



**MARLBOROUGH
DISTRICT COUNCIL**

Regulatory backstops- a natural progression?

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Biosecurity Manager
16 August 2019

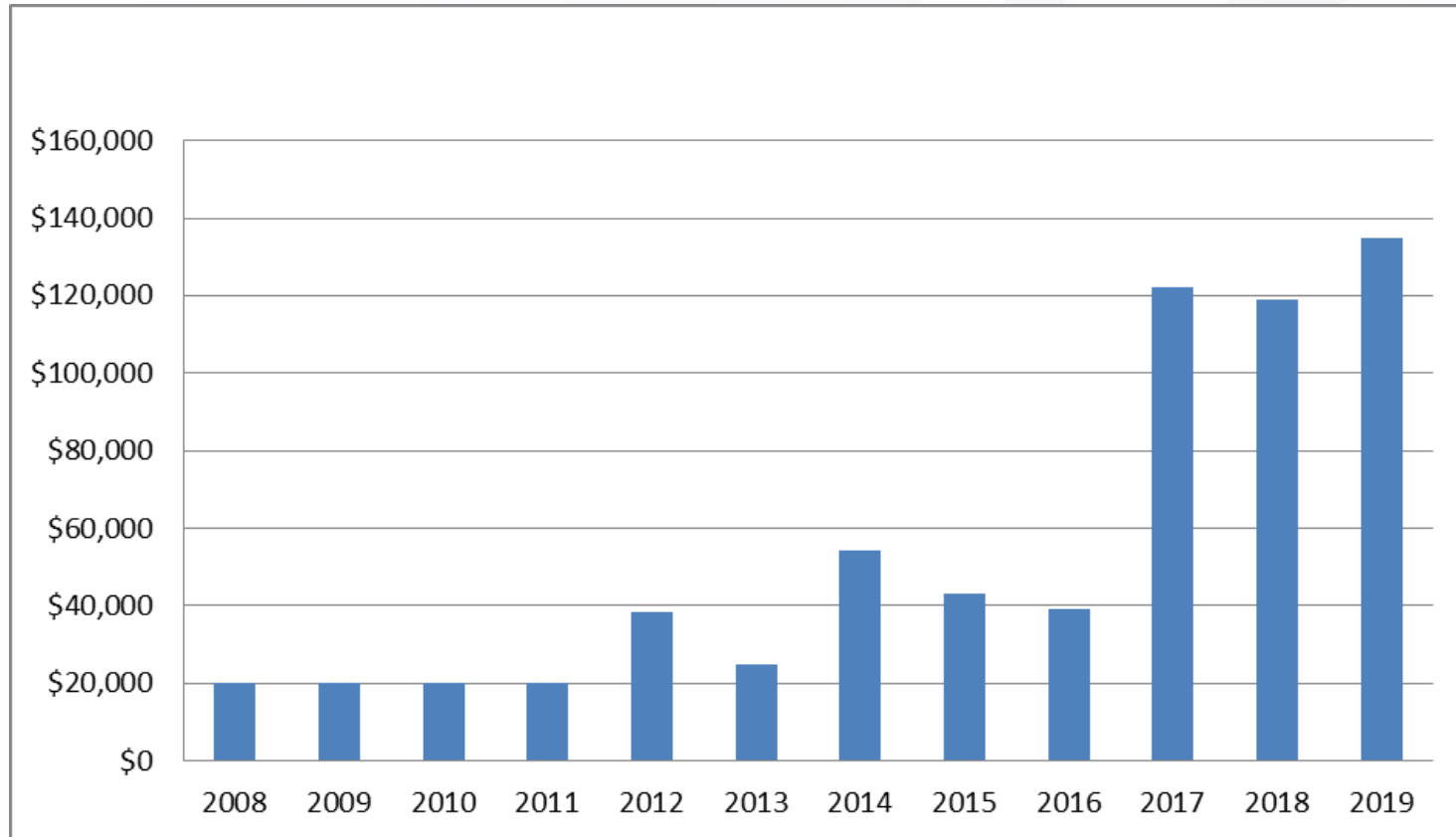




Background

- 2008 to today – Top of the South Marine Biosecurity Partnership
- 2013 – *Styela clava*
- 2014 – Mediterranean fanworm
- 2017 – Small-scale management programme
- 2018 – Regional Pest Management Plan

Marine Biosecurity Programme - \$\$

















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Why?

- 99.9% of situations to-date have reached successful resolutions using the “Ask Nicely Act”
- The 0.1% in biosecurity can bring it all down
- Delays can be excruciating

The pressure and consequence

- “Doing the right thing”
- Follow the Rules
- Reach
- Clear direction

Regional Pest Management Plan 2018

IN ACCORDANCE WITH THE BIOSECURITY ACT 1993



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Regional Management Plan

IN ACCORDANCE WITH



5.18 Mediterranean fanworm (*Sabella spallanzanii*)

Why is it a threat?

The Mediterranean fanworm (*Sabella spallanzanii*) is a marine fouling species that forms dense colonies that could affect native species by competing for food and space. Recent studies have indicated impacts on the establishment of new generations of some species and on nutrient flow. The presence of dense colonies of this species could also change the underwater scenery of an area, potentially impacting on dive tourism activities. While Mediterranean fanworm has not yet been recorded to have had significant impacts on fisheries in New Zealand, it could become a nuisance to recreational and commercial fishers by clogging dredges and fouling other fishing gear when in high densities. This fanworm has been detected on some mussel farms in the Hauraki Gulf and Coromandel region recently. Because mussels and fanworms are filter feeders, the productivity of mussels may be affected if the fanworm infestations become high.



Mediterranean fanworm has been found within Picton Marina and on a small number of vessels that have entered Marlborough carrying fanworms amongst biofouling.

5.18.1 Objective

Over the duration of the RPMP, prevent the establishment of Mediterranean fanworm (*Sabella spallanzanii*) in Marlborough to eliminate adverse effects on economic wellbeing, the environment and enjoyment of the natural environment.

Intermediate Outcome:

Exclusion	Eradication	Progressive Containment	Sustained Control	Site-led
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Principle measures to achieve the objective

1) Requirement to Act

Persons may be required to act where rules or statutory obligations dictate such.

2) Advocacy and Education

Council may:

- Provide general purpose education, advice, awareness and publicity activities targeted toward persons that operate within the marine environment.
- Promote industry requirements and best practice to persons that operate in the marine environment.
- Encourage any person to report any pests they find.
- Facilitate or commission research.

3) Council Inspection and Service Delivery

Inspection by Council may include staff or contractors:

- Conducting in-water surveillance and/or inspection activities.

Regional Pest Management Plan

IN ACCORDANCE WITH

5.18 Mediterranean fanworm (*Sabella spallanzanii*)

Why is it a threat?

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Biosecurity Act 1993

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Versions and amendments

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73 Fourth step: approval of preparation of plan and decision on management agency

Rules

(5) A plan may include rules for all or any of the following purposes:

- (a) requiring a person to take specified actions to enable the management agency to determine or monitor the presence or distribution of the pest or a pest agent:
- (b) requiring a person to keep records of actions taken under the rules and to send to the management agency specified information based on the records:
- (c) requiring the identification of specified goods:
- (d) prohibiting or regulating specified methods that may be used in managing the pest:
- (e) prohibiting or regulating activities that may affect measures taken to implement the plan:
- (f) requiring audits or inspections of specified actions:
- (g) specifying, for the purposes of section 52(a), the circumstances in which the pest may be communicated, released, or otherwise spread:

(h) requiring the approval of a plan to take specified actions to eradicate or manage the pest or a specified pest.

3) Council Inspection and Service Delivery

Inspection by Council may include staff or contractors:

- a) Conducting in-water surveillance and/or inspection activities.

Regional Pest Management Plan

IN ACCORDANCE WITH

5.18 Mediterranean Fanworm

Why is it a threat?

The Mediterranean fanworm (*Sabellaster spallanzanii*) is a marine invertebrate that forms dense colonies that can smother other species by competing for space. Recent studies have indicated that the establishment of new species and on the presence of dense colonies could also change the use of an area, potentially impacting tourism activities. While fanworm has not yet been reported in New Zealand, it could become a significant pest if it were to establish in the Coromandel region, where mussels may be affected.

Rules

(5) A plan may include:

- (a) requiring the presence of
- (b) requiring specified
- (c) requiring
- (d) prohibiting
- (e) prohibiting
- (f) requiring
- (g) specifying released,

(h) requiring

- 3) Council Inspection by Council
- a) Conducting

- b) Carry out control using administrative powers of the Biosecurity Act 1993, if necessary.

5.18.2 Rules

Rule 5.18.2.1

The owner or person in charge of a craft entering Marlborough must ensure that the fouling on the hull and niche areas of the craft does not exceed 'light fouling' unless:

- i) The craft is entering Marlborough for the purpose of a haul out. The haul out must be undertaken within 24 hours of arriving. Proof via receipt from a haul out facility must be provided upon request of an Authorised person, or
- ii) The craft is required to enter Marlborough in an emergency relating to the safety of the craft and/or the health and safety of any person on the craft, or
- iii) The craft is required to enter Marlborough in response to a declaration of a state of emergency acknowledged by the Ministry of Civil Defence & Emergency Management.

A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

Note 1: For ii) and iii) above, once the immediate danger to life or the craft has past, or declaration of emergency lifted, Rule 5.18.2.1 will apply to the craft.

Note 2: Rule 5.18.2.1 does not apply to craft that have entered New Zealand waters in compliance with the Craft Risk Management Standard (CRMS) for Biofouling in the period 2 months prior to either directly or subsequently entering Marlborough waters.

Note 3: An exemption to this Rule may be available. See section 5.18.3 below and also Section 7, page 94.

Rule 5.18.2.2

The occupier of any place shall take all reasonable steps to destroy Mediterranean fanworm (*Sabellaster spallanzanii*) that is identified to be harbouring on that place unless a management plan has been put in place, and approved by Council.

A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

Rule 5.18.2.3

In undertaking steps to destroy Mediterranean fanworm (*Sabellaster spallanzanii*), the place (such as a craft or structure) shall first be slipped or contained within an encapsulation system and treated with biocide. If that is not practicable, Mediterranean fanworm may be removed in water by divers who are appropriately trained and all Mediterranean fanworm must be contained and returned to the surface for disposal to landfill.

A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

Rule 5.18.2.4

Any person who suspects to have observed Mediterranean fanworm (*Sabellaster spallanzanii*) in Marlborough shall notify Council within 24 hours of making the observation, detailing the location and situation of the suspected pest.

A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

Note: Mediterranean fanworm is also a notifiable organism by way of the Biosecurity (Notifiable Organisms) Order 2016. As such, the suspected presence of Mediterranean fanworm must also be reported to MPI in accordance with section 46 of the Biosecurity Act.

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management agency

agency to determine or monitor the

to send to the management agency

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Regional Management Plan

IN ACCORDANCE WITH

5.18 Mediterranean Fanworm

Why is it a threat?

The Mediterranean fanworm (*Spallanzania*) is a marine invertebrate that forms dense colonies that can smother other species by competing for space. Recent studies have indicated that the establishment of new species and on the presence of dense colonies could also change the use of an area, potentially in tourism activities. While fanworm has not yet been reported in New Zealand, it could become a problem if it is introduced via recreational and commercial fishing gear when in high density and Coromandel region mussels may be affected.

Rules

(5) A plan may include

- (a) requiring the presence of
- (b) requiring specified
- (c) requiring
- (d) prohibiting
- (e) prohibiting
- (f) requiring
- (g) specifying released,

- 3) Council Inspection by Council
 - a) Conducting

- b) Carry out control

5.18.2 Rules

Rule 5.18.2.1

The owner or person in charge of a craft and niche areas of the craft

- i) The craft is entering within 24 hours of arrival of an Authorised person
- ii) The craft is required to maintain the health and safety of the crew
- iii) The craft is required to be acknowledged by the Council

A breach of this rule will constitute an offence under section 224 of the Resource Management Act 1991.

Note 1: For ii) and iii) above, the emergency lifted, the Council may require the craft to be removed from the area.

Note 2: Rule 5.18.2.1 does not apply to a craft that is directly or subsequently used for commercial purposes.

Note 3: An exemption to this rule may be granted by the Council.

Rule 5.18.2.2

The occupier of any place where a suspected Mediterranean fanworm is identified, and approved by the Council.

A breach of this rule will constitute an offence under section 224 of the Resource Management Act 1991.

Rule 5.18.2.3

In undertaking steps to destroy or remove a suspected Mediterranean fanworm (or structure) shall first be required to be trained and all Mediterranean fanworms shall be disposed of in a landfill.

A breach of this rule will constitute an offence under section 224 of the Resource Management Act 1991.

Rule 5.18.2.4

Any person who suspects the presence of Mediterranean fanworm in Marlborough shall notify the Council of the suspected location.

A breach of this rule will constitute an offence under section 224 of the Resource Management Act 1991.

Note: Mediterranean fanworm is listed as a pest in the Organisms Order 2018 and must be reported to MPI.

Explanation of the rules:

The purpose of Rule 5.18.2.1 is in accordance with section 73(5)(e) in that it is prohibiting or regulating specified uses of goods that may promote the spread or survival of Mediterranean fanworm. The prevalence of Mediterranean fanworm in other parts of New Zealand, including the key recreational vessel hubs of Auckland and Whangarei Harbour, means the arrival of craft into Marlborough that are carrying bio-fouling are the biggest risk to the achievement of the proposed Exclusion Programme.

The purpose of Rule 5.18.2.2 is in accordance with section 73(5)(h) in that it is requiring an occupier of a place to destroy Mediterranean fanworm on that place. The effective management of Mediterranean fanworm, if identified, requires both rapid and intensive management to occur both initially and over the course of the ensuing years to prevent establishment. While in most instances the initial response will be led by the management agency under a management plan, this rule will also place a baseline requirement upon the occupier of that place to remain vigilant and continue to play an active role in preventing establishment.

The purpose of Rule 5.18.2.3 is in accordance with section 73(5)(d) in that it is regulating specified methods used to managing the pest. Using improper methods to remove and/or dispose of Mediterranean fanworm from the marine environment can result in unintended exacerbation of the pest population.

The purpose of Rule 5.18.2.4 is in accordance with section 73(5)(a) in that it is requiring a person notify the suspected presence of Mediterranean fanworm to enable the management agency to determine or monitor the presence or distribution of the pest. An Exclusion Programme relies upon preventing establishment of Mediterranean fanworm. For this to occur, early detection and intervention is crucial. While active surveillance will be part of the proposed management agency programme, passive surveillance and timely notification from all other persons will assist with detection and early intervention.

Council as the management agency will administer these rules.

5.18.3 Exemptions

Exemptions to any of these rules may be developed by Council where necessary, or via application, and are assessed on a case by case basis. When applied for, they can be granted, granted with conditions or denied in accordance with section 78 of the Biosecurity Act 1993. The detailed process can be seen in Section 7 on page 94.

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or monitor the
management agency

communicated,

as specified pest

10 months in...

- No specific compliance activity

10 months in...

- No specific compliance activity
- Use as a basis of putting up a 'paper/digital' barrier

10 months in...

- No specific compliance activity
- Use as a basis of putting up a 'paper/digital' barrier
- Making the new programme + rules known

Visiting a Marlborough Sounds Marina?

To prevent the spread and incursions of marine pests, Marlborough Marinas require all visiting vessels to have been recently cleaned.

Antifouled
in the last
SIX months

OR

Lifted and
washed
in the last
ONE month



Marlborough Marinas require haul-out receipts and paint receipts – for further information of what's required contact Marlborough Marinas.

Contact Us: 0300 620 3342
service@mmarinas.co.nz



Peter | HOWLOCK | NIKKOS



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www.marborough.govt.nz

Coming to Marlborough?

Help Keep the Marlborough Sounds Pristine

If you are planning on bringing your vessel to Marlborough there are new rules that now apply to you in regards to the level of fouling on your vessel.

The new rule states that:

The owner or person in charge of a craft entering Marlborough must ensure that the fouling on the hull and niche areas of the craft does not exceed "light fouling."

"Light fouling means small patches up to 100 millimeters in diameter of visible fouling, totalling less than 5% of the hull and niche areas, a slime layer and / or goose barnacles are included in this definition."



Research has shown that there is strong correlation between the level of fouling on a vessel's hull and the number of unwanted organisms that it harbours. Therefore by placing a restriction on the level of fouling that is acceptable when a vessel comes into Marlborough, we are significantly reducing the risk to the region of unwanted organisms.

If you wanting any further information regarding coming to Marlborough, please don't hesitate in contacting the Marlborough District Council Biosecurity team at:

biosecurity@marborough.govt.nz
(03) 620 7400

Or find more information at:
<http://bit.ly/MDCMarineBiosecurity>



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10 months in...

- No specific compliance activity
- Use as a basis of putting up a 'paper/digital' barrier
- Making the new programme + rules known
- In time, progress into more active compliance checks integrated with Harbourmaster and/or TOS Summer Survey.