



STAFF REPORT

TO: Environment & Planning Committee

FROM: Lindsay Vaughan, Biosecurity Co-Ordinator

REFERENCE: B110

SUBJECT: **TOP OF THE SOUTH MARINE BIOSECURITY STRATEGIC PLAN - EP08/12/07 - Report Prepared for Meeting of 16 December 2008**

1. PURPOSE OF REPORT

The purpose of this report is to present the Top of the South Marine Biosecurity Strategic Plan and recommend its adoption by Council. A copy of the plan is attached separately

2. BACKGROUND

Regional government believe that marine biosecurity is a function of central government but central government is not well positioned to undertake marine pest management and regions face the consequences of marine pest incursions in their areas. In the Tasman-Nelson region, the arrival of *Undaria* in 1997 and the lack of any effective action by central government raised concerns about the ongoing management of invasive marine organisms. In response to these concerns, a group of local agencies met to consider the development of a non-statutory regional marine biosecurity plan. The agencies included NCC, TDC, Cawthron Institute, Port Nelson and the Department of Conservation. There were early unsuccessful efforts to engage with the rapidly developing aquaculture industry in the absence of a representative industry body. Discussions with Biosecurity NZ (now called MAFBNZ) made little progress as they grappled with the challenges of establishing and resourcing a new agency. Envirolink funding was obtained to fund development of a draft marine biosecurity plan by Cawthron staff but in the absence of a suitable policy framework by Biosecurity NZ, further plan development halted.

The last three years have seen the arrival of two marine pests, both sea squirts, which pose a significant threat to the aquaculture industry. *Didemnum* (*Didemnum vexillum*) is a spongy- textured sea squirt with a leathery feel and a distinctive orange-yellow colour. *Styela* (*Styela clava*) is like a cylindrical club, up to 16 cm, and attached with a stalk; it is usually an off-white colour with a tough leathery skin. *Didemnum* is now present in Marlborough and Tasman coastal waters and on mussel farms, despite a substantial and costly campaign by the industry, assisted with funding from central and local government. Very small numbers of *Styela* has been found in Port Nelson and at the Port of Picton and promptly removed; at this stage, *Styela* does not appear to pose the same risk to the mussel industry as *Didemnum*.

Earlier this year, biofouling of an oil rig in Tasman Bay, the Ocean Patriot, resulted in the deposition of small quantities of a sub-tropical South African shellfish, the brown mussel (*Perna perna*), which had survived on the oil rig since its arrival from South Africa some four years earlier. It is closely related to the New Zealand green mussel (*Perna canalicus*) and there were concerns that it could hybridise with the green mussel and lower its meat quality or bring in a range of new shellfish diseases. Extensive dredging of the biofouling site in Tasman Bay, funded by the owners of the rig, removed a moderate quantity of brown mussels. Any risk of hybridisation is considered to be insignificant.

3. OUTLINE OF STRATEGIC PLAN

Generous resourcing of Biosecurity NZ (now called MAFBNZ) over the last three years has seen the development of a national biosecurity system that is well advanced, compared to many overseas countries. It has also resulted in better resourcing of marine biosecurity, allowing the recruitment of staff with marine expertise. This led to the setting up of a Marine Biosecurity Partnership for the Top of the South Island, and support and funding for the development of a regional marine biosecurity strategic plan. The partners that have been involved include the three councils (TDC, NCC and MDC), three government agencies (MAFBNZ, DOC, MFish), the aquaculture industry, the two port companies (Nelson and Marlborough), two research agencies (Cawthron and NIWA) and tangata whenua.

Following development of a strategic plan, MAFBNZ organised a workshop for councillors from the three councils on 11 November which Councillors Borlase, Eason and Glover attended, along with councillors from Nelson City and Marlborough District. A motion for each of the three councils to allocate \$20,000 to the implementation of the plan, subject to approval by each council and to co-funding from Biosecurity NZ, was carried unanimously.

The purpose of the plan is designed to prevent the introduction and minimise the spread of damaging marine species throughout the Top of the South by coordinating the action of the partners within the territorial limits of the three councils. The Plan identifies priority actions and provides a framework for determining who is best placed to act. It covers territorial waters from Kahurangi Point on the west coast to Willawa Point on the east coast, but takes into account management at (and beyond) New Zealand's national border. The plan is supported by a review of technical information on marine biosecurity undertaken by NIWA (Morrisey and Miller, 2008).

The plan articulates a vision for the Top of the South marine area and contains an agreed set of principles. It also includes the following actions:

Priority actions

The regional partners are committing themselves to a number of actions to implement the plan in which they:

1. Agree to adopt the Plan and to support the priority actions proposed.
2. Collectively create an ongoing coordinating body *Top of the South Marine Biosecurity Partnership* that is open to any organisation that has signed up to this

strategic plan and engage Iwi through a body mandated to act for Iwi on marine biosecurity issues.

3. Establish a regional marine biosecurity coordinator, whose responsibilities would include:
 - Coordinating the partnership.
 - Developing and implementing advocacy programmes.
 - Developing and promoting surveillance programmes.
 - Developing standard procedures
 - Engaging with marine users and other stakeholders.
4. Develop a risk management framework to target high risk marine biosecurity pathways, vectors and species. This would include:
 - Identifying priority sites for protection within the region, and site-specific vectors and pathways.
 - Developing a tool to quickly assess risks and manage events, including further developing and piloting systems to “manage” NZ internal traffic.
 - Developing a process to enable rapid decisions on marine biosecurity actions where these are required.
5. Develop joint operational plans for:
 - Vector management plans for recreational vessels (on moorings and in marinas), barges, marine farms, fishing vessels and merchant vessels (including oil rigs).
 - Surveillance of vectors (organisms and vessels).
 - Control of damaging organisms.
6. Develop joint communications and information management plan
7. Establish a monitoring framework to include the following indicators:
 - Number of vectors with reduced risk profile regionally due to improved management regimes.
 - Increase in knowledge of, and support for, marine biosecurity in the community.
 - Incorporation of effective marine biosecurity measures in industry and other stakeholder practices.
 - Area and number of species under effective surveillance.
 - Number of recently arrived damaging organisms as an indicator.

- Number of groups and organisations involved in the strategy.
 - Number of response plans prepared.
8. Measure, review and report the progress of the implementation of this strategic plan by 30 September each year.

4. DISCUSSION

Regional councils commissioned Gerard Willis of Enfocus to prepare a report on the future of pest management in New Zealand. It included a comprehensive section on marine biosecurity which noted the plethora of rights and interests in the coastal marine area and the multifaceted role of the Crown which has an *ownership interest* in the foreshore and the seabed, as well as being the owner of all marine animals (under the Wildlife Act). It also manages marine species for *utilisation and sustainability* and allocates fishing rights within the quota management system as well as managing species for their fishing values or for their conservation value.

By comparison, regional councils have only a minor interest with no direct ownership rights and no responsibilities for management of marine protected areas. Their main role is that of a regulatory body with responsibilities for environmental management, health and safety. These include responsibilities for navigation and safety functions under the Local Government Act, for marine oil spill response under the Maritime Transport Act 1994, and for managing activities (such as discharges and reclamations) that may have adverse environmental effects as well as allocating, on behalf of Crown as owner, rights to occupy the CMA, under the RMA.

Although regional councils have no specific responsibility for pest management in the CMA, they could assume a role if they wish. However, they cannot levy a rate on the coastal marine area and the cost of taking public action cannot be targeted to those who may have caused or exacerbated the pest issue or those who might benefit from the pest management response.

If the responsibility for pest management begins with the landowner who has the primary duty of care, responsibility for pest management in marine areas should begin with the Crown as landowner in the CMA accepting initial responsibility to manage negative externalities.

A key role of the Crown is in managing biosecurity at the border, although the marine biosecurity borders are highly porous. The report notes that more work is needed to develop a framework for allocating responsibility for pest management in the coastal marine area that takes into account the parties responsible for the incursion, the parties that will most benefit from control or eradication of the pest, and the crown's responsibilities.

However, in the mean time, it is appropriate to note that urgent action is needed on marine biosecurity and the development of a marine biosecurity partnership provides the best means of moving forward and utilising the energy and enthusiasm of the partners. The lack of a clear statutory mandate does not remove the risk or avoid the need for joint collaboration in the interests of protecting the marine environment and economic opportunities in the coastal environment.

5. RESOURCING

It is proposed that each of the three councils contribute \$20,000 for the implementation of the Plan, starting with the appointment of a regional coordinator from the start of the next financial year. A matching level of funding (\$60,000) would be contributed by the crown through Biosecurity NZ for this work. Industry has not indicated its future level of contribution but it is expected to be at a similar level in future years. This level of commitment is new.

6. RECOMMENDATION

It is recommended that the Committee:

1. **Agree** to the adoption of the Top of the South Marine Biosecurity Strategic Plan
2. **Agree** to the allocation of \$20,000 for the implementation of this Plan, subject to the agreement of the other two councils and co-funding from MAFBNZ, commencing with the 2009/2010 financial year.

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