3A in the MPI wilding conifer guidance could potentially be used for this purpose.

³ Meeting the Requirements of the National Policy Direction for Pest Management 2015, Ministry for Primary Industries, September 2015

			<p>the cost of wilding conifer control compounds significantly the longer any infestation is left uncontrolled, MPI is concerned that the proposed RPMP does not specifically address these clear but vulnerable areas. In such areas, a requirement that occupiers remove the pest prior to reproduction, can be an important 'regulatory back up' to other education and advocacy type principal measures aimed at preventing new areas of wilding conifer infestation and halting the cycle of new 'legacy' areas of wilding conifers being created. The potential for such a requirement to impose an inequitable burden on occupiers due to an uneven spread of invasions is minimal if it is applied in areas where there is a high confidence that the pest is either not present, or present in only very light numbers. It is also possible to provide for an 'alternative to compliance' type agreement within a rule, which allows an alternative, negotiated approach to wilding conifer control, in the case of uncertainty about the level of infestation in parts of the area to which the rule applies.</p>	
Part 6, pg 35 & 36	Sub-part 6.3, Table 13, Explanation of Rule (Rule 6.3.1 and 6.3.2)	Support in part	<p>MPI suggests that Plan users may benefit from some expansion of the reasons for Plan Rules 6.3.1 and 6.3.2, as set out in the Explanation of rules column of Table 13, particularly in relation to Plan Rule 6.3.2. Section 9 of the MPI wilding conifer guidance, which sets out standardised statements of intent for rules, may be helpful in this regard.</p>	Consider expanding the explanations to Plan Rules 6.3.1 and 6.3.2.