



# **Fiordland Marine Regional Pathway Management Plan**

**Under the Biosecurity Act 1993**

**Hearing Panel Report: Recommendations on Fiordland Marine Regional  
Pathway Management Plan and reasons for accepting or rejecting  
submissions**

## Introduction

**Date of Hearing:** Thursday, 15 September 2016

**Hearing Panel:** Cr M Rodway (Chair)  
Cr R Cockburn  
Mr P Jones

**Staff in Attendance:**

Mr R Bowman	Biosecurity Manager
Ms M Fyffe	Executive Support Secretary
Mrs F Matthews	Team Leader – Air & Coast, Policy & Planning
Mr P Maw	Legal Counsel (Wynn Williams)
Ms D Petricevich	Consents Officer (Panel Assistant)
Ms E Hawke	Council Hearing Reporting Officer

## Evidence Presented at the Hearing

**In person:**

Ms F Black	Real Journeys
Mr T Loose	Manapouri Doubtful Sound User Group
Mr B Smellie & Mr R White	Blue Cod Area 5 Association Inc.
Mr M Lawson	CRA8 Management Committee Inc.
Mr W Watt	Southland Conservation Board

## Outline

1. At its meeting on 3 August 2016, the Southland Regional Council (**Council**) under clause 32 of Schedule 7 of the Local Government Act 2002 appointed us as the Hearing Panel on the Proposal for the Fiordland Marine Regional Pathway Management Plan (Fiordland Marine Pathway Plan).
2. The Council delegated to us all of its powers, functions duties set out in sections 92 to 94 (excluding section 92(5)) and section 95(1) and 95(2) of the Biosecurity Act 1993 (**Biosecurity Act**) in relation to the Fiordland Marine Pathway Plan. These include the functions and duties of hearing submissions on the Proposal for the Fiordland Marine Pathway Plan and of making recommendations to the Council on the Fiordland Marine Pathway Plan.
3. The Biosecurity Act provides a step by step process which must be followed in the preparation of a Regional Pathway Management Plan. We have addressed each of the relevant steps in Minute 3 dated 23 November 2016 and Minute 4 dated 13 February 2017.
4. This report forms part of the Sixth Step of the process regarding the decision on the Plan and sets out our recommendations on the Plan, together with reasons for accepting or rejecting submissions lodged on the Proposal.
5. A table setting out our reasons for accepting or rejecting submissions lodged on the Proposal is attached as **Attachment 1**. A copy of our recommendations on the Fiordland Marine Pathway Plan is attached as **Attachment 2**.

## Overview of the Fiordland Marine Pathway Plan

6. The Fiordland Marine Pathway Plan is an Exclusion Programme to prevent harmful organisms being spread by the movement of vessels, with associated gear and equipment, into the area within one nautical mile of the landward boundary of the FMA. It consists of three rules that:
  - a. Require the owner or person in charge of a vessel entering or operating within the area within one nautical mile of the landward boundary of the FMA to hold a Fiordland Clean Vessel Pass to assist with vessel operator knowledge and identifying higher-risk vessels;
  - b. Require the owner or person in charge of a vessel to meet clean hull, clean gear and residual seawater standards when entering the area within one nautical mile of the landward boundary of the FMA;
  - c. Require the owner or person in charge of a vessel entering the area within one nautical mile of the landward boundary of the FMA to keep records of how they have met the requirements of the clean hull, clean gear and residual seawater standards.

## Matters raised in submissions

7. Various matters relating to the Proposal were raised in the submissions and we heard evidence from a number of submitters at the hearing.
8. Following the hearing we issued Minute 3 and directed Council Staff to prepare a draft Plan in response to matters raised in submissions. We also directed a number of specific matters to be addressed in the draft Plan, including:
  - a. The draft Plan includes an implementation section, which requires the development of a Communications Plan. The Communications Plan is to, among other things:
    - i. Encourage vessel operators to conform to the Bilge Water Code of Practice; and
    - ii. Consider all users entering the Fiordland Marine area and how they should be targeted accordingly.
  - b. The draft Plan is amended so that it is clear that equipment to establish new moorings is required to meet the clean vessel standard.
  - c. The draft Plan is clear that an exemption from the rules for an emergency does not allow gear to be deployed and that it only allows vessels to come into the Fiordland Marine Area in circumstances of emergency.
  - d. The draft Plan refers to 'hull' or 'craft' as appropriate to ensure consistency with the Ministry for Primary Industries' Craft Risk Management Standard.
  - e. The draft Plan explicitly states that it is intended to last in perpetuity and will be reviewed after the first five years, and then 10 years thereafter.
  - f. The draft Plan will not apply to craft that do not come within one nautical mile of the landward edge of the Fiordland Marine Area.
  - g. The draft Plan expressly states that out of water cleaning is the preferred technique.
  - h. The draft Plan contains the correct Biosecurity Act reference to section 154N for offences.
  - i. The draft Plan requires all vessels within the Fiordland Marine Area to hold a Fiordland Clean Vessel Pass.

- j. The draft Plan includes the statutory basis for the Plan in an Introduction section.
9. We also directed Council staff to prepare a Staff Report containing:
  - a. An assessment of the draft Plan against the matters specified in section 93 of the Biosecurity Act.
  - b. An assessment of the draft Plan against the requirements of section 94 of the Biosecurity Act.
  - c. A response to the questions asked by Mr William Watt from the Southland Conservation Board at the hearing on 15 September 2016.
10. We received the draft Plan together with the Staff Report on 2 December 2016. These documents are available to view on the Environment Southland website.
11. We are satisfied that the matters raised in Minute 3 have been addressed in the draft Plan provided to us and only minor amendments to the draft Plan are required.
12. We have addressed each of the submission points on a topic by topic basis in the Table attached as **Attachment 1**. Below we set out our reasons for some of the key changes from the Proposal that have been incorporated into the draft Plan.

### **Fiordland Clean Vessel Pass**

13. The Fiordland Clean Vessel Pass was included in the Proposal for the Fiordland Marine Pathway Plan as a non-regulatory tool to assist with raising vessel operator awareness and to direct where effort should be spent in terms of compliance with the Plan.
14. During the course of the hearing the issue arose as to whether a Fiordland Clean Vessel Pass could be a mandatory requirement for vessels entering the Fiordland Marine Area. That is, whether it could be included as a rule in the Plan. The Panel considered that making the Fiordland Clean Vessel Pass mandatory significantly strengthened the Plan.
15. The Panel sought legal advice from Mr Maw (Legal Counsel) to confirm whether the Fiordland Clean Vessel Pass could be a mandatory requirement. A copy of the legal advice provided by Mr Maw is attached as **Attachment 3** to this Hearing Panel Report. The advice confirms that a rule requiring people who are entering the Fiordland Marine Area to have a Fiordland Clean Vessel Pass could be drafted to fall within one of the purposes specified in section 93 of the Biosecurity Act. On that basis, we recommend that the Clean Vessel Pass be included as a mandatory requirement in Rule 1 of the Plan as set out in Attachment 1.

### **Area within which the rules apply**

16. The Proposal for the Fiordland Marine Pathway Plan applied within the Fiordland Marine Area. It was identified by a number of submitters that vessels transiting within the 12 nautical mile limit would be captured by the requirements, even if they did not enter the fiords. We agree that the Plan should not apply to vessels that are transiting through Fiordland Marine Area. We therefore recommend that the Plan only applies to vessels within one nautical mile of the landward boundary of the Fiordland Marine Area.

### **Removal of Rule 3 of the Proposal**

17. In Minute 3 we directed that the draft Plan prepared by Council Staff make it clear that an exemption from the rules for an emergency does not allow gear to be deployed and that it only allows vessels to come into the Fiordland Marine Area in circumstances of an emergency.
18. The Staff Report and draft Plan provided to us advises that the Biosecurity Act 1993 provides for a defence in emergency circumstances and recommends that Rule 3 be replaced with an advice note. We consider that it would be unnecessary to duplicate any defences provided for in the Act within rules in the Plan. Therefore we consider that it is appropriate for this matter to be dealt with by way of an advice note within the rules.

### **Communications Plan**

19. The Communications Plan is an integral part of the implementation of the Plan, and the Panel considered there were particularly important matters raised by submitters that the Communications Plan should include.

### **Conclusion and Recommendations**

20. We have considered and deliberated on the Proposal, the submissions lodged on it, the evidence and submissions made and given at the hearing and the draft Plan and reports provided to us by Council staff and legal counsel.
21. We are satisfied that the Fiordland Marine Regional Pathway Management Plan set out in **Attachment 2** meets the requirements of sections 90 to 94 (Steps 1 through 5) of the Biosecurity Act and recommend to the Council that it be approved.

### **ATTACHMENTS**

1. **Hearing Panel Reasons for Accepting or Rejecting Submissions.**
2. **Hearing Panel Recommendations on Fiordland Marine Regional Pathway Management Plan.**
3. **Legal Advice provided by Wynn Williams dated 30 September 2016 in relation to the Clean Vessel Pass.**

*Section 95 (2): Reasons for accepting or rejecting submissions*

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
<b>1 General comments</b>							
1.1	2/1	Southland Conservation Board	The Southland Conservation Board (the Board) is generally very supportive of the Fiordland Marine Pathway plan. The Board agrees with the Fiordland Guardians that the Fiords are a very special place and that the unique ecosystems and biodiversity needs to be given maximum protection from the incursion of exotic marine organisms. The Marine Pathway plan appears to give this protection.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
1.2	3/1, 4/1	Manapouri Doubtful Sound User Group (MSDU), Real Journeys Ltd	The MSDU and Real Journeys Ltd concurs with the Fiordland Guardians that coastal Fiordland are a very special place with many unique ecosystems with significant biodiversity which needs to be given the greatest protection from the incursion of exotic marine organisms. Accordingly, the MSDU and Real Journeys Ltd are generally very supportive of this proposed Fiordland Marine Pathway Management Plan.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
1.3	5/1	Dr Kirsten Rodgers	Supportive of the justification and need for a Fiordland Marine Pathways Plan. Agreement with the planned proposal, objectives and rules.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
1.4	6/1	Alan F Mark	I agree a Fiordland Marine area plan is a good idea. The proposal as now presented has been thoroughly researched and I agree it is likely to provide the best option of keeping the FMA pest-free into the long-term future. The Undaria removal exercise, which I understand is on the brink of success, has demonstrated the challenge (expense and logistics) to the management agencies posed by an exotic incursion. I wish the combined agencies every success with the implementation of this proposal.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
1.5	7/1	Kate James	I agree a Fiordland Marine Area plan is a good idea. I believe implementing this plan is the best way to reduce the risk of marine pests being carried in on local and visiting vessels. We need a plan because Fiordland is such a unique and special place I believe it is very important to try and protect this area from the potentially harmful effects of marine invasive species.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
1.6	8/1	Ministry for Primary Industries	While being a key contributor to the development of this proposal, the Ministry wishes to express our overall support for the proposal. If adopted, the plan will contribute to the protection of Fiordland's biodiversity and economic values and it will support wider national objectives to reduce the spread and impacts of marine pests.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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			The Ministry also considers the proposal meets the requirements of the National Policy Direction and guidance material to the extent that is necessary for a pathways plan, with minor exceptions.				
1.7	9/1	Northland Regional Council	<p>The Northland Regional Council shares the concern that marine pests may be spread into Fiordland and elsewhere throughout New Zealand. The Northland Regional Pest Management Plan sets out rules preventing the spread of marine pests and more recently have begun a process to establish a marine pest Pathways Plan in a similar fashion to the Southland partnership proposal.</p> <p>We acknowledge that the Fiordland Marine Pathway Plan is relevant to all vessels which may reside in Northland or are transiting via customs clearance ports with the intention of visiting Fiordland. We believe the proposal will contribute to a wider understanding of the need to keep all vessel hulls and associated marine gear clean.</p> <p>The Southland partnership proposal sets out very clearly in our view why a pathways plan is required and proposes a minimum, attainable standard which is underpinned by a sound economic analysis of the costs and benefits.</p>	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.



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1.8	10/1	PauaMac 5 Incorporated	<p>Fiordland is an important harvesting area, comprising around 45% of the catch taken by PauaMAC 5 members and nearly 15% of New Zealand's total harvest. The health of the paua fishery depends on maintaining and protecting the relatively pest-free status of the Fiordland Marine Area.</p> <p>The commercial paua industry endorses the concept of a Fiordland Marine Pathway Plan. It makes sense to prevent marine pests from reaching Fiordland in the first place, rather than responding only after a pest incursion has been detected.</p> <p>PauaMAC 5 supports the standards-based approach and the proposed Te Ao Marama Incorporated Fiordland Clean Vessel Pass.</p> <p>We believe there would be merit in Environment Southland and other partnership group members meeting directly with commercial fishing vessel operators who fish regularly in the Fiordland Marine Area to discuss the proposals face to face and to confirm the workability of the standards. Such a meeting or workshop would also serve to alert vessel operators to the requirements of the Pathway Plan.</p> <p>I would be pleased to facilitate the attendance of commercial paua divers at</p>	Support. No specific decision requested.	<b>Note</b>	<p>A meeting was held with industry representative groups on 24 May 2016.</p> <p>Issued raised included:</p> <ul style="list-style-type: none"> <li>- provision for vessels transiting the FMA but not entering the fiords and therefore not posing a pest pathway risk (refer to Paragraph 9.1)</li> <li>- bilge water (refer to Paragraph 10.2).</li> <li>- confirmation that the clean vessel requirements were not onerous and commercial vessels could meet these as they are currently</li> </ul>	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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			such a meeting if that would be of assistance.			operating (refer to Paragraphs 7.2 and 12.1).	
1.9	11/1	Te Ao Marama Incorporated	<p>Fiordland is of great cultural significance to Ngāi Tahu whānui, this is shown in the Ngāi Tahu Claims Settlement Act (1998) in particular the Statutory Acknowledgements, Tōpuni and Nohoanga that are situated within the area. Fiordland is also of great importance to all of New Zealanders with its breath-taking scenery and pristine waters. We recognise that the introduction of pest marine plants to this area could be detrimental specifically for the ecological hauora (wellbeing) of Fiordland.</p> <p>We support the implementation of the Fiordland Marine Pathways Plan to effectively manage vessels entering the area. This plan will benefit ours and others values by reducing the ability for pest plants to enter the area by providing clean vessel standards. We praise the Council and other parties in this pro-active approach to regulate pest establishment in Fiordland. We appreciate the opportunity to voice our support for this plan and to have further consultation throughout the process.</p>	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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1.10	12/1	Island Escape Cruises Ltd (IECL)	IECL wholeheartedly supports the concept of the proposed Plan. It is IECL policy to do everything possible to protect the natural Fiordland environment, and this initiative does just that. We currently operate biosecurity procedures under our existing resource consent, and have advised Environment Southland that we intend to comply with the Fiordland Marine Pathway procedures as a matter of course, for this consent and all new consents we apply for.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
1.11	13/1	Urwin and Company Ltd	<p>Urwin and Company's vessels have been actively fishing in the Fiordland area since the 19th century. Currently we have 4 vessels based in Bluff and we are associated with 6 independent cray catching vessels fishing our cray quota in the Fiordland Marine area.</p> <p>We observe that terrestrial national parks enhance the adjoining marine environment and realise isolated areas are becoming more accessible and are therefore under increasing pressure through human interaction.</p>	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific decision requested.
1.12	14/1	Blue Cod Area 5 Association Inc. (BCO5)	BCO5 does not support the concept of the proposed Plan, in its present form. As with cray fishermen, the BCO5 industry is likely to be a sector of the commercial fishing industry that has more vessel movements in and out of the Fiordland	Oppose. No specific decision requested.	<b>Note</b>	A meeting was held on 24 May 2016 to hear further concerns (refer to Paragraph 1.8).	Rejected in part. It is appropriate to have the Fiordland Marine Pathway Plan. We have recommended the Plan as set out in Attachment 2

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			Marine Area (FMA) than most others. As such it is a sector which is most likely to be affected by the Plan.				<p>which incorporates amendments from the notified Proposal.</p> <p>It was noted that the submission did not request any change to the proposed Plan, rather it opposed the proposed Plan in its present form.</p>
1.13	15/1	CRA8 Management Committee Inc.	<p>The Committee supports the concept of the proposed Plan. The CRA8 industry is likely to be the sector of the commercial fishing industry that has more vessel movements in and out of the Fiordland Marine Area (FMA) than any other. As such it is also the sector most likely to be affected by the Plan.</p> <p>The FMA is so far untouched by any of the known introduced marine pests, except for <i>Undaria</i> in Sunday Cove, Breaksea Sound. This is also in spite of the fact that <i>Undaria</i> is rife in Bluff Harbour and around mooring areas at Stewart Island. This demonstrates a level of care that is already being taken.</p> <p>In the absence of any eradication programme the industry is very supportive of the MPI marine pest surveillance programme that has operated for a number of years in Bluff Harbour and</p>	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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			Stewart Island and hopes to see it continue.				
1.14	16/1	Southern Inshore Fisheries Management Company Ltd (Southern Inshore) and NZ Federation of Commercial Fishermen (NZFCF)	<p>We respect that the inner Fiordland marine environment is iconic and unique and measures need to be taken to ensure the security of its significance within the NZ marine landscape through biosecurity threat management. However, the development of any strategy needs to be pragmatic, achievable and not cause unnecessary economic impact on existing users.</p> <p>New Zealand's marine environment is regulated jointly by Ministry for Primary Industries, Maritime New Zealand, regional councils and the Environment Protection Authority. Commercial fishing vessel operators are already required to comply with a significant number of rules and regulations, codes of practice and plans of action that relate to New Zealand's recognition of international instruments for UNC law of the sea, marine pollution and vessel waste, biosecurity, food safety, maritime safety and certification, fisheries laws, protected species mitigation just to name a few.</p> <p>The discharge of ballast water and carriage of biofouling are the two most important pathways recognised by the fishing industry where harmful marine organisms</p>	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific decision requested.

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			<p>may enter New Zealand. Overseas vessels have a number of restrictions already placed on them, but we recognise that it is the transport of bio-organisms between regions that is causing the current pathway concern for Fiordland. It is not dissimilar to those of the Top of the South Marine Biosecurity Partnership who are monitoring the fishing industry vessels already.</p> <p>The pathway management plan would provide a statutory basis for minimising the risk of vessels transporting marine pest into the Fiordland Marine Area (FMA), otherwise it would remain voluntary with a potential high risk to the biosecurity.</p>				
1.15	17/1	Ngāi Tahu Seafood (NTS)	In principle we support the proposal for a Fiordland Marine Management Plan to minimise the risk of marine pests being transported into the FMA.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
<b>2 National approach</b>							
2.1	3/2, 4/2	Manapouri Doubtful Sound User Group (MSDU), Real Journeys Ltd	For the proposed Fiordland Marine Pathway Management Plan to be successful it cannot exist in isolation. It needs to be part of a national framework to ensure vessels are targeted before they leave the ports outside the area and travel to Fiordland. Hence Environment	No specific decision requested.	<b>Note</b>	ES is working with other regional councils to advocate to the Ministry for Primary Industries for	Noted. No specific decision requested.

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			Southland needs to continue to lobby Central Government to advocate for such a national framework as part of the development of the Fiordland Marine Pathway Management Plan.			the development of a national framework for marine pathways.	
2.2	7/2	Kate James	As well as managing the risks from marine invasive species this plan will raise awareness of this issue. Success in implementing this plan could pave the way for similar plans/protection to be used at other sites around New Zealand. This is a commendable step towards managing the very complex and difficult issues surrounding the introduction of marine invasive species.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
2.3	9/2	Northland Regional Council	It is without doubt that the introduction of marine pests to New Zealand will continue and certain species have the potential to cause significant and lasting effects on New Zealand's finest marine habitats. We believe there is an opportunity for regional councils to play a part in helping reduce this risk of marine pest transfer and the proposal for a Fiordland Marine Pathway Plan is evidence of a well-considered initiative that will set a new and urgently needed standard for New Zealand craft.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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<b>3 The Plan's proposed rules</b>							
<b>General comments</b>							
3.1	3/3, 4/3	Manapouri Doubtful Sound User Group, Real Journeys Ltd	Included in the Plan are recommendations for owners and operators of vessels and gear, including cruise liners, commercial Paua and cray fishers, commercial tourism operators, and recreational yachts and launches. It includes those who use trailers to transport boats and gear to Milford Sound or Deep Cove, and people delivered by helicopter for remote diving, fishing and hunting. However to achieve the objective of maintaining Fiordland's unique biodiversity, all users of the marine environment need to understand their roles and responsibilities in its protection.	Ensure all users of the marine environment understand their roles and responsibilities in its protection.	Direct ES staff to consider this submission point when developing the Communications Plan.	Section 7.1 of the proposal requires a Communications Plan to be prepared to convey to all vessel owners their roles and responsibilities when entering the FMA. While there might be some risk from users entering Fiordland that do not enter via a vessel, they represent a small and low risk group. However, they may be able to be targeted relatively easily.	Accepted in part. We have recommended that the FMPP require that a communications plan be developed to, among other things, ensure owners or persons in charge of vessels understand the legal requirements under the Plan and consider all users entering the FMA and how they should be targeted accordingly.  This will form a central plank in the implementation of the pFMPP.
3.2	6/2	Alan F Mark	The proposed rules are the best way to manage the risk of marine pests. Again, they clarify the details of this challenging exercise and are available for reference if and when needed.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.



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3.3	7/3	Kate James	The proposed rules are the best way to manage the risk of marine pests because without the option to completely exclude vessels from entering this area, this type of vector management is the only feasible way to reduce the risk of introducing marine invasive species.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
<b>Proposed Rule 1</b>							
<b>4 General comments</b>							
4.1	10/2	PauaMac 5 Incorporated	<p>We are pleased that the standards will apply to all vessels entering the Fiordland Marine Area, including recreational vessels, vessels (including fishing vessels) from regions other than Southland, and cruise ships.</p> <p>PauaMAC 5 expects that the paua industry will be able to comply with the proposed standards without significant change to existing practices. Many paua dive crews use small, trailered vessels that are cleaned between fishing trips. Larger vessels kept in the water are cleaned regularly and should be able to meet the required standard of “no more than a slime layer and goose barnacles”. Tenders, diving gear and associated equipment are kept visibly clean and free of fouling and sediment.</p>	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.

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			Where vessels have residual seawater (e.g., live wells), they are kept visibly clean and free of sediment, not least to meet European export standard requirements.				
<b>5 Clean vessel standard</b>							
5.1	1/1	Carey McIvor and Hayley Nelson	<p>We are commercial fishers. We often run vessels through Fiordland, but consider ourselves no threat whatsoever to the marine environment. This goes for every single vessel which is under survey within the Maritime New Zealand Survey system, be it a commercial fishing vessel, or tourist vessel.</p> <p>As part of being a vessel under the New Zealand survey system, it is a requirement that the vessel come out of the water every two years. This is for hull and sea valve checks, and also for checks on the shaft and its rudder gear, which includes the seals. This ensures that every two years the vessel gets proper out of water cleaning and has new anti-fouling applied to the hull.</p>	No specific decision requested.	<b>Note</b>	<p>The Plan requires owners or persons in charge of vessels to comply with the clean vessel, gear and residual seawater standards every time it enters Fiordland. A vessel being cleaned every 2 years would still need to acquire a Clean Vessel Pass (CVP) and this is an annual requirement.</p> <p>This ensures owners and operators are up to date with their obligations in terms of biosecurity risks and provides the</p>	<p>Noted. No specific decision requested.</p> <p>See also paragraph 12.1.</p>

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						agencies with a good data base of vessel movements and activities within the FMA.	
5.2	9/3	Northland Regional Council	There is no doubt that marine pests could be transported as part of this fouling and the concept of a clean vessel standard is one our council supports. The standard expected in this rule is not onerous in our view and can be attained as part of regular and timely hull maintenance. In addition the standard mirrors the requirements for international visiting ships under the International Maritime organisation's guidelines for the control and management of ships' biofouling.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
5.3	13/2	Urwin and Company Ltd	The key point in the plan is the heightened vessel maintenance standard for a clean hull. We note that during warmer months Undaria infestations on hulls accelerate rapidly and a cost effective slipping solution is lacking in Bluff.	No specific decision requested.	<b>Note</b>	Refer to section 11 for a discussion on the availability of vessel cleaning facilities.	Noted. Insofar as the submitter noted that a cost effective slipping solution is lacking, it is noted that: <ol style="list-style-type: none"> <li>1. Slipping facilities are currently available in Bluff.</li> <li>2. It is outside the scope of this process for us to direct that Council provide additional facilities or that Council direct provision of</li> </ol>

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							<p>additional facilities.</p> <p>3. It is anticipated that the market will respond to demand for a short term haul out facility.</p> <p>4. The Council will need to monitor the demand for slipping facilities as part of implementation of the plan.</p> <p>5. The cost of slippage at the existing facility is not disproportionate to the risk being managed.</p>
5.4	15/2	CRA8 Management Committee Inc.	<p>The proposed standards for hull cleanliness represent a level that should be achievable by vessel owners/operators who currently have a regular maintenance programme. Hull fouling on vessels is uneconomic and this results in periodic hull cleaning that limits the opportunity for fouling above the proposed acceptable level to occur. This necessitates the removal of the vessel from the water up to three times a year for hull cleaning and application of antifouling. It should be noted that to do this at Bluff Harbour, where the South Port syncrolift is used, costs in the vicinity of \$1000 each time.</p>	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. See paragraph 5.3.

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5.5	16/2	Southern Inshore Fisheries Management Company Ltd (Southern Inshore) and NZ Federation of Commercial Fishermen (NZFCF)	<p>Commercial fishing vessels operate under strict survey and operational requirements by Maritime New Zealand, where vessel hull biofouling is, at present, only a voluntary advisory requirement. However, it is recognised by many in the industry that biofouling reduces hull drag and reduces fuel consumption and hull cleaning is therefore already adopted by the majority of the inshore fishing fleet.</p> <p>Many vessels operating in the FMA, which are domiciled in the FMA or Bluff region, will not be greatly impacted by the Rules. For vessels that are infrequent operators on the west coast South Island and come from areas other than Nelson and Canterbury, there would be a reasonable expectation that their vessel should be cleaned to the minimal requirement of slime and goose barnacles.</p>	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific decision requested.
5.6	17/2	Ngāi Tahu Seafood (NTS)	NTS is supportive of the Clean Vessel Standard and does not view this as an issue given our contracted fishermen already maintain a clean hull for a number of reasons but in particular, as a result of MPI monthly hull inspections of vessels in Bluff.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific decision requested.

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<b>6 Clean gear standard</b>							
6.1	13/3	Urwin and Company Ltd	Clean gear requirements do not appear to be an insurmountable problem and the dissemination of information to the vessel skipper would best provide a solution to meeting the obligations the plan requires. We support the concept of maintaining gear cleaning free of pest fouling. Making sure that the ropes, buoys, lines, pots and ancillary equipment is out of the salt water habitat for a 72 hour period is a pragmatic and more comprehensive alternative than a chemical clean.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
6.2	14/2	Blue Cod Area 5 Association Inc. (BCO5)	Pots that are “stashed” in the water in Fiordland might have fouling on them, but this is not a problem as the fouling is natural to the area. However, these pots would not pass the “clean gear” certificate requirements. This is common practice for cod and cray pots, and needs to be sorted out before the proposal is imposed.	The Plan needs to address pots which are “stashed” in the water in Fiordland that might have fouling on them, but which is not a problem as the fouling is natural to the area. However, these pots would not pass the “clean gear” certificate requirements.	<b>Note</b>	Equipment needs to be clean upon entry into the FMA. If equipment remains within the FMA it can be allowed to have fouling, as long as it has not been taken out of the FMA.	Rejected. Fouling is allowed on equipment that remains within the area until it exits and re-enters the area.  Note: the proposed rule only relates to equipment entering within 1 nautical mile of the landward boundary of the FMA.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/comment	Panel's Reasons for accepting or rejecting submission
6.3	15/3	CRA8 Management Committee Inc.	<p>The types of fishing gear that are likely to pose most risk as a vector are cod pots and rock lobster holding pots that are dropped off in Bluff Harbour or at Stewart Island for periods of time that allow for spores to settle or plants to germinate.</p> <p>It is common practice for blue cod fishermen to drop their pots off their vessel in these areas as a matter of convenience. For example, if the operator intends carrying out work on their vessel and requires a clear deck, or if he does not intend using the pots for a period of time. It is not possible to unload pots at the finger berths at Bluff Harbour. At Stewart Island vessels at moored. So the easiest way to remove the pots from the vessel in both instances is to simply drop them off in a safe place.</p> <p>Rock lobster holding pots are used in these areas for the storage of lobsters prior to them being landed and sold to processors. This occurs at particular times of the year. At other times these pots may be uplifted and used in the FMA. Clearly moving these pots to the FMA immediately after retrieving them is a risk.</p> <p>Rock lobster catching pots can be considered to be low risk. In many</p>	No specific decision requested.	<b>Note</b>	It is understood that fishing gear, such as cod pots and rock lobster holding pots can be a vector for transporting marine pests. Rule 1 requires that the clean gear standard and residual seawater standard are complied with upon entry into Fiordland waters. Therefore Rule 1 will apply to the situations described and no further amendments are proposed.	Noted. No specific decision requested. Note: The clean gear standard (Rule 2 of the FMPP) applies to all gear mentioned in the submission. Rule 2 applies to gear on vessels entering within one nautical mile of the landward boundary of the FMA.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			cases once these pots are taken to the FMA they never return. Some fishermen do bring their pots home at the end of their fishing season and in these cases they are stored ashore and will dry out. This is the same situation for pots that are brought home for maintenance.				
6.4	9/4	Northland Regional Council	Northland Regional Council also supports the proposal to extend the requirement to marine gear and residual seawater as these are known to providing a potential pathway for marine pests.	Extend the requirement to marine gear and residual seawater as these are known to provide a potential pathway for marine pests.	<b>Reject</b>	All pathways should be managed and this is the purpose of Rule 1. No further amendments are recommended.	Accept. Rule 2 of the FMPP covers both marine gear and residual seawater on vessels entering within 1 nautical mile of the landward boundary of the FMA.
<b>7 Proposed Rule 2</b>							
7.1	9/5	Northland Regional Council	The Northland Regional Council supports owners of craft keeping records of the actions taken to ensure their craft meets the clean vessel, gear and residual water standards. This should not be an onerous task and provides the council with retrieval evidence of the actions taken in respect of Rule 1. The costs of monitoring and compliance will be a part of implementing this rule and we would expect that monitoring and compliance to be a valuable part in changing vessel owners behaviours as it would be in a Northland Pathway Plan proposal.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part.  Rule 3 of the FMPP requires the owner or person in charge of a vessel entering within one nautical mile of the landward boundary of the FMA to keep records of the actions taken to meet the clean hull, clean gear and residual water standards in Rule 2 and must provide those records to an authorised person on request.



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7.2	17/3	Ngāi Tahu Seafood (NTS)	<p>NTS is of the view that this rule will be impractical for commercial fishers and other vessel owner/operators and will present challenges in terms of their ability to maintain credible records to prove they have complied with the clean gear and residual water standards. An example would be an inspection of a commercial fishermen who has fishing gear i.e. pots, rope and buoys that have remained within the FMA for an extended period which has become fouled.</p> <p>This fishing gear would no longer meet the clean gear standard. It would be extremely difficult for these operators to provide documentation to prove the gear meet the clean standards prior to entering the FMA, that it had not left the FMA and had in fact become fouled within the FMA. This is a similar situation that could occur to “vessels residing in the FMA for extended periods”.</p>	No specific decision requested.	<b>Note</b>	While the practicalities of maintaining credible records is acknowledged, it is standard practice for all vessel operators to keep a ship's log for recording information about vessel activities and movements. Recording where and when equipment, such as pots, is dropped, is not currently recorded in the ship's log, it could be in future. Recording this information would assist a vessel operator to prove that the pots had become fouled while within the FMA.	Rejected. We consider that the record-keeping is a necessary part of the Plan, and it is not too onerous to keep records of when a vessel and/or gear is cleaned. In addition, it is noted that equipment needs to be clean upon entry to within 1 nautical mile of the landward boundary of FMA. Fouling is allowed on equipment that remains within the area until it exits and re-enters the area.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/comment	Panel's Reasons for accepting or rejecting submission
<b>8 Proposed Rule 3</b>							
8.1	9/6	Northland Regional Council	The Northland Regional Council agrees that exemptions to rules may be required in the event of an emergency and where craft safety or the health and safety of persons on the craft are in jeopardy.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	<p>Noted. No specific decision requested.</p> <p>Proposed Rule 3 in the Proposal provided for exemptions from Proposed Rules 2 and 3 in an emergency. As the Biosecurity Act 1993 provides for a defence to any offence under section 154N in emergency situations (where specified circumstances exist), it is considered unnecessary to provide an exemption in the Rules.</p> <p>On that basis, we have recommended that Proposed Rule 3 be replaced with an Advice Note advising users of the plan of the available defences under the Biosecurity Act 1993.</p>
8.2	16/4	Southern Inshore Fisheries Management Company Ltd (Southern	Should a vessel want to enter the inner FMA within the Fiords then it is an acceptable request that the hull be cleaned to the proposed standard. The exception to this rule is the allowance for vessels to shelter from adverse	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	<p>Noted. No specific decision requested.</p> <p>See paragraph 8.1.</p>

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
		Inshore) and NZ Federation of Commercial Fishermen (NZFCF) – 16/4	weather for a minimal period and not allow fishing gear to remain in the water or cleaned on board.				
<b>9 Application of the Plan outside inland waters</b>							
9.1	16/5	Southern Inshore Fisheries Management Company Ltd (Southern Inshore) and NZ Federation of Commercial Fishermen (NZFCF)	<p>The main issue that concerns us, is the Rule relating to the vessel cleanliness to be able to operate within the FMA. Many inshore vessels operate throughout the FMA using trawl, longline and setnet fishing methods.</p> <p>Vessels coming from Nelson and Canterbury to work the west coast fisheries that extend into the FMA will be most affected. It is inconceivable for vessels to be expected to be taken out of the water prior to entering the FMA. We understand the risks of transporting bio-organisms between regions but these vessels operate in depths that would not be greatly impacted by other biofouling organisms present on the west coast. We respect that the inner FMA is the area of concern as the settling of bio-organisms would have the greatest impact.</p>	That a buffer zone be introduced from the coast to 1Nm offshore allowing vessels to operate in the outer safe zone (from the buffer zone to the 12Nm limit) without the minimal requirement of slime and goose barnacles.	<b>Accept in part</b>	<p>The FMA is a commonly used and understood term, and therefore should be retained. It applies to the Coastal Marine Area from Awarua Point to Sand Hill Point and is shown in Appendix 1 of the Proposal. However, staff agree that vessels that do not enter the area within the fiords pose little risk of spreading marine pests, and therefore should be excluded from the Plan's requirements.</p>	<p>Accepted in part. The Plan will apply only to vessels entering or located within one nautical mile of the landward boundary of the Fiordland Marine Area.</p> <p>There are three key factors that influence the release and establishment likelihoods of vessel biofouling organisms – exposure duration, substrate availability and habitat suitability:</p> <ul style="list-style-type: none"> <li>• Exposure duration – the longer a vessel stays in a location, the higher the likelihood of a biofouling reproductive or dispersal event (Inglis et al. 2012).</li> <li>• Substrate availability – in New Zealand, various non-indigenous</li> </ul>

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			<p>We would like to see an exception to the Rule that allows a buffer from the coast out to the 12Nm that would allow vessels to operate without the requirement for the minimal slime and goose barnacles currently being proposed. A buffer area from the coast to 1Nm offshore would allow for vessels to operate efficiently beyond this to the 12Nm without causing a high degree of concern. It would maximise the protection within the buffer and into the inner Fiordland area.</p> <p>Should a vessel want to enter the inner FMA within the Fiords then it is an acceptable request that the hull be cleaned to the proposed standard.</p> <p>Of further concern is the use of fishing gear and associated ropes, anchors etc. within the FMA. They should still be able to be used without having to be cleaned prior to entry to the outer FMA when operating in the safe zone beyond the buffer zone. This provision should be aligned with the request above for vessel biofouling.</p>			<p>In response to this submission point (and other related submission points), it is recommended that an exception is provided in the rule framework making it clear that Rules 1 and 2 only apply to craft that come within 1 nautical mile of the landward edge of the FMA.</p>	<p>biofouling organisms demonstrate strong associations with man-made structures such as pilings, buoys and mooring. Anthropogenic substrates may therefore be important initial colonisation points for local establishment on non-indigenous biofouling taxa.</p> <ul style="list-style-type: none"> <li>• Habitat suitability – vessel biofouling organisms are typically suspension – and filter-feeders (eg, hydroids, bryozoans, bivalves) that inhabit sheltered, shallow (<math>\leq 50</math> m) coastal areas.</li> </ul> <p>Considering these factors with respect to fishing vessels transiting through the Fiordland Marine Area:</p> <ul style="list-style-type: none"> <li>• Other than emergency or heavy weather lay ups, vessels will be moving through the FMA, minimising exposure duration.</li> <li>• Vessels will be in transit</li> </ul>

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
							<p>and unlikely to remain in proximity to submerged man-made structures. This limits opportunities for fouling organisms to reach these potentially favourable substrates.</p> <ul style="list-style-type: none"> <li>• Most of the shoreline areas that have potentially suitable conditions (sheltered, shallow (<math>\leq 50</math> m) waters) for biofouling organisms occur within the one nautical mile 'buffer zone'. Since transiting vessels were excluded from the zone, this further limits opportunities for fouling organisms to reach suitable habitats in the FMA.</li> </ul> <p>On that basis we accept the staff recommendation that vessels that do not enter the area within the fiords pose little risk of spreading marine pests, and therefore should be excluded from the Plan's requirements. We have recommended</p>

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
							amendments to the FMPP to achieve this.
9.2	16/3	Southern Inshore and NZFCF	For vessels that are based in the Bluff region and coming around to work in the FMA it is observed that cod pots should be clean before transporting especially if they have been stored in the shallow depths of the harbour or on the coast, and not on land where they would have had a period of drying out and therefore killing any bio-organisms.	No specific decision requested	<b>Note</b>	Refer to Paragraph 9.1.	Noted. The rule states gear must be clean upon entry into the FMA.
9.3	14/3	Blue Cod Area 5 Association Inc. (BCO5)	The area defined as Fiordland Coastal waters extends 12 nautical miles out to sea. This is too far. We prefer the definition of "Inland waterways of Fiordland" in the Regional Coastal Plan, which extends 2 km out to sea.	The definition of "Inland waterways of Fiordland" in the Regional Coastal Plan, which extends 2 km out to sea is preferred.	<b>Note</b>	Refer to Paragraph 9.1	Accepted in part. See paragraph 9.1.
9.4	15/4	CRA8 Management Committee Inc	Deep water fishing vessels are subject to a different hull cleanliness regime than inshore vessels. This means that over time the level of fouling, particularly in niche areas of the hull, would not meet the proposed standards.  However this situation needs to be viewed in the context that very few of	The Committee encourages that some clear statements in relation to transiting vessels be made.	<b>Accept in part</b>	Refer to Paragraph 9.1.	Accepted in part. See paragraph 9.1.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/comment	Panel's Reasons for accepting or rejecting submission
			<p>these vessels ever enter the fiords. Instead the only time these vessels are in the FMA is when they are transiting through the area. Or if they have to enter the fiords in an emergency situation - for which the Plan provides an exception to the required standards.</p> <p>Area of FMA of Most Concern The Committee submits that while the proposed Plan applies to the whole of the FMA, consideration be given to areas within the FMA that are most at risk, and therefore where the focus on the risks from vessels will occur. Effectively this is within the fiords. The Committee encourages that some clear statements in relation to transiting vessels be made.</p>				
9.5	17/4	Ngāi Tahu Seafood (NTS)	NTS views the 12 nautical miles to which the proposed Fiordland Marine Pathway would extend, as excessive which could potentially endanger transiting vessels, particularly those up to 12m or 24m. The skipper of a vessel this size only needs to hold a Maritime New Zealand license, Skipper Restricted Limits (or 24 metres with further endorsement) which allows them to operate for up to 12 nautical miles off shore. The risk is if the vessel did not comply with any of the three Fiordland Marine Pathway rules, it	NTS recommends the 12 nautical mile limit be revised to allow any transiting vessels to pass through the FMA at a distance that would not pose a risk to Fiordland's biosecurity while providing safe passage for the vessel and crew.	<b>Accept in part</b>	Refer to Paragraph 9.1.	Accepted in part. See paragraph 9.1.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			would not be permitted to enter the FMA, nor would the skipper be legally able to go beyond the 12 nautical mile limit to avoid the FMA. Therefore the distance of 12 nautical miles would limit the skipper's choices to responsibly and safely navigate around or through the FMA. NTS recommends the 12 nautical mile limit be revised to allow any transiting vessels to pass through the FMA at a distance that would not pose a risk to Fiordland's biosecurity while providing safe passage for the vessel and crew.				
<b>10 Bilge water standard</b>							
10.1	13/4	Urwin and Company Ltd	Bilge water containment ideas expressed in the plan are not at all practical and are potentially dangerous. Workable solutions are in the interest of both vessel owners and Environment Southland. Environment Southlands plan hinges on vessel owners "doing the right thing. Buy-in to the plan is only going to occur if solutions are simple and the benefit flows to both parties.	No specific decision requested.	<b>Note</b>	The bilge water code of practice is a guideline only and does not form part of the rules package proposed in the Fiordland Plan.	Noted. No specific decision requested.  The FMPP includes the development of a communications plan to encourage vessel operators to conform to bilge water procedures, noting that this does not form part of the rules.
10.2	14/4	Blue Cod Area 5 Association Inc. (BCO5)	The bilge water code of practice could pose problems, as it is not a regulatory requirement, and most vessels have automatic float switches which discharge bilge whenever a safety threshold is reached. This issue of	The issue of safety versus biosecurity should be sorted out.	<b>Note</b>	Refer to paragraph 10.1.	Noted. No specific decision requested.  The bilge water procedures are voluntary, in part



Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/comment	Panel's Reasons for accepting or rejecting submission
			safety versus biosecurity should be sorted out.				because of the practicality of making them mandatory.  Refer to paragraph 10.1.
10.3	15/5	CRA8 Management Committee Inc.	<p>The Committee notes that these proposals form a Code of Practice, which unlike the hull cleanliness standards will not have legal standing.</p> <p>In most instances the proposals will be able to be met. However it must be recognised that all vessels have automatic float switches in their bilge areas which turn on and discharge bilge water when it reaches a level that activates the switch. This is a matter of safety. As such the proposal that bilge water must be discharged into the same body of water (fiord) as it originated from will not always be met. It is very likely that bilge water will originate from a number of sources (fiords) over time before the automatic float switch activates.</p>	No specific decision requested.	<b>Note</b>	Refer to paragraph 10.1.	Noted. No specific decision requested.  Refer to paragraphs 10.1 and 10.2.
10.4	16/6	Southern Inshore and NZFCF	In addition to the clean vessel pass we would also encourage vessel operators to conform to a bilge water code of practice to ensure that bilge water is not pumped out in the Fiords but is released some distance away from the tidal influences of the Fiords.	Vessel operators should be encouraged to conform to a bilge water code of practice to ensure that bilge	<b>Note</b>	Agree. The proposal includes suggested procedures/code of practice for bilge water.	Accepted. We note the potential risk that bilge water poses to the FMA. We have recommended that the FMPP requires the development of a Communications Plan to

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
				water is not pumped out in the Fiords but is released some distance away from the tidal influences of the Fiords.			encourage vessel operators to conform to a bilge water procedure to minimise the risks.  We also note the staff comments that the bilge water code of practice was a proposed guideline only and did not form part of the rules package proposed in the FMPP.
<b>11 Availability of vessel cleaning facilities</b>							
11.1	2/2	Southland Conservation Board	The Board is concerned that there does not appear to be enough resources being allocated to allow for the speedy inspection and removal of unwanted organisms from vessels wanting to enter the Fiordland Marine Area. Vessels that have to wait may well be tempted to enter the FMA without the required certification.	No specific decision requested.	<b>Note</b>	Section 9 of the proposal provides for surveillance, compliance and enforcement with the Fiordland Plan (i.e. 3-4 spot inspections yearly as resources allow and increased training for authorised persons). The Fiordland Plan will rely heavily on voluntarily compliance.	Noted. See paragraph 5.3.
11.2	13/5	Urwin and Company Ltd	Environment Southland is a significant shareholder in Southport and Bluff has	In meeting the clean hull	<b>Note</b>	Provision of slipping facilities	Noted. See paragraph 5.3.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			<p>the closest slipping facility to Fiordland. The cost to Environment Southland, cleaning up after an Undaria infestation is already known. It is financially in their interest to keep marine pests out of Fiordland. Discounting the slip to meet the Plan requirements is the lesser cost. Environment Southland as a 66% shareholder ought to be able to influence South Ports company's board in aligning the Pathways Plan "Clean Hull" aspiration in the provisioning a cost effective haul out service to vessels wishing to enter Fiordland. Southport's vessel Synchro Lift is a modern facility and has the best ability to cater for efficient and effective vessel hull cleaning.</p> <p>Access and Cost to Slip at South Ports Synchro lift The current issue is the South Port haul out facility at the Synchro lift is not user friendly in respect of meeting the obligations imposed by the Pathways Plan. The charging regime is a disincentive and a financial burden to fast turnaround hull cleaning. Access to all vessels can be blocked for up to 5 weeks by South Port tug maintenance.</p> <p>Creative thinking is required:</p> <ul style="list-style-type: none"> <li>• for instance by providing</li> </ul>	<p>aspirations, the provision of cost effective, fast turn around and accessibility to a specific area to meet the requirements of Fiordland Pathways Plan is in the best interest of all parties, particularly Environment Southland.</p>		<p>is outside the scope of the Fiordland Plan. ES has investigated the options in the past and is likely to continue to do so in the future.</p>	

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			<p>Fiordland bound vessels a one day lift out rate for a clean and hull paint. Addresses the quick response required when Undaria grows very rapidly and an infestation suddenly occurs.</p> <ul style="list-style-type: none"> <li>• provision of a one day haul out point, when the tugs are blocking slip access for extended periods</li> <li>• locating an alternative area on the Bluff waterfront foreshore where some temporary mechanism could be facilitate antifouling and painting</li> </ul> <p>Cost</p> <p>I note from our accounts payable records that in December 2015 the 12 hour cost to have our 14 meters vessel the Nimbus cleaned and painted prior to its Fiordland fishing trip cost \$518 in slip fees.</p> <p>The paint material charge per slipping is \$350. Labour and overheads have not been included. We paint our cray vessels twice a year. In meeting the clean hull aspirations, the provision of cost effective, fast turn around and accessibility to a specific area to meet the requirements of Fiordland Pathways Plan is in the best interest of all parties, particularly Environment Southland.</p>				
11.3	14/5	Blue Cod Area 5	There is simply not enough slipway-space at Bluff Harbour for all our	More slipway space at Bluff	<b>Note</b>	Refer to Paragraph 11.2.	Noted. See paragraph 5.3.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
		Association Inc. (BCO5)	vessels to meet the standards for hull cleaning, all the time. This is a potential logistic bottle-neck which needs to be overcome if these standards are to be consistently met.	Harbour needs to be provided for vessels to meet the clean hull standards of the Plan.			
11.4	15/6	CRA8 Management Committee Inc.	<p>The costs for removing a vessel via the South Port syncrolift are considerable. Other facilities have similar costs. Vessels of many types that travel to the FMA are either domiciled at Bluff or stay for various periods of time.</p> <p>As Environment Southland is a significant shareholder in South Port, the Committee submits that Environment Southland advocates for the establishment of a short-stay haul out facility for hull cleaning. The provision of such a facility - at a reasonable cost - will provide a practical means of reducing the risk of marine pests reaching the FMA. This could be used by any vessel, including those from more northern areas prior to their departure for the FMA.</p>	A short-stay haul out facility for hull cleaning needs to be provided - at a reasonable cost - as a practical means of reducing the risk of marine pests reaching the FMA.	<b>Note</b>	Refer to Paragraph 11.2.	Noted. See paragraph 5.3.
11.5	17/5	Ngāi Tahu Seafood (NTS)	One particular issue is the availability of slips for vessel owners/operators, not only in Bluff but other areas throughout New Zealand, to put their vessels on the hard to ensure their vessel meets the Clean Vessel Standard	Suggests there is priority slip access for vessels to undertake the work required to meet Clean	<b>Note</b>	Refer to Paragraph 11.2.	Noted. See paragraph 5.3.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			<p>prior to entering the FMA. For example if a syncrolift is unavailable for an extended period, it could result in vessel owners/operators being unable to take advantage of weather and/or economic opportunities resulting in significant economic loss. This potential loss could be deemed to be too high and the vessel owner may decide to proceed to enter into the FMA and potentially compromise the FMA biosecurity.</p> <p>NTS suggests Environment Southland, as a major shareholder of Southport, ensures where possible, priority slip access for vessels to undertake the work required to meet Clean Vessel Standard. Alternatively they could provide a designated area for vessels to only undertake work required in order to meet the Clean Vessel Standard. NTS believes this would maximise the opportunity for vessel owners/operators to comply with this standard and minimise the risk of compromising economic opportunities for vessel owners and operators, and the FMA biosecurity.</p>	<p>Vessel Standard or a designated area for this.</p>			

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/comment	Panel's Reasons for accepting or rejecting submission
<b>12 Fiordland clean vessel pass</b>							
12.1	1/2	Carey McIvor and Hayley Nelson	<p>We consider that every vessel which is in the New Zealand survey system through Maritime New Zealand should automatically comply with the "Fiordland Clean Vessel Pass" as it will always be compliant with any of the requirements. It would be a very easy process for anyone who is conducting checks on vessels in Fiordland to simply check the vessel's name and registration number against the full list of vessels surveyed in New Zealand, as obtained through Maritime New Zealand. If the vessel is on the list as being under current survey, there should be no need to board the vessel at all. It would save time and money for both parties.</p> <p>No matter the perceptions that people have of commercial fishers, most of us do take pride in our vessels. We feel to ask us to have to obtain a pass every year is just another hoop we have to jump through when we feel we are not really the ones who are going to spread any marine pests. With the amount of out of water cleaning our boats go through, it is just an impossibility. We feel the fight to keep Fiordland Clean should rather focus on vessels who are not regularly maintained.</p>	Oppose. No specific decision requested.	<b>Note</b>	<p>It is unlikely that vessels that have not been cleaned for over a year will meet the clean vessel requirements to enter the FMA. However, the Clean Vessel Pass (CVP) is not mandatory. Maintaining a CVP on an annual basis will ensure the vessel owner's knowledge around marine biosecurity is up to date. It will provide information to ES about the vessel condition and the activities the vessel undertakes. If, as proposed, a CVP could be obtained through the internet, it will not be an unnecessarily onerous process.</p>	<p>Rejected. We disagree that if a vessel was cleaned in the last two years it will always be compliant. Vessels that have not been cleaned for over a year are unlikely to meet the clean vessel requirements to enter the FMA. In addition, the Clean Vessel Pass process will raise awareness of biosecurity risks specific to this area.</p> <p>As a result of submissions, we have recommended that the CVP in the FMPP be mandatory. However, we consider the process set out in Appendix 1 of the Plan to be straightforward.</p>

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12.2	5/2	Dr Kirsten Rodgers	Disagreement with proposal: Voluntary measures are not adequate. To effectively minimize risk of costly incursions of marine pests it is necessary that the proposed Fiordland Clean Vessel Pass is a legislated mandatory requirement for vessels entering the FMA.	To effectively minimize risk of costly incursions of marine pests it is necessary that the proposed Fiordland Clean Vessel Pass is a legislated mandatory requirement for vessels entering the FMA.	<b>Note</b>	Council is unable to make the CVP mandatory under the Biosecurity Act. As stated above, in Paragraph 12.1, there are advantages to holding a pass. Vessels not carrying a pass are more likely to be targeted for inspection and/or enforcement measures.	Accepted. The Panel has subsequently received legal advice confirming that the CVP could be mandatory. We accept this advice and recommend that the CVP be mandatory in the Plan. The Panel agrees with the submitter that the Plan will be a lot more effective with a mandatory CVP.
12.3	14/6	Blue Cod Area 5 Association Inc.	BCO5 cannot support the concept until Environment Southland provides a written undertaking that charges for "clean-vessel passes" will never be imposed on recipients. We are very aware of local government cost-recovery policies, and we note that there is a cost to Council of issuing these passes. We would not accept charges for these passes being introduced some time later, once we had agreed to their introduction.	Oppose. Request Environment Southland provides a written undertaking that charges for "clean-vessel passes" will never be imposed on recipients.	<b>Note</b>	There is no suggestion at this point in time that the Council will charge for having a CVP and this was not intended. The intention of the CVP is to promote self-regulation.	Rejected.  The Panel cannot require the Council to provide this undertaking through this process.



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12.4	15/7	CRA8 Management Committee Inc.	At present it is proposed that the Clean Vessel Pass would have a duration of one year. The Committee submits that a longer duration of two, or even five years should be considered. The Committee does note that obtaining a Clean Vessel Pass will not be a legal requirement but should be encouraged.	A duration of two, or even five years for the Clean Vessel Pass should be considered.		Refer to Paragraph 12.1.	Rejected. As the CVP will be a new requirement, a shorter duration is best to ensure that awareness of the FMPP and CVP is raised. During the Hearing the submitter indicated that a longer duration was preferable once the CVP was well-established.
12.5	16/7	Southern Inshore and NZ Federation of Commercial Fishermen (NZFCF)	For those vessels that frequent the area and work within the FMA limits on a consistent or seasonal basis we see no reason why they should not comply with the clean vessel pass requirements. We would encourage fishers to obtain the pass which would complement their compliance record and reduce the need for continual vessel checking.	Support. No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Accepted in part. We have recommended the Plan as set out in Attachment 2 which incorporates amendments from the notified Proposal.
<b>13 Communications plan</b>							
13.1	2/3	Southland Conservation Board	Engagement with the boating public though multiple means is the most important way of getting public 'buy in' in blocking the pathway of exotic marine pests into the Fiordland Marine Area.	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific direction requested.  We have recommended that the FMPP require the development of a Communications Plan. This will facilitate engagement with the boating public.

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13.2	3/4, 4/4	Manapouri Doubtful Sound User Group, Real Journeys Ltd	<p>For this Plan to be effective, the relevant agencies and the Fiordland Marine Guardians will need to engage with all stakeholders, users and potential users of the Fiordland coastal area to seek their support for and compliance with the proposed measures and importantly motivate them to change their practices. Of particular importance is the need to engage and educate a very large constituency because the Fiordland coastal marine area is visited by not only Southlanders but people from all parts of New Zealand and international yachts which can arrive directly from Australia.</p> <p>We have seen other examples where of similar initiatives to protect the environment are under resourced resulting in limited measures being maintained which typically only ensures the compliance of responsible boat owners. For instance, Department of Conservation Marine Mammal (&amp; other Wildlife) Code of Management for Doubtful Sound was never adequately resourced and as a result the COM is largely ignored by private boaties mainly due to ignorance and lack on enforcement measures.</p>	No specific decision requested.	<b>Note</b>	Sections 7, 8 and 9 of the proposal for a Fiordland Plan set out the proposed methods for engaging with stakeholders. Refer to Paragraph 3.1.	<p>Noted. No specific direction requested.</p> <p>We have recommended that the FMPP require the development of a Communications Plan. This will facilitate engagement with stakeholders, users and potential users of the area.</p>

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			We do not want to see the tokenism of plastering more signage at boat launching sites to advise the public of their responsibilities because this it is too late as parties can already be carrying gear which is contaminated and nearly every boat ramp in New Zealand is over signed with so much clutter nobody bothers to read.				
13.3	6/3	Alan F Mark	Publicity and education will be important aspects of the successful implementation of this Management Plan and I am confident this will be successful.	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific direction requested.  We have recommended that the FMPP requires the development of a Communications Plan.
13.4	9/7	Northland Regional Council	Northland is a receiving port for vessels which trade throughout New Zealand and overseas. The region also manages two customs clearance ports at Opuia and Marsden Cove and more than 400 recreational yachts which travel to NZ from overseas are cleared through these ports each year. New to New Zealand marine species are commonly found at these ports and recorded by MPI as part of the high risk port survey throughout New Zealand. Many of these species are able to be transported as part of hull bio-fouling and vessels capable of transits around New Zealand leave	No specific decision requested.	<b>Note</b>	Background comment with no specific decision requested.	Noted. No specific direction requested.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
			from Northland with the intention of trade via multiple harbours or on recreational and scientific voyages to remote marine habitats such as Fiordland.				
13.5	2/4	Southland Conservation Board	<p>The Board is concerned that there is not comprehensive funding in perpetuity to fund engagement with the whole New Zealand constituency because the whole of NZ (plus offshore super yachts) are users of the Fiordland Marine area. This funding will need a constant monetary boost as more pests spread into other NZ Ports and the number of 'Boaties' travelling into Fiordland increase. This will increase the risk substantially in the years to come.</p> <p>This engagement with the boating public through multiple means is the most important way of getting public 'buy in' in blocking the pathway of exotic marine pests into the Fiordland Marine Area. A detailed funding budget needs to be drawn up with long term increasing funding guaranteed. This Plan needs to protect the Fiordland Marine Area in perpetuity.</p>	A detailed funding budget needs to be included as part of the Plan.	<b>Accept</b>	A detailed budget is provided in Appendix 5 of the proposal for a Fiordland Plan.	<p>Accept in Part. An estimate of costs of the proposed plan was provided in Appendix 5 of the proposal for the FMPP the cost allocation for the FMPP was set out in Appendix 4.</p> <p>It was the intention that the Plan be leveraged off existing programmes and networks across the country.</p>

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<b>14 Compliance and enforcement</b>							
14.1	3/5, 4/5	Manapouri Doubtful Sound User Group, Real Journeys Ltd	Another concern we have regarding the proposed Fiordland Marine Pathway Management Plan is the cost of compliance. We contend that such costs should not be solely carried by local operators such as the entities who hold Coastal Permits for their operation in the Fiordland Coastal Marine Area, when the spread of pest species is a national issue. Specifically, it is vessels which travel from outside Fiordland into the area which pose the greatest risk not local vessels accordingly local vessels should not bear these compliance costs.	It is vessels which travel from outside Fiordland into the area which pose the greatest risk, not local vessels, accordingly local vessels should not bear these compliance costs.	<b>Note</b>	A cost sharing arrangement has been agreed to by DOC, MPI and ES as set out in Appendix 5 of the proposal for a Fiordland Plan. Cost recovery would be imposed on those vessels who fail to comply with the rules of the Fiordland Plan. Furthermore, Clause 61 states that anyone without a CVP may be inspected and charged the associated costs.	Noted. An estimate of costs of the proposed plan was provided in Appendix 5 of the proposal for the FMPP the cost allocation for the FMPP was set out in Appendix 4.  It was the intention that the Plan be leveraged off existing programmes and networks across the country.
14.2	3/6, 4/6	Manapouri Doubtful Sound User Group, Real Journeys Ltd	In particular we are concerned that there does not appear to be enough resources being allocated to allow for the speedy inspection and removal of unwanted organisms from vessels wanting to enter the Fiordland Marine Area from ports north and south of Fiordland or for enforcement officers to maintain a presence in the Fiords.	No specific decision requested.	<b>Note</b>	Refer to Paragraph 14.1.	Rejected in part. It was not practical to inspect and remove unwanted organisms from vessels wanting to enter the Fiordland Marine, and on this basis the Panel rejected this part of the submission. The Plan's success will be based primarily on

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
							voluntary compliance and it is believed at this time, there were enough resources in place to carry out the necessary compliance and enforcement activities.
14.3	8/2	Ministry for Primary Industries	It is imperative that implementation of the plan is supported by an effective compliance regime.	No specific decision requested.	<b>Note</b>	Environment Southland intends to increase the number of Compliance and Biosecurity Officers to act as authorised persons under the Fiordland Plan and carry out 3-4 biosecurity compliance patrols each year.	Noted. No specific decision requested.  The Panel notes the staff reasons.
<b>15 Powers to implement the Plan</b>							
15.1	8/3	Ministry for Primary Industries	Page 24 has a table with powers to be exercised under Part 6 (as required by s90(2)(f) of the Act - although the relevant offence provisions are not required to be set out, the plan should state the correct act reference.	The Ministry recommends the plan refer to s154N rather than s154.	<b>Accept</b>	The Ministry is correct.  Therefore, if, following consultation, the Hearing Panel approves, in accordance with section 93(1) of	Accepted for the reasons set out by staff.

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
						the Act regarding the preparation of a plan, it is recommended that if the table in Paragraph 115 of the proposal is used in the plan, the last row should be amended to read:  "Offences Section 154N"	
<b>16 Ability to fund the proposed Plan</b>							
16.1	2/5	Southland Conservation Board	The Board considers that there has not been enough thought given to procurement of funds in perpetuity to fully implement the Plan with enforcement officers maintaining a presence in the Fiords.	Funding in perpetuity needs to be secured.	<b>Note</b>	Direct costs of the Plan will be funded from marine fees generated from the Fiordland CMA with a taxpayer contribution of \$80,000 pa for ongoing MPI monthly Bluff and Stewart Island vessel hull surveys and inputs from DOC and the Navy.	Rejected. The Panel noted the proposal had a budget. It is intended that the Plan be leveraged off existing programmes and networks across the country. The Panel drew attention to Appendix 4 of the Proposal that outlined the cost allocation. The estimated costs of the proposed Plan were noted under Appendix 5 on page 67.  The Plan's success will be based primarily on voluntary compliance and it

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						Additionally, the regular presence of warranted and non-warranted ES, MPI and DOC biosecurity divers in Doubtful and Breaksea Sounds (as part of the monthly <i>Undaria</i> pest monitoring programme) is helpful for checking vessels.	is believed at this time, there were enough resources in place to carry out the necessary compliance and enforcement activities.
16.2	3/7, 4/7	Manapouri Doubtful Sound User Group, Real Journeys Ltd	Moreover this engagement will need to continue in perpetuity because as more pests spread into New Zealand's Ports and the number of vessel travelling into Fiordland continues to increase, the risks of incursion are increasing correspondingly. Hence we believe such engagement and education process will only work if the Fiordland Marine Pathway Management Plan is adequately resourced in perpetuity and we are concerned that there does not appear to be the case.	Engagement needs to continue in perpetuity, and education and engagement with the Fiordland Marine Pathway Management Plan needs to be adequately resourced.	<b>Note</b>	ES, DOC and MPI are committed to the Fiordland Plan for the next five years, after which time funding requirements will be reviewed along with the plan.	Rejected in part. We note the comments provided by staff.  The FMPP is to remain in force in perpetuity from the commencement date. The Council will review the Plan after it has been in force for five years from the commencement date. It is appropriate for matters such as ongoing engagement and the funding of that engagement to be further considered at that time.



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							The Council may review the plan earlier if it has reason to believe that the plan is failing to achieve its objectives.
16.3	4/8	Real Journeys Ltd	<p>It will be important for Government Agencies to ensure they secure on-going funding in their budgets to continue to promote and create awareness of the need for vessels to be inspected prior to entering Fiordland and also that people notify agencies of any non-compliance or the presence of invasive species. The success of keeping the Fiordland waterways clean and clear of noxious species will depend on on-going education and public awareness.</p> <p>Further we contend that enforcement of the Fiordland Marine Pathway Management Plan needs to be properly funded by all appropriate government agencies not just Environment Southland.</p>	Enforcement of the Fiordland Marine Pathway Management Plan needs to be properly funded by all appropriate government agencies not just Environment Southland.	<b>Note</b>	Refer to Paragraph 16.1.	<p>Noted. We note the comments provided by staff.</p> <p>The FMPP is to remain in force in perpetuity from the commencement date. The Council will review the Plan after it has been in force for five years from the commencement date. It is appropriate for matters such as ongoing engagement and the funding of that engagement to be further considered at that time.</p> <p>The Council may review the plan earlier if it has reason to believe that the plan is failing to achieve its objectives.</p>
16.4	6/4	Alan F Mark	While the estimated cost of implementation of this plan are not insignificant, its planned sharing among the agencies is logical and I am confident it will have a positive	No specific decision requested.	<b>Note</b>	Background comment. No specific decision requested.	Noted. No specific decision requested.

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			benefit/cost based on experience with the Undaria challenge.				
<b>17 Duration of the Plan</b>							
17.1	8/4	Ministry for Primary Industries	<p>Page 32: paragraph 14.1 says that the plan is to be reviewed after five years, but as far as can be seen there is no statement about the duration of the plan. This is required by s90(2)(q) of the Act and also is needed for NPD section 4(2)(e)(iii) which requires the proposed plan to say the period within which the outcome will be achieved</p> <p><b>Note:</b> Subsequent to this submission, MPI provided advice (Sanson, J., personal communication, 25 July 2016) that the plan needs to specify its duration, but that section 93(3)(l) does not require a termination date. The duration of the plan could be an indefinite duration so long as this is stated in the plan along with when/how often it will be reviewed, e.g. at 5 yearly intervals, or after the first 5 years and then every 10 years thereafter.</p>	Request the duration of the plan be stated as required by s90(2)(q) of the Biosecurity Act.	Accept	<p>While the Fiordland Plan will be reviewed after 5 years, the plan is intended to last in perpetuity in order to keep unwanted organisms out of the FMA forever.</p> <p>If, following consultation, the Hearing Panel approves, in accordance with section 93(1) of the Act regarding the preparation of a plan, it is recommended that Fiordland Pathway Management Plan explicitly states that it is intended to last in perpetuity and</p>	<p>Accepted in part. Section 90 (2)(q) requires duration of the plan to be stated.</p> <p>Paragraph 8 of the Plan states that the FMPP remains in force in perpetuity from the commencement date. The Council will review the FMPP after it has been in force for 5 years and every 10 years thereafter.</p>

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
						will be reviewed after the first five years and then every 10 years thereafter.	
<b>18 Minor wording amendments requested</b>							
18.1	8/5	Ministry for Primary Industries	Out-of-water-cleaning.	Adding to the plan that haul-out is a preferred cleaning technique for visiting vessels (e.g. those coming from outside Southland waters).	<b>Accept</b>	If, following consultation, the Hearing Panel approves, in accordance with section 93(1) of the Act regarding the preparation of a plan, the matter of haul-out being the preferred cleaning technique for visiting vessels, should be expressly acknowledged in the plan.	Accepted. We recommend that an advice note be included in the Plan stating that out of water cleaning is the preferred technique to achieve the clean hull standard.
18.2	8/6	Ministry for Primary Industries	Vessels that have been present in Fiordland for long periods of time often contain a light slime layer/brown fuzz may still be considered high risk. Vessels in this state are highly likely to acquire marine pests such as Undaria if they lay up beside an infected vessel or wharf pile e.g. in Bluff harbour or Stewart Island.	The Ministry recommends stating in the plan that operators of vessels that spend time in Fiordland or in areas of	<b>Reject</b>	The rules will require that any vessel entering Fiordland must have a CVP, regardless of whether they usually spend time in Fiordland or	Rejected. The rules require that any vessel entering within 1 nautical mile of the landward boundary of the FMA must have a CVP, regardless of whether they usually spend time in Fiordland or not. Specific messaging for

Para. number	Sub. number	Submitter	Submission	Decision requested	Staff recommendation	Staff reasons/ comment	Panel's Reasons for accepting or rejecting submission
				freshwater remain vigilant when taking their vessel back to the FMA if it has been moored in areas known to harbour marine pests.		not. Specific messaging for vessel operators usually operating within Fiordland will be developed that can address this matter within the Communications Plan. No additional wording is proposed regarding this matter in the Fiordland Plan.	vessel operators usually operating within Fiordland would be developed that can address this matter within the Communications Plan. No additional wording is required regarding this matter in the FMPP.
18.3	8/7	Ministry for Primary Industries	Terminology should be consistent with the Craft Risk Management Standard to avoid confusion for international and domestic users of the plan.	The Ministry recommends referring to a “clean hull standard” rather than a “clean vessel standard” to ensure consistency with the Craft Risk Management Standard.	<b>Accept</b>	If, following consultation, the Hearing Panel approves, in accordance with section 93(1) of the Act regarding the preparation of a plan, the word ‘vessel’ should be replaced with ‘hull’ or ‘craft’ as appropriate, to ensure terminology is consistent with the Craft Risk Management	Accepted. The Plan refers to ‘hull’ or ‘craft’ as appropriate, to ensure terminology is consistent with the Craft Risk Management Standard.

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18.4	8/8	Ministry for Primary Industries	Ballast water is excluded from the Plan as discharging ballast water is a prohibited activity in the Fiordland Marine Area.	Make it clear in the context section of the Plan that ballast water is excluded from this plan because it is a prohibited activity in the FMA.	<b>Accept</b>	Standard. If, following consultation, the Hearing Panel approves, in accordance with section 93(1) of the Act, regarding the preparation of a plan, it should be made clear that ballast water is excluded from the plan because it is a prohibited activity in the FMA.	Rejected. The Resource Management (Marine Pollution) Regulations allow for clean or segregated ballast water to be discharged. Further consideration of discharging ballast water can be considered through the review of the Regional Coastal Plan.

